



Austin City Council MINUTES For

JANUARY 28, 1982 -- 3:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council scheduled for 3:00 p.m. at 3:15 p.m., noting the absence of Mayor McClellan, who is attending the National Conference of Mayors; and Councilmember Mullen who is out of town on business.

INVOCATION

The Invocation was given by Reverend J. Paul Joyner, Austin Heights Assembly of God Church.

MINUTES APPROVED

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, approved the Minutes for Regular Meetings of January 7, 13, 14, 1982 as corrected. (5-0 Vote, Councilmember Mullen, Mayor McClellan absent)

AMENDMENT TO UTILITY 1981-82 OPERATING BUDGET

Council had before them for consideration an ordinance amending the Utility 1981-82 Operating Budget to appropriate \$1,851,000 to the Electric Utility 1981-82 Capital Improvements Program.

Mr. R.L. Hancock, Director of Electric Utility, reported as follows: "This appropriation request was to cover the months of February and March. By way of review, we had previously sought and Council approved funding of the regular construction program and the distribution construction activity from current funds since it had not been approved on an annual basis through the CIP process. Through

BUDGET - (Continued)

January we had depleted all of the budget approved scheduled 9 1/2 million dollar transfer to the construction fund from revenue. We are back again seeking authority for the construction program for the months of February and March, suggesting that it be taken from the ending balance, which means it would be taken from current funds to fund the minimum construction activity required for those two months and would anticipate a subsequent return to the Council as we see the progress of the construction fund from the period after. The question raised yesterday was in depleting funds from the ending balance that come from current funds that are in excess of the anticipated transfer of current funds to CIP, how does that affect the rate picture? We quickly did some analysis on that and tried to get a copy of the memo to Council this morning. I doubt if you had time to review it so I will do so briefly. There are three alternatives and they relate to future borrowing methods, whether we anticipate funds for the construction program from borrowed money or whether we anticipate it from current funds, that is, regular revenue. The more we use current funds, the greater the pressures are for rate increases. The more we're able to use borrowed funds the less that pressure and in looking at alternative 1 in that analysis and considering this fiscal year, next fiscal year the '83 fiscal year and the year following, the '84 fiscal year, if we have no authority to borrow funds for that construction program and have to continue that construction program from current funds that would mean a 15% electric rate increase in October of 1982. That's no borrowing, all from current funds. If we fund all of this year from current funds and have borrowing authority in 1983 and 1984, that will require on the basis of some qualifications I will give you later, an 8 1/2% rate increase in October of 1982. If we are able to provide some source of funding to replace the current funds that are used to complete this year's construction program and if we have authority to borrow funds to fund the 1983 and 1984 fiscal year we would need no rate increase in October of 1982 and anticipate about an 8% rate increase required in October, 1983. The calculation is preliminary. It depends on economics in the local area, the need for construction funds, It depends upon revenue into the system and that is sales in the system to the extent sales are greater than anticipated our economic picture will be better. If sales are less our economic picture will be poorer and there will be greater pressures for rate increases. Those are two significant factors. This analysis does not anticipate the impact of any proposed refunding of bonds. It is predicated on our current financial arrangement and the refunding of bonds will change that somewhat depending on the nature of that refunding. There will be some funds generated through refunding that could be utilized if Council chose to support a portion of this year's construction program and to allow the rolling forward of those current funds that are being depleted from the ending balance and use those to reduce or eliminate that rate increase for 1983 depending on how successful we are in getting authority to borrow money to fund the construction program for 1983 and 1984. Another factor that can influence that considerably is the sale of energy to Houston. It cannot eliminate the potential for sales increase but we are able to increase those sales beyond what we have anticipated in the budget. Of course that will improve our financial posture also and will either reduce the rate changes or eliminate them depending on the magnitude. However I don't think there's any possibility of any sale to Houston or increased sales to our existing customers that would totally eliminate that anticipated 8 1/2% or 15% increase but it could tend to moderate it somewhat. For every \$2,000,000 that is generated in clear revenue, after fuel is subtracted from it. That's equivalent to 1% rate change so if we can generate an extra \$2,000,000 in net clear income that's 1% less

BUDGET - (Continued)

on that rate impact and we will propose as the year goes forward and we see what the revenue performance is during the year to make successive reiterations of the report analysis and get the reports to Council so you can see how the cost progresses and what the estimated outlook is for the rate impact and in conjunction with the refunding we do an extensive analysis. The request we have placed before the Council is to provide funds for the routine construction activity. That is the meters and transformers and service drops to existing and new customers in the system that are anticipated in the next few months. It is directly related to the degree of activity we have in that area which is difficult to anticipate at this time. We have rolled forth into February about 3 weeks funding from previous authorities the Council has granted and we were able to cut back on and give a little bit of reduced activity."

Councilmember Deuser asked, "In light of the reduced electric utility requirements that were instituted after the failure of the bonds last year into the plan referred to as the gray plan, about a \$4,000,000 reduction overall of capital expenditures and you had at the time another plan proposed which is a dark gray plan which is another \$3,000,000 less of expenditures. In trying to review this request would it be feasible to maybe implement the dark gray plan in those areas that might not stretch us out in the reliability area but we might not render quite as high quality response in taking care of our system load changes and some of the things that we are more careful about keeping up with than the gray plan." Mr. Hancock said it would be possible. "We had two critical projects we had to commit for. One was in the Summit 1325 area and the other in the Oak Hill area and Council has already approved those commitments. We can cut back further and effectively shift to the dark gray plan which is a tighter plan with some sacrifice in quality and some sacrifice in reliability but I don't feel at this time that it is too great a risk to run. We could shift back into that area if Council is aware of the fact that quality of our service might decline a little bit and might be subject to a little bit of criticism for poor responses and a little lower quality service. I hope not but that might be the possibility of that sort of impact but we certainly could cut back to that and I think that would be appropriate in view of this extremely tight money picture." Councilmember Deuser said the preferred option of the department and the Council is that the voters will approve electric utility bonds in August and that will minimize the effective rate increase as they move through the year and find out what the revenues turn out to be. He asked expenditures to be cut back wherever discretion can be exercised."

Motion

Councilmember Deuser stated, "I would like to recommend we move to the dark gray plan and try to withhold as much in the area of expenditures that remains in this fiscal year and closely monitor what impact we're having on our spending rate on Capital Projects for Electric." Councilmember Duncan seconded the motion. "Also I would like to roll into that approval of the requested amount."

Roll Call on Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance amending the Utility 1981-82 Operating Budget to appropriate \$1,851,000 to the Electric Utility 1981-82 Capital Improvements Program; move to dark gray plan, withholding as much as possible in expenditures for remainder of fiscal year; monitor impact on spending rate on CIP for Electric Utility. (5-0 Vote, Mayor McClellan, Councilmember Mullen absent.)

CAPITAL IMPROVEMENTS

Council had before them an ordinance to consider declaring the necessity for and ordering improvements to Friendship Drive and Vernon Avenue consisting of 2 units and covering approximately 2 1/2 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01.

Mrs. Bowles, who resides on Vernon Avenue, said she does not want to pay on something which she does not think is a necessity. She has lived happily in her home since 1946.

Councilmember Goodman asked if the improvements could be done at City's cost. Mr. German, Director of Public Works, said this is the first step. Later the improvements could be appealed and Council could reduce the cost then.

Council discussed whether or not the paving is needed. Councilmember Deuser asked that this be pulled for one week.

STREET VACATION

Mayor Pro Tem Trevino opened the public hearing scheduled for 3:45 p.m. on vacating the following and passage of ordinance:

- a. A portion of Barton Springs Road right-of-way adjoining the Mae Crockett Subdivision Number 3. (Requested by the Urban Transportation Department.)
- b. Excess right-of-way adjoining 1919 East Riverside Drive. (Requested by Safeway Stores, Inc.)
- c. A portion of Maple Avenue right-of-way at East 12th Street. (Requested by Nolen and Associates)

(a.) Willard Finkelstien, who owns the property on the corner of Barton Springs and South Congress, objects to the plan because of the proposed narrowing of the street. The flow of traffic is enough to justify the width. He felt the excess land could be used better for parking which is badly needed in that area.

Sam Perry, representing applicant for the subdivision approval which brought this to a head, said when they filed the application Urban Transportation recommended to the Planning Commission that they be required to dedicate a triangular tract of land at the intersection of Barton Springs and South Congress for the purpose of realigning and improving the intersection there to realign with Miller Street. He said Urban Transportation felt realignment of the intersection would greatly improve traffic flow in the area. After hard negotiations, Urban Transportation came up with this compromise. He asked Council to approve.

Mr. John German, Director of Public Works, stated, "We have 100' of right of way on Barton Springs. We do not intend to narrow the existing street itself. It's a 60' wide street but we do have excess right of way beyond the curbs of the street we're seeking to vacate here. We would still have 6' beyond the curb

VACATION - (Continued)

for sidewalks etc. on that side of the street where we are asking for a vacation. The additional right of way which would be provided would allow for a better intersection of Barton Springs at South Congress to facilitate an intersection where the drive comes out from the American Statesman and would relate to the condominium project and be better for the flow of traffic at the intersection."

(b)

No one appeared to be heard concerning 1919 East Riverside Drive, but Mr. German stated: "This is near the intersection of Royal Crest. This was requested by Safeway Stores, reviewed by various departments and utilities and we recommend approval subject to retaining the area as a public utility easement. This is excess right-of-way that was not needed for Riverside Drive. That has been widened out to a six lane divided street already and we have all of the right-of-way we need. We have a payment of \$17,318.00 for that vacated right-of-way based on appraisal done by the Property Management division based upon the current values in the area."

(c)

No one appeared to be heard concerning Maple Avenue right-of-way at East 12th.

Mr. German stated: "This is requested by the property owner through Nolen and Associates. It is an item because they are trying to clear up the deed on this particular property and in the survey they found that an existing structure was actually out into the right-of-way of Maple Avenue. In order to resolve the matter, they have indicated a willingness and have provided to us a deed which includes a reversionary clause so that if that house is torn down the area would actually revert back to the City at no additional cost to the City. We are talking about an area about 14' by 31' in width. They have paid \$150.00 application fee and \$189.00 for the vacated right-of-way."

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, closed the public hearing, waived the requirement for three readings and finally passed ordinances vacating the following: (5-0 Vote, Mayor McClellan, Councilmember Mullen absent.)

- a. A portion of Barton Springs Road right-of-way adjoining the Mae Crockett Subdivision Number 3. (Requested by the Urban Transportation Department)
- b. Excess right-of-way adjoining 1919 East Riverside Drive. (Requested by Safeway Stores, Inc.)
- c. A portion of Maple Avenue right-of-way at East 12th Street. (Requested by Nolen and Associates.)

ZONING HEARINGS

Mayor Pro Tem Trevino announced Council would hear zoning cases scheduled for 4:00 p.m. The Council heard, closed the public hearing, granted and instructed the City Attorney to draw the necessary ordinances to cover the following zoning changes:

C14 -81 r222	LYNDON CRIDER CONSTRUCTION CO. By James E. Billingsley	Rear of 12731 Research Boulevard	From Interim "AA" 1st H&A To "GR" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Deuser's motion, Councilmember Duncan's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent.)

C14 -81 225	FIRST ENGLISH LUTHERAN CHURCH By R. J. Speights	3000,3002 & 3004 Cedar Street, also bounded by 200-204 West 30th Street	From "B" 2nd H&A To "O-1" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Deuser's motion, Councilmember Duncan's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent.)

Ordinance Passed - Emergency Basis

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis to cover the following zoning changes: C14-81-225, First English Lutheran Church, 3000,3002 & 3004 Cedar Street, also bounded by 200-204 West 30th Street; from "B" 2nd H&A to "O-1" 1st H&A. (5-0 Vote, Councilmember Mullen, Mayor McClellan absent)

C14-81 226	RIVERSIDE PLAZA JOINT VENTURE By Henry Francho & C. L. Reeves	2295 E. Riverside also bounded by Burton Drive	From "GR" 1st H&A To "C-2" & "C" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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C14-81 227	GERALD E. MANN By Tom Curtis	11150 Jollyville Road	From Interim "AA" 1st H&A To "O-1" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
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C14 -81 r010	JIMMY YOUNGQUIST By David B. Armbrust	13711-13733 U.S. 183	From Interim "AA" 1st H&A To "O-1" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Deuser's motion, Councilmember Duncan's second, 5-0 Vote, Councilmember Mullen and Mayor McClellan absent)

ZONING HEARINGS - (Continued)

C14 -81 229	SARAH B. KEMPER & TEXAS COMMERCE BANK, N.A., INDEPENDENT EXECUTORS OF THE ESTATE OF EDWARD R. & JANE EWING BARROW, & JAY C. TAPP By Texas Invest- ment Management, Inc.	3501-3539 Far West Boulevard 6800-6856 Austin Center Boulevard 3401-3420 Austin Center Drive 6600-6798 Loop I (MoPac Expressway) 3400-3448 North Hills Drive 6911-7063 Wood Hollow Drive	From Interim "A" 1st H&A To "O-1" 1st & 2nd, "LR" 1st & 2nd H&A RECOMMENDED subject to three-story buildings with a height limitation of 40.6 feet for building envelopes only, to be tied to site plan. <u>GRANTED AS RECOMMENDED.</u>
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(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent.)

C14 -76 C8-001	GREAT HILLS, INC. By Holford & Carson	8900-9006 Great Hills Trail 5102-5202 Bluffside Drive	From "BB" 1st H&A To PUD 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Duncan's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent)

Amendment to Restrictive Covenant

C14-75 132	DAVID SPENCER	600 W. 8th Street	Amendment to Restrictive Covenant <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Deuser's motion, Councilmember Duncan's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent.)

Action to be Taken February 4, 1982

C14-81 r230	JOHN C. WOOLEY, TRUSTEE	214 North Capital of Texas Hwy.	From Interim "AA" 1st H&A To "O-1" 1st H&A RECOMMENDED
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PUBLIC HEARING CLOSED, ACTION TO BE
TAKEN FEBRUARY 4, 1982.

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

Gary Bradley, developer, said there will be a 600' set back from the

ZONING HEARINGS - (Continued)

highway.

Marina Sifuentes, president, Lake Austin Hill Country Neighborhood Association, appeared before Council to state they are opposed to any office on Loop 360. It is near the wild basin territory.

Dick Stanford appeared to speak against.. He said this "nice development" would be a foot in the door and soon this will become another Ben White. He suggested a master plan for the area.

Councilmember Deuser said a comparison should be done by the Planning staff to see how the wild basin environment will be affected. He suggested a week long study. Mr. Bradley returned to say controls would be better with an office than with residential because of added sewer systems with several residences.

(On Councilmember Goodman's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent)

C14 -81 228	DR. ROBERT M. & GEORGE A. CAIN By Tom Curtis	8112-8212 Cameron Rd. 1316-1430 Rutherford Lane	From "GR" & "BB" 1st H&A To "DL" 1st H&A RECOMMENDED subject to dedication of 40 feet of right-of-way from center- line on Rutherford, and 20 feet of right-of-way off Cameron Road.
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PUBLIC HEARING CLOSED, ACTION TO
BE TAKEN FEBRUARY 4, 1982

Ms. Donna Kristaponis reviewed the application by use of slides.

Tom Curtis, representing the applicant, said there was no opposition to the zoning change at the Planning Commission hearing, but someone has a concern regarding something other than land use. He said if a question does arise he may request the vote be held until the full Council is present next week.

Jim Cartwright, Facilities Manager, Houston Instruments located on Cameron Road, appeared before Council. He said they did not oppose during the Planning Commission hearing because they had not been notified of the hearing until after it took place. Basically he said they do not oppose the change in principle but oppose it in practice. First, he said, there is insufficient water in the area and if any water is used in the area, there is insufficient pressure for the fire protection system. He asked for a loop in the line to increase the pressure. Second, Cameron Road is a country lane. Subdivisions have been built along the road and traffic comes down the road to get on to 183. He showed slides to illustrate his concern with traffic. Then Mr. Cartwright stated that they do not oppose because of use but because of conditions and said if the road is corrected they will welcome the change.

ZONING HEARING - (Continued)

Tom Curtis returned to say the road conditions will be improved by the footage they have been asked to donate. He requested the hearing be closed and vote be taken next week.

Councilmember Deuser requested a report on the water and wastewater pressure.

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

C14 -81	JOHN & LESLIE	2800 San Pedro	From "A" 1st H&A
177	PIERATT		To "BB" 1st H&A
			NOT RECOMMENDED

CLOSE PUBLIC HEARING - ACTION
TO BE TAKEN FEBRUARY 4, 1982

Ms. Donna Kristaponis reviewed the application by use of slides.

Mr. John Pieratt, applicant, said they plan to build condominiums.

Mr. Smoot Carl-Mitchell, who lives 1½ blocks from San Pedro, asked Council to deny the application because the street is too narrow to carry a lot more traffic. He said residences in the west campus area should be renovated rather than used for land speculation.

Darrell Griff also spoke about the narrow street and asked denial, as did Robert Porter, Betty Phillips and Bob Russell.

(On Councilmember Goodman's motion, Councilmember Duncan's second, 4-0 Vote, Councilmember Mullen, Mayor McClellan absent, Councilmember Urdy was out of the room.)

C14 -81	MICHAEL R. McHONE	608-612 W. 22nd St.	From "B" 2nd H&A
211	(Burt House)		To "O-H" 2nd H&A
&			NOT RECOMMENDED
h017			RECOMMENDED "O-H" 1st
			because of criteria added
			by staff and Commissioner
			Manning; subject to render
			ing and site plan.

CLOSE PUBLIC HEARING - ACTION
TO BE TAKEN FEBRUARY 4, 1982

Ms. Donna Kristaponis reviewed the application by use of slides.

ZONING HEARINGS - (Continued)

Mike McHone told Council he plans to preserve the structure to bring it back to the 1909 era. He referred to a report he gave to Council. CITY CLERK DID NOT RECEIVE A COPY.

Mark Negre showed slides.

Bob Russell appeared and spoke in favor, as well as Sinclair Black, who said it supports five criteria.

Betty Phillips, member of Historic Landmark Commission, is opposed to the "H" zoning. She said it is a nice old house but it is not an historic landmark.

Phil Conard discussed historic zoning.

Philip Creer, architect and member of the Historical Landmark Commission, discussed "H" zoning and said the house does not merit "H" zoning.

Councilmember Goodman said he leans toward "H" for several reasons and does not think Council would be sending a signal to the Landmark Commission that they want to always do this. Council then discussed and made the motion to bring back for action next week.

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 5-0 Vote, Councilmember Mullen, Mayor McClellan absent.)

Public Hearings Postponed

C14 -81 CORNERSTONE
R015 DEVELOPMENT CO.
By Mike Guerrero

6907 Capital of
Texas Hwy. North

From "AA" 1st H&A
To "O" 2nd H&A
NOT RECOMMENDED
RECOMMENDED "O-1" 1st H&A
with Items 1, 2 & 3 as set
out in applicant's letter.

HEARING POSTPONED TO FEBRUARY 11, 1982
AT 6:00 P.M.

C14 -81 STEVEN C. GRINNELL 1607 West Avenue
218 By Jerry L. Harris

From "A" 1st H&A
To "O" 1st H&A
NO RECOMMENDATION

HEARING POSTPONED ONE MONTH

(On Councilmember Urdy's motion, Councilmember Duncan's second, 4-0 Vote, Councilmember Goodman was out of the room, Councilmember Mullen and Mayor McClellan absent.)

January 28, 1982

C14-81 GEORGIA B. LUCAS
r188 By Phil Mockford

9146-9170 U.S. 183

From Interim "A" 1st H&A
To "GR" 1st & 2nd & "C-2"
1st H&A
NO RECOMMENDATION

HEARING POSTPONED TO FEBRUARY 3, 1982 AT 5:00 P.M.

Mayor Pro Tem Trevino stated for the record that Mr. John Migl, representing the neighborhood, and applicant's attorney Phil Mockford, both agree to the postponement.

(On Councilmember Urdy's motion, Councilmember Duncan's second, 4-0 Vote, Councilmember Goodman out of the room Councilmember Mullen and Mayor McClellan absent.)

Zoning Case Referred Back to Planning Commission

C14 -81 BUFORD & ROBERTA
r151 V. GODWIN
By Thos. B. Watts

4704 S. Lamar Blvd.
(U.S. 290)

From Interim "AA" 1st H&A
To "C" 1st H&A
NOT RECOMMENDED

REFERRED BACK TO PLANNING COMMISSION

(On Councilmember Deuser's motion, Councilmember Urdy's second, 5-0 Vote, Mayor McClellan, Councilmember Mullen absent.)

RECESS

Council recessed its meeting at 7:13 p.m. and resumed its recessed meeting at 7:25 p.m.

PARADE PERMITS

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, approved the following parade permits: (5-0 Vote, Councilmember Mullen and Mayor McClellan absent)

- a. People for Economic Democracy, Unity & Peace as requested by Mr. Bob Russell, from 12:00 noon to 1:00 p.m., Saturday, April 17, 1982, beginning from Capitol down Congress to 9th Street, east on 9th to San Jacinto, south on San Jacinto to 8th Street, west on 8th to Lavaca, north on Lavaca to 10th Street, west on 10th to Woolridge Park,
- b. Austin Travis Livestock Show and Rodeo as requested by Mr. Frank A. Newsom, from 2:00 p.m. to 4:00 p.m., Saturday, March 20, 1982, beginning from Auditorium & Riverside Drive, north on South 1st Street over bridge, north up Congress to 11th Street, west to Guadalupe Street, south down Guadalupe and over bridge, right on Barton Springs to Riverside Drive to Auditorium area to disassemble.

TEMPORARY CLOSING OF 23RD STREET
DISCUSSED

Mr. Mike Kleinman, Director, Phogg Phoundation, discussed the temporary closing of 23rd Street for one year.

Ms. Virginia Lang Smith that West 23rd Street (Guadalupe west to the alley) be given vehicle free status during market operating hours.

23RD STREET - (Continued)

Mr. Walter S. Falk, III, discussed temporary closing of 23rd Street.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, instructed the City Manager to report back concerning the implementation. (5-0 Vote, Councilmember Mullen, Mayor McClellan absent)

AUSTIN POLICE DEPARTMENT DISCUSSED

Mr. Frank J. Horsfall appeared before Council to discuss the Austin Police Department's action concerning accidents which happen on the parking lot of private property.

RECESS

Council recessed its meeting at 7:30 p.m. and resumed its recessed meeting at 8:10 p.m.

MONTOPOLIS NEIGHBORHOOD TRAFFIC PROBLEMS DISCUSSED

Mr. Eugenio R. Hinojosa Jr. appeared before Council to discuss traffic control problems in Montopolis Neighborhood Community. He talked about the difficulty of getting children home from school and asked that traffic controls be installed for the safety of the community.

Ms. Lydia Contreras told Council her son was hit by a car on Montopolis Drive and asked they do something about safety controls.

Ms. Anita Villalobos, requested approval for a red light signal at Ponca and Montopolis Drive.

Mr. Enrique Lopez asked for traffic lights. He also asked for a 6 month moratorium on the decision concerning Lockheed to find out what they will construct and what they will contribute to the community if they are allowed to locate west of Bergstrom Air Force Base.

Dr. Benson, Director of Urban Transportation, addressed the requests for traffic controls. He said they are recommending striping and heavy buttoning, higher light output. Mayor Pro Tem Trevino asked Dr. Benson to look at the traffic which can be anticipated to increase if Lockheed locates in Austin. Dr. Benson said Lockheed has already engaged an engineering firm to do an impact study.

Councilmember Goodman explained there is no need for a moratorium because if Lockheed is approved, they will not have buildings in the area until 1984 and there is plenty of time to ascertain answers to all questions. Councilmember Urdy said at this point there is nothing to have a moratorium on.

NATIONAL REGISTER DISTRICT SIGNS

Mayor Pro Tem Trevino opened the public hearing scheduled for 7:00 p.m. on the amendment to the Zoning Ordinance providing for approval of signs in National Register Districts by Historic Landmark Commission.

No one appeared to be heard. No staff presentation was given.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Zoning Ordinance providing for approval of signs in the National Register Districts by the Historic Landmark Commission.

APPEAL OF PLANNING COMMISSION'S DECISION

Mayor Pro Tem Trevino opened the public hearing scheduled for 8:00 p.m. on an appeal from Rev. & Mrs. Joe Dixon of the Planning Commission's decision regarding Case No. C14p-81-090, Austin's Lounge, located at 4613-4701 East 12th Street.

Council also had before them a request for zoning change, recommended by the Planning Commission, as follows:

C14-81	ANTHONY SPEARS	4613 & 4701 East 12th	From "A" & "C" 1st H&A
223		Street	To "C-2" 1st H&A

Ms. Donna Kristaponis, Assistant Director of Planning, explained to Council that the Austin Lounge is across the street from Sims Elementary School and has been for several years. The application from Mr. Spears is to enable him to improve the facility. Ms. Kristaponis told Council the staff recommends denial and the Planning Commission voted its approval. Councilmember Urdy asked what would happen if the request is not granted. Ms. Kristaponis told him it would be "A" residential and "C" commercial but they would not be able to sell liquor except on a take out basis. Jim Nais, Assistant City Attorney, stated it cannot be a lounge unless "C-2" is granted with a Special Permit.

Mr. Anthony Spears, applicant, appeared before Council and asked them to grant his request. He told the history of the lounge and said there will be a 6' privacy fence and other improvements.

Georgia Thompson described the several lounges already in the area of the school and said Reverend Dixon has not complained about any of those.

Mary Jones, president, Sims PTA said their executive board met and they support the city-wide PTA position of opposing the establishment of a new business selling alcoholic beverages or having any other activity that could have a negative influence on the children attending the neighborhood school. She pointed out the Austin Lounge has been in the area since 1973. In the few instances where there has been loud noise coming from the establishment that has been brought to the attention of the owner and operator of the establishment, positive action has been taken to

APPEAL - (Continued)

alleviate the problem. She said other than that the Sims PTA has no knowledge of any occurrence caused by the establishment or its patrons that would have a negative impact on either the school, faculty or children attending Sims. Mrs. Jones said the Sims PTA has sent a message to the PTA Executive Board that there is support in the Sims neighborhood for the establishment. They believe the efforts of Anthony Spears will result in improvement of the neighborhood. Therefore they ask that the zoning change request be granted.

Velma Roberts, Black Citizens Task Force, said they are in favor of the change. Theresa Lochridge spoke in favor of the lounge, as well as Nelda Spears.

Ruby Anderson, Pleasant Grove Baptist Church, opposes the lounge because she feels it is a threat to the children. She presented Council with a petition of 200 names.

Mario Reyna, represent AISD, said they are opposed to the zoning change. It is against stated Board policy to have a lounge serving liquor next door to a public school.

Ada Simons told Council she does not live in the neighborhood but does have a conscience and said children are not immune to the influence of bars.

Velma Howell, who lives in the neighborhood, said this is not the right type of environment for a school and they have tried to do something about this before.

Johnnie Ezell, social case worker and member of Pleasant Grove Baptist Church, said he works with alcoholics and knows the problems resulting.

Reverend Fred Wade, a member of Pleasant Grove Baptist Church, said they are battling against alcohol and drug abuse and wonders how they can continue the battle if it is something children always see.

Reverend George Macnamore said he has walked along the fence between the lounge and the school and seen hypodermic needles. He does not want the situation to continue.

A man who did not identify himself spoke in favor of the lounge.

Rita Hall, member of Springdale Neighborhood Association, spoke against the lounge's request for a zoning change.

Otis McCulloch said there should be some way to work the question out.

Nancy Manning, president, Austin City Council of PTA's, opposes the zoning change. They represent 64 schools.

Carol Patterson, member of the Executive Board, Austin City Council of PTA's opposes the zoning change.

John Emerson, member of the Austin City Council of PTA's, opposes the change.

APPEAL - (Continued)

Reverend Joe Dixon opposes because he feels it is a bad influence on the welfare of the children. He asked Council not to close the hearing tonight but to wait for a full Council to make a decision. He asked members of the Chamber audience who oppose the zoning change to stand.

Walt Willey, parent of an 8 year old who is a resident of Allendale area and is bused to Sims, said he does not like bars being next door to a school.

Gary McKenzie, a parent and former teacher in a school next to a bar, said on occasion children were chased and caught by bar patrons. He is against the zoning change.

Anthony Spears returned to sum his appeal by asking Council to allow him to come up to compliance. He said the bar is patronized by parents of children who attend Sims School. He pointed out the whole area is littered and they want to improve their property.

Councilmember Deuser asked if Mr. Spears would limit "C-2" to the footprint of the building only. Mr. Spears said no, because that would not allow him to make the changes he wants to make.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Duncan to close the public hearing. (5-0 Vote, Mayor McClellan, Councilmember Mullen absent)

Motion

Councilmember Duncan made a motion, seconded by Councilmember Goodman to schedule the zoning case and Special Permit for action February 4, 1982 at 5:15 p.m.

Strike and Insert

Councilmember Deuser offered a friendly amendment to change the time to 6:30 p.m., his amendment was accepted.

Roll Call on Motion with Amendment

5-0 Vote, Councilmember Mullen and Mayor McClellan
absent

TIME CHANGE FOR COUNCIL MEETING

Motion

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, approved the change of time of the February 4, 1982 Council Meeting from 3:00 p.m. to 1:00 p.m. (5-0 Vote, Mayor McClellan, Councilmember Mullen absent)

ADJOURNMENT

Council adjourned its meeting at 10:30 p.m.