



## Austin City Council MINUTES

For JUNE 30, 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 at 12:45 p.m., noting the presence of all Councilmembers.

#### MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved the Minutes for Regular Meetings of June 9 & 16, 1983 and Special Meetings of June 15, 17, 19, 23, 1983. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Rose and Urdy were out of the room.)

#### POLICE HARRASSMENT DISCUSSED

Mr. Curtiss B. Stewart appeared before Council to discuss unnecessary police harrassment and arrest concerning parking citation. Mr. Stewart said he is a law abiding citizen who got off work from the Post Office at 11:30 a.m. and found a Police Officer by his car who told him his car was impounded and a wrecker was on its way. He said the Police Officer forced him to the sidewalk when he argued and handcuffed him and had him arrested. Mr. Stewart spent three hours in jail and was not fined. Mr. Stewart said he feels the officer overreacted and asked about the internal complaint process.

Mr. Enrique Lopez also discussed the police overreacting to a parking citation. He said he came out of the Post Office, where he is also an employee, and saw Stewart handcuffed. Mr. Lopez said he feels the episode borders on racial harrassment and said that he feels the whole episode was a waste of manpower.

Mayor Mullen said the Assistant City Manager will get together with Mr. Stewart and report back to Council next week.

CITIZEN DID NOT APPEAR

Mr. Scott Roberts, who had requested to discuss lack of utility service for La Petit Day Care Center, did not appear.

TAXES DISCUSSED

Mr. Jerry Reed appeared before Council to discuss disannexation of property in Williamson County MUD and refund of taxes paid. He says his property, located on 183, is subject to five taxing authorities including MUD's, State, County and City of Austin. Mr. Reed's complaint is that although he pays Austin taxes he does not receive any City services.

Councilmembers Duncan and Spaeth requested they receive more information on the problem.

CITIZENS DID NOT APPEAR

The following citizens, who had requested to speak before Council, did not appear:

Rafael Miranda to discuss lack of respect for pedestrians by motorists in the downtown area.

John Johnson to discuss newly adopted guidelines for street vendors.

Richard S. Gilmore requesting clarification of City's moratorium on water and wastewater in South Austin and a variance for property located at 6710 South First Street.

Ms. Marilyn Poole requesting to discuss approval of a Water and Wastewater Main application did not appear because her problem had been taken care of.

JOLLYVILLE ROAD DISCUSSED

Ms. Judy Walker appeared before Council to discuss massive development along Jollyville Road and CIP funding for road as top priority in next bond election. Ms. Walker represented the Northwest Oaks Neighborhood Association. She said they oppose massive growth between 183 and Jollyville Road and that the area is a planning disaster. Traffic, she said, is and will be horrendous.

HOUSE REMOVAL DISCUSSED

Mr. Stanley D. Biderman appeared before Council to discuss removing or demolishing houses located at 4100 and 4102 Duvall. Council directed an item to be placed on the July 14, 1983 agenda to consider an exemption to the Hyde Park Moratorium Relocation and Demolition Ordinance.

**CUTTING OF LOTS**

Mr. Art Brown appeared before Council to discuss the need to cut lots in East Austin. He said he comes to Council every year at this time with the same request. Mr. Brown told Council the lots are a health hazard.

Fred Rogers, representing the Health Department, stated records reflect calls every year about the lots and they are cut in July or August. He said the paper work regarding legal constraints put on by the State makes it difficult for the City to move any faster.

Mayor Mullen expressed his sympathy and said Council has tried every year to find a solution to the problem.

**EXEMPTION FROM MORATORIUM REQUESTED**

Mr. Robert Musemeche requested exemption from moratorium on property at 4409, 4411 & 4415 Duval.

Ms. Catherine E. Von Ach requested exemption from a moratorium in the South Austin Infill Study Area regarding a 25 acre tract fronting on South Congress Avenue.

Council directed that both of these requests be included on the July 14 agenda for decision.

**EMERGENCY SHELTER FOR CHILDREN**

Ms. Laverne Redwine appeared before Council to discuss the need for emergency shelter for children. She said the problem is complex for children 0-8 years of age and is an extremely grave situation.

Mayor Mullen advised Ms. Redwine to talk to Human Services and have it put before MH/MR for review.

**RESOLUTION FOR FLORENCE CAVIL**

Mayor Mullen read a resolution for Florence Cavil who has served the City in various capacities and as Director of the Human Relations Department since April 20, 1980. Ms. Cavil is leaving the City staff for other employment.

**ATLANTIC ASSOCIATION OF YOUNG POLITICAL LEADERS**

Mayor Mullen read a proclamation citing the Australian members of the Atlantic Association of Young Political Leaders and designating June 30, 1983 as a day honoring them.

**CONSENT ORDINANCES**

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

1982-83 Operating Budget  
Amendments

Approved amending the 1982-83 Operating Budget by:

- a. Appropriating \$22,984 for additional staff in the Public Works Department.
- b. Accepting a Transit Operating Assistant grant (TX-05-4162) from the Urban Mass Transportation Administration UMTA) totalling \$1,718,000 and to request from UMTA the remaining available operating assistance funds to bring this year's operating assistance grant total to \$1,907,909.
- c. Accepting National Park Service funding in the amount of \$344,000 for the rehabilitation of Lott Park and Givens District Park and 10 percent State match of \$43,000 for a total of \$387,000 in grant funding. (City's match, \$43,000)

City Council Chamber Address

Passed an ordinance designating the City Council Chambers as 307 W. 2nd Street for the purpose of legal notices as of August 1, 1983.

Zoning Ordinances

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

- |    |   |   |  |
|----|---|---|--|
| a. | ROGER M. RICH, JR.<br>& OWEN G. WEAVER<br>By Kinney & Stone, Inc.<br>C14-82-101 | 109 & 201 Mockingbird<br>Lane                   | From Interim "A" 1st<br>H&A to "A-2" 1st H&A |
| b. | OZITE M. ALLEN<br>By Dianna L. Brannon<br>C14-82-166                            | 1617 Koenig Lane, also<br>bounded by Jeff Davis | From "A" 1st H&A<br>to "O-1" 1st H&A         |
| c. | JOE A. DUNCAN<br>By Rick Parke<br>C14-82-167                                    | 4901 Woodrow Avenue<br>1312 W. 49th Street      | From "A" 1st H&A<br>to "LR" 1st H&A          |

- d. **ERIC P. TEGGEMAN, JR.** 1209 West Anderson Lane  
By Diane C. Van Helden  
C14-83-040 From "GR" 1st H&A  
to "C" 1st H&A
- e. **CITY OF AUSTIN** Sidoereal Drive, Phoebe  
C14-83-064 Court, Terra Nova Lane From Interim "A"  
1st H&A to "AA"  
Adelphi Cove, Sceptre  
Cove, Mercury Lane, 4600-  
4702 & 4601-4703 Callistro  
Terrace, 4300-4702 & 4301-  
4703 Ganymede Drive, 4700-  
4804 & 4701-4800 Marblehead  
Drive, 12300-12422 & 12301-12421 Turtleback Lane  
12210-12430 & 12213-12421 Turtleback Lane,  
12210-12430 & 12213-12421 Wycliff Lane,  
4600-4612 & 4601-4619 Hawkhaven Lane,  
4105 Hawkhaven Lane, 4105-4715 &  
4106-4714 Adelphi Lane, 12412, 12413  
& 12415 Blosswood Drive, 4402-4403 Cavern  
Springs Road, 4404-4514 & 4405-4511 Cumbria  
Lane, 12208-12214 & 12209-12219 Arrowwood Drive,  
4600-4612 & 4601-4619 Hawkhaven Lane, 4500-  
4812 & 4501-4813 Pelham Drive, 12300-12301  
Bedrock Trail, 4800 & 4801 Lemans Place,  
12314-12317 Antoinette Place.
- f. **JIM HENRY** 5602 Woodrow Street From "A" 1st H&A to  
C14-83-045 "BB" 1st H&A
- g. **JACK C. GIBSON** 6516 Berkman Drive From "B" 1st H&A to  
By Adan Castaneda "O-1" 1st H&A  
C14-83-046
- h. **H. DAVID HUGHES,** 202 West 17th Street From "B" 3rd H&A to  
TRUSTEE to "C" 3rd H&A  
By David B. Armbrust  
C14-83-048
- i. **EDWARD JOSEPH** 8313-8419 Cameron From Interim "AA" 1st  
DEVELOPMENTS, INC. Road, 8401-8405 & H&A to "B" 1st H&A  
By W. M. Faust 8400-8422 Clear Creek  
C14-83-050 Drive
- j. **SAMPSON-HENRICKS** 622 Congress Avenue From "C-2" 4th H&A to  
BUILDING "C-2-H" 4th H&A  
By George S. Nalle, Sr.  
and Rush Properties  
C14h-83-011
- k. **RISHER-ROACH BUILDING** 513 East 6th Street From "C-2-H" 4th H&A to  
By Steven M. Freitag "C-2" 4th H&A  
C14-78-045

ZONING HEARINGS - (Continued)

- |   |  |                                      |
|---|--|--------------------------------------|
| 1. HENRY WENDLANDT,<br>JR. & GENE NAUMANN<br>By Miguel "Mike"<br>Guerrero<br>C14-83-063 | 2222 Rosewood Avenue<br>also bounded by<br>Chestnut Avenue | From "C" 2nd H&A<br>to "C-2" 2nd H&A |
|---|--|--------------------------------------|

(5-1 Vote, Councilmember Shipman voted No,  
Mayor Pro Tem Trevino was out of the room)

CONSENT RESOLUTIONS

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

Property Dedication

Approved the dedication of ten (10) City-owned properties variously as street right-of-way, parkland, greenbelt, drainageway, wastewater and public utility easements.

Capital Improvements Program

Approved an Inter-Agency Testing and Inspection Services Agreement between the City of Austin and Texas Department of Highways and Public Transportation. (No C.I.P. number or amount designated by Department of Public Works.)

Authorized execution of an agreement with the Texas Pipe Line Company for the adjustment and encasement of their transmission line crossing of East Riverside Drive. CAPITAL IMPROVEMENTS PROGRAM No. 73/63-03 (Estimated city cost - \$6,612.00)

Authorized payment to VALERO TRANSMISSION COMPANY for the estimated amount or \$18,500.00 to reimburse company for the adjustment of an existing petroleum pipe line located in a private easement across newly acquired right-of-way for North Bluff Drive, Phase I, CAPITAL IMPROVEMENTS PROGRAM No. 78/62-32

Change Orders - CIP

Approved the following Change Orders:

- a. In the amount of \$13,850.00 to AUSTIN ENGINEERING COMPANY for 38th - 38 1/2 Street and Drainage and Improvements. (3.47% increase of the original contract) C.I.P. Nos. 73/62-29 and 76/22-09

## CHANGE ORDERS - (Continued)

- b. In the amount of \$22,237.50 to AUSTIN ENGINEERING COMPANY for 38th - 38 1/2 Street and Drainage Improvements. (5.57% increase of the original contract) C.I.P. No. 73/62/69
- c. In the amount of \$26,453.00 to ROBERT E. MCKEE, INC., for Brackenridge Hospital Phase 3B expansion. (0.229% increase of the original contract) C.I.P. No. 78/84-09

Contracts Approved

Approved the following contracts:

- a. J & E DIRT WORK, INC.  
12406 Old San Antonio Road  
Manachaca, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
South First Street Corridors,  
Phase I, Public Works  
Department - \$21,167.45  
C.I.P. No. 83/62-19
- b. 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 & 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
- c. PREFERRED CONSTRUCTION COMPANY
  - CAPITAL IMPROVEMENTS PROGRAM -  
East 22nd Street Drainage  
Improvements, Public Works  
Department - \$20,494.00  
C.I.P. No. 82/60-01
- d. CUTLER REPAVING, INC.
  - CAPITAL IMPROVEMENTS PROGRAM -  
Repaving of Streets - 1983  
Lamar Boulevard, Public Works  
Department - \$183,948.25  
C.I.P. No. 79/62-16

## CONTRACTS APPROVED - (Continued)

## e. Bid award:

(1) RIVER CITY MACHINERY COMPANY  
10411 N. Lamar Boulevard  
Austin, Texas

(2) DITCH WITCH OF CENTRAL TEXAS,  
INC.  
12002 North IH 35  
Austin, Texas

f. B & B LAND CLEARING COMPANY, INC.  
1212 Bastrop Hwy,  
Austin, Texas

g. B & B LAND CLEARING COMPANY, INC.  
1212 Bastrop Hwy.  
Austin, Texas

## h. Bid award:

(1) TECHLINE, INC.  
8750 Shoal Creek Boulevard  
Austin, Texas

(2) BESCO, INC.  
1616 West 5th Street  
Austin, Texas

(3) WESTINGHOUSE ELECTRIC SUPPLY  
COMPANY  
9230 Research Boulevard  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Trenching Machines, Vehicle  
and Equipment Services  
Department - \$37,242.00  
C.I.P. No. 82/23-85

- Item CE-10 - \$21,766.00

- Item CE-11 - \$15,476

- CAPITAL IMPROVEMENTS PROGRAM -  
Installation of Underground  
Electric, Telephone and Cable  
TV Distribution Facilities for  
Wells Branch Phase B, Section  
3, Electric Utility Department -  
\$24,078.18 C.I.P. No. 83/15-01

- CAPITAL IMPROVEMENTS PROGRAM -  
Installation of Underground  
Electric, Telephone and Cable  
TV Distribution Facilities  
for Wells Branch Phase B,  
Section 2, Electric Utility  
Department - \$17,220.10  
C.I.P. No. 83/15-01

- CAPITAL IMPROVEMENTS PROGRAM -  
Transformers, Electric Utility  
Department - \$240,571.00  
C.I.P. No. 83/15-01

- Items 1, 3, & 4 - \$109,474.00

- Items 5 & 6 - \$75,627.00

- Item 2 - \$55,470.00



## CONTRACTS - (Continued)

- |   |  |
|---|--|
| 1. SOUTHWAY ELECTRIC UTILITY SERVICE, INC.<br>9705 Beck Circle<br>Austin, Texas                     | - Station Post Insulators,<br>Electric Utility Department<br>Item 1 - 95 ea. - \$25,032.50   |
| j. BATTLEFIELD ELECTRIC COMPANY<br>c/o Reinhart & Associates<br>5003 Hamilton Road<br>Austin, Texas | - Valve Stems for Holly #2<br>Turbine, Electric Utility<br>Department<br>Item 1 - 3 ea. - \$5,190.00   |
| k. FOREMOST ENERGY SAVERS, INC.<br>10707 Fountainbleu<br>Austin, Texas                              | - Weatherization Kits for direct<br>weatherization in residential<br>Structures, Energy Management<br>Department<br>Item 1 - 358 ea. - \$24,254.50               |
| l. TECHLINE, INC.<br>8750 Shoal Creek Boulevard<br>Austin, Texas                                    | - Coaxial Cable, Purchases and<br>Stores Department<br>Item 1 - 100,000 ft. - \$5,700.00   |
| m. STANDARD REGISTER COMPANY<br>7115 Burnet Road<br>Austin, Texas                                   | - Printing of Statements for<br>Brackenridge Hospital<br>Item 1 - \$12,072.00  |
| n. T & G IDENTIFICATION SYSTEMS<br>505 S. Henderson<br>Fort Worth, Texas                            | - Polaroid Film, Purchases and<br>Stores Department<br>Twelve (12) Month Supply Agreement<br>Item 1-5 - \$49,062.00  |
| o. FLEMING FOOD SERVICE, INC.<br>5330 Fleming Court<br>Austin, Texas                                | - Disposable Plastic Can Liners,<br>Purchase and Stores Department<br>Six (6) Month Supply Agreement<br>Items 1 thru 4 - \$17,821.00                             |
| p. BRUNING DIVISION OF A.M.<br>INTERNATIONAL<br>7801 N. Lamar, F16<br>Austin, Texas                 | - Blue Line Paper, Purchases and<br>Stores Department<br>Twelve (12) Month Supply Agreement<br>Items 1a-4d, 5b-5g, 7, 8a, 8c, 8d,<br>9a, 9b, 10-13 - \$18,589.00 |
| q. AUSTIN FORD TRACTOR, INC.<br>6600 East Ben White Boulevard<br>Austin, Texas                      | - Tractor and Hydraulic<br>Extension Mower, Vehicle<br>and Equipment Services<br>Department<br>Item M-3 - \$28,708.00  |
| r. SUPERIOR REMOUNT, INC.<br>1333 Sherry Lane<br>DeSoto, Texas                                      | - Ambulances, Vehicle and<br>Equipment Services<br>Department<br>Items E-1 & E-2 - \$416,896.42  |

## CONTRACTS - (Continued)

- s. JOE BALANDER  
3211 Bridle Path  
Austin, Texas
  - Golf Pro Manager at Jimmy Clay Golf Course, Parks and Recreation Department  
Twenty-seven (27) month contract  
Estimated Revenue to the City - \$29,475.00
- t. Lloyd Morrison  
P. O. Box 5551  
Austin, Texas
  - Golf Pro Manager at Lions Municipal Golf Course and Hancock Golf Course, Parks and Recreation Department  
Twenty-seven (27) month contract  
Estimated cost to City - \$25,650.00
- u. GEORGE HANNON  
P. O. Box 1287  
Austin, Texas
  - Golf Pro Manager at Morris Williams Golf Course, Parks and Recreation Department  
Twenty-seven (27) month Contract  
Estimated revenue to the City - \$19,350.00
- v. K & M ROOFING AND SHEET METAL, INC.  
P. O. Box 870  
Pflugerville, Texas
  - Roofing Repairs at Webberville Water and Wastewater Department - \$26,750.00
- w. HAMILTON ELECTRIC WORKS  
3800 Airport Boulevard  
Austin, Texas
  - Electric Motor, Water and Wastewater Department  
Item 1 - \$8,605.00
- x. Bid award:
  - Water and Wastewater Materials, Water and Wastewater Department  
Six (6) Month Supply Agreement  
Estimated total - \$94,448.84
- (1) AUSTIN PIPE AND SUPPLY  
300 Medina  
Austin, Texas
  - Items 13, 15, 17, 19-20, 22-28
- (2) TRANS-TEX SUPPLY COMPANY  
4618 East 7th Street  
Austin, Texas
  - Items 1-12, 14, 16, 18, 21
- y. CULLINANE DATABASE SYSTEMS, INC.  
4141 Blue Lake Circle, Suite 240  
Dallas, Texas
  - Database Management System Software, Police Department  
Estimated total \$466,500.00

CPR Training

Approved entering into an Interlocal Cooperation Agreement between the City of Austin Emergency Medical Services Department and the Austin Independent School District for CPR Training.

CDBG Funds

Authorized CDBG funds for Standard Rehabilitation Loans in the following amounts and authorize staff to enter into appropriate contracts and to contract with the next lowest bidder in the event of default:

- a. James Chandler Contracting - \$13,000
- b. KM Construction - \$11,500
- c. Texas Western Associates - \$13,300
- d. James Chandler Contracting - \$19,250
- e. Texas Western Associates - \$8,700
- f. KM Construction - \$17,650
- g. Chapa Construction (MBE) - \$16,499
- h. KM Construction - \$14,900
- i. Imperial Construction - \$18,800
- j. Chapa Construction (MBE) - \$16,988
- k. Chapa Construction (MBE) - \$16,500
- l. Chapa Construction (MBE) - \$15,900 \*Equal bids, award based on casting of lots by City Council.
- m. Texas Western Associates - \$16,900

Parking Meter Zones Added

District: Approved adding the following parking meter zones in the Central Business

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
15-30-60 Minute	Congress Avenue	600 block	East and West
15-30-60-120 Minute	Sabine Street	600 block	East

Grant Application

Authorized submission of a grant application in the amount of \$54,158 for Title III Older American Act Funds to the Capital Area Planning Council for Austin/Travis County Senior Luncheon Program Nutrition Grant.

Storm Monitoring Program

Authorized and approved Radian Analytical Services, Radian Corporation, for professional laboratory support service for the Stormwater Monitoring Program.

Public Hearings Set

Set public hearings on the following:

- a. Proposed transit route and schedule modifications for August 4, 1983 at 6:00 p.m.
- b. To consider the request to annex 20.28 acres of land to the Springwood MUD for July 7, 1983 at 2:00 p.m.
- c. Request by N.P.C. to create 329 acre South Central Austin Growth Corridor MUD #1 for July 7, 1983 at 3:00 p.m. and continue on July 14, 1983.
- d. Municipal Office Complex for Wednesday July 13, 1983 at 4:00 p.m.
- e. An appeal from Jerry Harris, representing Richard Jenkins, of the Planning Commission's decision to deny a Special Permit for 11643 Jollyville Road. Case No. C14p-83-049 for July 14, 1983 at 5:00 p.m.
- f. An appeal from Richard McLaughlin and Anna Parker of the Planning Commission's decision on Case No. C14p-83-052 for July 14, 1983 at 3:00 p.m.
- g. An Industrial Development Bond Finance Project proposed by Raye Carrington, LTD located at: 4804 Loyola, 5602 Clay, 111 Rambel Lane for July 14, 1983 at 3:30 p.m.
- h. To consider annexation of the following:
  - (a) I-35 from current city limits north to 1325
  - (b) 1325 from current city limits north to I-35
  - (c) R.M. 620 from current city limits east to Round Rock ETJ.

Tuesday, August 2, 1983 at 4:00 p.m. at the site

Thursday, August 4, 1983 at 4:00 p.m. in Council Chamber

Release of Easement

Authorized release of the following easement: A portion of a Drainage Easement recorded in Volume 7891, Page 417 of the Travis County Deed Records and located on Lot 1, Headway 4, 8301 Cameron Road. (Requested by Cunningham - Graves, Inc.)

ITEM PULLED FROM AGENDA

Council pulled from the agenda an item to consider requesting the Ethics Review Commission to review and make recommendations regarding financial disclosure by City Officials and employees until July 14, 1983.

MAJOR EMPLOYER TASK FORCE

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, set a public hearing for July 21, 1983 at 5:00 p.m. on the creation of a major employer task force. (7-0 Vote)

## MORATORIUM AMENDMENT

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, passed through THIRD 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. (4-3 Vote, Councilmembers Shipman, Urdy and Duncan voted No.)

## OAK HILL WATER MAIN PROJECT

Council had before them an ordinance to consider amending the 1982-83 Capital Improvements Program 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. Councilmember Rose made the following motion:

Motion

Councilmember Rose made a motion, seconded by Mayor Mullen as follows:

Instruct staff to work with property owners in the area to see if there is cost participation available for that line and also the assignment of LUE's that will be available with the building of that line in that area on an equitable pro-rated basis and come back to Council with a contract for our consideration.

Mr. Schwing, Director of Water and Wastewater, told Council "this is an integral part of the Oak Hill plan. It connects the 36" line that is going to the south along Convict Hill with the 24" in the easterly direction along Convict Hill. As you proceed further toward the north toward Highway 290 we pick up the line that will be built along William Cannon and then finally at 290 the existing line and then the pump station. This one portion is an inter-connector for almost all of these lines coming together. We feel we might establish a portion of this line to be committed for additional service but the true function of this line is to tie all the others together to permit waters to move back and forth in the inter-connection coming from Davis Lane and the proposed Brodie Lane pump station. I feel it would be premature to make extreme commitments on this line since it is part of a system rather than a line for servicing just this particular area."

Councilmember Rose said, "I do not believe my motion will inhibit you from having that type of discussion. I think that is exactly what I ask you to do. I want Council to direct staff to sit down with the property owners in that area. They have expressed a willingness to pay for this line. Any time I see a line that needs to be built and we have some people that want to pay for that line then I don't have a problem with that concept and I still think you can bring back to this Council a contract which satisfies the requirements that you have. If you want me to make it perfectly clear I can read this motion into the record or we can go from where I am."

## OAK HILL - (Continued)

Mayor Mullen asked Councilmember Rose to clarify his motion.

Motion Restated

"Direct Water and Wastewater staff to meet with property owners along the proposed route who desire service, have pending requests for service and might be willing to participate in the cost and provide the following information: the total number of LUE's available to the line before and after storage is provided; the number of LUE's necessary for service improvements to existing customers and the number of LUE's available for new service; determine cost participation and allocation of LUE's in an equitable manner and bring Council a proposal back."

Mr. Schwing asked if Patton Ranch should be incorporated into this line. Councilmember Rose answered affirmatively.

Roll Call on Motion

7-0 Vote

Motion

The Council, on Councilmember Rose's motion, Mayor Mullen's second, adopted a resolution to select professional engineering services of Turner, Collie & Braden, Inc. for Abilene Trail - Oak Hill Water Main for the Water and Wastewater Department, CAPITAL IMPROVEMENTS PROGRAM No. 83/22-25. (7-0 Vote)

BUDGET AMENDMENT

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance amending the 1982-83 CIP and 1982-83 Budget by transferring \$300,000 from the Water and Wastewater Utility Ending Balance to the Water and Wastewater CIP and appropriating these funds to the Water Comprehensive Plan. (7-0 Vote)

CAPITAL IMPROVEMENTS

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, adopted a resolution to approve Supplemental Amendment No. 5 to the Professional Services Agreement with Metcalf & Eddy, Inc. for the Water and Wastewater Master Plan. CAPITAL IMPROVEMENTS NOS. 81/22-92 & 81/23-82. (7-0 Vote)

CABLE RATE INCREASE

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance suspending the effective date of proposed rate increases filed by the Capital Cable Company d/b/a Austin CableVision for a period of one hundred fifty days beyond July 1, 1983. (7-0 Vote)

## PUBLIC HEARING SET

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, set a public hearing for October 18, 1983 at 4:30 p.m. on cable television rate increases proposed by Austin CableVision. (7-0 Vote)

## JOAN OF ARC COURT

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 830414-F authorizing the vacation and abandonment of JOAN OF ARC COURT, to reflect redefined boundaries of said street based on survey subsequent to the ordinance, and to require and declare dedication of vacated street as a public utility easement. (7-0 Vote)

## WATER APPROACH MAINS

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted resolutions approving the following water approach mains: (7-0 Vote)

- a. BILL MILBURN COMPANY
  - Water approach main to serve Vista North, approve participation in the Spicewood Springs Discharge Improvements Project. No City cost participation.
- b. R. T. MAYFIELD
  - Water approach main to serve The Mayfield - Barr Subdivision, approve participation in the Spicewood Springs Discharge Improvements Project. No City cost participation.
- c. FRANK Y. SMITH
  - Water approach main to serve The Executive Center Tract, approve participation in the Spicewood Springs Discharge Improvements Project. No City cost participation.
- d. EMILE JAMAIL
  - Water approach main to serve Sierra Oaks Subdivision, approve participation in the Spicewood Springs Discharge Improvements Project. No City cost participation.
- e. THE CHASE WOOD COMPANY
  - Water approach main to serve Oakchase, approve participation in the Spicewood Springs Discharge Improvements Project. No City cost participation.

## WATER APPROACH MAINS - (Continued)

## f. LINEAR PROPERTIES

- Water approach main to serve The Oaks at Jollyville, approve participation in the Maconda Park Elevated Storage Improvements Project. No City cost participation.

## g. LINEAR PROPERTIES

- Water approach main to serve Hamilton Square, approve participation in the Spicewood Springs Discharge Improvements Project. No City cost participation.

## h. C. B. FRANCIS

- Water approach main to serve The C. B. Francis Tract, approve participation in the Spicewood Springs Reservoir Discharge Improvements Project. No City cost participation.

## SOUTH AUSTIN GROWTH CORRIDOR MUD NO. 1

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the assignment of the interests of Wilson Development Corporation in the Agreement Concerning Water Supply and Sewer Capacity for the Creation and Operation of South Austin Growth Corridor Municipal Utility District No. 1 to Gunn-Olson-Stordahl Joint Venture. (7-0 Vote)

## PUBLIC HEARING ON AN APPEAL

Mayor Mullen opened the public hearing set for 3:15 p.m. on 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.

Ms. Donna Kristaponis, Assistant Director of Planning, told Council the Planning Commission recommends the granting of the Special Permit.

Miguel Guerrero, representing the applicant, said apartment zoning has already been approved, Maconda Park water will be used, and Jollyville Road will be upgraded.

Ms. Judy Walker appeared and showed maps of tracts already approved to show Council the overall picture of what is happening in the area. She said 270 more units will be too much and that there has to be a stopping place somewhere. She also asked if the Water and Wastewater Department is working with the Fire Department to color code fire plugs. Mr. Schwing, Director of Water and Wastewater, told her the color coding is being done all over the City.



APPEAL - (Continued)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing and approved the Planning Commission's decision to grant a Special Permit to Krasoff Investments, Case No. C14p-83-022 and deny the appeal. (7-0 Vote)

EXECUTIVE SESSION

Mayor Mullen announced Council would go into Executive Session pursuant to Article 6252-17 to discuss board and commission appointments, Section 2, Paragraph g, and discussion of sale of real estate (Austin's interest in the South Texas Nuclear Project), Section 2, Paragraph f.

RECESS

Council recessed its meeting at 3:45 p.m. and resumed its recessed meeting at 5:20 p.m.

BOARD & COMMISSION APPOINTMENTS

Motion

The Council, on Councilmember Rose's motion, Mayor Mullen's second, made the following appointments to the Parks and Recreation Board: (7-0 Vote)

Barbara Page Graves, Terry Bray, Jacquelyn Goodman, Irene Domínguez, Beverly Griffith, Lawrence Britton, Frank W. McBee Jr., H.A. "Hank" Guerrero & Lawrence Jenkins.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, appointed the following to the Private Industry Council: (7-0 Vote)

Sam. J. Zigrossi, Darnell S. Arnold, Roberto O. Martínez, Gustavo L. García, Martha P. Cotera, Bernice Hart, Mark Mullen, Jean H. Mengers, Orland W. Rury Sr., J.M. Richard, Sylvia King, Mr. Joe Ramos, Ramon H. Dovalina, Nelda Smith, Elvia Ortiz-Castro, Margarine Beaman, and Al Cumming

## ITEM PULLED

The Council pulled from the agenda the Planning Commission report on Discussion on Water and Wastewater Information.

## ZONING HEARING

Mayor Mullen announced Council would hear the zoning case scheduled for 4:00 P.M. Council heard, closed the public hearing and granted the following and instructed the City Attorney to draw the necessary ordinances.

C14r-83 JACK E. RAY  
062 R&O CORPORATION  
By Jack Morton

8611 MoPac

From Interim "A" &  
"GR" 1st H&A  
To Tr. 1 "C-2" 1st H&A  
Tr. 2 "O-1" 1st H&A  
RECOMMENDED accepting  
restrictive covenant  
for parking area,  
applicant to specify  
area for "C-2" zoning  
through metes and  
bounds description,  
tied to site plan.

CLOSED THE PUBLIC HEARING AND GRANTED ON  
AN EMERGENCY BASIS

Donna Kristaponis, Assistant Director of Planning, reviewed the application by use of slides.

Jack Morton, representing the applicant, told Council the site is the one on which The Barn is located. The owner wants a combination night club and restaurant with 300 capacity. He said Summerwood residents and Shoalwood Neighborhood Association do not disapprove.

Bob Leonard, member of the Balcones Civic Association, said they are concerned with the lack of parking and the ingress/egress onto MoPac.

Harold Wetting, board member of the Balcones Civic Association, showed slides of the area. He said the nightclub will create a dangerous traffic situation and wants the emphasis of the club put on dinner and not alcoholic beverages.

Motion to Close Hearing

The Council, on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (7-0 Vote)

Motion

The Council, on Councilmember Rose's motion, Councilmember Spaeth's second, waived the requirement for three readings and finally passed an ordinance granting from Interim "A" & "GR" 1st H&A to Tr. 1 "C-2" 1st H&A, Tr. 2 "O-1" 1st H&A the property at 8611 MoPac owned by Jack E. Ray R&O Corporation, as recommended. (5-2 Vote, Councilmember Shipman and Mayor Mullen voted No.)

## PUBLIC HEARING - APPEAL OF SPECIAL PERMIT CASE NO. C14p-83-031

Mayor Mullen opened the public hearing set for 5:20 p.m. on an appeal from Merle Moden of the Planning Commission's decision to grant a Special Permit for Mearns Meadow Apartments, Case No. C14p-83-031.

Roger Killingsworth, 5305 Parkfield, asked that a compromise be made because they are against the apartments. James Moses expressed concern about the density. Terry Bray, who is representing the applicant, and had given the opening statements, summarized by addressing traffic, drainage and the public health and welfare.

Motion

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

Motion

The following motion made by Councilmember Shipman and seconded by Councilmember Duncan was passed by a 5-1-0 Vote, Councilmember Spaeth voted No:

Postpone action for three weeks to ascertain that these special permits meet criteria 1, 3 and 9 and the information requested to see if they meet that criteria would be staff comments on the TIA presented this evening, additional information on the traffic study referenced by Dr. Benson; also an analysis of traffic flow in the area and the TIA is all referenced in street capacity, pavement capacity, there is no reference to flow and compatibility with the neighborhood and the surrounding neighborhood and that is a major goal of ours to mitigate traffic on neighborhood streets. That is criteria 1 on our check list. Criteria 2 would be reference to drainage and I would like staff to respond to the overall detention pond created in the area, what they will look like, will the trees all be leveled on the detention pond on Rutland Drive because that might create an aesthetic problem but also the details of the detention ponds, what they will do for drainage in the area, the maintenance of the proposed detention ponds and also existing detention ponds in the area. Item 3 and 4 would reference Item 9 on our check list. Item 3 would be that the water and wastewater issue be ascertained based on information we have received here this evening and the Planning Commission's minutes in reference to one of the cases where they said they didn't want to see it on the agenda again because it referenced the Little Walnut Creek line, what is the capacity there before the build out improvement in reference to the Metcalf & Eddy report that we have seen and finally, the fourth element of the motion is to assess the land use in the area and plug it into the information that we have seen earlier, the existing land use and the allowable land use that is undeveloped under the zoning that is there.

## PUBLIC HEARING - APPEAL OF SPECIAL PERMIT CASE NO. C14p-83-015

Mayor Mullen opened the public hearing set for 5:30 p.m. on an appeal from Merle L. Moden, of the Planning Commission's decision to grant a Special Permit for The Country Place Apartments, Case No. C14p-83-015.

David Armbrust, representing Embry Investments, discussed the apartments and their appropriateness for the site.

Recess

Council recessed its meeting at 6:30 p.m. and resumed its recessed meeting at 6:50 p.m. to continue the public hearing.

Merle Moden, appellant, told Council the developer has been willing to work with them but the neighborhood is against the proposed density because they fear flooding which may result. They asked for a postponement of the decision until they see the results of a traffic study.

Maurice Angly, attorney representing Mrs. Eugene Flash, said her house is on the east property line and every time it rains the water builds up toward her house and floods further downstream. They feel that with this development the water will get worse and floods will occur and asked Council to deny the intensive zoning change.

A woman who did not identify herself, said she lives in the Park at Quail Creek and cannot believe Council would allow apartments so close to a residential area. She is afraid of flooding.

Doug Wheeler, president of the homeowners association for The Park at Quail Creek, said they are now surrounded by apartment complexes.

David Van, representing himself and the North Austin Civic Association, said they do not want such intensive use of the land.

Cyndy Killingworth told Council there is already more traffic than they can handle.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing: (6-0 Vote, Mayor Mullen was out of the room.)

Motion - NO ACTION

Councilmember Shipman made a motion, seconded by Mayor Pro Tem Trevino as follows: (3-3 Vote, Councilmembers Duncan, Rose and Spaeth voted No, Mayor Mullen was out of the room.)

(SEE NEXT PAGE FOR MOTION)

## APPEAL - (Continued)

Postpone action for three weeks to ascertain that these special permits meet criteria 1, 3 and 9 and the information requested to see if they meet that criteria would be staff comments on the TIA presented this evening, additional information on the traffic study referenced by Dr. Benson; also an analysis of traffic flow in the area and the TIA is all referenced in street capacity, pavement capacity, there is no reference to flow and compatibility with the neighborhood and the surrounding neighborhood and that is a major goal of ours to mitigate traffic on neighborhood streets. That is criteria 1 on our check list. Criteria 2 would be reference to drainage and I would like staff to respond to the overall detention pond created in the area, what they will look like, will the trees all be leveled on the detention pond on Rutland Drive because that might create an aesthetic problem but also the details of the detention ponds, what they will do for drainage in the area, the maintenance of the proposed detention ponds and also existing detention ponds in the area. Item 3 and 4 would reference Item 9 on our check list. Item 3 would be that the water and wastewater issue be ascertained based on information we have received here this evening and the Planning Commission's minutes in reference to one of the cases where they said they didn't want to see it on the agenda again because it referenced the Little Walnut Creek line, what is the capacity there before the build out improvement in reference to the Metcalf & Eddy report that we have seen and finally, the fourth element of the motion is to assess the land use in the area and plug it into the information that we have seen earlier, the existing land use and the allowable land use that is undeveloped under the zoning that is there.

Council was in a quandry as to what to do. Mayor Pro Tem Trevino announced the Mayor would return to the Council Chamber in a few minutes. Council recessed until the Mayor's return.

Recess

Council recessed at 8:55 p.m. and resumed its recessed meeting at 9:30 p.m.

Motion

Councilmember Shipman made a motion, seconded by Mayor Pro Tem Trevino to postpone action for three weeks and (same as above).

Councilmember Duncan said that he does not think he will change his mind in three weeks. "The drainage we have negotiated for a long time for a regional drainage facility on this tract. I think this tract may have other problems because of the restrictive covenant, the way it is set up, but that is not within our purview on our Special Permit vote on this. ...The question I have is the portion of restrictive covenant that relates to the density could be wiped out by our limiting the restrictive covenant." Mayor Pro Tem Trevino said if the vote had been positive Council would have gone back to the item and voted on the restrictive covenant but the question became moot because of the tie vote.

## APPEAL - (Continued)

Substitute Motion

Councilmember Rose offered a substitute motion, seconded by Councilmember Duncan to uphold the Planning Commission and grant a Special Permit for The Country Place Apartments, Case No. C14p-83-015. Motion passed by a 4-3 Vote, Councilmember Urdy, Mayor Pro Tem Trevino and Councilmember Shipman voted No.

## PUBLIC HEARING - APPEAL OF SPECIAL PERMIT CASE NO. C14p-83-038

Mayor Mullen opened the public hearing on a public hearing set for 5:00 p.m. on an appeal from Richard McLaughlin and Anna Parker, representing North Creek Community Association of the Planning Commission's decision on Case No. C14p-83-038.

Mr. Terry Bray, representing the applicant, discussed the proposed 250 apartment complex.

Dianna Fagering asked Council to get all the facts.

Dean Fagering discussed detention ponds and said the ones in their area are full of weeds.

Pat Horn, Heritage Hills Neighborhood Association, asked Council to deny all three appeals discussed tonight because there is not enough water and wastewater to serve these areas.

Deborah Asa, who lives in Western Trails, says they do not need 3000 apartments.

Mr. Bray returned to say the project as a whole will have a significant reduction of proposed impervious cover.

Dr. Benson was asked about the traffic study. He said a comprehensive study as the neighborhood requests would take 12-14 weeks.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, passed the following motion: (6-1 Vote, Councilmember Spaeth voted No)

Postpone action for three weeks to ascertain that these special permits meet criteria 1, 3 and 9 and the information requested to see if they meet that criteria would be staff comments on the TIA presented this evening, additional information on the traffic study referenced by Dr. Benson; also an analysis of traffic flow in the area and the TIA is all referenced in street capacity, pavement capacity, there is no reference to flow and compatibility with the neighborhood and the surrounding neighborhood and that is a major goal of ours to mitigate traffic on neighborhood streets. That is criteria 1 on our check list. Criteria 2 would be reference to drainage and I would like staff to respond to the overall detention pond created in

## APPEAL - (Continued)

the area, what they will look like, will the trees all be leveled on the detention pond on Rutland Drive because that might create an aesthetic problem but also the details of the detention ponds, what they will do for drainage in the area, the maintenance of the proposed detention ponds and also existing detention ponds in the area. Item 3 and 4 would reference Item 9 on our check list. Item 3 would be that the water and wastewater issue be ascertained based on information we have received here this evening and the Planning Commission's minutes in reference to one of the cases where they said they didn't want to see it on the agenda again because it referenced the Little Walnut Creek line, what is the capacity there before the build out improvement in reference to the Metcalf & Eddy report that we have seen and finally, the fourth element of the motion is to assess the land use in the area and plug it into the information that we have seen earlier, the existing land use and the allowable land use that is undeveloped under the zoning that is there.

Mayor Mullen pointed out that this motion would mean a lot of extra work for staff. Councilmember Shipman said she had already checked and the departments concerned told her they can handle this.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing. (7-0 Vote)

## PUBLIC HEARING - APPEAL OF SPECIAL PERMIT CASE NO. C14p-83-041

Mayor Mullen opened the public hearing set for 5:10 p.m. on an appeal from T.J. "Jack" Horton, of the Planning Commission's decision to deny a Special Permit for Case No. C14p-83-041.

Mr. Morton appeared before Council to ask them to approve the Special Permit.

Anna Parker, North Creek Neighborhood Association, said she opposes the Special Permit.

Deborah Asa, who lives next to the project, opposes.

Jim Gray, developer for the project, said this has been in the developing process for 2½ years and is causing him financial difficulty.

Jack Morton summarized by saying they are honoring everything and conforming to the zoning commitment.

## APPEAL - (Continued)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearing and passed the following motion: (6-1 Vote, Councilmember Spaeth voted No.)

Postpone action for three weeks to ascertain that these special permits meet criteria 1, 3 and 9 and the information requested to see if they meet that criteria would be staff comments on the TIA presented this evening, additional information on the traffic study referenced by Dr. Benson; also an analysis of traffic flow in the area and the TIA is all referenced in street capacity, pavement capacity, there is no reference to flow and compatibility with the neighborhood and the surrounding neighborhood and that is a major goal of ours to mitigate traffic on neighborhood streets. That is criteria 1 on our check list. Criteria 2 would be reference to drainage and I would like staff to respond to the overall detention pond created in the area, what they will look like, will the trees all be leveled on the detention pond on Rutland Drive because that might create an aesthetic problem but also the details of the detention ponds, what they will do for drainage in the area, the maintenance of the proposed detention ponds and also existing detention ponds in the area. Item 3 and 4 would reference Item 9 on our check list. Item 3 would be that the water and wastewater issue be ascertained based on information we have received here this evening and the Planning Commission's minutes in reference to one of the cases where they said they didn't want to see it on the agenda again because it referenced the Little Walnut Creek line, what is the capacity there before the build out improvement in reference to the Metcalf & Eddy report that we have seen and finally, the fourth element of the motion is to assess the land use in the area and plug it into the information that we have seen earlier, the existing land use and the allowable land use that is undeveloped under the zoning that is there.

## ZONING HEARING

Mayor Mullen opened the zoning hearing scheduled for 4:00 p.m. on the following. Council heard, closed the public hearing and instructed the City Attorney to draw up the necessary ordinances.

C14-69	EMBREY INVESTMENTS,	1100 Rutland Drive	Approve amendment to
233	INC.		restrictive covenant.
	By David Armbrust	<u>CLOSE PUBLIC HEARING</u>	<u>GRANTED AS RECOMMENDED</u>

(On Councilmember Rose's motion, Councilmember Duncan's second, 6-1 Vote, Councilmember Shipman voted No.)

## ADJOURNMENT

Council adjourned its meeting at 9:40 p.m.