



Austin City Council MINUTES

For SPECIAL CALLED MEETING - MARCH 2, 1982 - 4:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan

Mayor

John Treviño, Jr.

Mayor Pro Tem

Council Members

Larry Deuser

Roger Duncan

Richard Goodman

Ron Mullen

Charles E. Urdy

Nicholas M. Meiszer

City Manager

Grace Monroe

City Clerk

Memorandum To:

Mayor McClellan called to order the Meeting of the Council scheduled for 4:00 p.m. at 4:10 p.m., noting the absence of Councilmember Goodman, who entered the Council Chamber at 4:20 p.m.

Mayor McClellan announced the purpose of this Special Called Meeting is to consider the wording of the ballot proposition for the ordinance ordering an election on April 3, 1982, relating to establishing a height limitation.

Mayor McClellan said there had been a lot of discussion last week about the meaning "by the Downtown Revitalization Task Force memorandum to us." She asked Dr. Alan Taniguchi, chairman of the Downtown Revitalization Task Force, to clarify the position of the Task Force relating to this matter.

Dr. Taniguchi addressed Council as follows: "I was not available last week. I understand there was a lot of discussion and some question as to the intent of the resolution that was forwarded from the Task Force. There was some concern that the resolution was not transmitted in verbatim form as I had made the motion. I think there has been interpretation made in the resolution forwarded to you. I'd like to throw off the verbatim motion and instead of 'The City Council has charged the Downtown Revitalization Task Force with reviewing building heights downtown and any City Council action prior to a recommendation by the Task Force would be premature'. Instead of that, 'The Council has charged the Task Force with coming up with recommendations on height'...the on height apparently was thrown in in the process of making the motion. It did not come out of my mouth so that was in the motion. And, 'any Council action does not seem to be in line with that charge' was the motion.

"I'm not here to speak in any other way other than to try to clarify the issue that you asked me to try to clarify up here at this time. If you have any further questions on that I will be glad to try and answer."

Mayor McClellan said either statement speaks very clearly that a referendum would be premature and would pre-empt a serious study on the part of the Downtown Revitalization Task Force.

Mr. Taniguchi stated, "In anticipation of being asked how generally the whole Task Force may have felt about that, although we could not reach all of the members the interpretation seems to come out in the great majority that they voted on my motion with the intent that it not go on the referendum."

Councilmember Deuser said he had a statement from Phil Conard, a member of the Task Force, saying he voted for the motion because it did not expressly object to the referendum on height as the original motion did because it acknowledges that the Council can change and create new charges, including a charge to the public to express their opinion on the scale involved in downtown Capitol views.

Councilmember Mullen said the Downtown Task Force is in the middle of doing something and they want to be able to finish it.

Councilmember Deuser said members of the Council are charged by the people to guide.

Motion

Councilmember Deuser made a motion, seconded by Councilmember Duncan to put the following on the April 3, 1982 ballot:

"Should the buildings in Austin be generally limited to the Height of the Wings of the Capitol (120 ft.) but under special circumstances allowed to go up to, but not over, 200 ft. in Height.

_____ For

_____ Against

Mayor McClellan reiterated what she said before. "To me there is no such thing as a non-binding referendum. I want the MoPac referendum to be binding and if this referendum were passed it would not be a guideline it would be a mandate and we would cut off that discussion."

Councilmember Goodman reiterated, "My own feelings are somewhat similar to yours. I consider it binding also and as a consequence I do not think 120' is a proper move for the City Council to take. The Downtown Task Force has the height limitation proposal under consideration. I don't think the way to adopt a height ordinance for downtown Austin is by referendum, particularly submitting something as rigid as 120'. I hope those who are dedicated to seeing a height limitation come about in Austin would be more realistic."

Councilmember Duncan said he does not see a problem with putting this on the ballot and getting the people's response. "It is a non-binding referendum legally. I don't think it would pre-empt the Council action because any ordinance we develop is going to be much more intricate and involved than anything that's going

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to be on the ballot. We will have to decide what the final ordinance is going to be. I don't think this Council will take any action on the ordinance before recommendations from the Task Force come in."

Councilmember Urdy said if there is no such thing as a non-binding referendum then it should be removed from the Charter. He said he views it as non-binding and it should be viewed as a guideline.

Mayor McClellan asked, "On that theory should we not be selling the NUKE?"

At this point Councilmember Deuser showed a stack of petitions signed by people wanting a 120' height limitation. He said there were 5,000 signatures on the petitions.

Roll Call on Motion - FAILED

3-4 Vote

YES: Councilmembers Deuser, Duncan and Urdy

NO: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Goodman and Mullen.

Motion

Councilmember Deuser made a motion, seconded by Councilmember Duncan to place the following on the April 3, 1982 ballot:

"Should buildings in Austin be limited to less than 200'.

_____ Yes _____ No

Councilmember Goodman said he will vote No on the motion because he had just heard it for the first time.

Roll Call on Motion - FAILED

3-4 Vote

YES: Councilmembers Deuser, Duncan and Urdy

NO: Mayor Pro Tem Trevino, Councilmember Goodman, Councilmember Mullen, Mayor McClellan

Motion

Mayor Pro Tem Trevino made a motion to adjourn.

Councilmember Deuser asked that the motion to adjourn be withdrawn because he had another motion to make.

Motion Withdrawn

Mayor Pro Tem Trevino withdrew his motion to adjourn.

Motion - Died for Lack of Second

Councilmember Deuser made a motion for staff to research and then put on the Agenda limitation of heights in City of Austin to no more than 200'.

Mayor McClellan informed him there was no need for that motion. It can be a direction to the City Manager to direct the staff. Councilmember Deuser then made that request.

ADJOURNMENT

Council adjourned its meeting at 4:35 p.m.