



Austin City Council MINUTES

For JUNE 16, 1983 - 12:45 p.m.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Elden Aldridge
Acting City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 12:45 p.m., noting the presence of all Councilmembers. Prior to the calling to order, the Invocation was given by Chaplain Bill Rhoads, Bergstrom Air Force Base.

MINUTES APPROVED

The Council, on Councilmember Rose's motion, Councilmember Mullen's second, approved the minutes for the regular meeting of June 2, 1983. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy were out of the room.)

CITIZEN DID NOT APPEAR

Mr. Jack Heffington, who had requested to discuss proposed treatment process at Williamson Creek Plant, did not appear.

REQUEST WITHDRAWN

Mr. Gene A. Farmer, withdrew his request to discuss exemption from moratorium on water and sewer taps.

SPRINGSWOOD MUD

Ms. Kathleen D. King appeared before Council to request that a public hearing be set on the annexation of Springwoods MUD. Ms. King told Council the proposal has been favorably received by City staff and boards and commissions involved. Council instructed a resolution to set a public hearing be included on the July 30, 1983 agenda for holding a hearing on July 7, 1983.

FUTURE GROWTH ISSUES

Mr. Ed Small, representing the Austin Independent School District Board of Trustees, appeared before Council to formally present a resolution to the City Council regarding future growth issues facing the City of Austin that will affect the Austin Independent School District. Mr. Small told Council that because of factors in desegregation case, the School District wants the City to take these factors into consideration when they are planning. Mr. Small said AISD has peculiar problems that affect them and the Council can be of great help in their planning.

BLACKLAND NEIGHBORHOOD
ISSUE

Ms. Katherine Poole, representing Blackland Neighborhood Association, had requested to speak during citizen communications. Instead she spoke during the 2:00 p.m. public hearing. Mr. Chris McIntosh, and Mr. Lee Everett, who had requested to speak on requiring educational institutions to build on BB or more intensively zoned land, did not appear.

CITIZEN DID NOT APPEAR

Mr. John Johnson, who had requested to discuss proposed new guidelines for street vendors, did not appear.

CONSENT ORDINANCES

The Council, on Councilmember Rose's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed the following ordinances in on consent motion: (6-0 Vote. Mayor Pro Tem Trevino was out of the room.)

Operating Budget Amendment

Amended the 1982-83 Operating Budget by appropriating \$155,476 from the Hospital Fund for additional personnel to staff new facilities and programs for Brackenridge Hospital.

Parks and Rec CIP Amendment

Approved amending the Parks and Recreation 1982-83 Capital Improvements Program by appropriating \$65,000 to the Senior Activity Center Project, CAPITAL IMPROVEMENTS PROGRAM No. 76/86-41.

Perpetual Care Trust Fund

Approved an ordinance establishing a Perpetual Care Trust Fund for perpetual care improvement to City owned cemeteries.

Item to be Continued

Included in the consent motion was action to continue until June 30, 1983, consideration of amending the 1982-83 C.I.P. and the 1982-83 Operating Budget by transferring \$55,000 from the Water and Wastewater Utility Fund Ending Balance to the Water CIP and appropriating funds for the Abilene Trail-Oak Hill Water Main Project. (continued from June 2, 1983)

Zoning Ordinance

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

TRUMAN O. BROOKS
C14-82-064

5001 South Congress

From Interim "A" 1st H&A
to "C" 1st H&A

Second Reading of Ordinance

Passed through SECOND READING of an ordinance amending the moratorium on the processing of Special Permit Applications in the South Austin Infill Study Area as regards the property at Stassney Lane and Radam Circle. (4-2 Vote, Councilmembers Duncan and Shipman voted No, Mayor Pro Tem Trevino absent.)

Water Rate Ordinance

Approved correction of an error to the Water Rate Ordinance approved June 2, 1983.

CONSENT RESOLUTIONS

The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Office Space Leased

Approved leasing office space for the North Utility Customer Service Office.

Release of Easement

Authorized release of the following easement:

3.0' of a 7.5' Public Utility Easement as recorded on the subdivision plat of Emerald Forest Section Four and release of 3.0' of an overlapping 7.5' Public Utility and Drainage Easement recorded in Volume 4181, Page 460, of the Travis County Deed Records. Both portions to be released being located on Lot 13, Block B, Emerald Forest Section Four, 5114 Meadow Creek Drive. (Requested by Mr. Randy Malone)

Item to be Continued

Included in the consent motion was action to continue until June 30, 1983 consideration of selection of professional engineering services for Abilene Trail-Oak Hill Water Main for the Water and Wastewater Department. C.I.P. No. 83/22-25 (continued from June 2, 1983.)

Items Pulled

Pulled for two weeks consideration of approval of the following contracts:

Bid award:

- CAPITAL IMPROVEMENTS PROGRAM -
Monitoring Equipment for the
City of Austin's Stormwater
Monitoring Program, Public
Works Department - \$114,560.00
C.I.P. No. 83/67-02
- (1) AMERICAN DIGITAL SYSTEMS, INC. - Items 1 and 2 - \$89,860.00
c/o J. G. Wood
8035 East R. L. Thorton, Suite 101
Dallas, Texas
- (2) MANNING TECHNOLOGIES, INC. - Item 3 - \$24,700.00
807 Longridge Drive
Murfreesboro, Tennessee

Contracts Approved

Approved the following contracts:

Bid award:

- CAPITAL IMPROVEMENTS PROGRAM -
Office Furniture, Austin-
Travis County Health Department
Total \$111,650.08 C.I.P. No.
82/91-02
- (1) ABEL CONTRACT FURNITURE
EQUIPMENT
10300 Metric Boulevard
Austin, Texas
 - Item 26 - \$5,650.81
- (2) AUSTIN MATERIAL HANDLING
2307 Kramer Lane
Austin, Texas
 - Item 17 - \$6,669.84
- (3) ENVIRON, INC.
1333 Oaklawn
Dallas, Texas
 - Items 1, 2, 3, 4, 5, 6 7, 11, 12,
13, 14, 15, 16, 20 & 24 -
\$62,793.16
- (4) THE FURNITURE MAKER
1203 West 6th Street
Austin, Texas
 - Items 22 & 23 - \$13,975.00
- (5) LITTON OFFICE PRODUCTS
1950 Rutland Drive
Austin, Texas
 - Items 8, 18, 19, 25, 28, 29 & 31 -
\$22,561.27
- BESCO, INC.
1616 West 5th Street
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Underground Irrigation Feeder
Wire, Parks and Recreation
Department
Items 1 thru 4 - \$7,843.20
C.I.P. No. 82/23-85
- B & B LAND CLEARING COMPANY, INC.
1212 Bastrop Hwy.
Austin, Texas
 - CAPITAL IMPROVEMENTS PROGRAM -
Installation of underground
electric, telephone and cable
TV distribution facilities
for Wells Branch, Phase B,
Section 1, Electric Utility
Department - \$33,833.80
C.I.P. No. 83/15-01
- B.R.B. CONTRACTORS, INC.
P. O. Box 8128
Topeka, Kansas
 - CAPITAL IMPROVEMENTS PROGRAM -
Thomas C. Green Water Treatment
Plant Improvements, Water and
Wastewater Department & Public
Works Department - \$9,438,000.00

CONTRACTS - (Continued)

J & E DIRT WORK, INC.
12406 Old San Antonio Road
Manchaca, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Sidewalk and Sidewalk Ramp
Improvements on Holly Street
(from Chicon Street to
Canadian Street) and Canadian
Street (from Bergman Street to
Holly Street) including Water -
meter relocations, Public Works
Department - \$24,999.01
C.I.P. No. 82/61-03

CLEARWATER CONSTRUCTORS
16021 N. IH 35
Round Rock, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
White Rock Drive Bridge/Far
West Detention Pond
Improvements, Public Works
Department - \$456,832.50
C.I.P. No. 82/60-05

HOPF WILBERT VAULT COMPANY
4411 S. Congress
Austin, Texas

- Concrete grave liners, Public
Works Department
Item 1 - \$19,500.00

COMPUTERLAND OF AUSTIN
3300 West Anderson Lane
Austin, Texas

- Microcomputer configuration,
Aviation Department -
\$22,865.60

R. P. KINCHELOE COMPANY
P. O. Box 26200
Dallas, Texas

- Emergency purchase of one (1)
X-Ray Tube and Assorted Parts
for Brackenridge Hospital
Total amount \$7,862.00

Water Approach Main

Approved the following water and wastewater approach mains:

- a. Water approach main to serve Northwest Hills Ranch II, Lot II, and approved participation in the Northwest B Phase I contract.
- b. Wastewater approach main to serve the Crider Hillside Tract, approve participation in the WatersMark approach main (Montopolis Lift Station and Goyalle Siphon), to amend the WatersMark service area to include tract.
- c. Authorized the applicant to proceed with plans and construction of Alternative A for the Treemont Approach Main.
- d. Amended the service area of the Council approved approach main for Jester Point #2 to include 10 acres of Lakewood Subdivision.

Tax Refunds

Refunded taxes erroneously assessed to the following:

- a. Discovery Properties, Inc., in the amount of \$517.92 for the tax years of 1980-81.
- b. Lomas and Nettleton, the Loan Company for Philip H. Altbaum, in the amount of \$525.17 for the tax year 1981.
- c. Byron N. Smith in the amount of \$939.93 for the tax years 1979, 1980 and 1981.

Standard Rehabilitation Loans

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorize staff to enter into appropriate contracts:

- a. Texas Western Associates - \$18,900
- b. Imperial Construction - \$18,400
- c. Imperial Construction - \$20,324
- d. Imperial Construction - \$14,879 * } (Imperial Construction won the award by casting of lots.)
~~Texas Western Associates - \$14,879 *~~
- e. Imperial Construction - \$12,520
- f. Texas Western Associates - \$17,500
- g. KM Construction - \$11,900
- h. KM Construction - \$15,550
- i. Texas Western Associates - \$14,900
- j. Austin JJJ Corporation - \$9,521
- k. Imperial Construction - \$13,850
- l. Texas Western Associates - \$13,900
- m. Lighthouse International (MBE) - \$15,500

*Equal bids, award to be based on by casting of lots by City Council

CDBG Funds

Approved emergency expenditure of CDBG funds for Texas Western Associates, \$15,750.

Item to be Brought Back

A resolution considering authorization and approval for selection of professional laboratory support services for the Stormwater Monitoring Program will be brought back to Council on June 30, 1983.

Public Hearings Set

Set public hearings on the following:

HEARINGS SET - (Continued)

a. An appeal from Ms. Judy Walker, president, Northwest Oaks Neighborhood Association, of the Planning Commission's decision to grant a Special Permit to Krasoff Investments, Case No. C14p-83-022, for June 30, 1983 at 3:15 p.m.

b. Revising Chapter 13-10 of the Austin City Code (Swimming Pools) to update requirements for construction and operation and to facilitate enforcement, for July 14, 1983 at 3:45 p.m.

No Action Required on Item

No action by Council was required on a resolution to consider approval of assignment of interest of the 1006 Partnership in the Agreement regarding the construction of a regional elevated water storage reservoir for the Northwest Service Area (Maconda Park) to J.W.R. Development, Inc. and to NPC Realty Co.

Private Industry Selection

Adopted a resolution to approve the Private Industry Council selection agreement.

County/City Road System Committee

Adopted a resolution calling for a joint committee of Council Members and County Commission members to consider mutual concerns regarding our County/City Road System, appointing Mayor Mullen, Councilmembers Duncan and Rose to the committee.

Public Hearings Cancelled

Approved cancelling the public hearings on the disannexation/re-annexation for limited purposes of two parcels of land along Highway 183 and in the Williamson County M.U.D. No. 1.

ITEM PULLED

The item from Council to consider establishing a policy of favoring local firms for professional services was pulled off the agenda due to a question of legality.

ROUND ROCK SERVICE AREA REQUEST

Mayor Mullen, Councilmembers Duncan and Rose introduced to Council discussion and recommendation on Round Rock Service Area request. Councilmember Duncan instructed the City Manager to determine ways to re-open the request and report back to Council.

CITY CLERK POSITION

Mayor Mullen and Councilmember Shipman instructed the selection process for the City Clerk position to proceed.

LEGISLATIVE PRIORITIES

City Manager Meiszer reported on City of Austin Legislative Priorities by referring Council to the material distributed to them .

OPERATING BUDGET AMENDMENT

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the 1982-83 Operating Budget by transferring \$525,600 from the Electric Utility Ending Balance to the General Fund for Urban Transportation Department Street Lights/Traffic Signals budget. (7-0 Vote)

Prior to the vote, Councilmember Rose questioned the transfer of funds. Mr. Frank Rodriguez, Director of Management and Budget, told him this is a one time occurrence.

SOUND ORDINANCE SUSPENDED FOR CHILI COOK-OFF

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance suspending the operation and effect of Ordinance No. 821028-H for a two day period June 17-18, 1983 for the Chili Cook-Off in Oak Hill only. (7-0 Vote)

Prior to the vote, Councilmember Shipman told Council the City Attorney said it is better to approve suspension of the Sound Ordinance for Oak Hill only. This is the third time there has been a request to suspend the ordinance and a trend is developing of groups seeking non-compliance of the ordinance. The City Attorney's office had several calls concerning this, Councilmember Shipman said. Mayor Mullen recommended Council approve this for Oak Hill as their event was planned before the area was annexed.

WATER APPROACH MAIN

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, adopted a resolution approving a water approach main to serve the Five Tract Project and approve participation in the Spicewood Springs Discharge Improvements Project. (7-0 Vote)

Prior to the vote, Charles Watson read a statement of opposition and showed a map. He said the area is a planning disaster. There is only a two lane road and too much development is planned. He asked for a 120 day moratorium against further development on Jollyville Road. Jim Nias, Assistant City Attorney, said the same issue is before the Planning Commission and they will make a recommendation on the moratorium.

APPROACH MAIN - (Continued)

Mr. Schwing, Director of Water and Wastewater, told Council this project is a part of the Spicewood project and will take care of a system that is already set.

SUNRIDGE PARK

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving a water approach main to serve Sunridge Park. (No City cost participation) (7-0 Vote)

Prior to the vote Council discussed. They requested a report be brought back to them from the Planning Commission on June 30, 1983.

STANDBY ELECTRIC SERVICE

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, adopted a resolution of agreement for standby electric service for the University of Texas. (7-0 Vote)

Prior to the vote, Councilmember Spaeth said the Council may want to look at anything that involves the University of Texas because of the Blackland situation.

TAX COLLECTION CONTRACT

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, adopted a resolution renewing the Tax Collection Contract between the City of Austin and the Travis County Tax Office in the amount of \$118,831.35, effective October 1, 1983. (7-0 Vote)

Councilmember Spaeth asked why the rate is 85¢ this year as compared to 10¢ last year. Ms. Edwards, Director of Tax Department, told him that last year was the first time for this collection and Council was told that the fee this year will be shared among entities involved.

Bill Aleshire, County Tax Collector, stated the cost is based on their budget and this contract will be for the current cost collection. He said he does not expect the rate to increase if the area continues to have growth. Last year, Mr. Aleshire said, the County paid 95% of the cost. Austin is now being asked to pay its share. He said the collection contract saved Austin \$1,000,000.00 last year.

Mayor Mullen commended Mr. Aleshire because the system has turned out so well.

Councilmember Urdy asked what happened to the Tax Department employees. Ms. Edwards told him that all were invited to work for the Appraisal District. Thirty of the employees wanted to stay with the City. The employees have until September to relocate.

Mayor Mullen said he wanted to know if there is a way for City taxes to be paid out if someone does not have full sum. Mr. Aleshire said there is tremendous penalty interest if the taxes are not paid by January 31st.

ORIENTATION HANDBOOK

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, adopted a resolution approving the "Orientation Handbook" for boards and commissions. (7-0 Vote)

Councilmember Shipman said all the pertinent information is in the handbook but she would like to have the book shortened.

VENDOR LICENSING

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, adopted a resolution approving the vendor license guidelines and procedures. (7-0 Vote)

Councilmember Spaeth said the guidelines and procedures are being changed only in one area. "Previously you had to have in writing the property owner's permission. Now it is an appeal process. Does that appeal process come before us?" City Attorney DeLaRosa said "Notice is provided to the owner or occupier of the property that a proposed vendor license agreement is being sought. He is provided with a ten day time period to notify the City of Austin of any concerns he or she might have concerning the issuance of that particular license agreement. The property owner is just given the right to address those concerns but the staff department that is reviewing the actual issuance of the license agreement then makes a determination if it should be issued. But there is not an appeal process as of right now." Councilmember Spaeth asked what recourse the property owner has since there is not an appeal process. Mr. DeLaRosa said any property owner could have the potential of suing the City of Austin for the issuance of such a Vendor License Agreement if he/she feels their property rights are being violated. Councilmember Spaeth asked, "What right does the property owner have right now before this is passed? Are we taking away or giving to a property owner?" Mr. DeLaRosa said he thinks we are giving to a property owner. Mr. Spaeth asked if at the present time the property owner has to give the vendor written permission to be there? Mr. DeLaRosa said no because these are new Vendor License criteria....."What we are giving property owners is the right to be notified of the pending application and given the right to comment and voice their concerns."

Councilmember Urdy said he would like more information and asked that this discussion be continued later in the day.

LATER IN THE DAY: Arthur Walker, attorney representing the vendors, said at one time he felt he was fighting an uphill battle in that an opinion was written that said the City Council does not have the right to regulate vending and did not have the right to regulate the public right of way. "I spent a major part of the time fighting that battle to convince the Council and the Legal Department that the City Council does have the right to regulate the right-of-way regarding vending licensing agreement. The concern of the Council is the same as the concern I have and that is that all parties involved is that no one is taken advantage of in the 6th Street area or with this Vending Ordinance. I think the new position that the City Council has the right to regulate vending is a correct one. We have another problem with guidelines though. One is that instead of six on-street spaces within the area bounded by Red River, East 4th, Brazos and East 8th Street, that there be ten on-street spaces. What that would do is allow for four on-street places on 6th Street. As you may recall

VENDOR - (Continued)

Mr. Johnson has taken great pains to comply with everything the Council has requested. He works on 6th Street with several other vendors. I don't think the inclusion of four on-street places on 6th Street will prejudice the abutting merchants. Parking is a problem on 6th Street. Four parking spots would not prejudice the rights of property owners but would preserve the right of the vendors presently working there. The third concern is the vendors who are presently working the 6th Street area be allowed to have a priority in selection of sites because they already have going businesses in the area. That would be a fair consideration for those who have complied with the City Council wishes to this point. I am speaking to 5 (b)1 and 5 (b)4 and what we would do is just increase the amount of on-street spots."

Dr. Benson, Director of Urban Transportation, stated, "The number of spaces in the 6th Street area we felt like that is an area where parking is a problem. It's been a problem for some time. We recommend in our guidelines that placement of vending stands be strongly discouraged in the street."

COMPLIANCE AGREEMENT

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, adopted a resolution authorizing the City Manager to enter into a compliance agreement with the Texas Department of Water Resources. (7-0 Vote)

Prior to the vote, City Manager Meiszer said he has met with the Department of Water Resources and they have drafted an agreement with dates we can meet. He said the text of the agreement is totally agreeable.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT

Mayor Mullen opened the public hearing set for 2:00 p.m. on an amendment to Chapter 13-2 (Zoning Ordinance) of the City of Austin City Code to prohibit colleges and universities in "LA", "SR", "A", "AA" and "A-2" Residence Districts.

Frances Schenkkan, chairperson, University Sub-Committee of the Planning Commission, said they recommend this. She said the University of Texas does not abide by any of this. (REPORT ON FILE IN CITY CLERK'S OFFICE.)

Councilmember Spaeth asked why we are lax with the University of Texas. Mr. Meiszer said we are not lax with UT but as an agency of the State they are not bound to abide by our ordinances.

Katherine Poole, coordinator for Blackland Neighborhood Association, spoke in favor of changing the City's Zoning Ordinance to require educational institutions to build on BB or more intensively zoned land.

Walter Williams, a minister, asked Council to prevent the taking away of the land from people who reside in Blackland.

HEARING - (Continued)

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Spaeth to close the public hearing, waive the requirement for three readings and finally pass an ordinance amending Chapter 13-2 (Zoning Ordinance) of the Austin City Code to prohibit colleges and universities in "LA", "SR", "A", "AA" and "A-2" Residence District.

Friendly Amendment

Councilmember Shipman offered a friendly amendment for the City to communicate with the University of Texas. Mayor Pro Tem Trevino accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

7-0 Vote

DOWNTOWN REVITALIZATION TASK FORCE REPORT

Alan Taniguchi, chairman, Downtown Revitalization Task Force, reported on Recommendation on Capitol Views Preservation. He presented a slide show and referred to the draft recommendations which are on file in the City Clerk's office. A long discussion ensued concerning the Capitol views corridors. Councilmember Shipman said she wants to make certain the maps shown and the study done coincide and that there are views from the west and the north.

The following motions were made:

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, accepted the recommendations of the Downtown Revitalization Task Force. (7-0 Vote)

Motion

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, instructed the City Manager to instruct the staff to come back to Council with a market study. (7-0 Vote)

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, voted to send the study back to the task force for 90 days for review and then bring back to Council (7-0 Vote)

REPORT - (Continued)

Motion

Councilmember Shipman made a motion, seconded by Councilmember Duncan to ask the staff to work with the State on Capitol view preservation.

Motion Withdrawn

Councilmember Shipman withdrew her motion and Councilmember Duncan his second.

Motion

Councilmember Shipman made a motion, seconded by Councilmember Duncan for the Planning Commission to consider deleting the set-back allowance from the Zoning Ordinance, review and make recommendation.

Councilmember Spaeth reminded them this is on the Council's list of goals and objectives and is out of order as a motion.

Motion Withdrawn

Councilmember Shipman withdrew her motion and Councilmember Duncan withdrew his second.

Related item to set a public hearing was not done.

PUBLIC HEARINGS - STREET VACATIONS

Mayor Mullen opened the public hearings set for 3:00 p.m. on vacating the following and passage of ordinances:

- (1) West 29th Street Alley, 900 block. (Requested by KIS Ventures, Inc.)
C10v-83-001

Mike Hamner appeared before Council and requested approval.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Spaeth's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating West 29th Street Alley, 900 block, C10v-83-001.
(7-0 Vote)

- (2) A portion of Old Cameron Road right-of-way adjoining Lanford Subdivision.
(Requested by Mr. Don L. Lanford, owner) C10v-83-005

No one appeared to be heard.

STREET VACATIONS - (Continued)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Old Cameron Road right-of-way adjoining Lanford Subdivision, C10v-83-005. (7-0 Vote)

- (3) A portion of West 2nd Street, 500 block and a portion of Nueces Street, 200 block. (Requested by the City of Austin Water and Wastewater Department) C10v-83-010

Robb Southerland appeared before Council to say he owns the warehouse on West 2nd Street and if the vacation takes place, anyone leaving would be forced to go on 3rd Street. He said one cannot get to 1st Street from San Antonio and asked if the City plans to upgrade 3rd Street. Mayor Mullen asked Mr. Ridings to explain the plans to him. He did so, out of the Council Chamber.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of West 2nd Street, 500 block and a portion of Nueces Street, 200 block. C10v-83-010. (7-0 Vote)

- (4) A portion of Red River Street right-of-way adjoining Lot B, Linan No. 1, 510 East 5th Street. (Requested by Hampton and Kanak) C10v-83-004

No one appeared to be heard.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Red River Street right-of-way adjoining Lot B, Linan No. 1, 510 East 5th Street. C10v-83-004. (7-0 Vote)

EXECUTIVE SESSION

Mayor Mullen announced Council will convene in a closed or executive session authorized by Section 2, Paragraph g, of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

EXECUTIVE SESSION - (Continued)

Mayor Mullen announced Council will discuss board and commission appointments in their executive session.

RECESS

Council recessed its meeting at 3:15 p.m and resumed its recessed meeting at 4:15 p.m.

BOARD & COMMISSION APPOINTMENTS

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, approved the following board and commission appointments: (7-0 Vote)

Social Policy Advisory Council - Councilmember Spaeth
Police Department Advisory Committee - Councilmember Rose
Police Retirement Board - Councilmember Rose
Capital Area Planning Council - Councilmember Shipman
Energy Advisory Commission - August Petersen, Christine McGill, Robert King
and Doug Stringfellow
Hospital Board - Charles Felger
Cable Commission - Lionel Aguirre and Mark Yudof
Downtown Revitalization Task Force - Janet Fincher
Historical Landmark Commission - Blake Alexander, Philip Creer, Diane Van
Helden, George Boutwell and Joseph Barentine

PUBLIC HEARING - EMERGENCY JOBS BILL FUNDS

Mayor Mullen opened the public hearing scheduled for 3:30 p.m. to obtain comments on activities for funding by the Emergency Jobs Bill Program. Also being considered is the allocation of \$1,378,000 of CDBG Emergency Jobs Bill Funds.

Mr. Meiszer, City Manager, reminded Council they had received some information prior to the meeting which indicates requests received and staff recommendation.

Carlos Herrera, Director of Human Services, stated, "On May 26, you established the process to conduct hearings for the expenditure of the recently enacted legislation known as Emergency Jobs Bill. We have become aware of numerous requests for funds under this particular fund and the Manager has recommended expenditures as noted in Attachment B in your brown binder. (INFORMATION ON FILE IN CITY CLERK'S OFFICE). We invite comments or discussion." Councilmember Duncan asked if this needs to be done today. Mr. Herrera said a July 1, 1983 deadline must be met at HUD. He asked that decision be made no later than June 22 because they need to publish this, which requires three to four days advance notice to the newspaper. He said the reason Council only received the information today was because of time problem in getting all required steps accomplished.

Mr. Herrera said the following recommendations have been made:

JOBS BILL FUNDS - (Continued)

- Provide for rehabilitation of 5 houses through the Standard Rehabilitation Program	70,000
- Provide for a training facility for local industry/business (High Technology Center)	400,000
- Renovate Health Department Bldg.	400,000
- Expand St. Johns Health Clinic	300,000
- Program Administration (There was a deduction of the CDBG City requirement to carry out the CDBG programs. We are asking that you reinstate that.)	<u>208,000</u>
TOTAL	\$1,378,000

Councilmember Shipman asked if any request had been made by Planned Parenthood. She was told by Ms. Davis that there was a general funds inquiry only.

Amlena Stuart, Clarksville Neighborhood, asked that \$75,000.00 be used to build a duplex on West 11th as low income rental.

Sharon Ersh, Planned Parenthood, asked for \$16,671 as a one time allotment for a clinic in northeast Austin. The clinic, like the southeast one, will be self supporting.

Brenda Green, representing technical training, said they support the facility for high technology.

Belle Melovitz, Black Citizen's Task Force, said they would like it mandatory that 25% of the people trained for high tech jobs are Black and 25% of the renovation jobs shall be given to Black contractors.

Meara McGill asked for money to be used to help with the unemployment of Black youth.

Jane Haney, East Austin Chicano Economic Development, asked for money for Nueva Vida for new construction.

Donna Carter, member of an architectural firm, wants to develop the Vida site.

Ernest Perales is in support of high tech job training center.

Bill Stokesberry also supports high tech traing center, as does Larry Jackson, Cecil Groves of Austin Community College and VanrKirbey.

Colonel Don Retberg, Association of Retarded Person's, ased fpr a facility for Infant-Parent training which will translate jobs to people.

JOBS BILL FUNDS - (Continued)

Jo Retberg told Council she and her husband have worked to give retarded children a chance. She said a facility is needed for retarded children.

Jim Martin, local housing authority, asked Council to give their program a chance because it is needed for providing jobs.

Joe LaComb asked for money for weatherization projects. He said \$57,000 will weatherize 36 homes.

John Moore wants the money to be used for jobs for school drop outs.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, closed the public hearing. (6-0 Vote, Mayor Mullen was out of the room.)

Council then discussed proposals and allocation of monies.

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Spaeth to distribute the money as follows:

\$ 70,000	- rehabilitation of 5 houses as recommended by staff
400,000	- training facility for local industry/business (High Technology Center)
383,000	- renovate Health Department Building
300,000	- expand St. John's Health Clinic
210,000	- program administration
17,000	- Planned Parenthood

Councilmember Urdy asked how many jobs that would provide. Ms. Clothilde Davis gave the following rough estimate: St. John's, 15; Health Department Building, 20; program administration, 1; training facility, 20; Housing Authority, 20; alley paving, 5; ONR rehabilitation, 4-5; handicapped children, 16. (Some of these were not proposed by Council's motion.)

More discussion followed. Motion was not voted upon and Council set an Emergency Special Called Meeting for June 17 at 4:00 p.m. and a Special Called Meeting for June 19 at 8:30 p.m.

ZONING HEARINGS

Mayor Mullen opened the public hearing set for 3:30 p.m. on the following zoning application. Council heard, closed the public hearing and granted as recommended, tied to a site plan to be verified by the Planning Department and not sent back to the Planning Commission. Council instructed City Attorney to draw up the necessary ordinances.

C14-83	DAVID L. HOUSTON	2100 Rio Grande	From "B" 2nd H&A
082	By Ronald D. Houston	700 West 21st St.	To "O" 2nd H&A
			RECOMMENDED tied to retention of structure. Applicant is to continue to work with neighborhood organization on parking.
			<u>GRANTED AS RECOMMENDED, TIED TO A SITE PLAN TO BE VERIFIED BY PLANNING DEPARTMENT BUT NOT SENT BACK TO PLANNING COMMISSION</u>

Donna Kristaponis, Assistant Director of Planning, reviewed with slides. She said this hearing is continued from June 9, 1983 and is recommended by the Planning Commission. Last week the applicant requested postponement to work with Bob Russell and the Save the University Neighborhood Association.

Mr. Houston, applicant, showed Council the site plan. He said the neighborhood would prefer "O" 1st rather than "O" 2nd because it would an added protection for the neighborhood.

Mr. Russell representing the neighborhood, said the recommendation is to tie the zoning change to the retention of the structure. "If the structure burns down, then it will be back to 2nd H&A. If the change would be to "O" 1st H&A then whatever happens to the building, or any new development would have to come back and get a zoning change. We are in agreement with the applicant on the parking spaces. We agree also to the permeable cover on the parking lot and the fact he will do extensive landscaping. We would like the fence waived and bushes and shrubs used instead. We have worked on this with Mr. Houston and are glad he will re-hab the property rather than sell it to a condominium....."

Mr. Houston pointed out that the building measures more than the 1st H&A.

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

Mayor Mullen opened the public hearing set for 4:15 p.m. on the following zoning application. Council heard, closed the public hearing and granted as recommended. Hearing was continued from June 2, 1983.

ZONING HEARINGS - (Continued)

C14-83 JOHN FELTER
060 By Leo Danze

5400-6404 Decker
Lane

From Interim "AA" 1st H&A
To "MH" 1st H&A
RECOMMENDED
GRANTED AS RECOMMENDED

Ms. Donna Kristaponis reviewed the application. She said this was on Council's agenda last week and questions arose regarding water and wastewater from a neighboring property owner. Mr. Frank Meece, one of the developers of Hidden Valley, said they will allow adjoining landowners to tie into their service. If the City would like to have service to those easements they would have no objections.

Mr. Schwing, Director of Water and Wastewater, said if service is going to be supplied it should be by the City and no one else. Otherwise someone else would be put into the public utility business. "It would be best if we had public utility easement lines and separate services from City lines. We will work with applicant as project progresses." Mr. Meece said "We will grant the utility easement to the City as long as we can remain with the streets as private streets."

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

PUBLIC HEARING - APPEAL FROM HYDE PARK

Mayor Mullen opened the public hearing set for 4:00 p.m. on an appeal filed by the Hyde Park Neighborhood Association on the Building Standards Commission's decision to grant the following relocation permits:

- | | |
|----------------------------------|---------------------------------------|
| (1) 4201 Speedway to out of City | (3) 4104 Speedway to out of City |
| (2) 4203 Speedway to out of City | (4) 4013 Speedway to 801 Ethel Street |

Jay Stevens, Building Inspection Department, reviewed the relocation permits and told Council staff recommends upholding the decision of Building Standards Commission and denying the appeal.

Councilmember Duncan asked, "Will you briefly cite the grounds for denial of relocation permit?" Mr. Stevens replied, "They've got to find that the house move cannot be safely moved over the selected route; they will not be made to comply with the Code requirement at its new location; and in their judgement the structure would not be compatible with the neighborhood it is being moved into."

Ruth Reeder, Hyde Park Neighborhood Association, began their presentation by saying they are against move-offs in their neighborhood and request a 90 day moratorium against same in their neighborhood while the Council reviews the criteria for relocation. Jack Evins gave the history of Hyde Park and Grant Thomas showed slides.

Blake Alexander, chairman of Landmark Commission, told Council the "Landmark Commission unanimously endorsed a notification procedure for property owners within the neighborhood from which structures are moved. With adoption of notification, alternatives might be considered which would be more equitable to all property owners."

HYDE PARK - (Continued)

Jerry Noll, Karen McGraw, Betty Phillips, Larry Helg, Wanda Penn, Alton Weiss, John Kirk, Bob Davis, Sharon Majors, William Oliver, Dorothy Richter, Celeste Kromack, Ann Byers, Smoot Carl-Mitchell, Curt Mitchell and Jim Beecham all spoke against moving the houses. They want to preserve Hyde Park Neighborhood as it is.

John Harris, who is moving the houses at 4201 and 4203 Speedway, spoke on his behalf.

Wesley Doll who is moving the house at 4104 Speedway said there is no intent to damage trees.

Bill Travis and Isaac Alessandaro who own 4013 Speedway, asked Council to proceed with the move off approval according to the ordinance.

After discussion, the following motion was made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, voted to deny the appeal. (6-0 Vote, Councilmember Urdy was out of the room.)

Motion

Councilmember Shipman made a motion, seconded by Councilmember Duncan to consider a 90-day moratorium from demolition or move-off of structures in the Hyde Park area to allow:

- 1) Building Standards Commission, Hyde Park Neighborhood Association, and Building Inspection Department review of current demolition and relocation ordinance to assess impact on area being moved away from and consider full public notification process.
- 2) Hyde Park Neighborhood Association to work with Planning Department to consider "H" Historic District zoning.
- 3) Planning Department to work with Hyde Park Neighborhood Association via neighborhood planning process toward down zoning on Speedway and Duval and Planning Department to work with other departments to ascertain the ability of current City infrastructure to accommodate existing zoning in that area.

Mayor Mullen stated Council is not posted to do this. Councilmember Shipman asked the item be put on the June 19, 1983 agenda for the Special Called Meeting.

PUBLIC HEARINGS - ANNEXATION OF ACREAGE ALONG CAPITAL OF TEXAS
#HIGHWAY

Mayor Mullen opened the public hearings set for 4:30 p.m. on limited purpose annexation of approximately 1303 acres of land along the Capital of Texas Highway and limited purpose annexation of approximately 28.8 acres of land along the Capital of Texas Highway.

Donna Kristaponis, Assistant Director of Planning, referred to maps to indicate area for annexation.

Pete Dwyer who owns property on Loop 360 said he is neither for or against the zoning.

Nancy Lucks asked Council to proceed with limited annexation to preserve their area.

Julian Lockwood, representing Julius March, said he will build an office.

Robert Turner, neither for nor against, said they have property and want to build and favors full purpose annexation.

Liz Parrish, who lives within 300 feet of Loop 360 said only 200' of annexation does not accomplish what they would like it to do.

Graham McCarroll supports limited purpose annexation.

Joe Beal, EH&A Properties, submitted information to the City Clerk.

Motion

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

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved limited purpose annexation of approximately 1303 acres of land along the Capital of Texas Highway and instructed the City Manager to instruct the staff to process the zoning applications. (7-0 Vote)

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved limited purpose annexation of approximately 28.8 acres of land along the Capital of Texas Highway and instructed the City Manager to instruct the staff to process zoning applications. (7-0 Vote)

REPORT ON BRAKER LANE
AND JOLLYVILLE ROAD

Mr. John German referred Council to the report they had received on the Status of Braker Lane and Jollyville Road Area. They had no questions.

PUBLIC HEARING - CREATION OF RAPID TRANSIT AUTHORITY

Mayor Mullen opened the public hearing set for 5:30 p.m. on the question of creating a rapid transit authority; and passage of ordinance.

Dr. Benson, Director of Urban Transportation, addressed Council as follows: "The hearing tonight is one required by State law for the City Council to consider the creation of a transit authority. Purpose of the hearing is to provide an opportunity for any interested person to appear and offer evidence for or against the creation of the proposed authority. ... If the hearing proves that an authority would meet the criteria (proposed authority would be of benefit to persons and property within its boundaries, a public utility, and within the public interest) the Council can pass an ordinance creating the authority prescribed in its territory and designating the name of the authority. The territory which has been proposed is all of the area in Travis County and those portions of Williamson County contained within the City of Austin within Round Rock, Leander and Cedar Park. Following the passage of the ordinance, which is before you this evening in the form of a draft copy, if the ordinance is passed the Council would then be responsible for appointing a five member interim board. The interim board would be responsible for determining the tax rate, the type of tax and the level of tax to be proposed to the public for confirmation election and would be responsible for setting the date and calling the election. Following that they would review the election results, etc. The financial responsibility the City would assume by passage of the ordinance, as required by law, the City would be responsible for the cost of the confirmation election. While not required by law, the Council can consider providing financial support to an interim board up until the time the board calls for that confirmation election. The estimated cost of the election itself would be \$65,000.00 and this funding could be included in the 1983-84 annual operating budget."

Bill Davidson, who served on the MTA task force, said Austin has a real need for mass transit system. Other members of the task force who spoke in favor were Lyndon Henry, Channing Jonker and Richard Carl. They also favored creation of a rapid transit authority.

Gary Edward Johnson spoke against City ownership. He said it is unfair to tax everyone.

Martha Arbuckle, speaking for MIGHT, asked that a disabled person be appointed to the board.

Steve Hanson supports as well as Mr. James.

Scott Bieser said a rapid transit authority would be bad news and cited the failure to pass bonds to create one in Houston. Fred Ebner also opposes.

Fred Noble, representing the National Federation of the Blind, said transportation is serious concern for the blind and they support.

Bill Redding, representing City bus operators and mechanics, said we need rapid transit.

Andrea Moore, National Federation of the Blind, spoke in support of the rapid transit system.

Robert Thompson, who lives in San Antonio, said a successful transit authority will serve more people.

Roger Baker, representing Austinites for Public Transportation, supports rapid transit, as did R.L. Lewis who said the present system is not sufficient.

V.J. May spoke in opposition to MTA report and Ari Wright told Council to take the advice of the MTA report.

Charles Milton said if Austin does have rapid transit he hopes they take into consideration the needs of elderly and physically impaired.

Jerry Pilcher said Austin needs to plan for the future with a good mass transit system.

Gaylan Walker, representing transportation for AISD said they are willing to cooperate with the City of Austin.

Philip Blackerby favors the MTA report. So does Betty Johnson, who lives in Southern Williamson County.

Motion

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, closed the public hearing. (6-0 Vote, Councilmember Urdu was out of the room.)

Mayor Mullen said this subject is on the Council's list of goals and priorities and so creation of a rapid transit authority will be discussed during one of Council's Wednesday work sessions as soon as they know where it will fall.

ADJOURNMENT

Council adjourned its meeting at 9:24 p.m.