



Austin City Council MINUTES

For NOVEMBER 4, 1982 -- 1:00 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 1:00 p.m., noting the absence of Mayor Pro Tem Trevino, Councilmember Goodman, Councilmember Deuser, Councilmember Urdy and Councilmember Mullen, who arrived at 1:10, 1:10, 1:10, 1:12 and 1:20 respectively.

INVOCATION

The Invocation was given by Dr. Paul Jofner, Austin Heights Assembly of God Church.

CLASS INTRODUCED

Mayor McClellan introduced to the Council Chamber the 2nd Grade class from St. Elmo's School who were visiting the Council Meeting.

FORT WORTH MAYOR INTRODUCED

Mayor McClellan introduced Mayor Bob Bowman of Fort Worth and presented him with a key to the City. Mayor Bowman expressed his appreciation.

CONSENT RESOLUTIONS

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Easements

Approved the dedication of certain City-owned property as street right-of-way, greenbelt, drainageway and public utility easements.

Approved dedication of a 5 foot sidewalk and public utility easement at City Maintenance Facility.

Lease of Office Space

Approved lease for office space in the Brown Building for the Emergency Management Office.

Release of Easement

Authorized the following release of easement:

A portion of an Electric Easement recorded in Volume 1262, Page 65 of the Travis County Deed Records. (Requested by the Electric Department.)

License Agreement

Authorized issuance of a License Agreement to allow the encroachment of landscaping into the right-of-way adjoining Outlot 31, Division E, City of Austin, 408 West 15th Street. (Requested by the Southland Corporation.)

Contracts Approved

Approved the following contracts:

- a. Bid award:
 - CAPITAL IMPROVEMENTS PROGRAM - Physical Therapy Treatment Equipment for Brackenridge Hospital - \$50,238.00
Equipment 3B
 - (1) MEDICAL ELECTRONIC
3805 Main
Kansas City, Missouri - Item 1 - \$8,995.00
 - (2) ARJO
6380 West Oakton Street
Marton Grove, Illinois - Item 3 - \$6,694.00

CONTRACTS - (Continued)

- (3) TECA - Item 5 - \$7,825.00
Three Campus Drive
Pleasantville, New York
- (4) CYBEX - Item 2 - \$19,700.00
2100 Smithtown Avenue
Ronkonkoma, New York
- (5) AUSTIN FITNESS EQUIPMENT - Item 4 - \$7,024.00
1017 West 39th Street
Austin, Texas
- Bid award: - CAPITAL IMPROVEMENTS PROGRAM -
Food Service Equipment for
Brackenridge Hospital -
\$71,934.00 Equipment 3B
- (1) FLEMING FOODSERVICE, INC. - Items 4,5,8,9,10,11,12,13,14,
210 Neches 15,17 - \$61,157.00
Austin, Texas
- (2) THERMA-TRAY CORPORATION - Items 1,2,6,7 - 10,777.80
801 Montrose Avenue
South Plainfield, New Jersey
- SPECTRA MARKETING COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
1736 N. Greenville Avenue Bio-Med. Oscilloscopes &
Richardson, Texas Generator for Brackenridge
Hospital
Items 1,2,3 - \$21,640.00
Equipment 3B
- UARCO, INCORPORATED - Printing of Inpatient and
3409 Executive Center Drive #121 Clinic Forms for Brackenridge
Austin, Texas Hospital
Item 1 and 2 - \$10,641.80
- POTTERS INDUSTRIES, INC. - Traffic Stripe Reflective Glass
111 Anderson, Suite 305E Spheres, Urban Transportation
Brownwood Texas Department
Twelve (12) Month Supply Agreement
Item 1 - \$9,490.00

CDBG Funds

Authorized \$15,700.00 of CDBG funds for one standard rehabilitation loan and authorize staff to enter appropriate contract. The loan is for Katherine Overton, 4607 Reyes.

Wastewater Service Agreement

Approved a wastewater service agreement between the City of Austin and the North Austin Growth Corridor MUD No. 1 concerning a temporary allocation of a part of the MUD's wastewater commitment to the River Oaks Subdivision in return for a sanitary sewer easement

Bond Sale

Approved the form and content of the official statement and the official notices of sale relating to \$60,000,000 City of Austin Public Improvement Bonds, Series 1982A and \$81,000,000 City of Austin Combined Utility Systems Revenue Bonds, Series 1982A; and authorizing the solicitation of bids for these bonds.

Public Hearing Set

Reset the public hearing 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 for December 2, 1982 at 5:00 p.m. C8s-82-129 & C8s-79-245.

Interlibrary Loan Services

Approved acceptance of \$166,188 under the Library Services and Construction Act, Title III to provide for interlibrary loan services to the libraries of central Texas for the period September 1, 1982 through August 31, 1983.

Item to be Brought Back

The following resolution will be considered on the November 11, 1982 agenda:

Consider the issuance of RFP's for consultants for the Austin Cable Commission:

- (1) performance evaluation of Austin CableVision
- (2) development and operation of the Institutional Loop
- (3) development of a master plan for municipal uses of cable and cable regulatory devices.

CONSENT ORDINANCES

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Item to be Brought Back

Consideration of merging the Energy Conservation Commission and Renewable Energy Resources Commission to create a single commission will be discussed on November 11, 1982.

Operating Budget Amendment

Approved amending the 1982-83 Operating Budget by: (a) accepting \$2,820 from the National Committee, Arts for the Handicapped, for a year-round Very Special Arts Festival Program; (b) by accepting a grant from the State Department of Highways and Public Transportation in the amount of \$300,000 to implement a planned (DWI-STEP) project to reduce DWI accidents City wide.

Barton Creek Site Development Ordinance

Set a public hearing for November 18, 1982 at 2:45 p.m. on the adoption of the Barton Creek Site Development Ordinance.

LATER: Motion

Council, on Councilmember Mullen's motion, Mayor McClellan's second, unanimously voted to reconsider.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, instructed the City Manager to put the Barton Creek Site Development Ordinance on the November 18, 1982 Agenda for action. (7-0 Vote)

Zoning Ordinance

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change and passed on Emergency. (7-0 Vote)

ANNE B. VEACH,
ESTATE
By Wayne Gronquist
C14-82-018

901 Rio Grande St.

From "A" 1st H&A to
"O" 1st H&A

No Action Taken on Ordinance

Council had before it an ordinance to consider resetting the time for the November 11, 1982 Council meeting from 1:00 p.m. to 3:00 p.m. Council took no action.

Cancellation of Certain
Council Meetings

Cancelled Council meetings set for November 25, 1982, December 23, 1982 and December 30, 1982.

EXECUTIVE SESSION

Mayor McClellan announced that Council will go into Executive Session pursuant to Article 6252-17, V.T.C.S. (The Texas Open Meetings Act) to discuss the following:

- a. Consider appointments of Board and Commission Members - Section 2, Paragraph g.
- b. Consider the compensation of the City Manager - Personnel Matters - Section 2, Paragraph g.
- c. Liability of Public Officials - Contemplated Litigation - Section 2, Paragraph e.

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 at 1:30 p.m. and resumed its recessed meeting at 2:15 p.m. The Mayor announced there was no action to be taken from the executive session.

PUBLIC HEARING - TAXICAB PERMITS

Mayor McClellan opened the public hearing set for 2:00 p.m. on proposed requests for additional taxicab permits from Harlem Cab Company, Roy's Taxi, and Yellow-Checker Cab Company.

Dr. Benson, Director of Urban Transportation, told Council, "The applications have been reviewed and all documents required by the City Code are included in the applications on file. In addition, Section 8-7-87 stipulates that public convenience and necessity must be determined prior to granting franchise and the additional permits. Attachment 1 in your agenda packet outlines those factors for considering and making this determination. There are a total of 176 permits currently in use. Harlem Cab Company has 55; Roy's Taxi, 50; Yellow Checker Taxi has 70; Airline Cab Company, 1. The combined total of 35 additional permits requested as follows: Harlem Cab, 10; Roy's Taxi, 15; Yellow Checker, 10. The Urban Transportation Commission considered the three applications at their meeting September 13. Based on recommendations made in the review of the taxicab industry report prepared by the City's Internal Audit Department the Commission recommended by a 4-2 vote that a total of nine additional permits, three per company, be granted. The Commission

PERMITS - (Continued)

further recommended that additional permits not be granted until sufficient data on response time, operational problems, etc. due to inadequate service deem them a necessity. The minority vote on the Urban Transportation Commission, favored granting 12 additional permits, i.e. four per company."

Ben Serrett, attorney representing Harlem and Yellow Cab Companies, discussed the reason for requesting additional permits. He discussed the total mile increase in business and the fact that the cab company's must have time for maintenance of cabs and back up taxis.

Andrea McKinney, representing Roy's Taxi, told Council that with the large volume of traffic they handle, they need more cabs. She said the number of paid miles in Austin is 1.76 million for Roy's Taxicab Company.

Dr. Benson said the total for all cabs is three-plus million miles.

A man who did not identify himself told Council that more cabs are not needed now. He said he is not making any money this year. If the present drivers are forced to quit because of lack of business, then the cab companies will get low quality drivers.

Another man who did not identify himself, said he is a driver for Roy's Taxi and said not many people take taxis any more.

David Bentliff, president, Austin Taxi Driver's League, asked for a response time study. Mr. Bentliff said all three company's say they have no problem meeting their response time. He said they will stay with the recommendation of the audit unless there is concrete evidence that response time is not being met.

David Medicks, Yellow Cab worker for seven years, said he would like to see a response time study for six months to a year.

Chuck Edwards, cab driver for six years, told Council more cabs are not needed now. Hotels are using vans so more taxis are not required.

David Williams also said more taxis are not needed. He wants a study done by the City, not the companies.

Jean Cavanaugh, a cab driver for three years, said she is only making \$30.00 for a 12 hour day and that is not worth the effort.

Judy Collins, who has been a cab driver for 11 years, has seen a 42% decrease in her income. She said more cabs are not needed.

Monty Crow said he agrees with both sides. Each company needs back up for break downs and peak periods, but he feels 35 more would be too many additional cabs.

Mitzy Dietken said the survey was not scientific and that she is not making enough money now.

A man who did not identify himself said this is a labor versus management problem. He has been a driver and a dispatcher and knows more cabs are not needed.

PERMITS - (Continued)

Henry Revero, who has been with Roy's for ten years, said the airport will soon have shuttle service and then even fewer cabs will be needed.

Philip Irwin, cab driver, said none of the

Stacy Suits, Urban Transportation Commission, asked Council for more time to make a decision. The audit recommends no more cabs this fiscal year.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, voted to continue the public hearing to November 18, 1982 at 3:00 p.m. (7-0 Vote) (15 minutes on both sides and 5 minutes summation.)

PUBLIC HEARING - WATER & WASTEWATER SERVICE AREA ORDINANCE

Mayor McClellan opened the public hearing set for 2:15 p.m. on an amendment to the Water & Wastewater Service Area Ordinance No. 810820-B to include 579 acres of Circle "C" Ranch in the Williamson Creek Drainage Basin.

No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second closed the public hearing and amended the Water & Wastewater Service Area Ordinance No. 810820-B to include 579 acres of Circle "C" Ranch in the Williamson Creek Drainage Basin as recommended by staff with no quantity or time of service promised. (6-0 Vote, Councilmember Deuser abstained.)

PUBLIC HEARING - WATER & WASTEWATER SERVICE AREA

Mayor McClellan opened the public hearing set for 2:30 p.m. on amending the Water and Wastewater Service Area Ordinance No. 810820-B to include the Francis Larson Ledbetter Tract.

Councilmember Duncan asked about the concerns of the Planning Commission who approved 4-3. He asked to close the public hearing and hold the vote later in the meeting when Council receives more information.

Motion Made & Withdrawn

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Mullen to close the public hearing and pass the ordinance amendment. The motion and second were withdrawn.

AREA - (Continued)

LATER: Jerry Harris, attorney, told Council, "The Frances Larson Ledbetter tract is a 16 acre tract on the lake. This request does not involve any particular improvements to lines or lift stations because all those are adequate for 16 LUE's only. These would be 1 acre tracts. No improvements are required because there is an existing 12" water line and a 12" sewer line right up to this particular property. The Water and Wastewater Commission recommended this to be included in the service area and recommended approach mains by a vote of 7-0. The Planning Commission vote was flipped 4-3. I think the main concern there came from Mr. Manning who raised the question concerning West Rim, which he helped get approved, and felt there would not be any water capacity left. There were some memos back at that time that there would be, in fact 488 LUE's of water left. There is a 6" bottle neck on the other side of the lake but the 16 LUE's according to the staff is not going to be impacted by that and the water system and lift stations are sufficient and the 12" line on water and sewer are sufficient for the 16 acre tract."

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Water and Wastewater Service Area Ordinance No. 810820-B to include the Francis Larson Ledbetter Tract. (7-0 Vote)

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, adopted a resolution approving a Water & Wastewater approach main to serve Frances Ledbetter Tract. (Espey-Huston and Associates, Inc.) (7-0 Vote)

PENDING LITIGATION DISCUSSED

Mr. Merle A. Lang appeared before Council to discuss pending litigation with the City of Austin. He said he will not go away. He said the court case has been set for January, but it could have been in October. The City asked for a continuance. Mr. Lang asked Council to direct the Legal Department to not ask for any further continuance. Mayor McClellan said Council agrees unanimously with that.

FRANCHISE WITH SOUTHERN UNION
GAS COMPANY

Mr. Robert M. Laczko, District Vice President, Southern Union Gas Company, appeared before Council to request consideration of a franchise renewal which needs to be updated. He stated their present franchise was virtually the same as the one granted to the Austin Gas Corporation in 1927 with only small changes in 1962, 1963 and 1974.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, instructed the City Manager to request staff to begin negotiations with Southern Union Gas Company with a goal of January of 1983.

Councilmember Duncan said, "I would like to instruct staff to make sure all Federal conservation guidelines and adequate conservations programs are in place."

BUILDING PERMIT CORRECTION

Mr. Foe A. Lawrence had requested to appear before Council to discuss the Board of Adjustment's error on issuing a building permit. He told Council the matter has already been settled and thanked the members of City staff for their cooperation.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, set Wednesday, November 17 at 5:00 p.m. as a work session for solid waste management. (7-0 Vote) Later, by acclamation, Council voted to reconsider.

Motion

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, set a work session for solid waste management for December 8, 1982, 5:00 p.m. (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

WORK SESSIONS ON REVISED ZONING ORDINANCE

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, set November 17, 1982 and November 19, 1982 from 3:30 to 5:30 p.m. as work sessions for the Revised Zoning Ordinance. (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

SALE OF SURPLUS REAL ESTATE

Mr. Joe Morahan, Assistant Director of Public Works, told Council the Real Estate Division has identified four tracts of land that can be considered as surplus. They are, P-187 between Evergreen Ave. & MoPac R.O.W.; S-6, 1100 Jewell Street; S-7, 1010 Jewell Street; and S-163, Moore Road, outside City limits. Mr. Morahan said no action is required by Council unless they wish to delay the process. Each case will be brought back to Council for action before the final sale or review of bids.

MONTHLY FINANCIAL REPORT

Mr. Scheps, Finance Director, told Council the bonds will be sold two weeks from today on November 18. "We will take the bids at noon as we usually do and award the bonds at 1 p.m. "\$81,000,000 in Revenue Bonds and \$60,000,000 in G.O. Bonds. We have talked to the rating agencies about them and I think that effort went well." Mr. Scheps explained that bonds will go through a new registration process after the first of the year, which will involve a lengthy process, so it was advised to sell bonds before that time. "The market has worked to our favor with the bond index down to 10.05 which is 250 basis points less than two months ago."

Mr. Scheps also reported the RFP for audit services has gone out and the proposals are due November 29th.

RECESS

Council recessed the regular meeting at 3:55 p.m. for the Austin Housing Finance Meeting, and resumed its recessed meeting at 4:10 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 r-82 127	STALONG CORP. By Al Stover	4700 & 4702 Hwy. 290 West 4622 Dudmar Drive	From Interim "AA" 1st H&A To "GR" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 r-82 134	HOWARD JOHNSON'S MOTOR LODGE OF AUSTIN, INC. By Tom Curtis	1600-1640 Woodward 3309-3423 IH-35 South	From "O" 1st H&A To Tract 1 "LR" 1st H&A (as amended) Tract 2 "C-2" 1st H&A Tract 3 "O" 2nd H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -82 135	JEAN HOLLOWAY By Gene Braun	1719 North Bluff Drive also bounded By Bluff Springs Road	From "LR" 1st H&A To "GR" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -82 138	CITY OF AUSTIN PLANNING DEPT.	1201 Old West 19th Street	From "O" 1st H&A To "A" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 h-82 011	BRASS-BOATRIGT HOUSE By City of Austin Planning Dept.	1419 Newning Avenue	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 h-82 012	WARNER-LUCAS HOUSE By City of Austin Planning Dept.	303 Academy Drive	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 h-82 016	HOLLAND-KLIPPLE HOUSE By City of Austin Planning Dept.	4100 Avenue F	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 h-82 017	BELL HOUSE By City of Austin Planning Dept.	4200 Avenue F	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>

ZONING - (Continued)

- C14 h-82 SAUTER-ALLEY 4012 Avenue F From "A" 1st H&A
018 HOUSE To "A-H" 1st H&A
By City of Austin RECOMMENDED
Planning Department GRANTED AS RECOMMENDED
- C14 -82 GEORGE C. JOSEPH, 4812-4910 Duval From "AA" 1st H&A
039 JR., MAGDALENE Road To "A-2" 1st H&A
FALYEY, HORACE RECOMMENDED (as amended)
JOSEPH & JOHN M. GRANTED AS RECOMMENDED
JOSEPH
By Scott Roberts

(On Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, 7-0 Vote)

- C14 h-82 JACOB LARMOUR 910-912-914, 920-922 From "C-2" 4th H&A
001 BLOCK Congress Avenue To "C-2-H" 4th H&A
NOT RECOMMENDED
RECOMMENDED "C-2-H" 4th
H&A for east 25' of 910,
912, 913, 920 and 922
Congress based on Items
a,b,c,d,f,h,i,k,l & m of
the criteria.
GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Goodman was out of the room.)

- C14-82 KARL H. MOELLER 1514-1516 Parkway From "A" 1st H&A
132 TRUSTEE To "A-2" 1st H&A
RECOMMENDED AS AMENDED
GRANTED AS RECOMMENDED, SITE PLAN TO BE BROUGHT TO
COUNCIL

Mr. Lillie reviewed the application by use of slides. Karl Moeller said he originally requested "B". His intent is to have four townhouse units and he will live in one of them. Councilmember Deuser said he wants the site plan to come back to Council.

(On Councilmember Goodman's motion, Councilmember Mullen's second, with a friendly amendment by Councilmember Duncan to bring site plan back to Council.)

ZONING HEARINGS - (Continued)

C814-82 006	LAKE AUSTIN COMMONS P.U.D.	1701 West 5th Street and the block bounded by MoPac, Campbell St., West 5th and West 6th	From "A", "B", "C" "LR" & "O" 2nd H&A To P.U.D. RECOMMENDED with conditions as follows:
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(a) Pedestrian access bridge over West Fifth Street, landscaping, and brick pavers within the right-of-way are subject to a License Agreement with City Council approval. Requested variance from Aerial Passageway requirement (Sec. 36-4509(b)6) is a Building Code requirement; such a departure should be addressed by the Board of Appeals; (b) A restrictive covenant outlining the time-phasing of the temporary-use; (c) Resolution of the driveway access problems on the tract south of 5th Street, identified by Urban Transportation Department; (d) Resolution of the sidewalk locations on the boundary of the project; (e) Parking in accordance with the Planning Commission action on the request for reduced parking requirements.

GRANTED AS RECOMMENDED

(On Councilmember Mullen's motion, Councilmember Goodman's second, 7-0 Vote)

Ordinance Passed - Emergency Basis

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance on an emergency bases to cover the following zoning change: C814-82-006, Lake Austin Commons P.U.D., 1701 West 5th Street and the block bounded by MoPac, Campbell St., West 5th and West 6th, from "A", "B", "C", "LR" & "O" 2nd H&A, to P.U.D. with conditions. (See above) (7-0 Vote)

C14 -82 128	LEWIS J. BURKS & MRS. LEWIS J. BURKS	709 Franklin Boulevard	From "A" 1st H&A To "O" 1st H&A RECOMMENDED subject to fence on north, east and south side of property; 5' of "A" on Franklin; 5' of right- of-way; restricted to parking lot use only.
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GRANTED AS RECOMMENDED

Mr. Lillie reviewed the application by use of slides. He said the purpose of the zoning change is to use the land as a parking lot. Councilmember Deuser said he does not want "O" extended into the neighborhood.

ZONING - (Continued)

Motion

Councilmember Deuser made a motion, seconded by Mayor Pro Tem Trevino that because of encroachment into the neighborhood, to uphold the recommendation of the Planning Department and deny the change of zoning. (6-1 Vote, Mayor McClellan voted No.)

Motion to Reconsider

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Goodman to reconsider. Council approved by acclamation.

Mr. Burks, applicant, discussed the property around him which he said is commercial zoning to the north, a mobile home exists across the street on Franklin, and there is a large apartment complex down the street. The property will be used as a parking lot for employees with a privacy fence constructed on the east and south and landscaping. There has been no opposition from the neighborhood. Councilmember Mullen asked if the new zoning will be used for a structure. Mr. Burks said it will not.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, granted as recommended. (7-0 Vote)

C14 -82 SOUTH AUSTIN 626 Radam Lane
116 COMMUNITY HOSPITAL CORPORATION
By Virgil Waggoner

From "A" 1st H&A
To "O-1" 1st H&A
RECOMMENDED noting
Radam Lane is to be
upgraded to a 44' street
in front of subject tract,
and 24' for the remainder
of Radam Lane to South 1st
Street.

C14 r-82 HOSPITAL CORP. 612-624 & 628 Radam
107 OF AMERICA Lane, also bounded
By C. Dean Davis by James Casey

GRANTED AS RECOMMENDED
From "A" 1st H&A
To "O-1" 1st H&A
RECOMMENDED noting
Radam Lane is to be
upgraded to a 44' street
in front of subject tract,
and 24' for the remainder
of Radam Lane to South
1st Street.

GRANTED AS RECOMMENDED

ZONING - (Continued)

Mr. Lillie reviewed by use of slides. He said the property is just east of the new hospital site. The request conforms with the area study.

Sharon Warner, with Davis and Davis who represent the Hospital Corporation of America, told Council that they want access to their hospital building.

Will Rogers, who lives 1/2 mile west, asked Council to grant the zoning change to the lot adjacent to the hospital but hold off granting on the area next to the residential area. He said too much traffic will be created.

Sharon Warner said no foreseeable construction will occur on the lot because there are no water and wastewater facilities.

(On Councilmember Dueser's motion, Mayor Pro Tem Trevino's second, 6-0 Vote, Councilmember Goodman out of the room.)

The Council postponed the following zoning hearings:

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

POSTPONED TO DECEMBER 2, 1982 @ 4:00 P.M.

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

POSTPONED TO DECEMBER 2, 1982 @ 4:00 P.M.

(On Councilmember Goodman's motion, Councilmember Mullen's second, 7-0 Vote)

ZONING HEARINGS - Cases Postponed - (Continued)

C14 -82 137	J.C. WALTER, JR., TRUSTEE By Jerry L. Harris	907-911 West M.L.K. Boulevard 1801-1805 San Gabriel Street 1800-1802 Pearl St.	From "A" 1st H&A To Trs. 1 & 2 "O" 1st H&A Trs. 3, 4 & 5 "A-2" 1st H&A NOT RECOMMENDED RECOMMENDED "O-1" 1st H&A on Tract 1; 10' strip of "A" 1st and a heavily planted hedge on the San Gabriel side. "A" 1st H&A on Tract 2. <u>POSTPONED TO 11/18/72 @ 7 P.M.</u>
C14 -82 136	J. VANCE RILEY	1605 West Avenue	From "A" 1st H&A To "O" 1st H&A NOT RECOMMENDED <u>POSTPONED TO 11/18/72 @ 7 P.M.</u>

(On Councilmember Duncan's motion, Mayor McClellan's second, 7-0 Vote)

C14 -82 131	TEXAS COMMERCE BANK AUSTIN, TRUSTEE By Hank Gallagher	3413 Northland Drive	From "LR" 1st H&A To "GR" 1st H&A RECOMMENDED subject to site plan to be reviewed by Planning Commission; site plan is to indicate driveway to Parkcrest; 10' of right-of-way.
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CLOSE PUBLIC HEARING, ACTION 11/11/82

Mr. Lillie reviewed with slides. He also told Council he was just presented a petition which must be checked for validity. Mayor McClellan said Council will take action next week after petition has been checked, but hearing will be held today.

Hank Gallagher, agent, said the property is being leased by the Texas Commerce Bank for a restaurant but the lease is contingent upon acquiring "GR" zoning. The lot is between Kash-Karry and a savings and loan. Mr. Gallagher said the height will be the same and there will not be much increase in traffic.

ZONING HEARINGS - (Continued)

David Warner expressed opposition. He said the neighborhood does not want "GR" because they can go 60' high with "GR".

Edith Buss, president of Highland Park Homeowners Association, told Council the use of the tract affects everyone in the neighborhood and feels development of the tract will increase impervious cover.

Mr. Gallagher returned to say they are willing to comply with any suggestions submitted by the Planning Commission or immediate property owners.

(On Mayor Pro Tem Trevino's motion, Councilmember Goodman's motion, 7-0 Vote.)

C14 -82 CITY OF AUSTIN
117 PLANNING DEPT.
& 058

Portions of an area
bounded by South
Congress Ave./Wasson
Road; Little Texas
Lane, IH-35,
Williamson Creek

From Interim "A" 1st H&A
To "SR", "A", "BB", "O",
& "GR" 1st H&A
NOT RECOMMENDED
RECOMMENDED "BB", "O", "GR"
& "SR" for Flournoy tract
as recommended by staff;
"O" and "GR" for Bradsher
tract as recommended by
staff. Recommended
remainder of property
remain zoned "A" & "SR"
1st H&A.

CLOSED PUBLIC HEARING; ACTION 11/11/82
AT 5:15 P.M.

Mr. Lillie reviewed by use of slides.

Ms. Shiela Finneran, attorney, told Council that when the City initiated the zoning case staff recommended residential zoning for the entire tract admitting they had not been given enough time to do an area study. "At that time we thought "GR" for Mr. Bradsher's entire lot would be appropriate.....now these many months later we have a recommendation for "O" office and with a strip of "GR" fronting on Congress Avenue." She said they agree with the alternate compromise. Ms. Finneran spoke about the drainage ditch on the property and understands the neighborhood association wants to dedicate an easement to the public along the drainage tributary. Ms. Finneran said "We are firmly opposed to that idea. They City is giving him zoning he did not ask for and then wants to take away a big hunk of property down the middle.That would amount to an unfair taking of property."

D.G. Burrough discussed the flood plain lines.

Carolyn Lander, Battle Bend Homeowners Association, said they want a clause which would call for owner occupied property. They want "SR" for the 100 year flood plain and the area within 50' of crest of the bluff.

ZONING HEARINGS - (Continued)

Mayor McClellan said it is not legal for the City to designate owner occupancy.

Sharon Gillespie, spokesperson for Battle Bend Springs and surrounding neighborhood, said with exception of the Bradsher and Flournoy tracts, all property subject to the hearing has been zoned. She asked what Council intends to do about delineating the flood plain.

Bernard Levitz, who lives on Battle Bend Boulevard, asked that the use of a 50' buffer of "SR" be used as a continuation of a set back as a crest of bluffs along the creek to protect the bluffs from erosion and other development related damage.

Ron Anderson, architect and planner, endorsed the neighborhood comments and said "O" zoning is inappropriate for Wason Road.

Randall Derrick said the neighborhood requests "A" zoning for tracts 1A and 8A as well as for four small lots in tract 3A/ The part of the four lots in tract 3A which are in the flood plain should be designated "SR". The neighborhood does not object to "GR" zoning for tracts 4 and 5 or "O" zoning for tract 6.

Don Flournoy, owner of Flournoy tract, pointed to a map to show his tract. He said they are in favor of what the Planning Commission has recommended and consider it a compromise position between what the neighborhood association would like and the Flournoy position. They initially did not have any plans for the use of the property when this all came about. He said they had no objections to "SR" on the property adjacent to Williamson Creek, the main creek, but not the tributaries.

Mr. Torres appeared before Council and pointed out that the home he lived in for 50 years is in the flood plain and has never had any problems. He said he will continue to live there and does not think a change in zoning will change anything.

(On Councilmember Duncan's motion, Councilmember Goodman's second, to close the public hearing and schedule for action November 11, 1982 at 5:15 p.m.)

APPEAL TO BE CONTINUED

A public hearing was scheduled for 5:30 p.m. on an appeal from Mr. William J. Scudder, representing Lamar & Rundberg, Ltd., on a Special Permit for the Villas Apartment Complex. C14-81-054. Mr. Lillie said there has been a request to postpone until they work out the detention program.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, voted to continue the appeal on November 18, 1982 at 7:30 p.m. (7-0 Vote)

APPEAL WITHDRAWN

A public hearing was scheduled for 6:00 p.m. on an appeal from Mr. Michael W. Stephenson on the Planning Commission's decision to grant a Special Permit for South Austin Church of Nazarene. C14p-82-045. A request was received from Mr. Stephenson to withdraw the appeal.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved withdrawal of appeal. (7-0 Vote)

ACTION POSTPONED

Council was scheduled to take action at 5:45 p.m. on the zoning of rear of 8500 Cameron Road, Edward Joseph Development, Inc. C14-82-005.

Mr. Gary Witt appeared before Council to request postponement of action. Mr. Hoyle Osborn stated he would like to proceed but he would not oppose.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, voted to take action on December 2, 1982 at 6:00 p.m. on the zoning of the rear of 8500 Cameron Road.

RECESS

Council recessed its meeting at 6:15 p.m. and resumed its recessed meeting at 6:45 p.m.

ZONING HEARING

Mayor McClellan opened the zoning hearing set for 6:30 p.m. on the following case. Council heard, closed the public hearing, granted and instructed the City Attorney to draw up the necessary ordinance.

C14-82 101	ROGER M. RICH, JR. & OWEN G. WEAVER By Kinney & Stone Inc.	109 & 201 Mockingbird Lane	From Interim "A" 1st H&A To "A-2" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u> <u>WITH A MAXIMUM OF TEN</u> <u>UNITS</u>
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Mr. Lillie reviewed by use of slides. Mr. Kinney showed Council the proposed plan.

Gil Ettiger told Council the neighborhood is family oriented and the proposed condominiums would put 12 families where 8 are zoned.

An unidentified citizen said they would hate to see things changed.

Mr. Lindemann, 311 W. Mockingbird Lane, opposed the condominiums because of the density.

Mrs. Franks, 304 Mockingbird Land, said they need improvements on Mockingbird Lane.

Lela Rountree, 110 Mockingbird Lane, said she lives across the street from the site and is opposed to the change.

Jon Donaldson, 305 Mockingbird Land is against the change. He wants 8 units or a limit on bedrooms. He liked the design.

Mr. Kinney returned to say his project is an opportunity for people to move into the neighborhood. He said they can limit the number of bedrooms and that will mean fewer people will move into the neighborhood.

Discussion followed concerning the number of units and the number of bedrooms.

Motion - Died for Lack of Second

Councilmember Deuser made a motion to approve and limit the number to eight units. There was no second.

Motion

Councilmember Goodman made a motion seconded by Councilmember Duncan to close the public hearing and grant "A-2" zoning with a maximum of ten units. In seconding the motion, Councilmember Duncan offered a friendly amendment to request staff to work with the neighborhood for "AA" zoning. The friendly amendment was accepted.

Mr. Kinney said 10 units would be marginal profit but believed they will build condominiums rather than duplexes.

Roll Call
7-0 Vote

SILVERWAY DRIVE

Council was scheduled to take action on the closing of Silverway Drive at Shoal Creek and passage of ordinance.

Motion

Councilmember Goodman made a motion to waive the requirement for three readings and finally pass an ordinance closing Silverway Drive at Shoal Creek as recommended by staff. The motion was seconded by Mayor McClellan.

Mr. Ridings, Director of Public Works, said there is a flood plain in three areas which will be alleviated. White Rock Drive will be rebuilt first and there will be excavation upstream to help the flow so damage from floodwaters to homeowners will be alleviated.

Roll Call on Motion

7-0 Vote

BARTON HILLS TRANSIT ROUTE

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, approved Option 1 for the Barton Hills Transit Route. (7-0 Vote)

SESQUICENTENNIAL COORDINATING COMMITTEE

Council had before it a resolution to consider appointment of City of Austin Sesquicentennial Coordinating Committee. Mayor McClellan suggested the committee expand to 14 members with no specific categories designated and each Councilmember appoint two. Council agreed.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, approved the appointment of 14 members to the Austin Sesquicentennial Coordinating Committee; each Councilmember to appoint two members. (7-0 Vote)

DELLANA LANE

Council had before it for action the closing of Dellana Lane from Rollingwood Drive to City limits in conjunction with Rollingwood Drive Bridge Project. Mr. Albert DeLaRosa, City Attorney, told Council that Dellana is unsafe, it is in a 25 year flood plain and is too narrow with too many curves. He said there is no liability to the City if it is closed but there is great liability to the City if it is not closed and a tragedy occurs.

DELLANA LANE - (Continued)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance closing Dellana Lane from Rollingwood Drive to City limits in conjunction with Rollingwood Drive Bridge Project, CAPITAL IMPROVEMENTS PROGRAM No. 82/60-05. (7-0 Vote)

ITEM TO BE BROUGHT BACK

Council will consider on November 11, 1982 the establishment of a procedure for communication between individuals associated with or representing those associated with any proposal for a new municipal complex and members of the City Council, Downtown Revitalization Task Force and staff evaluation team.

CONTRACTS APPROVED

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, adopted a resolution approving of the following contracts: (7-0 Vote) Contracts are to be referred to the Energy Conservation Commission.

- | | |
|---|--|
| a. DAVID WATSON, INC.
3701 North Lamar Boulevard #301
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Construction of E.M.S. Station
No. 5 to David Watson, Inc.,
Public Works Department -
\$282,015.00 C.I.P. No. 81/93-09 |
| b. H & L CONTRACTORS, INC. (M.B.E.)
P. O. Box 9177
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Construction of Solid Waste
Service Administration Building,
Public Works Department -
\$262,400.00 C.I.P. No. 82/60-07 |

ITEM POSTPONED

Council postponed until November 11, 1982 a resolution approving compensation of the City Manager.

APPROVAL OF MINUTES POSTPONED

The Council postponed approval of the minutes until November 11, 1982.

BOARD & COMMISSION APPOINTMENTS

Mayor McClellan announced the following board and commission appointments are due to be made on November 11, 1982:

- (1) COMMUNITY DEVELOPMENT COMMISSION - 2
- (2) DENTAL HEALTH ADVISORY COMMITTEE - 1
- (3) AUSTIN TOMORROW ON-GOING COMMITTEE - 5
- (4) MANPOWER ADVISORY PLANNING COUNCIL - 5
- (5) ENVIRONMENTAL BOARD - 1
- (6) VENDING COMMISSION - 1
- (7) DOWNTOWN REVITALIZATION TASK FORCE - 2
- (8) ENERGY CONSERVATION COMMISSION - 4
- (9) RENEWABLE ENERGY RESOURCES COMMISSION - 4
- (10) ARTS COMMISSION - 1
- (11) CONSTRUCTION ADVISORY COMMITTEE - 1
- (12) PRIVATE INDUSTRY COUNCIL - 2
- (13) HUMAN RELATIONS - 6
- (14) NEIGHBORHOOD REVITALIZATION COMMISSION - 6
- (15) Austin Sesqui-center : - Coordinat. , 14

ADJOURNMENT

Council adjourned its meeting at 8:00 P.M.