



Austin City Council MINUTES

For MAY 20, 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 Council Meeting at 1:00 p.m., noting the absence of Councilmembers Goodman and Deuser, Mayor Pro Tem Treviño and Councilmember Urdy, who entered the Council Chamber at 1:10, 1:13, 1:15 and 1:22 p.m. respectively.

INVOCATION

The Invocation was given by Reverend Jerome Burnet, Our Lady of Guadalupe Catholic Church.

CONSENT RESOLUTIONS

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

Item Pulled

During the consent motion Council pulled from the agenda consideration of authorizing the dedication of street right-of-way and dedicating parkland at the Rebekah Baines Johnson Health Center.

Dedication of Property

Approved the dedication of certain City-owned property as street right of way. (Parts of French Place, Lamar Blvd., Hether Street, West 29th St. & South Lamar Blvd.)

Release of Easement

Authorized release of the following easement: A 7.5' public utility easement on Lot 1, The Resubdivision of tract two of Tanglewild Estates, 1705 Cedar Bend Drive. (Requested by Heagerty Company)

License Agreement

Approved a license agreement to allow landscaping in the Mountainclimb Drive and Dry Creek Drive Right-of-Way adjoining Lot A, Mountainclimb Square and Lots 18, 19 & 23 Arroyo Seco, 5905 Mountainclimb Drive. (Requested by Mountainclimb Venture)

Contracts Approved

Approved the following contracts:

- | | |
|---|--|
| a. HENNA CHEVROLET, INC.,
7522 North IH 35
Austin, Texas | - Pickup Truck, Vehicle and
Equipment Services Department
Item 1, 1 ea. - \$11,277.00 |
| b. AUSTIN AREA URBAN LEAGUE
1028 East 12th Street
Austin, Texas | - Youth Employment and Training
Program of Title IV of
Comprehensive Employment and
Training Act, (CETA)
Five (5) Month Contract
\$150,000.00 |
| c. CENTRAL TEXAS EQUIPMENT COMPANY
127 East Riverside Drive
Austin, Texas | - Paving Breakers, Water and
Wastewater Department
Item 1, 9 ea. @ \$615.00
Item 2, 7 ea. @ \$587.00
Total: \$9,644.00 |
| d. ROBERT HURST CONSTRUCTION, INC.
9741 Highway 290 East
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Construction of an 8-inch fire
line to serve police garage,
Water and Wastewater Department
Total \$22,028.00 C.I.P. No. 87/70-04 |
| e. Bid award: | - Standard Utility Items, Central
Stores Division
Six (6) month Supply Agreement
Estimated total \$35,000.00
To be awarded by multiple
progressive award procedure. |
-
- (1) C. F. ADAMS, INC.
420 South Lake
Fort Worth, Texas
 - (2) ALAMO IRON WORKS
101 Montana
San Antonio, Texas
 - (3) AUSTIN PIPE AND SUPPLY COMPANY, INC.
300 Medina
Austin, Texas

CONTRACTS - (Continued)

- (4) BIG STATE UTILITY SUPPLY
9324 Circle Drive
Austin, Texas
 - (5) BUTTERY HARDWARE
205 West Main Street
Llano, Texas
 - (6) ESCO SUPPLY
504 Industrial Boulevard
Austin, Texas
 - (7) MECHANICAL INDUSTRIAL SUPPLY
4704 East First Street
Austin, Texas
 - (8) MILSTEAD SUPPLY COMPANY
8210 Springdale Road
Austin, Texas
 - (9) THE ROHAN COMPANY
508-D East St. Elmo Road
Austin, Texas
 - (10) TRANS-TEX SUPPLY COMPANY
4618 East 7th Street
Austin, Texas
- f. Bid award:
- Turf Chemicals, Parks and Recreation Department
Six (6) month Supply Agreement
 - (1) CHEMICAL TURF AND SPECIALTY CO. - Items 4, 7-9, 13, 16, 17, 19, 20, 22 & 27-30 - \$5,132.80
10440 Plano Road
Dallas, Texas
 - (2) VAN WATERS AND ROGERS CHEMICAL CO.- Item 3, 5, 6, 12, 14, 18, 21 & 23 - \$34,517.48
10612 Sentinel Drive
San Antonio, Texas
- g. METCALF & EDDY, INC. - CAPITAL IMPROVEMENTS PROGRAM -
50 Staniford Street Supplemental Amendment No. 3 to
Boston, Massachusetts Professional Services Agreement in
connection with Phase II of the
Water and Wastewater Master Plan
Development - \$10,929.00
C.I.P. Nos. 81/22-92 & 82/23-82
(3 1/2% increase of original basic
services)

CONTRACTS - (Continued)

- h. Bid award:
- CAPITAL IMPROVEMENTS PROGRAM
Network Transformers and
Protectors, Electric Utility
Department C.I.P. No. 82/15-02
 - (1) WESTINGHOUSE ELECTRIC COMPANY - Items 1 & 2 (consisting of 8 units)
201 St. Mary's Street \$160,735.00
San Antonio, Texas
 - (2) GENERAL ELECTRIC COMPANY - Item 3 (consisting of 3 units)
1600 N. E. Loop 410 \$70,035.00
San Antonio, Texas
 - i. PACIFIC PUMP DIVISION OF DRESSER - Replacement of existing boiler
601 Jefferson Feed Pump Minimum Flow Orifices,
Houston, Texas Electric Utility Department
Items 1 & 2 - \$17,906.29
 - j. AUSTIN COMMUNITY DISPOSAL CO., INC.- Disposal of solid waste,
9708 Giles Road Public Works Department
Austin, Texas Estimated total \$96,600.00

Utility Pole Rental

Approved a Utility Pole Rental Agreement with Cablevision of Lake Travis, Inc.

CDBG Loans Approved

Approved five CDBG Standard Rehabilitation Loans in an amount of \$56,120.00 and authorized staff to enter into appropriate contracts as follows: Beatrice Alvarez, \$13,900; Leonor Gutierrez, \$11,900; Rose Olvera, \$9,650; Candida Suniga, \$13,450; and Dorothy Gago, \$7,220.

Package Treatment Plant Policy

Re-affirmed previously approved Package Treatment Plant Policy.

Public Hearing Set

Set a public hearing on an appeal from the decision of the Planning Commission denying a Special Permit to Perry School (C14p-82-016) for July 15, 1982 at 6:00 p.m.

Item Pulled

Pulled from the agenda consideration of release of 80.48 acres of land from the Austin ETJ.

Public Hearing Set

Set a public hearing in connection with a proposed sanitary sewer easement in Walnut Creek District Park for July 1, 1982 at 6:00 p.m.

CONSENT ORDINANCES

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

Items Pulled

During the consent motion, the following items were postponed until May 27, 1982:

- a. Appropriate funds from the Water and Wastewater Utility Fund ending balance for (1) Flow Monitoring Equipment - \$79,691; (2) UCSO Billing System Changes - \$184,024; and (3) Water and Wastewater Commission Administrative Support - \$6,462.
- b. Transferring \$2,937,769 from the Water and Wastewater Utility Fund Ending Balance to the 1980-81 and 1981-82 Capital Improvements Program Budget and appropriating it for Subdivision Engineering and Construction Inspection. C.I.P. Nos. 82/22-01 and 82/23-01.
- c. Consider amending the Austin Metropolitan Area Roadway Plan - Northern and Southern Extensions of MoPac Boulevard (Loop 1). (Pulled until the State can review)

Electric Code

Adopted the 1981 National Electric Code, as amended. Mr. Lonnie Davis, Director of Building Inspection, thanked the Electrical Board for their hard work.

Electric Utility Operating Budget

Passed second and third readings of an ordinance amending the 1981-82 Electric Utility Operating Budget by appropriating \$250,000 from the Ending Balance for consulting services in connection with the Public Utility Commission rate considerations. (5-2 Vote, Councilmember Mullen and Mayor McClellan voted No.)

May 20, 1982

ZONING ACTION POSTPONED

Council had before them for action the following zoning:

C14-82 005	EDWARD JOSEPH DEVELOPMENTS, INC. By Hoyle M. Osborne	Rear of 8500 Cameron Road	From "I-A", "I-AA" 1st H&A To "D" & "DL" 1st H&A NOT RECOMMENDED RECOMMENDED "A" 1st H&A on Tract 1
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POSTPONED TO JUNE 10, 1982 @ 2:00 P.M.
FOR ACTION

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

Prior to the vote to postpone action, Gary Witt, president, Heritage Hills Neighborhood Association, appeared before Council to say they are against the zoning change. He said there is no site plan and there is a problem with flooding in the area. He said they already have a traffic problem and there is no water and wastewater in the tract. Mr. Osborne, representing the applicant, stated the request is for "D" not "DL". Mr. Osborne said work is being done on the creek, the easement for a sewer line along Little Walnut Creek was requested before this change was asked for. Councilmember Goodman said he has done further research and would like to delay action until June 10, 1982. Mayor McClellan asked Mr. Osborne, for the record, if he stands by the commitment that the final site plan must go to the Planning Commission and then to the Council for approval. Mr. Osborne replied "Yes".

ANNEXATION ORDINANCE

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, passed through FIRST READING ONLY an ordinance annexing 585 acres of land along IH-35 south, 200' from right of way line and along FM 1327 east of IH 35 250' from the center line. (4-3 Vote, Councilmember Mullen, Mayor McClellan and Councilmember Deuser voted No.)

RECESS

Council recessed its meeting at 1:55 p.m. and resumed its recessed meeting at 2:15 p.m.

ZONING HEARING

Mayor McClellan opened the zoning hearing scheduled for 2:00 p.m. Council heard and voted to continue the hearing until June 3, 1982 at 2:15 p.m.

C14-82 056	ALBERT VANDERLEE By Melvin E. Corley	6014 & 6016 Fairway	From "A" 1st H&A To "BB" 2nd H&A NOT RECOMMENDED
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CONTINUE TO JUNE 3, 1982 @ 2:15 P.M.

ZONING - (Continued)

Mr. Lillie told Council a duplex is partially constructed on the site. Mr. Vanderlea wants to convert it into a four-plex. The Planning Commission voted 7-0 not to grant the zoning change. Mr. Corley reiterated Mr. Lillie's remarks.

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

STEEN SUBDIVISION

Mr. Albert DeLaRosa, City Attorney, presented the City Manager report on the Steen Subdivision. "At the City Council's request a meeting was held on Monday, May 10, 1982 with representatives of Mr. Smith, the owner of the Steen subdivision which he is attempting to subdivide through the subdivision process. Specifically the City Council had asked the Law Department to examine the legal issues relating to the unavailability of utility service to this particular tract of land. It appears the Steen subdivision does not have a legal commitment for service. However, it does appear Mr. Smith has extended considerable time money and effort to comply with departmental regulations in an effort to get his property subdivided. These have been outlined in a letter to the Council. Mr. Smith was attempting to comply with all departmental regulations and was late in the subdivision process and therefore he has a vested right argument which he can articulate. However he does not have a legal commitment for service but as we previously stated to Council a few weeks ago the fact that legal commitment or vested right for service exists does not necessarily mean that there is additional water capacity in that particular line. Therefore the Water and Wastewater Department will have to address the question whether or not the utility can provide these services. I was asked at that meeting to investigate the possibility of the use of septic tanks and water wells at this subdivision. Ms. Zimmerman, their attorney, has told me that is not feasible."

Mr. Rodger White, Acting Director of Water and Wastewater, told Council, "Our capacity is committed out in the water treatment plants. We do have a real problem with the Govalle siphon and the Carson Creek interceptor."

Ms. Lynn L. Zimmerman, attorney for Mr. Steen Smith, said their argument is the City has a legal commitment to serve them because "we have a vested right to service which is related back to January 1981 when Mr. Smith's preliminary plat was approved. All I have to do is persuade you that you have something to give because the City Attorney has conceded the legal issues in this case. The main question is, is there something to give." Further discussion followed. It was decided to bring this back next week for action. Councilmember Urdy requested a report next week on how this will affect the Govalle site.

LIMITED PURPOSE ANNEXATION - SHEPHERD'S MOUNTAIN

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, passed through FIRST READING of an ordinance on limited purpose annexation of the

SHEPHERD'S MOUNTAIN - (Continued)

Jones/Dwyer Tract of land out of the James Jett Survey No. 1. (Shepherd's Mountain Area) (90 days before final passage - Second Reading August 12, 1982) (7-0 Vote)

Prior to the vote, Tom Jones, one of the owners of the tract, asked Council to exempt them from limited purpose annexation. Councilmember Duncan told him he is not in the service area and the City will not put him in without annexation. Mr. Jones said they would like to be in the service area. They have a 12" water line with taps available.

MINUTES APPROVED

The Council on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, approved Minutes for Regular Meetings of April 7, 8, 15, 1982, May 5, 1982 and Special Meetings of January 20, 1982 and March 6 & 10, 1982.

COUNCIL AND A.I.S.D. COMMITTEE

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, appointed Councilmember Deuser, Mayor McClellan and Councilmember Urdy as a committee of Councilmembers to meet with A.I.S.D. Board Members. (7-0 Vote) (To discuss inter-governmental cooperation, transportation and recreational facilities)

COMMERCIAL WEATHERIZATION/AUDIT LOAN PROGRAM

Councilmember Duncan said the residential weatherization/audit loan program is just beginning. He said there is equal potential for anticipated success in the commercial sector and he and Councilmember Deuser would like to request the Renewable Energy Office to develop a proposal for a similar program for both small and large businesses.

PROPOSED I-H 35 CORRIDOR TASK FORCE

Councilmember Mullen pointed out the anticipated high growth in this area which will stretch from San Antonio to Georgetown. He said CAPCO has asked Austin to participate in the proposed Interstate-35 Corridor Task Force.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, approved the participation of the City of Austin in the proposed Interstate-35 Corridor Task Force to study San Antonio to Georgetown. (7-0 Vote)

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, appointed Councilmember Ron Mullen to serve as City Representative on the Interstate-35 Corridor Task Force. (7-0 Vote)

EMPLOYEE BUS PASS PROGRAM

Dr. Benson reported on results of the Employee Bus Pass Program Survey. (REPORT IS ON FILE IN CITY CLERK'S OFFICE.) Mr. Peter Fears, AFSCME, said the union agrees with the department recommendation to try the pass system on a four month basis.

COMPREHENSIVE DRAINAGE PROGRAM

Mr. John German, Director of Public Works, introduced the City Manager Report on the Comprehensive Drainage Program. Mr. Richard Ridings, Assistant Director of Public Works, showed slides of the drainage ditches and suggested a drainage utility be established.

Mayor McClellan asked what has been done recently regarding the drainage program. Mr. German told her the highest priority has been the Jefferson Street area and they are now looking at the Lamar area.

Councilmember Mullen pointed out the fact that weeds in the creeks have become a problem and asked whether there is a herbicide on the market which would not be harmful to humans. He asked for a report.

BOND ELECTION SCHEDULE

Mr. Meiszer, City Manager, reviewed the proposed bond election schedule with a projected date of September 11, 1982 for the bond election.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, accepted the report with the date of September 11, 1982 as the date of bond election. (7-0 Vote)

PUBLIC HEARING ON APPEAL

Mayor McClellan opened the public hearing scheduled for 3:45 p.m. on an appeal from Christopher M. Maisel of the Planning Commission's decision regarding granting of a variance for Alexander Oaks.

Mr. Lillie, Director, Planning Department, told Council, "This is a subdivision on 8.8 acres including 27 lots classified as an urban subdivision for duplex use. The applicant is the Housing Authority, Travis County. It is in the Austin Independent School District and in both the Williamson and Barton Creek watersheds. The subdivision applicant requested three variances. One was a variance on minimum lot size and this was in an area that drains into Barton Creek, less than an acre, and the Barton Creek Ordinance requiring one acre. The request was that the lot size be varied. The second variance was on block length and the third variance to include the signature of owners of adjacent unplatted properties. On the recommendation of the Planning, Public Works and ERM staffs the variances

APPEAL - (Continued)

were recommended. The action of the Planning Commission at the public hearing was to grant the subdivision and the variances and allow the subdivision to proceed. The action of the Commission was appealed under the provisions of the ordinance and was appealed to the Council for consideration. The background material in your packet includes not only the material that was in the packet for the Planning Commission but also verbatim transcript of the two meetings of the Planning Commission which was discussed."

Mr. Christopher Maisel, an attorney residing in the West Creek Neighborhood who is representing the neighborhood, appeared before Council. He said the issue is whether the Planning Commission limit of lot size is legitimate. Mr. Maisel said they are hanging their hat on the language. "There is nothing in the record or in the transcript or in the document that shows what other similarly situated property in the entire City of Austin or nearby this property exists because the variance provision of the ordinance says that you can grant a variance if strict application of the ordinance would deprive such property of privileges or safety enjoyed by other similarly situated property with similarly timed development. So unless you know what other property exists, you have no basis to make that decision. If you grant the variance to one property owner then other people with similar property are going to rely upon that granting for additional variances. That's our main point and if you agree with me there, we don't have to go any further because that restricts the Planning Commission from granting the variance. Let's assume that you get past that point. What happened in this case, and I will concede there was 3/4 of an acre. The minimum lot size is one acre. In the ordinance it says let's assume that you find the strict application would deprive this property owner of privileges enjoyed by similarly situated property. In that event the variance you grant must be the minimum departure from the ordinance. The fact is that this subdivision proposes on the .72 acres since they can't meet the minimum lot requirements, what they want to do is put portions of four lots on it. The position that the minimum departure would be to grant them a variance to put one lot on the .72 acres. The whole thrust of of the variance provision is you make the minimum departure to avoid environmental consequences. That was the second point of our appeal. I believe it is actually the third point, one and two are very similar. Finally, there is nothing in the record that such a granting of a variance will not cause the significant probabilities of harmful environmental consequences. There is no testimony, no record that says we've done a study and this is the volume of water. The memo in your packet from environmental lists three reasons why Dr. McReynolds does not oppose the variance. None have anything to do with environmental."

Mr. Tom Curtis, representing Travis County Housing Authority, told Council that there is 3/4 of an acre of land in the Barton Creek watershed and 8 acres of land in the Williamson Creek watershed. He stated they are meeting the Williamson Creek standards. Mr. Ken Davison asked him about similarly situated property. Mr. Curtis said, "Concerning whether or not there is any special or unique condition that we created, I'll quote from a letter. The Commission found that the applicant did not create his own problem and in Mr. Alter's letter to Mr. Lillie on May 14, 1981 he states: 'There is no other land to add to this 7.2 acres so it is not a situation created by the applicant'. The only thing where there is not ample proof spread on the record is in regard to similarly situated, similarly timed

APPEAL - (Continued)

developments. And I will suggest again that the Commission can take notice of its own actions on other variances it has granted under the Barton Creek Watershed or we may be first, someone has to be, and given that I don't know if they can take into consideration West Creek or not. That is the most similar one."

Discussion followed and the following motion was made after Bob Leverman of the Public Works Department discussed flooding potential and detention.

Motion

Councilmember Deuser made a motion, seconded by Councilmember Duncan to approve denial of the variance.

Mayor McClellan relinquished the chair to Mayor Pro Tem Trevino so she could make the following motion:

Substitute Motion

The Council, on Mayor McClellan's motion, Councilmember Mullen's second, voted to uphold the Planning Commission and deny the appeal. (5-2 Vote, Councilmembers Deuser and Duncan voted No.)

ENERGY CONSERVATION AWARDS

Elaine McDade, chairwoman, Energy Conservation Commission, recommended to Council that the City of Austin recognize the conservation efforts of Chris Bell, pledge trainer and members of the Phi Delta Theta Pledge Class; and L.M. Holder III, Ms. McDade said that during December, 1981 the pledges of Phi Delta Theta weatherized the homes of four needy Austin Senior Citizens at no cost to the citizens. Mr. L.M. "Mac" Holder, AIA, has made many outstanding contributions toward improvement of energy conservation. His projects are built in an effort to improve the community and to conserve and save the community its most expensive and rapidly depleting resource, energy.

The pledges of Phi Delta Theta received the Energy Conservation Award from the Mayor and members of the Council. Mr. Holder was not present in the Council Chamber to receive his award.

RENEWABLE ENERGY RESOURCES COMMISSION

Mr. Leon J. Barish, chairman, Renewable Energy Resources Commission, reported as follows on the recommendation that the City of Austin intervene in a recently filed lawsuit challenging the Reagan Administration's refusal to operate the Solar Energy and Energy Conservation Bank.

At its regular meeting on April 19, 1982, the Renewable Energy Resources Commission voted unanimously to recommend to you that the City of Austin intervene in a recently filed lawsuit challenging the Reagan Administration's refusal to operate the Solar Energy and Energy Conservation Bank. The suit has been filed in federal court in

RERC - (Continued)

New York and was initiated by (among others) the cities of St. Paul and Philadelphia, the League of Women Voters, the National Audubon Society and several members of Congress.

The lawsuit seeks declaratory and injunctive relief against the Reagan Administration for its refusal to spend \$22 million appropriated by Congress to operate the Solar Energy and Energy Conservation Bank as provided for in Title V of the Energy Security Act of 1980, Pub. L. No. 96-294. The interests of the City of Austin are significantly affected by the Administration's refusal to operate the Bank in that Austin can be a conduit for the distribution of loans to Austin residents (at no cost to the City) to finance solar energy and weatherization improvements.

In fact, the Renewable Energy Resources Commission recommended in the Renewable Energy Development Plan that the City of Austin take advantage of Solar Bank loan funds by processing such loans through the appropriate City agency. Such recommendation was incorporated into Austin's Comprehensive Community Energy Management Plan which you have previously adopted. Intervention in this lawsuit is therefore necessary to protect Austin's interest in implementing an important feature of its Energy Management Plan.

Mayor McClellan wanted to know what the cost would be to the City to do this. Mr. Albert DeLaRosa, City Attorney, said the cost would be difficult to estimate and that the City's interests are already being protected. Mr. Meiszer, City Manager, did not recommend Austin's participation because he said he could not see what purpose it would serve. Mr. DeLaRosa said Council can file an amicus curia brief in support.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved filing an amicus curia brief. (7-0 Vote)

BUILDING CODE CHANGES

Recommendations for Building Code Changes were discussed by Mr. Barish of the Renewable Energy Resources Commission.

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved review of recommendations for Building Code changes by the City Manager and staff members. (5-0 Vote, Councilmembers Goodman and Urdy were out of the room.)

Mayor McClellan added that some of the changes can be discussed during budget hearings.

ZONING HEARING

Mayor McClellan opened the zoning hearing scheduled for 4:00 p.m. Council heard and voted to close the public hearing and take action on May 27, 1982.

C14-82 ARTHUR THOMPSON
044

6301 Manchaca Road

From "O" 1st H&A
To "LR" 1st H&A
NOT RECOMMENDED
(as amended)

CLOSE PUBLIC HEARING, ACTION MAY 27, 1982

Mr. Lillie said the purpose of the request for a change is to have a free standing sign. With "O" zoning the sign has to be on the building.

Arthur Thompson, owner of the building, showed an example of the free standing sign he wants to erect.

Walter Harms, pastor of a neighboring church, said the sign should comply to the building.

Mr. Thompson said he just wants a small area for a sign so the buildings can be identified because they are 90' back from the road.

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

APPROACH MAIN REQUEST

Mr. Alberto Rodriguez appeared before Council to request an amendment to the service area for Coronado Place (HUD Project) to include an approach main from St. George Senior Housing. He asked that studies be looked at by the Water and Wastewater Department.

5TH ANNUAL WATERLOO DISC
GOLF CLASSIC

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, approved the request of Mr. Christopher Baker, director, Lone Star Frisbee for permission for the sale of beer and food at Waterloo Pak on June 26-27, 1982 for upcoming 5th Annual Waterloo Disc Golf Classic. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Goodman was out of the room.)

UNITED ACTION FOR ELDERLY

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, approved the request of Ms. Cynthia Alsup, representing United Action for the Elderly, for permission for the sale of beer and wine at Auditorium Shores, Sunday, May 23, 1982 from 1:00 p.m. to 5:00 p.m. for the Meals on Wheels Annual Big Fundraiser.

**CITIZENS REVIEW BOARD
REQUESTED**

Ms. Velma Roberts, Chairperson, Black Citizen's Task Force Employment Committee, appeared before Council to discuss a Citizen's Review Board. Mr. Sabino Renteria discussed public relations and the Police Department and Mr. Michael Wallick talked about community relations. They all agreed they think a citizen's review board is needed.

VICTORY OUTREACH, INC.

Mr. Michael L. Brandes appeared before Council to request emergency funding for Victory Outreach, Inc. of Austin. He said they work with the hard core alcoholics and drug addicts and need help to raise \$50,000 for property to build a halfway house. Mr. Jerry Harris, attorney, told Council he is involved in the program. They have found a warehouse on East 1st which they want to use. Councilmember Goodman wondered how funds can be found without impacting the ending balance. Councilmember Mullen said the State Legislature passed a tax on liquor to put it back into use for alcohol abuse. He advised Mr. Brandes to contact the City's Finance Department to ascertain whether the money is still available.

BRACKENRIDGE HOSPITAL 98TH ANNIVERSARY

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, approved the request of Mr. Robert W. Spurck Jr. for permission for the sale of beer and food at Waterloo Park, Saturday, July 3, 1982 from 1:00 p.m. to 9:00 p.m. for Brackenridge Hospital 98th Anniversary celebration. (7-0 Vote)

POLICE DEPARTMENT DISCUSSED

Ms. Latrica McArn Hadley appeared before Council to discuss formation of a citizen's review board and public relations in the Police Department.

**COMMUNITY DEVELOPMENT
BLOCK GRANT**

Mayor McClellan opened the public hearing set for 6:00 p.m. to consider scopes of work for Specific Request for Proposals (RFPS) Activities - (1982-83 Community Development Block Grant Program)

Mr. Carlos Herrera, Director of Human Services, discussed the RFPS activities. He said there will be a pre-proposal conference on June 11, 1982 and on June 14, 1982 the proposals will be released to the Purchases and Stores Department.

Ms. Gonzales appeared before Council to state they had opened a bakery on 8th Street. It is one block out of the eligible area and they want to be in the area.

CDBG - (Continued)

Mr. Tommy Wyatt, National Business League, discussed the 11th and 12th Street corridor.

Paul Hernandez spoke in favor of business and housing in East Austin.

Gabe Guterrez, Economic Development Corporation, said help should be given to only those people who want it.

Ernest Peralez discussed technical assistance.

Kathy Tyler discussed Clarksville and said she agrees with the Community Development Commission recommendation.

John Henningberger said if the City can do better by use of RFP then the organizations should have nothing to fear.

Frances Martinez discussed the RFP process.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing. (7-0 Vote)

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Operating Budget by appropriating up to \$11,400 from the General Fund Ending Balance to provide funding for the Austin Cable Commission, subject to final approval by the City Manager, with a friendly amendment by Councilmember Mullen this be effective until September. (7-0 Vote)

ITEM POSTPONED

Council postponed until May 27, 1982 consideration of authorizing the issuance of City of Austin Current Expense Warrants in an amount not to exceed \$25,000,000.

RECESS

Council recessed its meeting at 7:00 p.m. and resumed its recessed meeting at 7:30 p.m.

PUBLIC HEARING ON APPEAL

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on an appeal from Dr. Mitchell Wong of the Planning Commission's denial of a Special Permit. (C14p-82-006)

Councilmember Duncan asked if there is water and wastewater available to the site. Mr. Rodger White, Acting Director, Water and Wastewater, said they have been sold a two inch water tap and an eight inch wastewater tap. This he said is acceptable to 20 units. Discussion followed of whether or not there is available water and if there is not available water, Council discussed whether or not the public hearing should be held. Since the hearing was posted, it was decided that it should be heard.

Councilmember Goodman left the Council Chamber at 7:45. He said his parents were in town and asked that the vote be held for one week.

Mr. Lillie reviewed the application and denial.

Dr. Wong, applicant, showed plans of the apartment complex of 59 units which he plans to build at 1507 Kinney Avenue.

Richard Gravois, president, Zilker Neighborhood Association, said they object to the number of units and the traffic apartments will create, plus the design of the buildings.

Lonnie Davis, Director, Building Inspection, explained a Special Permit is required in "BB" if the use is for anything more than 50 units. Dr. Benson, Director of Urban Transportation, discussed the traffic and said that the impact would not bring the traffic count to its projected capacity of 8-10,000 cars. Councilmember Duncan said his personal experience with Kinney is that it is overloaded now.

Mayor McClellan requested a report from Dr. Benson on the capacity of traffic on Kinney Avenue.

Rene Huen appeared before Council and spoke in favor of the apartments. She said the Wongs are very good landlords.

John Crosby said he opposes the apartments because they were begun without the proper permits.

Lonnie Davis said he has a record of events. Site work began in January without a permit. On February 4 the batter boards were put up and his department asked them to stop construction. They did and received a building permit.

Clarence Wong, general contractor, discussed the construction of the project.

Gordon Muehler, who lives in one of Dr. Wong's other apartments, said that south Austin needs more apartments. He was offended being stereotyped as criminal and he objected to being attacked by the neighborhood association.

Charles Gorman, member, Zilker Neighborhood Association, said the apartment complex will not enhance the neighborhood.

APPEAL - (Continued)

Wilson Chu, architect, discussed the apartment buildings and showed sketches and plans.

Rodney England, a member of the building trade, asked Council to give the Wongs the chance to build 59 units.

Glenna Balch, asked that the permit be denied. She lives at 1206 Kinney.

Rose Wong, owner, showed slides.

Arthur Murraray, favored. He said the apartment complex is compatible with the neighborhood.

Effie Holt, 1406 Kinney, said the buildings planned are long, with very little yard. She said the complex will adversely affect the value of her home.

Virginia Heeler, Zilker Park Neighborhood Association, spoke against the apartments.

Don Dotson, a renter who is a member of the Zilker Neighborhood Association, said that Bouldin Creek backs sewage up into the houses. He wondered if the permit will be denied on the basis of capacity.

Marsha Barton, Kinney Avenue resident, said she is confused about the tap issue. She said the only legal commitment to the lot is water for a single unit.

Cecily Simms, officer in the neighborhood association, discussed the fact that the project was begun before the permit was issued.

Mr. Salmanson, attorney representing the applicant, told Council if they believed the buildings should be tied together rather than separating them, then they should vote against the Special Permit.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, closed the public hearing on an appeal from Dr. Mitchel Wong. Action to be taken May 27, 1982 at 2:45 p.m. (6-0 Vote, Councilmember Goodman absent)

TELECOMMUNICATIONS REPORT

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, approved the report from consultants and authorized the City Manager to proceed as recommended in the Telecommunications Report. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Goodman absent.)

EXECUTIVE SESSION

Mayor McClellan announce Council would recess for an Executive Session pursuant to Article 6252-17 V.T.C.S. Texas Open Meetings Act, to discuss the following matters:

- a. On-going real estate negotiations with Austin Independent School District--Section 2 (f).
- b. To consider consulting services with respect to S.T.N.P. - Section (e) & (g)

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.

The Council did not announce the following for executive session as listed on the agenda: Contemplated litigation relating to the unavailability of water and/or wastewater services - Section 2(e)

RECESS AND ADJOURNMENT

Council recessed its meeting at 9:45 and adjourned its meeting at 11:40 p.m.