



Austin City Council MINUTES

For MAY 27, 1982 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

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

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the meeting of the Council scheduled for 1:00 p.m. at 1:13 p.m., noting the absence of Councilmembers Mullen, Goodman and Urdy who arrived at 1:15, 1:25 and 1:30 respectively.

INVOCATION

The Invocation was given by Reverend Henry E. Beseda, Austin Brethren Church.

RESOLUTION FOR TOM MUEHLENBECK

A resolution, signed by all Councilmembers, was read by Mayor McClellan recognizing Mr. Tom Muehlenbeck's service with the City of Austin as Deputy City Manager and Acting City Manager. Mr. Muehlenbeck is leaving Austin to become City Manager in Virginia Beach, Virginia. The Mayor also presented a Distinguished Service Award to Mr. Muehlenbeck who thanked the Mayor and Council

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Goodman out of the room)

Lease Agreement

Adopted a lease agreement between the City of Austin and St. John's Community Association for St. John's Neighborhood Center.

Lease Agreement

Approved a seven month Lease Agreement for a service station located at East 7th and Red River as an alternate refueling location for police cars during the construction of the new police parking garage, Phase II.

Ground Lease Agreement

Approved a Ground Lease Agreement with the State for 307 East 14th Street.

Sale of City-Owned Property

Approved selling of City-owned property located at 3402 Happy Hollow to James Brownlee Hunter in the amount of \$1,000.00.

Change Order

Approved a Change Order in the amount of \$6,000.00 to James R. Hughes Construction Company for Williamson Creek Wastewater Interceptor, Phase II. (0.8% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 73/23-04.

Contracts Approved

Approved the following contracts:

- a. BURNUP AND SIMS OF TEXAS, INC. - CAPITAL IMPROVEMENTS PROGRAM -
2716 East 5th Street - Electric Ductlines at Steck
Austin, Texas Avenue Substation and Jett
Substation, Electric Utility
Department - \$43,443.00
C.I.P. No. 74/60-07

- b. HENNINGSON, DURHAM & RICHARDSON, INC. - CAPITAL IMPROVEMENTS PROGRAM -
1524 South I.H. 35, Suite 213 - A Professional Services
Austin, Texas Agreement to provide for a
resource recovery feasibility
and implementation plan in
connection with solid waste
recycle/transfer station,
Public Works Department -
\$25,000.00 C.I.P. No. 74/60-07

CONTRACTS - (Continued)

- c. AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Barge Street, Paving and
Drainage Improvements - Public
Works Department - \$77,357.75
C.I.P. No. 82/62-08
- d. Bid award:
- (1) DELTA MATERIALS CORPORATION
Fairland Road at Highway 281
Mable Falls, Texas
- \$89,775.00
- (2) POOL AND ROGERS PAVING COMPANY
10731 Manchaca Road
Austin, Texas
- \$89,775.00
- (3) WHITE'S MINES, INC.
1421 Travis Street
San Antonio, Texas
- \$19,950.00
- e. SOUTHWEST SURGICAL SYSTEMS, INC.
P. O. Box 3732
Austin, Texas
- Surgeon's Gloves, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Estimated total: \$32,659.20
- f. LAW ENFORCEMENT EQUIPMENT COMPANY
3604 Main Street
Kansas City, Missouri
- Revolvers, Police Department
Item 1, 39 ea. @ \$172.25
Total: \$6,717.75
- g. SOUTHSIDE CAMERA
3501 Bellaire Boulevard
Houston, Texas
- Photographic Laboratory
Equipment, Police Department
Item 1 - 6.g - \$24,416.19
- h. THE OFFICE COMPANY
4009 Medical Parkway
Austin, Texas
- Office Furniture, Police
Department
Item 1 thru 5 - \$41,726.60
- i. GLASS SPECIALTY SYSTEMS
9523 Burnet Road
Austin, Texas
- Automotive Safety Glass,
Vehicle Equipment Services
Department
Twelve (12) Month Supply Agreement
Estimated total: \$10,367.93
- j. BOATRIGHT HARDWOOD FLOORS, INC.
4009 Marathon
Austin, Texas
- Gym Floor Refinishing at Givens
Recreation Center, Parks and
Recreation Department -
\$5,340.00

Council Memo

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ZONING - (Continued)

JOSIE CHAMPION
C14-82-024

1822 W. 35th, also
bounded by Oakmont

From "A" 1st H&A
to "O" 1st H&A

CITY OF AUSTIN PLANNING
DEPARTMENT
C14-82-037

Rear of 11047-11109
U.S. 183, also bounded
By Santa Cruz

From "A" 1st H&A
to "BB" 1st H&A

S.R.D. ENTERPRISES
By David Fritsche
C14-82-048

5618 Manor Road, also
bounded by Rogge Lane

From "O" 1st H&A
to "LR" 1st H&A

W. R. RAY
By Thomas B. Watts
C14-70-001 (part)

309 East St. Elmo Rd.
Road

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

(PASSED ON EMERGENCY BASIS)

NEVILE M. MORRIS, ET US
By Mission Development
Corporation
C14-82-023

8129 North Lamar

From "A" 1st & 6th
H&A to "C" 1st H&A

CHRIS PETROPOULOS
By Steve Price
C14-82-004

Rear of 2414-2416-
2418 S. Lamar &
rear of 2408-2410-
2412

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

Annexation Ordinance

Passed through second reading of an ordinance annexing 585 acres of land along IH-35 south and along FM 1327 east of IH-35. (4-3 Vote, Councilmembers Deuser and Mullen and Mayor McClellan voted No.)

EXECUTIVE SESSION

Mayor McClellan announced that Council would convene in a closed or executive session authorized by Section 2, Paragraph (e) 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. Council will discuss contemplated litigation relating to the provision of indigent care at Brackenridge Hospital.

RECESS

Council recessed its meeting at 1:46 p.m. for the executive session and resumed its recessed meeting at 2:15 p.m.

RECESS

Council recessed its meeting at 2:15 p.m. for a meeting of the Board of the Austin Housing Finance Corporation and resumed its recessed meeting at 2:40 p.m.

YOUTH TRAINING PROGRAMS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the CDBG Ordinance to allow funding for youth training programs. (7-0 Vote)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution adopting scopes of work for activities under the 8th Year Community Development Block Grant Program. (6-0 Vote, Councilmember Goodman out of the room.) (As amended and read by Councilmember Urdy, see Attachment "A")

WATER & WASTEWATER FOR STEEN SUBDIVISION

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, approved water service to the Steen Subdivision. (6-0 Vote, Councilmember Goodman was out of the room.)

Prior to the vote the attorney for Mr. Smith asked Council to approve and Ms. Leda Roselle, chairperson, Water and Wastewater Commission, presented the Commission's recommendations.

PUBLIC HEARING - SPECIAL PERMIT

Council was scheduled to take action at 2:45 p.m. on an appeal from Dr. Mitchell Wong of the Planning Commission's denial of a Special Permit. (C14p-82-006)

APPEAL - (Continued)

Councilmember Duncan stated there are problems connected with the property and the most serious one is the unavailability of water and wastewater. He felt 40 units would be sufficient.

Motion

Councilmember Duncan made a motion, seconded by Councilmember Deuser to approve the Special Permit for 40 units.

Mayor McClellan stated the present zoning will allow for 90 units and said the issue before Council today is not the availability of water and wastewater, but the Special Permit. Mayor McClellan asked Mr. Salmanson, attorney for Dr. Wong, to state for the record whether more than 59 units will be built. Mr. Salmanson told her no more than 59 units will be constructed.

Mayor Pro Tem Trevino took the chair so that Mayor McClellan could make the following motion:

Motion

The Council, on Mayor McClellan's motion, Councilmember Mullen's second, approved the Special Permit (C14p-82-006) for a maximum of 59 units. (4-3 Vote, Councilmembers Deuser, Duncan and Urdy voted No.)

REQUEST FOR BLIGHTED AREA

Mr. Dan Nelson appeared before Council to request a public hearing on an area to have designation as blighted area for industrial revenue bond purposes. The area is Woodward and I.H. 35 north of the IRS complex.

Councilmember Mullen said he feels this is a misuse of the blighted area designation. He asked that this be put on next week's agenda for consideration of a public hearing.

PARADE PERMITS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved the following Parade Permits: (7-0 Vote)

As requested by Mr. James B. Hodge, for Austin Juneteenth Committee, from 10:00 a.m. to 12:00 noon, Saturday, June 19, 1982 beginning from Comal and Martin L. King Jr. Boulevard, east to Chicon Street, south to 2300 block of Rosewood. (Doris Miller Auditorium)

As requested by Mr. Clyde Boling, for Texas Association for Blind Athletes/ Austin Runners Club, from 7:00 a.m. to 9:00 a.m., Saturday, June 5, 1982, beginning from West 1st Street, west on Lake Austin Boulevard, east on Enfield Road to Dillman, north on Dillman and Hopi Trail to Windsor, west on Windsor, south on Robin Hood, west on Enfield, east on Lake Austin Boulevard and east on West 1st Street to finish line.

REQUEST FOR VEHICLE

Mr. Dan Langlois, Executive Director, Youth Employment Service, appeared before Council to request funds to repair or replace a necessary vehicle. He said United Way will allocate a \$3,000.00 grant.

Mayor Pro Tem Trevino said he is aware of the need and asked Carlos Herrera, Director of Human Services, to identify the money. Mayor Pro Tem Trevino also suggested he approach the County concerning money, also.

FIRST ANNUAL CHICANO CONCERT

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved the request of Mr. Martin Delgado for permission to sell beer and food at Auditorium Shores, Saturday and Sunday, June 12 & 13, 1982 from 12:00 noon to 11:00 p.m. for the first Annual Chicano Concert.

PUBLIC HEARINGS DISCUSSED

Mr. Frank J. Horsfall appeared before Council to discuss public hearings, citizen communications, etc. It is his contention that public hearings last too long and there should be stricter time limits just as there are for citizen communications.

REPORT ON MUNICIPAL AIRPORT

The City Manager Report on the Municipal Airport was discussed by Mr. Roy Bayless, and then Mr. Holt of Holt, Fatter, Scott outlined the options for the improvements to the airport.

Mr. Holt said Option 1 improvements would include paint, doors, remove tile from front of building and replace with opaque glass to match glaze, external signs, remove blue porcelain and replace with stucco or aluminum, painting control tower to match the new fascia, 16' wide canopy across all driving lanes, and replacement of 500 square feet of roof. Total cost would be \$850,000.00. Option 2 would be the above minus the canopy for \$550,000. Option 3 would be similar to Option 1 and includes painting of scalloped fascia for \$730,000. Option 4 would be like Option 3 but with deletion of the canopy, for \$430,000. Option 5 would be a canopy only for \$30,000 and Option 6 would be the painting of fascia panels for \$60,000. Option 7 would be to paint the west end for \$20,000 and Option 8 would be to postpone indefinitely for \$0.00.

Mayor McClellan said she likes Option 2. Mr. Bayless told Council they would like some direction concerning which way to go. Mr. Halstead discussed costs.

Motion

Councilmember Mullen made a motion to approve the report but bring back more details to Council. (There was no second to the motion.)

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AIRPORT - (Continued)

Mr. Meiszer, City Manager, expressed surprise at the rough proposal and said he thought this report was going to be the final proposal.

Mr. Graham said the report was based on work items. Councilmember Duncan asked if the energy for the airport has been studied.

Motion Withdrawn

Councilmember Mullen withdrew his motion and said he would like to study the options for one week.

FUEL CONSERVATION REVIEW

Mr. Bruce Conover reported on Fuel Conservation Review and Alternative Fuels Study. He reviewed the City Manager's report with slides and the report is on file in the City Clerk's office. Council accepted the report.

TRAFFIC SAFETY ON WEST 1st

Mr. John German, Director of Public Works, recommended the following changes for traffic safety on West 1st Street: (1) Close all driveways entering West 1st between B.R. Reynolds Drive and the Austin High Interchange. (2) Construct a park road from the Humane Society to the Austin High Interchange. (3) Construct a pedestrian underpass under West 1st Street for pedestrians, bicycles & joggers.

Mr. John German, Director of Public Works, reported on Traffic Safety on West 1st Street. The report is on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved traffic safety measures on West 1st Street. (7-0 Vote)

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases. Council heard closed the public hearing, granted and instructed the City Attorney to draw up the necessary ordinances.

C14-82 JAMES K.
043 EICHELBERGER,
JR., CHARLES &
LEON HOWARD, LEE
BLOCKER, ANTHONY
LEYENDECKER

7113 Burnet Rd.

From "GR" 1st H&A
To "C" 1st H&A
RECOMMENDED
GRANTED AS RECOMMENDED

(On Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, 7-0 Vote)

ZONING HEARINGS - (Continued)

8-74 THE PARK AT
013.01 LAKEWOOD
CONDOMINIUMS
By Jim Spence

7100-7231 Lakewood
Drive

Revised site plan for
zoning: 55-unit condo-
minium project within the
Lakewood PUD existing
zoning: PUD with commercial
use designation on the
subject tract.
GRANTED AS RECOMMENDED

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

(The following case had several motions. The City
Attorney was instructed to bring back ordinances
where applicable.)

C14 -82 CITY OF AUSTIN
040 PLANNING DEPT.

900-1504 & 901-1235
East 11th Street
901-1427 E. 12th St.
1172-1198 Comal St.
1100-1194 & 1175-1195
Angelina Street
1150-1198 & 1151-1199
San Bernard Street
1006-1196 & 1101-1199
Navasota Street
1012-1158 & 1017-1159
Lydia Street
1006-1198 & 1007-1199
Waller Street
1016-1022 & 1011-1015
Wheless Street
1150-1198 & 1151-1199
Curve Street
900-1104 & 901-1105
Catalpa Street
1100-1104 & 1101-1105
Amber Street
1200-1416 & 1201-1413 Cotton Street
900-1106 & 901-1107 Olive Street
1100-1110 & 1101-1111 Myrtle Street
1200-1312 & 1201-1313 Hackberry Street
900-1114 & 901-1203 Juniper Street
1200-1326 & 1201-1323 Rosewood Avenue
1159-1197 Branch Street
1006-1018 & 1007-1015 San Marcos Street
1100 block of I.H. 35

From "A", "B", "B-H",
"O", "O-H", "LR",
"GR", "C", "C-1",
"C-2", "C-H", &
"C-2-H" 1st & 2nd H&A
To "A", "B", "A-H",
"O-1", "O-1-H", "LR",
"GR", "C", "C-1",
"C-2", "C-H", &
"C-2-H", 1st H&A
NOT RECOMMENDED
RECOMMENDED (as amended)
staff's recommendation
excluding 11th Street
corridor until a
study is completed.
A recommendation is
to be made once the
study is completed.

ZONINGS - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, granted as recommended. (6-0 Vote, Councilmember Goodman out of the room)

LATER IN THE DAY Council decided to reconsider the vote.

Motion to Reconsider

Councilmember Duncan made a motion, seconded by Mayor McClellan to reconsider. Council unanimously approved.

Ms. Donna Kristaponis, Assistant Director, Planning Department, said Ms. Bertha Means has expressed opposition to the roll back. She has a lot which has less square footage than a single family lot should have.

Ms. Bertha Means appeared before Council to oppose a roll back at 1117 East 12th. She said there is an office on the property and she would like the property to remain commercial. The lot size is sub-standard for a single family dwelling.

Ms. Kristaponis said a letter had been received by Mr. Flournoy, 909 East 12th Street, requesting that his property not be changed.

Mr. Mays, 1160 and 1164 Navasota told Council he opposes the roll back. He will bring his property to minimum standards for commercial property.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing, and approved the roll back with the exception of the following: (6-0 Vote, Councilmember Goodman out of the room)

- | | |
|-------------------------|--|
| 1. Bertha Means | 1117 East 12th Street |
| 2. Clarence Flournoy | 909 East 12th Street |
| 3. Mays | 1160 & 1164 Navasota |
| 4. Urban Renewal | 1229-1311 East 11th Street |
| 5. Smith | 1159 Curve, 1003 Juniper, 1005 Juniper |
| 6. Roosevelt Taylor Jr. | 1190 San Bernard |

John McKenzie, attorney for Mr. Smith, appeared before Council and expressed his objection to a roll back as Mr. Smith wants to continue his business ventures. Mayor McClellan explained to him that no property is being rolled back where the owner objects.

Ms. Donna Kristaponis referred to the appearance earlier in the day of Ms. Brenda Gooden concerning the Robertson Hill property on East 11th. It is requested that the property be zoned "A" as requested by the Robertson Hill Steering Committee.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, voted to zone 1229-1311 East 11th Street "A". (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

Mayor McClellan said she thought a vote should be taken to determine whether or not the property excepted in the roll back will be rolled back at a later date. (1-6 listed on page 11)

Motion - No Action Taken

Councilmember Mullen made a motion, seconded by Mayor McClellan to roll back the rest of the property. (1-6 listed on page 11) (1-3-0 Vote).

YES Councilmember Urdy

NO Mayor McClellan, Councilmembers Duncan
and Mullen

PRESENT & NOT VOTING Councilmember Deuser, Mayor Pro
Tem Trevino

ABSTAIN Councilmember Goodman

Mayor McClellan stated for the record, after questions from Mayor Pro Tem Trevino as to the bottom line reason for the motion, that "It's for the record and also to let these people know that this will not be put on the agenda next week or the next. If we don't vote one way or the other tonight, it could be brought back through the Planning Commission at any future time and it would keep them in limbo. I don't think we should do that. If we turn it down tonight then to start the process over there would be full notification, so I think there is every reason for clearing it up one way or the other this evening." Discussion followed and Mayor McClellan requested a legal opinion. Mr. Jim Nias, Assistant City Attorney, stated, "It has been legally rejected by the City Council pursuant to State law.

Motion

Councilmember Urdy made a motion, seconded by Councilmember Deuser to reconsider. Vote passed 4-3 with Councilmembers Goodman and Duncan and Mayor Pro Tem Trevino voting No.

Motion - Died for Lack of Second

Councilmember Deuser made a motion to deny the roll back. There was no second.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, did not roll back property as listed 1-6 on page 11. (0-7 Vote, Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino and Councilmember Deuser voted NO.)

Council Memo

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C14-82 EDITH & MARCUS
053 GRUMBLES, MARGARET
J. FERRIS, SOUTH
AUSTIN PROPERTIES
EARL DURFEY, OLGA
& IGNACIO GONZALES
By Holford & Carson

627 Radam Lane
623 Radam Lane
629 Radam Lane
4201-4205 James
Casey and 621
Radam Lane

From "A" 1st H&A
To "O-1" 1st H&A
RECOMMENDED (as
amended) "O-1"
tied to site plan
submitted to upgrading
of Radam
GRANTED AS RECOMMENDED

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 7-0 Vote)

Vote Postponed

C14-82 LYNN STORM
041 By David Armbrust

911-1109 E. Oltorf St.
908-1298 St. Edwards
Drive

From "A" 1st H&A
To "A-2" 1st H&A
RECOMMENDED to be tied
to site plan; recommend
creek crossing be de-
leted; recommended
cul-de-sacs for areas
on each side of creek
with fire gate as
approved by Fire
Department; extend
emergency access on
east side.

CLOSE PUBLIC HEARING, VOTE
SCHEDULED FOR JUNE 3, 1982, 3 P.M.

Ms. Donna Kristaponis, Assistant Director of Planning, reviewed the application by use of slides. She said 464 units are proposed and 481 are allowed. The School Board opposed but reversed itself and does not want to take a position.

David Armbrust, representing the developer, discussed the project. He said not everything has been done in accordance with the neighborhood wishes but they are trying. Bill Danze is the architect. Councilmember Duncan asked if there is adequate parking and Mr. Danze said there is. Mayor Pro Tem Trevino said he thought they are 71 spaces short.

Col. Ralph E. Pearson appeared before Council and said if the project is approved, the drainage needs to be improved. He also discussed traffic.

Sam Martin, co-president, South River City Citizens, told Council the density is critical and there is danger of flooding.

David Bragg says the neighborhood will suffer permanent damage if the condominiums are allowed to be built. He said the average size is 596 square feet and that is not enough room.

Champ Kerr said the impact of traffic would be bad.

Mary Navarre said the drainage plans are not appropriate.

ZONING - (Continued)

An unidentified man said there should be one family residences.

Ernestine Ray is concerned with flooding and erosion.

Gene Cavin said 464 homeowners are too many. The developer will leave and there will be no one to take care of the property.

Gene Ray showed an aerial photo map and said town houses would be preferable.

Louis Janecek said they agreed to look at A-2.

Ruby Goodwin discussed traffic.

Danny Criss, Alta Vista, discussed the drainage problem.

Jim Bayless, resident of East Riverside opposes. Too much traffic.

Kathy Hall opposes because of added traffic.

Carroll Brady is concerned with traffic.

Beverly Cotton is against and wants to maintain "A" zoning.

An unidentified man is against.

Mr. Armbrust gave his summation. He said the site plan was revised after a traffic study was done. He said flooding will not be increased and the units will provide affordable income.

Councilmember Deuser said he would like to try one more time to establish the tract as a park and wants to see it in the September 11, 1982 bond issue. Councilmember Duncan agreed.

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

FLOODING IN ALLENDALE DISCUSSED

Councilmembers Duncan and Mullen introduced an item to Council pertaining to a presentation by the Allendale Neighborhood Association concerning flooding. The following members of the Association spoke:

Herb Zinsbier supports something being done about the flooding situation. Phil Lowell told Council that so far no action is planned. They want the box culvert bridges removed. Mr. Charles Guerrero said not enough has been done on the creek. Allen Rundell said he has an office downtown on Shoal Creek and the flooding has hurt him very much. John Pennick said the \$200,000,000 the City Manager said it will take for flood control is too much but something has to be done. Douglas Barron said there is not enough run-off capacity.

Mayor McClellan said the City Manager will have a report next week on what can be done and what has been done.

Councilmember Mullen said the growth in the creeks, since stopping the use of herbicides, has been a problem and asked the City to look into the use of non-toxic herbicides.

Mel Village said he goes along with everything that has been said.

ACTION ON ZONING

Council was scheduled to take action on the following zoning:

C14-82 044	ARTHUR THOMPSON	6301 Manchaca Road	From "O" 1st H&A To "LR" 1st H&A NOT RECOMMENDED (as amended) <u>GRANTED "LR" LARGE ENOUGH FOR 3'x6' SIGN, SUBJECT TO SIGN USE ONLY</u>
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Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, granted "LR" large enough for 3'x6' sign, subject to sign use only.
(7-0 Vote)

PUBLIC HEARING - VACATION OF SCENIC DRIVE

Mayor McClellan opened a public hearing to consider vacating the following and passage of ordinance, at 5:30 p.m.:

- a. Excess right-of-way on Scenic Drive near Mathews Lane adjoining Lots 2,3,4 and 5 of Scenic Cove. (Requested by adjoining property owners)
- b. Scenic Drive right-of-way adjoining Lots 38 and 39, Tarrytown River Oaks Section 2 and Lots 1, 6 and 7, Scenic Cove. (Requested by

VACATION - (Continued)

Mr. John German, Director of Public Works, explained that this is a complicated street vacation. He explained by use of a map and slides. Mr. German told Council the vacation is recommended.

Mayor McClellan stated for the record, "I know there is a lot of neighborhood concern regarding the filling of the cove. I just want to clarify that whatever happens on the vacation we are not in any way granting any permission on filling of the cove. That is not an issue this evening."

Mr. German stated, "That is not an issue. There has not been any application to that affect. There was some discussion at one point but it is no longer a matter of discussion. It would require a separate application and would have to be reviewed by Engineering, Building Inspection, Parks Board, Planning Commission and City Council before that could ever occur." Mayor McClellan stated she just wanted that read into the record.

Leda Roselle, chairperson, Water and Wastewater Commission, stated, "We have received a letter from Leonard Ehrler, Director, Parks and Recreation Department, saying that they would like to have the land and dedicate it for a park. We are concerned that since the property was purchased in 1971 for \$14,000.00 of Water and Wastewater funds for the purpose of constructing the Taylor Slew Lift Station we clearly show ownership of the property by conducting the lift station. Dedication of the property as public park land could preclude our future use of the property to operate, maintain, make improvements to the collection system. Access to the property has not been restricted and is frequently used by the public. We do not anticipate a change in the situation unless security of the station makes it necessary to protect our facility. The lift station, somehow, was not built entirely on our property and it is possible that we need to move the lift station further up on our property which would take more of the open land. We don't want to be restricted from doing that if we need to."

Bill Knolle representing the Tarrytown Boat Club as well as Mr. and Mrs. Rex Shields, discussed the background of the situation. "In 1953 the Westenfield Development Corporation owned 36 acres, some of which extends to the center of Lake Austin, others up on the side of the hill. At that time, Westenfield dedicated two subdivisions Tarrytown and River Oaks Section I and II. That left a portion of the acres. Lots were then sold out of the subdivisions. One of the purchasers was the Tarrytown Boat Club which is comprised of homeowners who own lots in the two subdivisions. They own lot 38 which is immediately north of the segment of Scenic Drive that extends down into the lake." Mr. Knolle explained this segment is the only one his clients are concerned about. He said it was contemplated in the past that a bridge would be built across Taylor's Slew, using as road area that portion of Scenic Drive which they are now seeking to have dedicated. "If the bridge had been completed, the old Scenic Road would have been abandoned and people in the position of Mr. and Mrs. Shields would then have lake front property. The bridge was not built. In 1961 the Westenfield Corporation conveyed the balance of the 36 acre tract to President Johnson. In the conveyance the Westenfield Development Corporation expressly provided that the conveyance was subject to the right of persons who had bought lots in Tarrytown-River Oaks Sections I & II and specifically the lot that Mr. and Mrs. Shield had bought to have access to the waters of Taylor's Slew and Lake Austin. It was provided expressly that never were the owners of the lots

VACATION - (Continued)

to lose access to the water. In 1972 and 1975 by two different deeds Mr. Johnson conveyed the property to Mr. Ray Thomas. In 1979 and 1980 Mr. Thomas, working in conjunction with the City departments, decided to widen the prior Scenic Road to bring it up to City standards. In the process of doing that he had to build the newly widened street over property that Mr. and Mrs. Shields own and have a deed to. In the process a boat dock that Mr. and Mrs. Shields had since 1953 was destroyed, also a garden site which was land mark in the area and had been known for years as the Rex Shields garden site was destroyed. At that point, July, 1980, the City without regard to Mr. and Mrs. Shield's rights, accepted from Mr. Thomas the dedication of the newly widened street in spite of the fact that part of it was built over Rex Shields property. After that a lawsuit was filed by Mr. and Mrs. Shields against Ray Thomas for what was then the wrongful taking of their property. Up to this point in time the City had not been included in that lawsuit because the City's position on whether or not they had or not accepted the street was still somewhat ambiguous. If we don't get the situation ironed out sometime before July of this year Mr. and Mrs. Shields, if they are going to continue with their lawsuit will have no other choice but to bring the City in, seek compensation for the property which has been taken from them and is now under this public street."

Mayor McClellan said, "It is my understanding that if the vacation is granted, then Mr. Shields will release any claim to that land. I just wanted to put that on record." Mr. Knolle said that was correct and went on to say, "After the City had issued a written letter saying it was accepting for Mr. Thomas the dedication of the newly widened Scenic Drive, Mr. Thomas was then able to get a short form subdivision of his Scenic Cove subdivision, part of which lies out in Taylor's Slew as approved by the Planning Commission. A lawsuit was filed against members of the Planning Commission. That lawsuit was subsequently dismissed when the Planning Commission approved that plat. My clients certainly did not want to see a subdivision approved down there. It was done although nobody wanted it to happen. About the same time Dr. Doyle Leslie bought Lot 39 which is immediately south of Old Scenic Drive over which no street was ever built that we are now asking to have dedicated. Dr. Leslie could not build on that lot a residence of the height he wanted to build because of certain restrictive covenants. He then approached his neighbors to seek a modification of the covenants so he could build a house higher than presently allowed.You have five parties in a very complex situation. At that point in time four private parties got together and negotiated a settlement which, quite frankly, is not totally satisfactory to any of the parties, but it was a means of trying to resolve this very difficult situation so that everybody got a little of what he wanted. ...Under this settlement it is conditioned upon the City granting the vacation of the portion of Scenic Drive that you have never used. If that is done then the property would be divided between the adjoining land owners with Ray Thomas not getting any of the property. I want that point to be made clear. Some of the people who oppose this facet of the application think that by the City's holding out and not granting the petition that you are somehow penalizing Ray Thomas and would not be giving him something that he wanted so that you could clear up the lift station situation. That is not the case. Mr. Thomas will get nothing out of the situation of the City's granting this application. He is a party only because he owns adjoining property. There has also been some talk of turning the portion of Scenic Drive, which we are asking to be vacated, into a park. It is the position of my clients that the right of way

VACATION - (Continued)

was dedicated for street purposes and that is the use to which the City can put it and I do not believe that the street right of way without the consent of adjoining landowners who own the underlying land can be turned into a park. I think the law is quite clear on that. I ask you to give due consideration to vacate that portion of Scenic Drive on the north side of the cove because it will settle a very difficult and bad situation."

David Nichols, a homeowner on Scenic Drive, said the strip is only 60' wide and not big enough for a park. There is no parking available.

Tom Smith, attorney for Dr. Leslie, told Council the concerned parties in the area have a real problem and they need Council's approval of the solution that has been worked out.

Allen McCree, 2107 Scenic Drive, executive committee of the West Austin Group, said they do not object to the Scenic Drive right-of-way vacation and they do not want a park.

Mayor McClellan asked if Mr. Thomas would grant a conservation easement on lots 5 and 6. Mr. Mike McClellan, representing Mr. Thomas, answered in the negative.

Syrian Heath told Council the property had been fenced in and the developer tore it down. The Boat Club will have to re-fence.

Joe Carrington discussed the tearing down of the fence by Mr. Thomas.

Mary Arnold, member of the Parks Board and an area resident, discussed the area and asked Council to wait on their decision.

Bobby Crenshaw, who lives near the area, discussed the problems and said if Scenic Drive is vacated, it would make the Boat Club happy as well as Dr. Leslie. He said if the lift station title could be cleared then that area could be used for a park.

Mr. Knolle returned for the summation and reiterated his previous statements.

Mr. John German read into the record: "We are recommending the vacation subject to the retention of easements and the easements are specifically listed in your agenda material. There are a number of easements in the Scenic Drive right-of-way here that would be retained as well as this whole area (pointing to map) would be retained as a public utility easement."

Mayor McClellan stated, "I realize this has been going on a long time but I really would like a comprehensive clearing up of this matter and I would suggest we not vote on this tonight and post it for action two weeks from today and ask that there be further negotiations because I think we ought to tie the vacations to all the commitments we tried to extract and I think it is worth going at one more time...addressing specifically the claim on the lift station, the grant of the conservation easement on lots 5 and 6, and the Lake Austin shoreline, the Shields

VACATION - (Continued)

which is no problem because they are on record, but I would suggest that we ask our City Attorney to get with the parties involved and see what progress we can make before we vote and schedule it for action June 10th."

Motion

The Council, on Mayor Pro Tem Treviono's motion, Councilmember Goodman's second, closed the public hearing; to be brought back for action June 10, 1982 at 1:15 p.m. (7-0 Vote)

PUBLIC HEARING - MODIFICATIONS TO SOUTHWEST PARK & RIDE

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on proposed modifications to major transit routes and schedules and implementation of the Southwest Park and Ride Service.

Dr. Benson, Director of Urban Transportation, reviewed the changes. Mr. Tom Parker, general manager of the Transit System, showed slides of the five general areas of changes which includes northeast Austin, east Austin, west Austin and a new route in south Austin which would go down Ben White to Barton Mall.

Barbara Hankins, West Austin Neighborhood group, said she likes the change but asked that the Casis-Enfield go counter clockwise. Dr. Benson said the change would be made.

Malcolm Graham, representing National Federation for the Blind, said they do use the regular bus system and asked questions about the changes anticipated. He said they would like to have schedules in braille and showed the cassettes that the blind must listen to in order to get the schedule.

Robert Norman, an investment broker, said he has two cars but takes the bus. He opposes the change to the South 1st route.

Dale Scarbrough said there should be a genuine commitment to the transit system.

Phyllis Brinkley, Allendale resident, wondered if the service would be depleted. Councilmember Duncan told her it is the trend of this Council to increase service.

Sarah Haupe, discussed the Red River route and said there should be a route to benefit the Coronado Hills project.

Lucille Preble asked that the Casis bus be extended to Rockmoor.

Jennifer Riggs does not think a bus should go to Barton Mall.

A bus operator who did not identify himself, said the overall concept of change is good with better use of equipment. He suggested some changes.

HEARING - (Continued)

Ari Wright, Austinites for Public Transportation, said the changes are good.

Don McMays, labor management representative of the Austin Transit System, said the numbers and names of the routes need to be changed to be consistent.

Ruby Goodwin said the bus is carefree and she leaves her car at home. She represents Travis County Democratic Women. Ms. Goodwin also said that Barton Mall should run its own bus.

Palmer Wright spoke against the Barton Square Mall bus.

Bob Strong, representing St. Edwards University, discussed students and their support of the Ben White bus.

Viola Brown is for the Windsor Park route.

Dorothy Richter, resident of Hyde Park, is disturbed about the Barton Mall service. It was pointed out to her that the people who work at Barton Mall need transportation to get to work.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing on proposed modifications to major transit routes and schedules; action to be taken June 10, 1982. (7-0 Vote)

PUBLIC HEARING - BLIGHTED AREA

Mayor McClellan opened the public hearing, scheduled for 5:00 p.m. to consider designating 316-318 Congress Avenue as an Eligible Blighted Area.

Terry Bray, representing the owner of the property, appeared before Council and requested the designation. No one else appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, closed the public hearing and adopted a resolution designating 316-318 Congress Avenue as an Eligible Blighted Area.

PUBLIC HEARING - ANNEXATION

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on annexation of a strip of land containing approximately 212 acres along Highway 290 to its intersection with Highway 71 near Oak Hill.

ANNEXATION - (Continued)

Donna Kristaponis, Assistant Director of Planning, reviewed the annexation. Rodger White, Acting Director of Water and Wastewater, discussed water and wastewater and said Austin will maintain the current level of service to the area. Ms. Leda Roselle, chairperson, Water and Wastewater Commission, said 5,000 LUE's can be provided for if Williamson Creek is approved.

Dick Kelly, who lives in Travis Country, said his request for a MUD in 1975 was denied because annexation was forthcoming. He asked Council to wait 48 months and annex them after a successful City of Austin bond election. Discussion followed in which Mayor McClellan said future Council's cannot be bound by agreements of the present Council.

John Noel said the City of Austin would not be able to provide Oak Hill area with utility service. Steve Thomson discussed the Oak Hill Fire Department. Jerry Angerman discussed water in the area and said the service, at its present level, would not take alleviate septic tanks. Tom O'Meara, representing several groups in the Oak Hill area, spoke against annexation. David Armbrust, speaking for Motorola, said they will request annexation with the completion of each phase. Allen Rundell said all property should not be annexed as "A". His property is already commercial. Palmer Wright said there are a lot of questions to be answered.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, closed the public hearing. (Staff will continue to study, but there will be no strip annexation at this time.) (7-0 Vote)

WATER & WASTEWATER COMMISSION REPORT

The following Water and Wastewater Commission items were discussed:

- (a) Watersmark/Midrise Approach Main
- (b) Agreement regarding the construction of improvements to City of Austin's Montopolis Lift Station.
- (c) Agreement regarding the construction of an inverted wastewater siphon under the Colorado River in the City of Austin.
- (d) Water and Wastewater Commission's recommendations regarding South Austin Service Area for wastewater service.

Item (d) will be brought back for discussion on the June 3, 1982 agenda, and the following motion for a resolution was made:

Motion

The Council, on Councilmember Urdy's motion, Councilmember Deuser's second, adopted the following resolution: (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

REPORT - (Continued)

(Councilmember Urdy's Motion)

Move approval of Watersmark (Midrise Condominiums) approach main and move approval of the contract agreements. The Watersmark (Midrise Condominiums) to get 200 living unit equivalents, and to construct 750 feet of 8-inch line to tie into an existing 8-inch line just north of Riverside Drive with no City cost participation. Also for Watersmark (Midrise Condominiums) to construct at the Montopolis Lift Station a 10,000 to 12,000 gallon per minute pump (at the City's option), a 24-inch force main and associated piping and controls, and a 36-inch inverted siphon from the south bank of the Colorado River to the existing Govalle Wastewater Treatment Plant influent splitter box. The items in the preceding sentence to be constructed in accordance with the contract agreements attached which the City Manager is hereby authorized and directed to be executed.

The Montopolis Lift Station improvements to be approved to yield a maximum of 9,000 LUEs (2,700,000 MGD) available to the participants in the above contracts.

The Govalle Inverted Siphon to be approved to yield a maximum of 9,000 LUEs (2,700,000 MGD) available to the participants in the above contracts.

The service area for the approach main shall be the Watersmark (Midrise Condominiums) project.

The staff is directed to bring back at the appropriate time the necessary ordinances to levy the subsequent user fees contemplated in the attached contract agreements.

ITEM POSTPONED

Councilmember Duncan postponed until June 3, 1982, his discussion on Alternative On-Site Wastewater Disposal Strategies.

SERVICE POLICY CONCERNING WASTEWATER
TO BE REVIEWED

Mayor McClellan, with Council's approval, directed the City Manager to direct the staff to review city policy concerning wastewater service in the Little Walnut Creek Watershed and review of water and wastewater service in Water Service Area A & B and wastewater service in the Big Walnut Creek Watershed, including analysis and appropriate review by Water and Wastewater and Planning Commissions in the next 30 days.

ITEM POSTPONED

Mayor McClellan postponed until June 3, 1982 her discussion of assisting with coalition to "mobilize rather than polarize" on growth related issues.

CIP AMENDMENT

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Capital Improvements Program Program by appropriating \$1,972,000 for June to cover expected electric utility requirements for June 1982.
(5-0 Vote, Mayor Pro Tem Trevino and Councilmember Goodman out of the room.)

ITEMS POSTPONED

Council postponed until June 3, 1982 the following items:

- a. Appropriate funds from the Water and Wastewater Utility Fund ending balance for (1) Flow Monitoring Equipment - \$79,691; (2) UCSO Billing System Changes - \$184,024; and (3) Water and Wastewater Commission Administrative Support - \$6,462.00.
- b. Transferring \$2,937,769 from the Water and Wastewater Utility Fund Ending Balance to the 1980-81 and 1981-82 Capital Improvements Program Budget and appropriating it for Subdivision Engineering and Construction Inspection. C.I.P. No's 82/22-01 and 82/23-01
- c. Appropriating funds from the Water and Wastewater Utility Fund ending balance for (1) Flow Monitoring Equipment-\$79,691 (2) UCSO Billing System Changes-\$184,024 (3) Water and Wastewater Commission Administrative Support-\$6,462.00 (4) Williamson Creek Wastewater Treatment Plant Alternatives-\$5,439,950 as recommended by the Water and Wastewater Commission in Item K-1.(d).
- d. Transferring \$1,437,769 from the Water and Wastewater Utility Ending Balance to the 1980-81 and 1981-82 Capital Improvements Program Budget and appropriating it for Subdivision Engineering and Construction Inspection. C.I.P. Nos. 82/22-01 & 82/23-01 (Recommended by the Water and Wastewater Commission in Item K-1.(d))

EXECUTIVE SESSION

Mayor McClellan announced Council will go into Executive Session pursuant to Article 6252-17, V.T.C.S. Texas Open Meeting Act to discuss the following matters: (1) Contemplated litigation relating to the unavailability of water and/or wastewater services - Section 2 (e); (2) South Texas Project - Pending litigation and real estate - Section 2 (e) and (g); (3) Proposal 7, pending litigation, Section 2(e). ✓

The Mayor did not announce they would discuss City of Austin v. Emil Jamail - pending litigation - Section 2(e) as posted on the Agenda, but that it would be discussed June 3, 1982

RECESS AND ADJOURNMENT

Council recessed its meeting at 11:45 p.m. for an executive session and adjourned its meeting at 12:00 midnight.

ATTACHMENT "A"

SCOPES OF WORK

8TH YEAR CDBG

24

PROGRAM	COMMENTS
Architectural Barrier Removal	Accept Human Service Department's Recommendations
Emergency Repair Project	Accept Human Services Department's Recommendations
Tenants Counseling	Accept Human Services Department's Recommendations
Mortgage Assistance	Accept Human Services Department's Recommendations <u>with</u> CDC's Recommendation: "Boundaries expanded throughout the CDBG eligible areas with priority given to the Blackshear and Glen Oaks Urban Renewal Areas."
Conservation and Renewal of East Austin Housing and Neighborhood	Accept Human Services Department's Recommendations <u>with</u> ATTACHMENT I.
Management and Technical Assistance for Business Development in Austin's Commerical Corridors	Accept Human Services Department's Recommendations <u>with</u> CDC's Recommendation: "That technical assistance be available to eligible entrepreneurs throughout the CDBG eligible areas" with ATTACHMENT I and AGENDA ITEM J-4 (ad- mendment to CDBG Ordinance)

I. Background Information

A fourth element in neighborhood conservation and renewal is the effect and the interrelationship of the private business sector during the conceptualization and implementation stages of housing strategies and programs. For a comprehensive housing plan, housing and business needs must be considered in tandem.

II. Program Description

C-3.

5. the effects and interrelationships of the private business sector on housing based on data generated by AMEDC.

ATTACHMENT II

Management & Technical Assistance
for Business Development in
Austin's Commercial Corridors
East 11/Rosewood & 12th Street

I. BACKGROUND INFORMATION :

The Citizen Participation Process for the 8th Year Community Development Block Grant (CDBG) Program established the need for technical assistance and training programs to be provided to businesses and youth along designated Commercial Corridors: East Eleventh/Rosewood and East Twelfth Streets, and adjacent neighborhoods.

II. PROGRAM DESCRIPTION

- B. 6) Provide a plan for the implementation of an educational program designed to provide training to thirty (30) low and moderate income youths living in the CDBG eligible areas with the distinct purpose of preparing these youths to become entrepreneurs.