



Austin City Council MINUTES

For **APRIL 7, 1983 -- 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 Pro Tem Trevino called to order the meeting of the Council, noting the presence of all Councilmembers.

INVOCATION

The Invocation was given by Reverend Louis Pabor, Pastor, Redeemer Lutheran Church.

CONSENT RESOLUTIONS

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

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tract of land for the East Riverside Drive Street Improvement Project: All of Lot 3, Block 1, Travis Heights Addition. (John K. Ross, owner)

Capital Improvements Program

Authorized and approved a proposed Change Order in the amount of \$17,819.16 to Temple Associates, Inc., for the 1981 Interim Terminal and Concourse Improvements. (0.37% of the original contract) CAPITAL IMPROVEMENTS PROGRAM NOS. 79/81-07 & 79/81-08.

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Contracts Approved

Approved the following contracts:

- a. MIRANDA CONSTRUCTION COMPANY (MBE)
4703-B Sagebrush Trail
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Sidewalk and Alley Improvements
for East 6th & 7th Street
Corridors, Phase II, Public
Works Department - \$14,273.00
C.I.P. No. 82/62-19
- b. BARKER OFFICE FURNITURE
419 Congress Avenue
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Lounge Chairs, Fire Department
Items 1, 50 ea. - \$9,300.00
C.I.P. No. 81/83-01
- c. IMPERIAL TANK COMPANY
5515 E. Highway 90
San Antonio, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Fuel Storage Tanks, Vehicle
and Equipment Services Department
Items 1 thru 4 - \$8,520.00
- d. RIVER CITY MACHINERY COMPANY
10411 N. Lamar Boulevard
Austin, Texas
 - Compact Tractor/Loader/Backhoes,
Vehicle and Equipment Services
Department
Item TLB-1 - \$42,272.00
- e. GENERAL ELECTRIC COMPANY
5555 North Lamar Blvd., Suite L-101
Austin, Texas
 - Radio Communications Equipment,
Vehicle and Equipment Services
Department
Items PR-1, PR-2-1, PR-2-2,
ENG-1, EOC-1, EOC-2, MR-1-1,
MR-1-2, MR-3-1, MR-3-2, AT-2,
AT-3, AT-4 - \$62,853.00
- f. SABINE MACHINERY COMPANY
4120 Cedar Lake Drive
Dallas, Texas
 - Implement Trailers, Vehicle
and Equipment Services Department
Item TR-1 - \$26,985.00
- g. C-W EQUIPMENT COMPANY
1415 Anahuac Plaza
Albuquerque, New Mexico
 - Trailer Mounted Rubberized
Asphalt Crack Sealer,
Vehicle and Equipment Services
Department
Item RS-1 - \$14,049.00
- h. AIRWICK OF CENTRAL TEXAS, INC.
9705 Burnet Road #501
Austin, Texas
 - Liquid Soap and Dispensers,
Purchases and Stores Department
Twenty-four (24) Month Supply
Agreement
Item 1 - 3 - \$8,178.00

CONTRACTS - (Continued)

- | | |
|---|---|
| i. IBM BIO-MED SYSTEMS
P. O. Box 10
Princeton, New Jersey | - One (1) Blood Cell Processor,
Brackenridge Hospital
Total \$21,498.00 |
| j. OLYMPUS CORPORATION
4 Nevada Drive
New Hyde Park, New York | - One (1) Duodenofiberscope,
Brackenridge Hospital
Total \$8,800.00 |

CETA

Authorized and approved expansion of existing contracts with CETA On-the-Job Training Operators: Austin Area Urban League (MBE), 311 Manor Road, SER-Job for Progress (MBE), 4704 East 1st Street, and Austin Women's Center (MBE) - \$105,000 (No City cost)

Authorized and approved expansion and modification of contracts with SER-Jobs for Progress (MBE) 4704 East 1st Street in the amount of \$36,218 and Williamson Burnet County Opportunities, Inc. P.O. Box 740 in the amount of \$150,999 to increase CETA funds available for these contractors to serve the CETA eligible population - No City cost. (10% increase in original contract)

Water & Wastewater Approach Mains

Approved the following water and wastewater approach mains:

- | | |
|--|---|
| a. BEN BARNES, TRUSTEE | - Water approach main to serve
James E. Bouldin Tract.
(No City cost participation) |
| b. BOD KING
c/o Urban Engineering Group, Inc. | - Water approach main to serve
the Quarry. Estimated cost
\$808,000. (No City cost participation) |

Councilmember Goodman read into the record the following specific language concerning the Quarry:

- 1) Approve the contract for Spicewood Springs Reservoir Discharge Improvement with the stipulation that participants have 14 days from the date their approach mains are approved to sign the contract.
- 2) Approve the Quarry approach main contingent on them signing the Spicewood Springs Reservoir Discharge Improvements contract.

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Approach Mains - (Continued)

Spicewood Springs Reservoir
Improvements

Authorized the City Manager to enter into an agreement regarding construction of Spicewood Springs Reservoir discharge improvements.

User Fees

Authorized payment to First Texas Savings Association and the Barrington Oaks Joint Venture for excess subsequent user fees for the Hunter Oaks oversized wastewater interceptor, in the amount of \$12,914.66.

Library Grant Application

Authorized submission of an application by the Austin Public Library to Texas State Library for a grant to provide Interlibrary Loan Service to central Texas.

Certificate of Need

Authorized the filing of a Certificate of Need Application to the Texas Health Facility Commission for a proposed expansion of Brackenridge Hospital \$7,500 cost to the City. (Approved by the Hospital Board)

Lease of Land

Approved leasing 25.898 acres of land at the South Texas Project site to Central Power and Light and Houston Lighting and Power for the location of high voltage and direct current terminal.

Eligible Blighted Area

Adopted a resolution designating an area as an "Eligible Blighted Area" pursuant to Art. 5190.6, V.T.C.S., The Development Corporation Act of 1979, for Walter Carrington-Jose Mercado, Ltd.:

- a. 4804 Loyola
- b. 5602 Clay Avenue
- c. 111 Ramble Lane

Mayor Pro Tem Trevino read into the record: "In conformance with the rules of the Texas Industrial Commission, each location under consideration be determined an eligible blighted area."

ELIGIBLE BLIGHTED AREA - (Continued)

Approved a resolution approving an Industrial Development Bond Financed Project for Walter Carrington-Jose Mercado, Ltd.:

- a. 4804 Loyola
- b. 5602 Clay Avenue
- c. 111 Ramble Lane

Mayor Pro Tem Trevino read into the record: "That each project under consideration be approved."

Adopted a resolution approving an Industrial Development Bond Financed Commercial Project proposed by Walter Carrington-Jose Mercado, Ltd., and findings required by the Texas Industrial Commission:

- a. 4804 Loyola
- b. 5604 Clay Avenue
- c. 111 Ramble Lane

Mayor Pro Tem Trevino read into the record: "That in compliance with the Rules of the Texas Industrial Commission, the Council find that each commercial project under consideration will significantly contribute to the fulfillment of the overall redevelopment objectives of the City for the Eligible Blighted Area; that the project conforms to the Project Approval Standards specified by the Texas Industrial Commission; and that the Commercial Project under consideration be approved."

Contract Amendment

Authorized an amendment to the existing contract for engineering services with Turner Collie & Braden to provide for engineering services to upgrade the Hornsby Bend Wastewater Treatment Plant.

Public Hearing Set

Set a public hearing on the appeal from Marcia Turullols, president, Prather Lane Association of Neighbors, of the Planning Commission's decision granting a Special Permit. (Case Nos: C14p-83-011, C14p-83-012 & C14p-82-102 for April 14, 1983 at 5:15 p.m.)

Release of Easements

Authorized release of the following easements:

- 1. A drainage easement recorded in Volume 5017, Page 400 of the Travis County Deed Records located on a tract of land at the intersection of South First Street at William Cannon Boulevard. (Requested by Abbe Engineering Company)

RELEASE OF EASEMENTS - (Continued)

- b. A portion of an Electric and Telephone Easement recorded in Volume 7604, Page 974 of the Travis County Deed Records located on Lot 9, Oak Forest South, 111 Oak Knoll Drive. (Requested by Randy Morine Builders, Inc.)
- c. The Public Utility Easement on Lots 11, 12, 22 and 23, Burnet Road Heights Subdivision, 6717 Burnet Road. (Requested by Mr. and Mrs. Lee Bradley, owners.)

Temporary Street Closing

Approved temporarily closing Seton Avenue from West 25th Street to West 24½ Street on April 7, 1983, from 2:30 p.m. until 7:30 p.m. as requested by Mr. Kevin Roberts representing the Delta Gamma Sorority.

DWI STEP Program

Adopted a resolution supporting the efforts of the DWI STEP program for its efforts toward decreasing the number of accidents associated with DWI violations.

Settlement Agreement

Approved a Settlement Agreement with Village Joint Venture concerning installation of water improvements.

CONSENT ORDINANCES

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

Operating Budget Amendment

Amended the 1982-83 Operating Budget by:

- a. Accepting a grant from the Texas Energy and Natural Resources Advisory Council in the amount of \$34,813.00 for services of registered professional engineers.
- b. Accepting a \$30,000 grant from the Junior League of Austin for the Austin History Center.
- c. Transferring \$500,000 from the Water and Wastewater Utility fund ending balance to the Wastewater CIP for the Hornsby Bend Clarifier Project.

BUDGET AMENDMENT - (Continued)

- d. Accepting \$2.4 million from the Department of Housing and Urban Development (UDAG funds) to the Human Services Department for the Waller Creek Plaza Development Project.

Albert DeLaRosa read the following statement into the record:

"This item authorizes the Manager to execute an agreement with HUD for this grant and for the record it also authorizes execution of the evidentiary materials required to be executed by the City as defined in Exhibit E of the grant agreement consistent with terms and conditions of grant agreement."

CIP Amendments

Amended the 1982-87 Capital Improvements Program by:

- a. Transferring \$125,000 from the Wastewater CIP Reprogrammable funds to the Hornsby Bend Clarifier project.
- b. Appropriating \$500,000 for the Govalle Sludge Disposal Capital Improvements Project.

Water & Wastewater Approach Mains

Approved the following five year water and wastewater approach mains:

- a. NPC REALTY COMPANY
 - To pay the developer the City's share of the construction cost of a 16-inch water approach main to serve Copperfield (formerly Windsor Hill North) Subdivision. City cost participation is \$61,267.67
- b. NEELEY CANYON CORPORATION
 - To pay the developer the City's share of the cost of an 8-inch wastewater approach main to serve Neeley's Canyon Subdivision. City cost participation is \$37,661.80 including 6% Engineering.

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Speed Limit

Amended Section 11-2-99 (d) of the Austin City Code of 1981 pertaining to the establishing of school zone speed limit by adding the following thereof:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Manor Road	Ed Bluestein Blvd.	100 feet south of Rockhurst Lane

Cable Line-Up Changes

Passed through SECOND READING of an ordinance authorizing cable line-up changes on Channels 16 and 43.

Zoning Ordinance

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

LEON MCMORROW
C14-82-185

4401-4403 Gillis
1315-1317 Casey St.

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

PASSED ON EMERGENCY BASIS

TENNIS FEES

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance revising tennis and tournament fees charged by the Parks and Recreation Department. (6-0 Vote)

Prior to the voted Mr. Ehrler, Director of Parks and Recreation, told Council the only change is for an additional 50¢ for adults and 25¢ for juniors.

FRISBEE CHAMPIONSHIPS

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, approved the request of Mr. Christopher Baker for permission to sell beer and food at Bartholomew Park during Frisbee Championships to benefit City of Austin Parks and Recreation Department parks improvements on May 14 & 15, 1983. (6-0 Vote)

MINUTES APPROVED

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, approved Minutes for regular meetings of March 3 and 24, 1983. (6-0 Vote)

Board & Commission Appointments

Mayor Pro Tem Trevino announced the following board and commission appointments are due to be made:

- (1) COMMUNITY DEVELOPMENT COMMISSION - 5
- (2) AUSTIN TOMORROW ON-GOING COMMITTEE - 6
- (3) MANPOWER ADVISORY PLANNING COUNCIL - 1
- (4) VENDING COMMISSION - 1
- (5) DOWNTOWN REVITALIZATION TASK FORCE - 3
- (6) SESQUICENTENNIAL COMMITTEE - 1
- (7) AFFIRMATIVE ACTION PLAN ADVISORY COMMITTEE - 2
- (8) PRIVATE INDUSTRY COUNCIL - 1
- (9) ENVIRONMENTAL BOARD - 3
- (10) ENERGY ADVISORY COMMISSION - 11
- (11) DENTAL HEALTH ADVISORY COMMISSION - 9
- (12) NEIGHBORHOOD REVITALIZATION COMMISSION - 2
- (13) WATER AND WASTEWATER COMMISSION - 1
- (14) ARTS COMMISSION - 2
- (15) BUILDING STANDARDS COMMISSION - 3
- (16) PLUMBING ADVISORY BOARD - 1
- (17) HOSPITAL BOARD - 2
- (18) ELISABET NEY MUSEUM BOARD OF DIRECTORS - 3
- (19) COMMISSION THE STATUS OF WOMEN - 2
- (20) CAPITAL AREA PLANNING COUNCIL
 - Aging Advisory Council - 2 new appointments
 - Criminal Justice Systems Committee - 3 reappointments; 1 new appointment

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, appointed Carolyn Sullivan to the Sesquicentennial Committee. (6-0 Vote)

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, appointed Cynthia Alexander to the Arts Commission for dance category. (6-0 Vote)

PARADE PERMIT ORDINANCE CHANGE

City Manager Meiszer reported on the proposed Parade Permit Ordinance change by telling Council that parade permits will be handled administratively and if they are denied, there will be a process for appeal to Council. Mr. Meiszer discussed the charging of a fee if the parade costs the City more than the usual money. He said he would report on that later after staff has researched it. Councilmember Mullen said he would like to see a stipulation put in that would allow only one parade permit per year for organizations. The question was brought up as to how this would affect the Aqua Fest. Councilmember Mullen asked staff to research and report back.

PARADE PERMITS - (Continued)

Motion

The Council, on Councilmember Mullen's motion, waived the requirement for three readings and finally passed an ordinance amending Chapter 11-4, Austin City Code, to allow the City Manager to approve parade permit applications. (6-0 Vote) (2nd Draft of ordinance submitted was passed, designating applicants to apply for permit 30 days prior to event to allow for appeal process if necessary.)

ITEM POSTPONED

The City Manager report on the Pitch and Putt Golf Course and consideration of a resolution to enter into a Lease Agreement with Mr. Winston Kinser for the operation of the Pitch and Putt Golf Course, has been postponed until April 14, 1983.

MONTHLY FINANCIAL STATEMENTS AND ANNUAL REPORT

Mr. Scheps, Director of Finance, discussed the Monthly Financial Statements and the Annual Financial Report. CITY CLERK DID NOT RECEIVE COPIES OF EITHER DOCUMENT.

Mr. Scheps summarized the information in the documents and said the financial health of the City is very good.

PUBLIC HEARING - MULTI-FAMILY HOUSING BOND, LANGTRY INVESTMENTS

Mayor Pro Tem Trevino opened the public hearing set for 2:00 p.m. which was a continued hearing to consider a 200 unit multi-family housing bond finance project by Langtry Investments, 9601 Fiskville Road. Mr. Scheps, Director of Finance, told Council 20% of the apartments will be for low income. He said there may be some problem with the financing.

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second closed the public hearing. (6-0 Vote)

PUBLIC HEARING - MULTI-FAMILY HOUSING BOND, SHADY OAKS

Mayor Pro Tem Trevino opened the public hearing set for 2:00 p.m. to consider a 238 unit multi-family housing bond financed project proposed by Shady Oaks South Apartments at Congress Avenue and St. Elmo Road. (4300 South Congress)

Mr. Scheps said this will be a 238 unit complex. They are waiting for approval of the bond.

HEARING - (Continued)

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing. (6-0 Vote)

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced that Council will go into Executive Session pursuant to Article 6252-17 V.T.C.S. to discuss the following matter and after such closed or Executive Session, any action to be taken will be done so in public:

The Austin National Bank, Trustee, et al v. City of Austin
(Cause No. 314,795) - pending litigation - Section 2,
Paragraph e.

RECESS

Council recessed at 2:15 p.m. for Executive Session and resumed its recessed meeting at 3:00 p.m.

PLANNING COMMISSION REPORT

Mr. Ken Manning, Planning Commission, reported on Water and Wastewater Service Availability. He said they are very concerned and "want to relate to Council concerning the water and wastewater situation in the subdivision process. We have ended with a situation in which the Water and Wastewater Department is making doing conditional approval for water and wastewater service. In the interim situation we have passed bonds, service will be available in a 3-4 year time that will cover some currently existing short-falls from a commitment basis. Right now we can look at Southwest A water pressure zone, as an example, and we are over committed according to our paper commitment. We are not having problems meeting the current services but with the paper over commitment then the Water and Wastewater Department is in a position of having to say we may be able to provide service today but two years from now when this project might be ready to go on line we may not be in a position to provide service..... The Planning Department is saying that is not a sufficiently solid guarantee of service for us to be comfortable in moving the plat on to final plat approval. According to the Planning Department count three or four weeks ago we have 125 plats that were not being approved for final recordation because it has to be done with a note from the Water and Wastewater Department that service is only available on a conditional basis. The Legal Department has expressed grave reservations about recording final plats with that qualification attached and have recommended that we not do it. The situation, as presented to the Commission has been staff not to approve the final plat even though it is surrounded by existing development because of the questionable aspect of the timing and availability of water and wastewater. If they were ready to hook up today we would

REPORT - (Continued)

let them do so, but we are not sure we can let them hook up two years from now. Some of the applicants have been pleading their case to the Commission and one of the things I'm concerned about is that we may approve service to one subdivision and not approve it to another. We are beginning to feel at a loss as to what direction we should go and wanted to apprise Council of our very awkward position and have tried to see what kind of help we could get out of the departments to resolve the situation. We have asked for input from the Water and Wastewater Commission and have not really received much guidance or direction."

Mayor Pro Tem Trevino asked the City Manager to get together with the Planning and Water and Wastewater Commission's to see what to recommend to Council as a resolution to the problem.

Mr. Meiszer said the problem has been worked on and the solution is not easy. Mr. Schwing, Director of Water and Wastewater stated the wastewater treatment facilities present a problem. Mr. German, Assistant City Manager, said the Planning Department, Legal Department and Water and Wastewater Department have all talked in an effort to determine whether water and wastewater service is available to allow applicants to proceed. He said a written report will be submitted to Council.

TEXAS HISTORIC LANDMARK COMMISSION
REPORT

Mr. Philip Creer, Historic Landmark Commission, discussed provision of matching funds to the Texas Historic Commission to undertake the first year of historic structures survey. He referred to a letter concerning the inventory of historic structures which all Councilmembers received. Mr. Creer asked Council to authorize the expenditure of \$7,500.00 which Mr. Lillie had told him is in the budget and available.

Councilmember Goodman said that has already been accomplished in today's meeting.

SITE PLAN CHANGES DISCUSSED

Mr. Gary Bradley appeared before Council to discuss site plan changes on a planned unit development. "I came before you several months ago and was granted approval for a 33 acre Planned Unit Development, my development company and River Bend Church. Since that time several changes have occurred in the area that significantly impacted the desirability of my original plan. Consequently I've begun seeking administrative approval of numerous changes that will be necessary to the original proposal. I have met with representatives of the City's Legal Department, Public Works and Engineering Departments and the Planning Department. and have been assured that administrative approval is perfectly proper given the circumstances. The reason for my appearance before you today is in response to Mr. Lillie and Mrs. Butler's request that I inform you or the Planning Commission of my intention to build office buildings rather than residential structures. The changes in the site plan will deal principally with roads and access points to Loop 360. Although I am not required to do so I am asking you to give your

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SITE PLAN - (Continued)

approval to the administrative processing of these changes of my original site plan for zoning and PRA purposes under the following conditions: The number of lots will be reduced; no structures or roads will be proposed any closer to the lake than in the original proposal; the appropriate impervious guidelines will be met. I would prefer to show you my revised site plan but given the Highway Departments tentative plans to build a boat launch and associated parking underneath the bridge, several changes may be necessary in our plan as the Highway Department's plans become more fully developed. Unfortunately, the financial needs of the River Bend Church will not allow me to leave the final approval of this PUD in limbo for an extended period of time. If you feel any action is necessary I hope it will be positive given the conditions I have outlined.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, approved an amendment to the site plan for River Bend PUD for office buildings rather than residential structures. (5-0 Vote, Councilmember Mullen was out of the room.)

CITIZEN DID NOT APPEAR

Mr. Charles C. Johnstone, who had requested a variance to the Sound Amplification Ordinance on 6th Street/Pecan Street for May 14 & 15, 1983 did not appear.

OPEN CONTAINER ORDINANCE

Mr. French N. Smith III appeared before Council to request suspension of the Open Container Ordinance on 6th Street/Pecan Street for May 14 & 15, 1983.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance suspending the operation of Ordinance No. 830113-G (the Open Container Ordinance) from May 14, 1983 through May 15, 1983. (5-0 Vote, Councilmember Mullen was out of the room.)

NORTHWEST TRAVIS COUNTY MUD NO. 2

Mr. Homer Reed appeared before Council to request adoption of a resolution approving annexation of 60.74 acres into Northwest Travis County MUD No. 2.

Mr. John German told Council he wanted to make certain the MUD has the proper capacity. He requested this item be posted for action on April 14, 1983.

CITIZEN DID NOT APPEAR

Mr. Donald D. Pedigo withdrew his request to appear before Council to discuss installation of water fountains at the most popular bus stops throughout the City.

POLICE DEPARTMENT DISCUSSED

Reverend Cecil E. Henninger appeared before Council to discuss the Austin Police Department. He said his life has been threatened by a certain police officer, but that not all police are like that. Reverend Henninger said he feels candidates for the Police Department should be tested for stress before they are hired and asked for compassion and love for one another.

REQUEST BY CITIZEN

Mr. Merle A. Lang appeared before Council to discuss unfair treatment by certain City employees. He said he requested a list of people, early last January, who had failed to pay taxes to the City. Mr. Lang said he has not received the list and thus has been denied pertinent information for his lawsuit. He asked Council how he can get the list.

PUBLIC HEARING - INDUSTRIAL DEVELOPMENT BOND - SABINE DEVELOPMENT

Mayor Pro Tem Trevino opened the public hearing set for 3:30 p.m. to consider an Industrial Development Bond financed project proposed by Sabine Development, Ltd. located at 5th and Sabine Street.

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing and adopted a resolution that each proposed project under consideration be approved. (5-0 Vote, Councilmember Mullen was out of the room.)

PUBLIC HEARING - INDUSTRIAL DEVELOPMENT BOND FINANCED COMMERCIAL PROJECT - SABINE DEVELOPMENT

Mayor Pro Tem Trevino opened the public hearing set for 3:30 p.m. to consider an Industrial Development Bond financed commercial project proposed by Sabine Development Ltd., Sabine and 5th Street.

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing, found that in compliance with the Rules of the Texas Industrial Commission, the Council find that each commercial project under consideration will significantly contribute to the fulfillment of the overall redevelopment objectives of the City for the Eligible Blighted Area; that the project conforms to the Project Approval Standards specified by the Texas Industrial Commission; and that the Commercial Project under consideration be approved, and adopted a resolution approving the commercial project proposed by Sabine Development Ltd., Sabine and 5th Street. (5-0 Vote, Councilmember Mullen was out of the room.)

PUBLIC HEARING - VENDOR LICENSE AGREEMENT

Mayor Pro Tem Trevino opened the continued public hearing set for 3:30 on the proposed guidelines and procedures for Vendor License Agreement.

Dr. Jim Benson, Director of Urban Transportation, told Council that as requested at the last hearing, his department has attempted to arrange meetings between vendors organizations and representatives of the Old Pecan Street Association and representatives of merchants on the "Drag". The president of the Old Pecan Street Association said he could see no reason to participate in a meeting because his organization's position was firm in their opposition to vendors in the 6th Street area. Representatives of merchants from the Drag association did agree to participate in the meeting which was held March 29. The meeting with members of the association and lawyers representing the vendors did not produce any consensus on any recommended changes to the proposed guidelines and procedures. It did serve to clarify the changes recommended by Urban Transportation Department with revisions recommended in the March 2, 1983 memo. Dr. Benson said it is his understanding the association of merchants on the Drag continue to support proposed guidelines and procedures and recommended revisions. Mrs. Lockhart did suggest that consideration should be given allowing food vendors to use the Renaissance Market Area on West 23rd but this suggestion would need to be considered by the Vendor's Commission and would require a change in ordinances regulating the use of the area.

Dr. Benson continued by saying, "There appears to be four areas which have not been resolved. The major area of concern is notification of abutting property owners or occupiers. The vendor's attorney would like to see this requirement of notification deleted. We suggest that the wording of that requirement be softened to require that we notify the abutting property owners and allow them ten days to express any concern before we issue a Vendor's License. Another area of concern was the separation between comparable businesses. In our original proposal we had included that the vendor stand should not be located within 50' of a comparable business that is food, or what have you, unless we have written concurrence. In our March 2nd memo we softened the wording of that to say not within 20' of the customer entry way without written concurrence. The basic problem in the original wording is that if you had a restaurant on the corner you could require them to be around or 50' back from the back corner of the building on the side street and we felt that was too extreme. We felt the 20' distance from a customer entry way would suffice. On the use of parking spaces we have changed from prohibition of use of and

VENDOR'S - (Continued)

recommend language that strongly discourages use of parking places and limit to only those types of vending stands which cannot legally be placed on the sidewalk area. This includes some hot dog stands in the 6th Street area which have a license plate as a legal trailer and cannot be placed on the sidewalk area. We recommend that no parking areas be allowed on 6th Street but on side streets with a maximum limitation of six locations on side streets in the area and no more than two on any of the side streets." Councilmember Goodman asked if something had been done to prevent one vendor from having the majority of licenses. Dr. Benson said there is provision that no person or company shall obtain a vendor's license less than 1,000 feet from a vending stand for the same person or company.

Mike Reynolds of Reynolds-Penland asked that spray paint not be used on the sidewalks and that no one be allowed to interfere with the business's.

Arthur Walker, attorney representing the vendors, said he feels Council is showing preference for one lessee over another one.

Bobby Taylor, told Council he attended a meeting called at Wiley's and no one from Pecan Street Association came. He said he has dealt with the City but never has been able to face his opponents.

David West, president, Old Pecan Street Association, told Council that a 1929 State Law gives property owners fee title to the property in front of their businesses and that the City does not have the right to lease out that property. He asked approval of guidelines and they stand.

Lisa Lockhart, treasurer, Merchant's Association on the Drag, said they favor guidelines.

Carl Hickerson-Bull told Council the vendors on 6th Street help keep the street peaceful

Mr. Walker told Council he has researched the 1929 State Law and is confident the City can regulate the streets and sidewalks.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing. (5-0 Vote, Councilmember Mullen was out of the room.)

Councilmember Goodman suggested that Dr. Benson bring this back on the Council agenda when negotiations have finished.

RECESS

Council recessed its meeting at 3:50 p.m. and resumed its recessed meeting at 4:10 p.m.

ZONING HEARINGS

Mayor Pro Tem Trevino 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:

C14-83 002	SETON MEDICAL CENTER By Margaret L. Gosselink	1018-1020 W. 31 St. Street 3105 Wabash & 1011 West 32nd Street	From "A" 1st H&A To "BB" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
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C14 h-83 006	MAUTHE-MYRICK HOUSE By Texas Savings & Loan League	408 West 14th Street	From "O" 2nd H&A To "O-H" 2nd H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Duncan's motion, Councilmember Deuser's second, 5-0 Vote, Councilmember Mullen was out of the room.)

C14 -83 006	LIVING FAITH GROUP ALCOHOLIC FOUNDATION TAD DAVIS, MARINA SIFUENTES By Holford and Carson	4215 James Casey Street 617 Clifford Drive	From "A" 1st H&A To "O-1" 1st H&A RECOMMENDED subject to 5 feet of right-of-way on James Casey and Clifford Streets. <u>GRANTED AS RECOMMENDED</u>
C14 -83 012	NAOMI SIMER WELCH By Elizabeth Swenson	1710 Fortview Road	From "O" 1st H&A To Tr. 1 "C" 1st H&A Tr. 2 "A" 1st H&A RECOMMENDED (as amended) subject to site plan as presented; grant "A" to area to the rear of building dedication of right-of-way as determined by Urban Transportation; rollback to "O" in the event the use ceases. <u>GRANTED AS RECOMMENDED</u>
C14 -83 022	HERBERT C. CRUME, ET AL By Carter Investments	412 William Cannon Drive	From "BB" 1st H&A To "LR" 1st H&A RECOMMENDED "LR" 1st; size of sign is to be limited to 50 square feet. <u>GRANTED AS RECOMMENDED</u>

(On Councilmember Duncan's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Mullen out of the room.)

ZONING HEARINGS - (Continued)

C14 -82 OLTORF-BEN WHITE
203 VENTURE
By Harry Akin,
Trustee

Rear of 4700-4800
blocks East Oltorf

From Interim "AA" 1st H&A
To "BB" 1st H&A
RECOMMENDED "BB" 1st tied
to street network as
presented on preliminary
plat C8-78-90.01(83).
Development is to be
phased to completion of
Wickersham and Oltorf;
building permit is not
the approval of Urban
Transportation.

(On Councilmember Duncan's motion, Council-
member Urdy's second, 5-0 Vote, Council-
member Mullen was out of the room.)

GRANTED AS RECOMMENDED

C14 -82 NPC REALTY CO.
188

4405 Pamona Drive
12100, 12108, 12112
& 12114 Arrowwood
Drive
4500, 4501, 4502
Brown Bark Place

From "AA" 1st H&A
To "A" 1st H&A
RECOMMENDED subject to
same commitment that
applicant made for
C14-82-124 and duplex
signs must be installed
on the lots until
construction is
completed.

GRANTED AS RECOMMENDED

C14 -82 NPC REALTY CO.
189

12102 and 12106
Arrowwood Drive

From "AA" 1st H&A
To "A" 1st H&A
RECOMMENDED subject to
same commitment that
applicant made for
C14-82-124 and duplex
signs must be installed
on the lots until
construction is
completed.

GRANTED AS RECOMMENDED

C14-82 NPC REALTY CO.
190

12123 Dorsett Road
also bounded by
Arrowwood Drive

From Interim "AA" 1st H&A
To "A" 1st H&A
RECOMMENDED subject to
same commitment that
applicant made for
C14-82-124 and duplex
signs must be installed
on the lots until
construction is
completed.

GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Urdy's second, 4-0 Vote, Councilmember Deuser abstained, Councilmember Mullen was out of the room.)

ZONING HEARINGS - (Continued)

C14r-83 PAUL F. FRENCH
010 ET AL
By John M. Joseph

1001 E. Ben White
& 4000 Santiago St.

From "D" 1st H&A
To "D" 3rd H&A
Substitute motion to
grant subject to 60'
right-of-way failed
by a vote of 2-4
original motion to
deny 4-2.

GRANTED AS RECOMMENDED

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

C14 -83 FRONIA PROPERTIES, 401 to 411 E. 8th
009 MARJORIE JOSEPH, 711-713 Trinity
THE ESTATE OF 710-714 Neches
FRONIA JOSEPH &
JOHN JOSEPH
By John M. Joseph

From "C" 3rd H&A
To "C" 4th H&A
RECOMMENDED
GRANTED AS RECOMMENDED

Marie Gaines, Planning Department, reviewed the application by use of slides.

John Joseph, representing the applicant, said the main issue is the capital view corridor. He asked Council to either grant this today or else postpone all downtown development until the view corridor is determined.

Dr. Alan Taniguchi, chairperson, Downtown Revitalization Task Force, said boundaries of the central business district should be confined, therefore the Task Force recommends the boundaries be contained in the existing 4th H&A boundaries. He said the Task Force is very close to a final decision.

Karen McGraw discussed the case before Council.

Mr. Joseph returned to say putting this tract on indefinite postponement until the results of the study are obtained would not be fair.

Councilmember Duncan said he does not feel the proposal impacts the view corridor, Councilmember Deuser thought they should wait for the study to be complete.

(On Councilmember Goodman's motion, Councilmember Duncan's second, 4-0 Vote,
Councilmember Deuser voted No and Councilmember Mullen was out of the room.)

ZONING - (Continued)

C14 r-83 HARVEY W. DOERRING Rear of 8557 Research From "GR" 1st H&A
011 By Jeff Calechman Boulevard To "C-1" 1st H&A
RECOMMENDED
GRANTED AS RECOMMENDED

Marie Gaines reviewed the application by use of slides.

Robert Schmidt, adjacent property owner, asked for a continuance to work out problems. Mr. Calechman, representing the applicant, told Council the items in question are not part of the issue in the zoning request.

(On Councilmember Duncan's motion, Councilmember Goodman's second, 6-0 Vote)

Ordinance Passed - Emergency Basis

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis to cover the following zoning change: C14r-83-011, HARVEY W. DOERRING, Rear of 8557 Research Boulevard, from "GR" 1st H&A to "C-1" 1st H&A. (6-0 Vote)

C14 -83	ULTRA INVESTMENTS, 2101 West Anderson	From "A" 1st H&A
021	INC. Lane	To "GR" 1st H&A
	By Tim Jamail	RECOMMENDED
		<u>GRANTED AS RECOMMENDED</u>

Marie Gaines reviewed the application by use of slides.

Councilmember Duncan wondered about access on West Anderson Lane and closing Barbara Lane.

James Bauer, who lives on Barbara Street, said the apartment complex planned will have an excess of 150 units and some will be three story. He feels the vehicular traffic will be excessive.

Tim Jamail, applicant, said when he bought the property he thought it was all "GR" with three accesses.

Bruce Davis said there would not be a neighborhood anymore with all the apartments.

Councilmember Duncan said Barbara Lane should be closed and wanted the City to proceed with that.

(On Councilmember Duncan's motion, Councilmember Goodman's second, 5-0 Vote, Councilmember Mullen was out of the room.)

ZONING - (Continued)

Ordinance Passed - Emergency Basis

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis to cover the following changes: C14-83-021, ULTRA INVESTMENTS, INC., 2101 West Anderson Lane, From "A" 1st H&A to "GR" 1st H&A. (5-0 Vote, Councilmember Mullen was out of the room.)

C14 -82 THE EVERETT 2904-2906 Salado
170 HARDWARE CO., INC. Street
By Truman &
Ann Breed

From "BB" 1st H&A
To "GR" 1st H&A
RECOMMENDED subject to
minimum of 35' of "A" at
north property line and
elimination of sidewalk
requirement.

GRANTED AS RECOMMENDED
WITH 40' OF "A"

Marie Gaines, reviewed the application by use of slides.

William T. Carlisle, representing the applicant, handed out information to the Council. CITY CLERK DID NOT RECEIVE A COPY. He said the hardware store has been in the area several years and they are requesting the zoning change so they may expand beyond the "C" commercial boundary to the west. Mr. Carlisle said the primary objections by the neighborhood is preservation of a greenbelt.

Ann Breed, applicant, handed out something. CITY CLERK DID NOT RECEIVE A COPY. She said the "GR" request will allow them to comply with parking regulations.

Georgia Leggett, Frank Meece, Darrell Williams, Fred Young, Octavia Robbins all spoke in favor of the zoning change.

Barbara Crosby, Heritage Neighborhood Association, said they want to negotiate with the Breeds and protect the borders of the neighborhood. She said 35' of "A" is not adequate buffer protection for the neighborhood. Ann McCandless said she also wants to work with the Breeds and would agree to a 50' buffer. Sophie Dunn thinks the Breeds have a fence violation on their property.

Mr. Carlisle returned to discuss the plans and buffer. (CLERK DID NOT RECEIVE COPY OF PLANS.) He said they could not agree to a 50' buffer. The additional 15' would not allow them to have the required parking.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, closed the public hearing. 5-0 Vote, Councilmember Mullen was out of the room.

ZONING - (Continued)

Discussion concerning the amount of "A" zoning for the greenbelt area followed.

Motion

Councilmember Goodman made a motion, seconded by Mayor Pro Tem Trevino to uphold the findings of the Planning Commission.

Doris Lowe, who lives in the neighborhood, told Council the survey is hard to judge as to where the property line is. She said City maps have three different property lines. Mr. Jim Nias, Assistant City Attorney, indicated that the surveys were made several years ago and there were discrepancies then.

Friendly Amendment

Councilmember Duncan offered a friendly amendment to change the amount of buffer zoned "A" to 40'.

Friendly Amendment Accepted

After more discussion, Councilmember Goodman accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

5-0 Vote, Councilmember Mullen absent.

C14r-82 GREYSTONE LIMITED 7120-7340 MoPac
193 By Jack C. Goodman Boulevard

GRANTED WITH CHANGES

From "A" 1st H&A
To Tr. 1 "LR" 2nd H&A
Tr. 2 "LR" 1st H&A
RECOMMENDED "LR", 2nd H&A for
1200 sq. ft. that is
proposed for the bank
facility, restricting the
building height to an
elevation of 832.5 ft.
AMSL. To grant "LR", 1st
H&A for 429 sq. ft. for the
proposed drive in bank
facility. In the event a
financial institution is
not constructed, the zoning
will revert to "O", 1st
H&A. The Planning
Commission further
recommends a point of
ingress between Lot B & C
if feasible.

ZONING - (Continued)

This zoning change was first approved at the beginning of the zoning hearings on Councilmember Duncan's motion, Councilmember Urdy's second, 5-0 Vote with Councilmember Mullen out of the room. Later, Council, on Councilmember Duncan's motion, Councilmember Goodman's second, voted to reconsider with a 5-0 Vote, Councilmember Mullen out of the room.

Councilmember Goodman said this is the case where the applicant is not in agreement with the recommendation. Marie Gaines, Planning Department, said that is correct. "They need to make a clarification. When they recommended the square footage to the Commission they inadvertently requested an insufficient amount of land area to be re-zoned to "LR" 2nd and "LR" 1st. They are here today to get straight for the record what they need to have to construct the development. I've reviewed their request and it appears to me that the Commission's intent of the proposed development, they need to, for the record, explain to you the changes they are making." Councilmember Goodman asked, "Do you think their changes would comply with the intent of the Commission?" Ms. Gaines answered, "Yes".

Mr. David Armbrust, representing the applicant, passed out a copy of their request. He said it was what "we think the Planning Commission intended to do. The Planning Commission voted unanimously. The neighborhood association, represented by Mr. Jim Landrum is here this evening. They have signed off on the copy being passed out to you.

We think this is what the Planning Commission intended to do, it is what we wanted them to do, but it was confusing from listening to the tape."

Councilmember Goodman asked, "Mr. Landrum, your neighborhood association is in agreement with this? It seems to me all problems have been worked out if the Chair will entertain a motion to approve this recommendation with these changes."

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, approved the changes: (5-0 Vote, Councilmember Mullen was out of the room.)

1. Zone office building Tract 1 "LR" 2nd H & A.
2. Zone drive thru facility Tract 2 "LR" 1st H & A limited to pad of facility approximately 500 square feet to be determined by "as built" survey.
3. Office building height limited to 830.5 feet.
4. LR zoning Use & Area limited to financial services lobby only or use permitted in "O" classification for Tract 1.
5. If no financial services use constructed then zoning and use reverts to "O" usage. 2nd H & A stays in place for Tract 1. Tract 2 remains 1st H & A.
6. Will file deed restrictions to fully accomplish agreement with neighborhood that cannot be legally included in Zoning Ordinance. (See restrictions).

April 7, 1983

ZONINGS - (Continued)

C14 -82 CAPITAL CENTER
199 COMPUTER
By Miguel "Mike"
Guerrero

11150 and 11140
Jollyville Road

From "O-1" & Interim
"AA" 1st H&A
To "BB" 1st H&A
RECOMMENDED subject to
site plan approval.

GRANTED AS RECOMMENDED

Marie Gaines reviewed the application by use of slides.

John Morris, representing the North Oaks Neighborhood Association, said they feel that the proposed development would create too much traffic. He said a disaster is building up in their area traffic-wise and they need help.

Councilmember Goodman told Council Mr. Guerrero stated they are asking to be exempt from future assessments concerning Jollyville Road.

Mr. Ridings, Director of Public Works, said Floral Park Road would have access to 183 but it will be 12 to 15 months.

Mr. Morris asked if the development could be phased in to coincide with roadway development. Mr. Guerrero, representing the applicant, told Council they will begin construction during the fourth quarter of this year and complete all three phases in two years.

(On Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, 4-1 vote, Councilmember Duncan voted No, Councilmember Mullen was out of the room.)

C14 -83 NASH PHILLIPS-
014 COPUS, INC.
By Thomas A.
Goebel

5100-5200 Block of
Ponciana Drive
and 5101-5305
Friedrich Lane

From Interim "A" 1st H&A
To "BB" 1st H&A
NOT RECOMMENDED
RECOMMENDED "AA" 1st H&A
for 115' of depth
fronting on Ponciana
and "BB" 1st H&A on
balance.

GRANTED 9 DUPLEX LOTS ON PONCIANA AND 14 "BB"
FOURPLEX LOTS ON REST OF THE PROPERTY

Marie Gaines reviewed the application by use of slides.

Tom Goebel said that they would like to have duplex lots on Ponciana and "BB" for rest of the property for fourplexes.

Alan Graham said he supports the zoning change.

(On Councilmember Deuser's motion, Councilmember Goodman's second, 5-0 Vote, Councilmember Mullen out of the room.)

ZONING - (Continued)

C14 r-82	GEORGE B.	5500-6000 block of	From Interim "AA"
211	SHEPHERD	Capital of Texas	1st H&A
	By David B.	Highway, North	To: Tr. 1 "A-2" 1st H&A
	Armbrust		Tr. 2 "BB" 1st H&A

Granted "BB" & "A-2" 1st H&A for portion which site plan has been submitted, limited to 150 units until second access is provided, or administrative approval for any increase in density.

Granted "A-2" 1st H&A on remainder of property subject to site plan approval, recognition and maintenance of conservation easement as shown on preliminary, no alternate methods are to be provided and limit to 292 units.

(Applicant is to meet with the neighborhood and then bring site plan back to Council.)

Marie Gaines reviewed the application by means of slides. She said the two site plans comprise 54 acres of land.

David Armbrust, representing Doyle Wilson, told Council they want to zone the land to accommodate 800 units. The units will be 500 to 900 square feet each.

Nick Brown, president of Balcones Civic Association, told Council that none of the neighborhood associations in the area were notified of this zoning application and they are concerned because of the extra traffic it will bring into the area.

Cyndy Meek, who lives in the Courtyard across Loop 360 presented a petition of 74 names of people in her area who are concerned about Shepherd's Mountain. She said they want 400, not 800 units.

Robert Leonard, member of the executive committee of the Balcones Civic Association said he was speaking for the Lakewood area who want the zoning request postponed until a study has been completed.

Sandy Schwartz, resident of the Courtyard, requested a postponement.

Roy Bechtol told Council the density of the Courtyard is twice as much as that proposed for Shepherd's Mountain.

Lyle Scott, who lives in the Courtyard, says residents have to enter from 360 and requested a postponement of the decision until something has been worked out concerning the traffic.

Jay Powell, president, Windy Cove Neighborhood Association, said the average units per acre close to Bull Creek is 2.2 and the request is for 5.4.

ZONING - (Continued)

Jim Hynes, who lives in the Courtyard, said he would like more information. He said the intersections of 360 and 2222 and 183 are all traffic hazards. 800 more families would create a lot of traffic.

David Armbrust said the primary access would be in the center of the development and not across from Courtyard Drive.

Councilmember Duncan asked that the notification process concerning development along 360 be changed to include neighborhood association presidents areas that abut the proposed changes.

(On Councilmember Duncan's motion, Councilmember Goodman's second, 6-0 Vote.)

c-82 MORRO VISTA
005.02 P.U.D.
By Westlake, Ltd.

1405 Rockcliff Rd.

A 13-unit residential
P.U.D. proposal
Existing Zoning
Interim "LA" & "A-"
1st H&A
For approval, subject
to conditions - vote
in favor of motion
(4-2).

GRANTED ALLOWANCE OF LEGAL SINGLE FAMILY LOT WITH
FOUR BOAT SLIPS AND APPROVED PUD WITH 13 UNITS

Marie Gaines reviewed by use of slides.

Bill Crawford, representing the owner, passed out something to Council. CITY CLERK DID NOT RECEIVE COPY. He then showed slides of the area.

Jay Powell, president of Windy Cove Neighborhood Association, said they are opposed. The boat dock with 13 boats will create too much noise and the road leading into the area is not large enough for more traffic. Lee and Claire Oxley, and Mrs. Julian Lyles also oppose the zoning change request.

Julian Lockwood spoke in favor of the change. He said it would not be a marina.

Rick Wheeler said the land would not perk so there can be no septic tanks but evapotranspiration may.

Lewis Brill is against the change. He said there is no place for cars to go once they are down to the lot.

Council determined that no improvements are to be made to Rockcliff Road.

(On Councilmember Goodman's motion, Councilmember Mullen's second.)

Earlier in the day, the Council on Councilmember Duncan's motion, Councilmember Goodman's second, had voted to approve the zoning as requested. Later Council unanimously agreed to reconsider on Councilmember Deuser's motion, Councilmember Goodman's second.

April 7, 1983

ZONING HEARINGS - (Continued)

Zoning Hearing Postponed

Council postponed the following zoning hearing:

C14 r-83 WAUGH DEVELOPMENT 4220 South I.H. 35 From "D" 1st H&A
019 CORPORATION To "D" 2nd H&A
By William E. Young To deny "D" 2nd H&A

POSTPONED TO APRIL 28, 1983 AT 1:30 P.M.

Earlier in the day, Council on Councilmember Duncan's motion, Councilmember Goodman's second, voted to DENY by a 5-0 Vote with Councilmember Mullen absent. Later, Councilmember Deuser's motion to reconsider was seconded by Mayor Pro Tem Trevino and passed by a 5-1 vote with Councilmember Mullen voting No.

Council unanimously agreed to bring the case back.

Zoning Denied

Council heard and denied the following zoning cases:

C14 -83 LEONARD J. 1507 Pease Road From "A" 1st H&A
018 LUNDGREN To "BB" 1st H&A
RECOMMENDED

(Valid Petition)

DENIED

Marie Gaines reviewed the application by use of slides. Councilmember Duncan determined that the neighborhood is not in agreement with zoning request. John Joseph objected to the change. He said it would create a bad precedent in the neighborhood if it were changed to "BB".

Ralph W. Vertrees, Todd Blanchard and David Lamme Jr. all spoke in opposition.

(On Councilmember Duncan's motion, Councilmember Goodman's second, 5-1 Vote, Councilmember Goodman voted No.)

C14 -82 DAVID R. & 4306 Marathon Blvd. From "A" 1st H&A
196 DONNA M. POOLE 4303 & 4311 Maybelle To "O" 1st H&A
Avenue NOT RECOMMENDED

DENIED

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

ZONING - (Continued)

Zoning Case Withdrawn

Council voted to allow applicant to withdraw his zoning change request:

C14-82 ROBERT L. CLEMENT 1600 W. 34th Street
139

From "O" 1st H&A
To "LR" 1st H&A
NOT RECOMMENDED
WITHDRAWN

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

RECESS

Council recessed at 5:15 during the zoning hearings to conduct a meeting of the Austin Industrial Development Corporation. When they resumed their recessed meeting the following resolution was passed.

SABINE DEVELOPMENT LTD.

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the bond resolution passed by the Austin Industrial Development Corporation authorizing issuance of Industrial Development bonds to finance Sabine Development, Ltd. 5th and Sabine Street. (6-0 Vote)

PUBLIC HEARING - VACATION OF JOAN D'ARC

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. to consider the vacation of Joan D'Arc Court from Sayers Street to West 6th Street and passage of ordinance.

Mr. Richard Ridings reviewed the area and showed slides.

David Armbrust, representing H.C. Carter Jr., told Council he is planning a shopping/living area. They want to close Joan D'Arc to allow for more green area.

Daniel Teversa, 700 Baylor Street, president, Castle Hill Neighborhood Preservation Association, told Council they are opposed to the vacation and the project. He said it is too dense for their neighborhood and they want more residential areas and less commercial. He presented a petition to the City Clerk containing the names of those opposed.

Robert Meizel, who lives on Baylor Street, is against the commercial development planned.

Will Dibrell, spokesman for the steering committee for Concerned Citizens for the Development of West Austin, told Council they ask for request to be denied until the applicant can furnish an acceptable site plan for the entire development, including Phase II and until the developer agrees to roll back the zoning of

JOAN D'ARC - (Continued)

of the Phase II tract, 2nd H&A.Many of the homeowners think their homes are under wholesale attack by developers. We want to insure that whatever changes do occur are in keeping with the area. If the developer would agree to develop the entire tract similar to Phase I with no greater than 2nd H&A we would support his request to vacate Joan D'Arc. But the developer has been vague about his plans for that property.

Laura Smith agreed with Mr. Dibrell.

Richard McKowan, 607 Blanco, who lives across from Pecan Square, said there would be a severe traffic problem created.

Max Nofzinger spoke against as did Paul Mitchell.

David Armbrust returned to say the project is designed for less intensity than it is zoned for.

Discussion followed.

Councilmember Goodman suggested passing the ordinance on first reading, and allow vacation subject to applicant entering a document to guarantee Phase II would be limited to C 2nd H&A with site plan approval and vacation of Sayers.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, closed the public hearing and passed through FIRST READING ONLY an ordinance vacating Joan D'Arc Court from Sayers Street to West 6th Street. (6-0 Vote)
(No action taken on resolution posted for consideration on the agenda.)

PUBLIC HEARING - VACATION OF PORTION OF WEST 11TH

Mayor Pro Tem Trevino opened the public hearing set for 6:00 p.m. on vacation of the following and passage of ordinance: A portion of West 11th Street right-of-way, 1100 block.

Mr. Ridings reviewed the application by use of slides.

Daniel Traverso, Castle Hill Neighborhood Association, said an easement will be needed to open new ways into the neighborhood.

Robert Meizel, neighborhood resident, said he wants 11th Street opened.

Janice Green, 1010 West 10th is concerned with the density. She wants the vacation tied to a site plan.

Betsy Moon, 1007 Baylor, said she is concerned with traffic, the possibility of flooding and other concerns. She said the vacation would be all right if certain conditions are met.

Linda Lynch asked Council to not allow the vacation.

April 7, 1983

HEARING - (Continued)

Motion made and Withdrawn

Councilmember Goodman made a motion, seconded by Councilmember Duncan to close the public hearing and deny. The motion and second were later withdrawn.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, voted to continue the hearing until April 21, 1983 at 1:30 p.m.(6-0 Vote)

NO ACTION ON APPEAL

Mayor Pro Tem Trevino announced that no action is necessary on the continued hearing, set for 6:30 p.m., on an appeal of the decision of the Building Standards Commission to grant relocation permit for structure currently located at 1604 Manor Road to 1903 Stanley Avenue. The structure has been relocated out of the City.

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 May 5, 1983:

- | | | |
|-------------------------|--|--|
| 1. C14-81-113 | DONALD C. CARTWRIGHT, ET AL
By: Terry Sasser, Phil Mockford
and Robert E. Gilfillan
6614-6804 Manchaca Road
(Southwest Austin Homeowners Assn.) | FROM: Interim "A",
1st H&A
TO: "BB", "O-1",
"O", 1st H&A |
| 2. C14r-81-114 | CITY OF AUSTIN PLANNING DEPARTMENT
9501 Capital of Texas Hwy. (Loop 360)
(Balcones Civic Association) | FROM: "GR", 1st H&A
TO: "O-1", 1st H&A |
| 3. C14-82-178
(part) | CITY OF AUSTIN, PLANNING DEPARTMENT
11623 Spotted Horse Drive
(Angus Valley Area Neighborhood
Assn.)
(Mesa Park Civic Assn.)
(Northwood Neighborhood Assn.)
(Walnut Crossing Homeowners Assn.)
(Dorsett Road Neighborhood Assn.)
(Balcones Woods Homeowners) | FROM: Interim "A",
"AA", 1st H&A
TO: "AA", 1st H&A |
| 5. C14r-82-214 | CROW-SIMMONS-GOTTESMAN
By: Sanford L. Gottesman
1200 Block of Mopac North
(Lamplight Village Area Neighborhood
Association)
(Walnut Crossing Homeowners Assn.)
(Gracy Meadows Homeowners Assn.) | FROM: "O", "GR",
"DL", 1st & 2nd
H&A
TO: "O", "B", "GR",
"DL", 1st, 2nd
and 3rd H&A |

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6. C14r-82-215 JEAN MACDONALD CO., INC.
By: G. Granger MacDonald
3700 Block of F.M. 2222
(Bull Creek Road)
(Northwest Austin Civic Assn.)
(Highland Park West Homeowners Assn.)
FROM: Interim "A",
1st H&A
TO: "A-2", 1st H&A
7. C14-83-023 AUSTIN RENTALS JOINT VENTURE
By: J. Alton Bauerle
1413 West 6th Street
(Concerned Citizens for the
Development of West Austin)
FROM: "B", 2nd H&A
TO: "O", 2nd H&A
8. C14-82-024 DEKERATRY INC.
By: Henry deKeratry
301 East Wonsley
(No Formal Neighborhood Group)
FROM: "A", 1st H&A
TO: "B", 1st H&A
9. C14-83-025 S. E. LIMITED
By: Embrey Investments, Inc.
3200 Parker Lane
(South Austin Neighborhoods East)
FROM: Interim "A",
1st H&A
TO: "B", 1st H&A
10. C14-83-026 JOHNNIE G. ANDERSON
By: Howard E. Brunson
902 East 49th
(No Formal Neighborhood Group)
FROM: "C", 1st H&A
TO: "C-1", 1st H&A
11. C14-83-027 DR. MAURICE D. COHN
By: S. Leo Newman &
Richard P. Martinez
1105 W. 40th Street
(Rosedale Neighborhood Assn.)
(Tonkawa Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "O", 1st H&A
12. C14-83-028 BARRY GILLINGWATER
By: Tommy B. Thompson
3810 Valley View Road
3810-3906 Clawson Road
(No Formal Neighborhood Assn.)
FROM: Interim "A",
1st H&A
TO: "BB", 1st H&A
13. C14r-83-029 JONES-PREWITT DEVELOPMENT, INC.
By: Kinney Kaler Crews
9119-9143 Jollyville Road
9372-9394 Research Boulevard
(Balcones Civic Assn.)
FROM: "O", 1st H&A
TO: Tr.1: "O", 2nd H&A
Tr.2: "LR",
1st H&A

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14. C14-83-030 JOE P. HOFFMAN
By: Jeryl Hart Engineers, Inc.
11115-11213 W. Stassney Lane
also bounded by Gobi Drive
(Far South Austin Community Assn.)
(Pleasant Hill Neighborhood Assn.)
FROM: Interim "A",
1st H&A
TO: "B", 1st H&A
15. C14-83-031 CENTRAL TEXAS REGIONAL BLOOD CENTER
By: Edwin F. Smith
4307-4311 Marathon Street
(No Formal Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "O", 1st H&A
16. C14r-83-032 AUSTIN AREA TEACHERS FEDERAL CREDIT
UNION
By: Larry Janousek
6208-A&B Guadalupe Street
601 Hammock Drive
(No Formal Neighborhood Assn.)
FROM: "A", 1st H&A
TO: "LR", 1st H&A
17. C14-83-033 JAY JOHNSTON
By: Wm. Terry Bray
3404 Glenview, 3405 Jefferson
(West Austin Neighborhood Group)
FROM: "A", 1st H&A
TO: "O", 1st H&A
18. C14-83-035 JOE F. GRAY, JR., ET AL
By: Robert C. Sneed
4918 Hamilton Lane
(North Oaks Neighborhood Assn.)
(Northwest Oaks Neighborhood Assn.)
(Spicewood Springs Valley Area)
FROM: Interim "AA",
1st H&A
TO: "C", 1st H&A
19. C14-83-036 M. K. HAGE, JR.
By: Robert C. Sneed
1303-1305 West 34th Street
(West Austin Neighborhood Group)
FROM: "O", 1st H&A
TO: "O", 2nd H&A
20. C14-83-040 ERIC P. TEGGEMAN, JR.
By: Diane C. Van Helden
1209 West Anderson Land
(Wooten School Neighborhood Assn.)
(Crestview Neighborhood Assn.)
FROM: "GR", 1st H&A
TO: "C", 1st H&A
21. C14h-83-007 (NAME TO BE DETERMINED)
718 Congress Avenue
FROM: "C-2", 4th H&A
TO: "C-2-H", 4th H&A
22. C14h-83-008 (NAME TO BE DETERMINED)
1720 West 10th Street
(Clarksville Community Development
Corporation)
FROM: "A", 1st H&A
TO: "A-H", 1st H&A

23. C14h-83-009 (NAME TO BE DETERMINED)
711 West 21st Street
(Save University Neighborhoods)

FROM: "B", 2nd H&A
TO: "B-H", 2nd H&A

24. C814-83-001 MOUNT BONNELL SHORES SECTION ONE,
LOTS 23-34 PUD
By: Charles Succa
(Save Our Lake Assn.)

A 12-unit residential
P.U.D.
EXISTING ZONING:
Interim "LA", "A",
1st H&A

ADJOURNMENT

Council adjourned at 10:45 p.m.