



# Austin City Council MINUTES

For

MAY 26, 1983

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1:00 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 the Meeting of the Council, scheduled for 1:00 P.M. to order, noting the presence of all Councilmembers.

### INVOCATION

The Invocation was given by Chaplain H. Rex Lewis, Brackenridge Hospital.

### CONSENT RESOLUTIONS

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, adopted the following resolutions in one motion: (7-0 Vote)

#### Eminent Domain Authorization Resolution

Approved an amendment of Eminent Domain Authorization Resolution of January 27, 1983 to express that fee title is to be condemned for improvement of Tannehill Lane, CDD No. 8 on the following tract of land: 8,320 sq. ft. out of the J.C. Tannehill League No. 29. (Q.S. Franks, et al, owner)

#### Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire fee simple title to the following tracts of land for the East Riverside Drive Street improvement project: All of Lots 1 and 2, Block 52, Travis Heights Addition. (Gladys Jones Walker, et vir, R.G. Walker, owners)

Release of Easement

Authorized release of the following easement: A 5' Public Utility Easement on Lot 1, Brooks Norwood Subdivision, 9111 Jollyville Road. (Requested by McLester, Grisham and Gardner)

Lease Renewed

Approved renewal of lease of Twin Oaks Branch Office for the Utility Customer Service Division.

Capital Improvements Program

Approved acquisition of a certain 0.59 acre parcel of land for the Webberville Road - Springdale Road to Martin Luther King, Jr. Boulevard Project. CAPITAL IMPROVEMENTS PROGRAM No. 77/62-02

Authorized Community Facilities Contract for participation with developers and property owners for drainage improvements in the total amount of \$20,000 for construction of an off-site drainage system to alleviate an existing downstream drainage problem to Rick Goldberg, ACRG Joint Venture. CAPITAL IMPROVEMENTS PROGRAM No. 81/60-08.

Contracts Approved

Approved the following contracts:

- |   |   |
|---|---|
| a. GENERAL ELECTRIC COMPANY<br>1600 N.E. Loop 410<br>San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM<br>Voltage Regulator, Electric<br>Utility Department<br>Item 1 - \$30,611 C.I.P. No.<br>83/16-01 |
| b. ENSCO, INC.<br>1015 Louisiana Street<br>Little Rock, Arkansas        | - Disposal of PCB filled<br>Autotransformer, Electric<br>Utility Department -<br>\$43,654.76                                    |
| c. CLIMATE ENGINEERING OF AUSTIN, INC.<br>505 Yager<br>Austin, Texas    | - Two (2) Computer Room<br>Environmental Control Units,<br>Police Department<br>Item 1 - \$40,900                               |
| d. SARGENT SOWELL<br>1185 108th Street<br>Grand Prairie, Texas          | - Hooded Rain Suits, Purchases<br>and Stores Department<br>Twelve (12) Month Supply Agreement<br>Total - \$12,045.00            |

## CONTRACTS APPROVED - (Continued)

## e. Bid award:

- Large Lamps, Various City  
Department  
Twelve (12) Month Supply Agreement  
Total \$123,374
- (1) GENERAL ELECTRIC SUPPLY COMPANY - Items 79, 105, 106, 109  
3101 Longhorn Blvd., #116  
Austin, Texas
- (2) GRAYBAR ELECTRIC COMPANY - Items 26, 67, 75, 80  
7434 N. Lamar Blvd.  
Austin, Texas
- (3) GULF COAST ELECTRIC SUPPLY CO. - Items 4, 22, 29, 32, 39-41, 50,  
3207 Polk Avenue 58, 60, 68, 72-73, 77, 82-84, 88,  
Houston, Texas 90-91, 99, 102, 107-108
- (4) SUMMERS ELECTRIC COMPANY - 1-3, 5-21, 23-25, 27-28, 30-31,  
502 East 2nd Street 33-38, 42-48, 51-55, 57, 59, 61-66,  
Austin, Texas 69-71, 74, 76, 78, 81, 85-87, 89,  
98, 100-101
- (5) TECHLINE, INC. - Items 97, 110-112  
8750 Shoal Creek Blvd.  
Austin, Texas
- (6) WESTINGHOUSE ELECTRIC SUPPLY CO. - Items 49, 56, 92-93  
9230 Research Blvd.  
Austin, Texas
- (7) Tie bid items which were awarded - Items 94, 95, 96, 103, 104  
by casting of lots.
  - a. GENERAL ELECTRIC SUPPLY - Awarded Item 104  
3101 Longhorn Blvd., #116  
Austin, Texas
  - b. GRAYBAR ELECTRIC COMPANY - Awarded Items 94, 95, 96 & 103  
7434 N. Lamar Blvd.  
Austin, Texas
- f. R. P. KINCHELOE COMPANY - Emergency purchase of  
P. O. Box 26200 Operational Parts for  
Dallas, Texas Radiology Equipment,  
Brackenridge Hospital -  
\$18,555.78

Item Pulled

During the consent resolution consideration of the following contract was postponed.

POWER ENTERPRISES, INC.  
Power Structure Division  
2704 Engineers Road  
Belle Chasse, Louisiana

- CAPITAL IMPROVEMENTS PROGRAM -  
Tubular Steel Transmission  
for circuits 933 and 942,  
Electric Utility Department  
Items 1 thru 18 - \$554,281  
C.I.P. No. 75/13-07 & 75/13-06

Sale of City Owned Property

Approved for disposal by sale award of City-owned property located at 1206 Lilly Terrace and 6210 Carnation Terrace to Richard B. Gressler and MTM Investments, respectively. (Total amount of revenue to City \$46,650.00)

Standard Rehabilitation Loans

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

- a. Lighthouse International (MDE) - \$12,850
- b. Fallon Construction - \$17,840
- c. Custom Construction - \$16,517
- d. Imperial Construction - \$19,000
- e. Imperial Construction - \$19,950
- f. Andtree Construction - \$18,900
- g. Imperial Construction - \$18,400
- h. Imperial Construction - \$14,900
- i. Imperial Construction - \$18,945
- j. Texas Western Associates - \$18,192
- k. Imperial Construction - \$13,965
- l. Austin JJJ - \$8,525

Emergency Jobs Bill Program

Approved the following for the Emergency Jobs Bill Program:

- a. Adopt a funds allocation process.
- b. Review the Manager's recommended activities for funding.
- c. Set a public hearing on June 16, 1983 at 3:30 p.m. to obtain comments on activities to be funded.

Hearing Set

Set a public hearing on June 16, 1983 at 5:00 p.m. on an appeal from Mr. Merle L. Moden of the Planning Commission's decision granting a Special Permit to Colony Creek Apartment, Case No. C14p-83-029.

Letter of Credit

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, adopted a resolution releasing a Letter of Credit for Tom Kemp Lane. (7-0 Vote)

Items to be Brought Back

A resolution to consider authorization and approval of the selection of Professional Engineering Services for Abilene Trail - Oak Hill Water Main for the Water and Wastewater Department, CAPITAL IMPROVEMENTS PROGRAM No. 83/22-25

and

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.

were pulled from the agenda and will be brought back June 2, 1983.

Councilmember Rose asked about the recommendation of the Water and Wastewater Department. Carl Schwing, Director of Water and Wastewater Department, showed a map of the area with the water line in question. He said this is a part of the Oak Hill annexation as approved by Council. Mr. Schwing said the water main will not add customers but will meet present commitments.

Councilmember Shipman said she did not want to see the transfer of money from Capital Improvements Program to other things. Mr. Schwing pointed out to her that the money proposed is not bond money.

After some discussion, Mayor Mullen requested more information for Council and that these items be brought back next week.

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Operating Budget Amendment

Amended the 1982-83 Annual Operating Budget by accepting \$1,397 a "Pilot Folk Arts Community Residency" grant from the Texas Commission on the Arts.

Zoning Ordinances

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

CITY OF AUSTIN PLANNING DEPARTMENT C14r-81-114	9501 Capital of Texas Hwy. (Loop 360)	From "GR" 1st H&A to "O-1" 1st H&A
ARNIE D. AZIOS & JOHN HARISTON C14-81-090	1505 Koenig Lane	From "A" 1st H&A to "O-1" 1st H&A
JAMES T. HOOVER By Gary Ashford C14-82-087	802-808 South First Street	From "A" & "B" 1st H&A to "BB" 1st H&A

EMERGENCY PASSAGE

NPC REALTY COMPANY C14-82-188	4405 Pamona Drive, 12100, 12108, 12112 & 12114 Arrowwood Drive, 4500, 4501, 4502 Brown Bark Place	From "AA" 1st H&A to "A" 1st H&A
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EMERGENCY PASSAGE

NPC REALTY COMPANY C14-82-189	12102 & 12106 Arrowwood Drive	From "AA" 1st H&A to "A" 1st H&A
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EMERGENCY PASSAGE

NPC REALTY COMPANY C14-82-190	12123 Dorsett Road, et al, also bounded by Arrowwood Drive	From Interim "AA" 1st H&A to "A" 1st H&A
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EMERGENCY PASSAGEPenalty for Delinquent Taxes

Approved an ordinance imposing an 8% penalty on delinquent taxes.

Suspension of Sound Ordinance

Passed suspending the operation and effect of Ordinance No. 821028-H for a two-day period May 30-31, 1983.

WASTEWATER APPROACH MAIN

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, adopted a resolution approving the following wastewater approach main: (7-0 Vote)

## APPROACH MAIN - (Continued)

CHARLES G. TRENCKMANN

- Wastewater approach main to serve the Trenckmann Tract, and amending the service area of the WatersMark Approach Main. (No City cost participation.)

Prior to passage Councilmember Duncan wanted to know why the Planning Commission had denied this approach main. Ms. Donna Kristaponis, Assistant Director of Planning, said because they are concerned about utility decisions. Councilmember Shipman requested there be a transcription of minutes of the Planning Commission when "it is not a unanimous vote". Mayor Mullen said the policy should be clear. He does not think all approach mains should be written up because most of the time they are not controversial. "Let's be very specific on when you do want them and save the staff some time." Councilmember Duncan said, "Let's say when there is a denial by the Planning Commission or a split vote on 4-3". After discussion Councilmember Duncan said he would be satisfied with transcript when there is a denial. If there is a split vote he will make phone calls and find out the minority opinion.

Councilmember Duncan asked Mr. Armbrust, representing WatersMark, if in his opinion he would have to come back for a site plan anyway. Mr. Armbrust said the number of "LUE's requested is consistent with the present zoning which is "A" on the property. It is a 24 acre tract which is a fairly large tract. If you were to put duplexes on the property you could probably put 200 but it is not appropriate for duplexes. This is a request to get our place in line in the inverted siphon lift station process before all the 9000 LUE's are gone. That requires an estimate on the number of LUE's that developer will probably need. If the developer wants to do anything different other than duplexes or single family he is going to have to come back in with a zoning change which his present plan is to come in for "A-2" zoning which will require a site plan. ....We are not asking for more LUE's than present zoning will permit."

## ITEM PULLED

Council unanimously agreed to pull until June 2, 1983 consideration of a resolution authorizing the City Manager to enter into a supplemental agreement with the North Austin Municipal Utility District No. 1 to provide for oversizing of water and wastewater facilities through contract bonds.

## TIME CHANGE FOR CITIZEN COMMUNICATIONS

Mayor Mullen introduced an item to Council to consider changing the time at which the Citizen Communications section of the agenda is held. Councilmember Shipman said 4:00 p.m. would be inconvenient for employees and she thinks they should be heard at 1 p.m. or 5 p.m. Councilmember Duncan wondered if a provision could be made for someone who sends a letter or indicates they cannot get off work. Mayor Mullen said if the Council prefers to start the meeting with Citizen Communications it would

## COMMUNICATIONS - (Continued)

"be fine with me. ...If you want to start the meeting at 12:30 that's fine too." Discussion followed as to whether to start the meeting at 12:30 or 12:45. Mayor Mullen said he would like to "play with this thing and see if it works." Councilmember Shipman asked, "Are you going to set it for 12:30 then?" Mayor Mullen asked, "Do you think we can go to 12:45 where people can still have luncheons on that date with others? You can go to lunch at 11:30 and get here at 12:45 but it is hard to be here on time. I'd like that as a compromise." Councilmember Shipman said 12:45 would be fine. Mayor Pro Tem Trevino clarified they would stick to the one hour limit. Assistant City Attorney reminded Council that they have an ordinance establishing the meeting time as 1:00 p.m. so "we will have to have an ordinance brought back to you next week to amend the ordinance and establish the new starting time at 12:30 p.m."

## BILLBOARDS

Mayor Mullen introduced a discussion on billboards and said he would like the situation of billboards pursued and be more stringent in the City's regulation. He asked for a report next week.

## CHARTER REVISION

Councilmembers Urdy and Rose introduced the following items to Council:

- a. Consider a resolution listing specific charges for the Charter Revision Commission.
- b. Consider appointment of a Charter Revision Commission.

Councilmember Urdy reminded Council that two weeks ago they passed a resolution creating a Charter Revision Commission but left the size, the charge and the time frame open. They did indicate at that time though that the principal charge is to look at single member districts. "We have before us now a resolution that addresses that issue and adding additional charges that we did not discuss at that time introduced principally by Councilmember Rose. There has been a general agreement that we will go to an 11 member commission and also that the principal charge again would be to look at the issue of single member districts and report back as soon as possible. ...."

Councilmember Rose stated, "There have been some other recommendations for charges incorporated into the resolution. First of all we need to appropriate some money to staff this effort and the Manager has recommended \$10,000 for that. Secondly, on his memorandum to have the Charter Commission look at Article 7 Section 14 which has the \$5,000 expenditure limit. The concept we are operating under is that we are not talking about a general re-write of the Charter, we want to limit it to as specific a charge as possible. We do instruct that the single member issue be looked at first and the Commission is to report back to Council before considering any other items. We tried to develop a consensus resolution. We've had an additional request for information that the Charter Commission be allowed to see if more can be contributed to the Employee's Retirement Account. It is presently limited to a 50/50 contribution. The second request turned in was that the Charter Commission also look at grievance procedure. I am not altogether sure that requires any Charter



## CHARTER - (Continued)

language. The Charter Commission can make that determination. ....I'd like to incorporate these additions into the resolution and cover them as well. I believe we can have single member districts in place by 1985 depending on the litigation...."

Councilmember Duncan discussed limit on campaign spending. "I certainly am morally in favor of such a limitation after what occurred not only last election but the previous election. However when I worked on this in 1975 the Supreme Court made a definitive ruling that you cannot limit campaign expenditures unless you do something like on the Federal level where the governing body, in this case the City, actually provides the public funds for campaigning for a candidate to match. Unless we are willing to do something like that I don't think we can actually limit campaign spending." Albert DeLaRosa, City Attorney, said he is aware of what is being discussed and that "we will want to look at the issue for current developments and see what options are available."

Mayor Mullen made the suggestion that before all charges are put to the Commission, a public hearing shall be held. Mayor Mullen suggested the Commission get started on the district question and then Council have a public hearing to determine what other charges to give the Commission.

Motion

The Council, on Councilmember Spaeth's motion, Mayor Pro Tem Trevino's second, approved the setting of a public hearing June 9, 1983 at 6:00 p.m. (7-0 Vote)

Mayor Pro Tem Trevino said Council should have a work session before the public hearing.

Motion

Councilmember Rose moved adoption of his resolution, deleting charges 2 through 14 and the other charges submitted to the Manager; appointing an eleven member commission, giving them the charge of looking at single member districts and contain the language telling them to work expeditiously on it. (Charges 1 a, b, and c are approved) Mayor Pro Tem Trevino seconded the motion.

Friendly Amendment

Councilmember Urdy offered a friendly amendment that City Manager will provide necessary staff. Councilmember Rose and Mayor Pro Tem Trevino accepted the friendly amendment.

Councilmember Shipman said, "That leaves me out again if you are just going to leave in Councilman." She was told that will be added in with all the other things at the time the charges are added.

Friendly Amendment

Mayor Mullen offered a friendly amendment to include appointment of a Charter Revision Commission. The friendly amendment was accepted.

## CHARTER - (Continued).

Friendly Amendment

Councilmember Duncan offered a friendly amendment to appoint the Commission on June 2, 1983. The amendment was accepted.

Roll Call on Motion With Friendly Amendments

7-0 Vote

## CAPITOL VIEWS LEGISLATION

Councilmember Shipman introduced to Council discussion of the response from Council to SB 1119 proposed by Senator Craig Washington (Texas Legislature) to protect Capitol views. She said the Council should take action to no longer oppose the bill and vote to actively support it and its amendments

Motion - FAILED

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, FAILED TO PASS a motion to direct the City Manager to direct the City lobbyist to no longer oppose SB 1119. (3-4 Vote, Councilmember Spaeth, Mayor Mullen, Mayor Pro Tem Trevino and Councilmember Rose voted No.)

## MONTHLY FINANCIAL STATEMENT

Mr. Scheps, Budget Director, made comments concerning the monthly financial statements. CITY CLERK DID NOT RECEIVE COPY.

CITY OF ROUND ROCK APPLICATION FOR WATER  
AND WASTEWATER CERTIFICATE

Ms. Sharlene Neibauer, Assistant City Attorney, presented the City Manager report on City of Round Rock Application for a Water and Wastewater Certificate of Convenience and Necessity Pending Before the Texas Public Utility Commission. A hearing was held before a Hearings Examiner of the Public Utility Commission on May 16, 1983. The City of Round Rock requested a service area for its water and wastewater utilities. The City of Austin protested the granting of the certificate. Evidence was introduced as to the relative abilities of the two cities to provide service. Round Rock's major issue was the fact that most of the proposed service area lies within the Brazos River basin and can more adequately be served by Round Rock through a gravity system. Austin's testimony was that it wanted to serve the area in its extraterritorial jurisdiction and would be able to do so through a combination of capital improvement projects, water district contract bond improvements and developer subdivision improvements. Austin argued that a certificate should not be granted because the land involved would be served by either Round Rock or Austin even if no city had exclusive control, that Round Rock had already committed to expansion of its water and wastewater treatment plant without first getting a certificate and that property which will ultimately be annexed by the City of Austin

## CERTIFICATE - (Continued)

should receive its utility service from the City of Austin. Austin's treatment plant capacity problems, unsuccessful bond elections and lack of a clear and funded schedule to serve all the area were brought up by the City of Round Rock and the Commission General Counsel. The Public Utility Commission staff recommended granting of the certificate as requested to Round Rock. The City of Austin requested the certificate be denied or in the alternative be limited to property in the Brazos River Basin. The Hearings Examiner stated her written opinion will be released in four to six weeks.

## REPORT ON ZONING OF PROPERTY

Ms. Donna Kristaponis, Assistant Director of Planning, reported on the request of Mr. Lawrence H. Kriegel concerning the zoning of the property at 2902 Pearl Street. She said two notices were sent to Mr. Kriegel but there is no way of knowing if he received them. There was no written or verbal objection from him concerning the roll back zoning of his property and Council honored all objections.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, instructed Mr. Kriegel to go through the zoning process with fee. (6-1 Vote, Mayor Pro Tem Trevino voted No.)

## PUBLIC HEARING - WATER &amp; WASTEWATER RATE INCREASE

Mayor Mullen opened the public hearing set for 2:00 p.m. on the water and wastewater increase. No one appeared to be heard.

Motion

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

Motion

The Council, on Councilmember Urdy's motion, Councilmember Shipman's second, approved the 10% increase, ordinance to be brought back June 6, 1983 for approval, and will be effective July 1, 1983. (7-0 Vote)

Mayor Mullen said he would like the money to go back to replenish the ending balance.

## EXECUTIVE SESSION

Mayor Mullen announced Council would go into an Executive Session, pursuant to Article 6252-17, V.T.C.S. to discuss the following matter:

- a. Boards and Commissions Appointments - Section 2, Paragraph g.
- b. Pending litigation against Brown & Root relating to STP - Section 2, Paragraph e.

RECESS

Council recessed its meeting at 2:40 p.m. and resumed its recessed meeting at 3:35 p.m.

STP

Mayor Mullen announced that as a result of the Executive Session, "We are going to appoint a negotiation team to go to negotiate with Brown and Root in conjunction with the other partners.

Motion

Councilmember Rose made a motion, seconded by Councilmember Spaeth to nominate Mayor Mullen and Councilmember Duncan as the negotiating team with Mayor Mullen as lead spokesman to negotiate with Brown and Root concerning STP in conjunction with other partners. (7-0 Vote)

ATS POLICY ADVISORY COMMITTEE

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, appointed Mayor Mullen as a member of ATS Policy Advisory Committee. (7-0 Vote)

No action was taken on the appointment of two members to the Building Code Board of Appeals.

BOARD & COMMISSION APPOINTMENTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, appointed the following members to boards and commissions: (7-0 Vote)

Community Development Commission - Kathy Noll, Nathan Ramsey, LaSalle Barnett

Affirmative Action Plan Advisory Committee - Martha Arbuckle

Dental Health Advisory Committee - Ed White, Richard Ross, John Frasher, Mary Musta and Donna Knapp

Arts Commission - John Bustin

Elisabet Ney Museum Board of Directors - Hope Sanford, Thomas Haga

Vending Commission - Charles Birmingham

ALLEY VACATION

Mayor Mullen opened the public hearing set for 3:00 p.m. to consider vacation of a portion of East 5th Street Alley and passage of ordinance.

Richard Patrick, 721 E. 6th, art gallery owner, asked if Police and EMS can still enter the area. Mr. Ridings said it will be maintained for emergency situations.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of East 5th Street Alley. (7-0 Vote)

RECESS

Council recessed its meeting at 3:50 p.m. and resumed its recessed meeting at 4:00 p.m.

CITIZEN DID NOT APPEAR

Mr. R.J. Miranda, who had requested to appear before Council to discuss the health of those using the inner City, did not appear.

MORATORIUM EXEMPTIONS REQUESTED

Mr. Miguel "Mike" Guerrero appeared before Council to request exemption to a moratorium at 119 West Stassney Lane and 118 Sandra Street. He passed out information to Council. CITY CLERK DID NOT RECEIVE A COPY. He said the request for exemption was to expand the parking area of the existing liquor store.

Discussion followed. Council noted it had more citizen communications on same type of request for exemption from the moratorium on building in south Austin and made the following motion:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, approved hearing each case concerning the moratorium on an individual basis. (7-0 Vote)

Mr. Julian Lockwood requested exemption from moratorium for property located at 201 West Stassney Lane. He said his clients filed a Special Permit in May, 1982 and it has been in process for over a year. They plan to build a car wash and minor warehouse.

Discussion ensued. Councilmember Duncan said perhaps the moratorium should allow for water taps for Special Permits but this is an overloaded area.

## MORATORIUM - (Continued)

Pat Kunz requested exemption of property at 5412 S. Congress from South Austin Infill Study Area Moratorium. She said she is ready to develop her property and is caught in the moratorium. She said all property around her is "C" zoning. She plans to put in small retail and a warehouse and will require very little water. Ms. Kunz told Council she has a total of 9 lots. Four of them are already for a restaurant and she wants to develop the remaining five lots.

Mr. Jerry Harris, representing Jodi Williamson, requested exemption from South Austin moratorium for property located at 6812 South Congress. He presented material to Councilmembers. CITY CLERK DID NOT RECEIVE COPY. Mr. Harris said his client had approval and thought he had plenty of time to buy the taps. His client went on a vacation and when he came back the moratorium was in effect.

Mr. Jerry Harris, representing Mr. Bob Howerton, requested exemption from South Austin Moratorium for property located at 5816 South First Street. Mr. Harris gave information to the Council. CITY CLERK DID NOT RECEIVE COPY. Mr. Harris said his client has paid \$7,500 capital recovery fee for water and wastewater taps and then the moratorium began. Mr. Harris said these are the Turtle Creek Apartments.

Councilmember Duncan said, "Of the five cases two of them have not applied for zoning yet, at the time of the moratorium and they are caught in the zoning portion of the moratorium. One is in the Special Permit Process (Mr. Howerton). The first one, Mr. Guerrero's and the third one, Pat Kunz, had not applied for a zoning application at the time of the moratorium. The second one (Mr. Lockwood) had an approved Special Permit and had not bought the taps. The fourth case we heard, (Jodi Williamson) had their taps approved through the process but not actually purchased. If we were to allow all of the exemptions I think we would effectively eliminate all the moratorium...anything in the Special Permit process, anything that had not applied for zoning and anybody who had not received approval but had not purchased their taps. There is room for leniency on people who have gone through a permit process and have had the staff indicate that the capacity is there and that they have not actually purchased the taps yet because that has already been figured in our water and wastewater system when they received approval. I do not think we would be in a legal position to deny them their taps. ....That I see as a special case. As far as new zoning applications, the purpose of the moratorium was to get some cut-off point and you can go back and say people have been working for months to get ready to file a zoning application but there is no way we can go back and document everyone who is planning to file. .... Cases of Jodi Williamson and Julian Lockwood are circumstances that should be exempted and we probably need an amendment to the moratorium allowing all those people who have received approval through the staff and certification by the staff that water and wastewater capacity exists and have gone through the other portions of zoning and Special Permit and have that completed. They have done everything but get their taps and the Water and Wastewater staff have certified that capacity is available.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Spaeth's second, requested the City Attorney to bring back an ordinance exempting property located at 201 West Stassney Lane and 6812 South Congress from the South Austin Infill Study Area Moratorium. (7-0 Vote) (Ordinances will be on June 2, 1983 Agenda.)

## MORATORIUM - (Continued)

Councilmember Duncan stated; "In the other cases I would argue that the reason that we initiated the moratorium is cumulative zoning and special permit cases and that we want to put a freeze on things so that we can study the entire area, the results of the zoning on density and on transportation. If we start freeing up things that are in the Special Permit Process and especially if we start allowing people to apply for zoning who haven't even applied yet, then there is no reason to have a moratorium at all." Discussion followed concerning remainder of requests.

Motion

Councilmember Shipman made a motion to exempt Turtle Creek Village from the South Austin Infill Study Area Moratorium because of economic hardship and because it is a renewal of an existing Special Permit with no greater density or water and wastewater requirements. Mayor Pro Tem Trevino seconded the motion. (5816 South Congress)

Friendly Amendment

Mayor Mullen offered a friendly amendment to remove "economic hardship" because every case that comes in has an economic hardship. Councilmember Shipman and Mayor Pro Tem Trevino accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

7-0 Vote

Motion

Councilmember Duncan made a motion, seconded by Councilmember Spaeth to deny exemption request for property located 119 W. Stassney Lane, 118 Sandra Street (represented by Mike Guerrero) and property located at 5412 S. Congress owned by Ms. Pat Kunz.

There was discussion of these two cases and Mayor Mullen requested that the motion be divided.

Motion Re-Stated

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, denied request for exemption from moratorium from Ms. Pat Kunz for property located at 5412 S. Congress. (7-0 Vote)

Motion - FAILED

Councilmember Duncan's motion, seconded by Councilmember Shipman, to deny exemption request for property located at 119 W. Stassney Lane and 118 Sandra Street FAILED TO PASS by a vote of 2-5, Councilmembers Spaeth and Urdy, Mayor Mullen, Mayor Pro Tem Trevino and Councilmember Rose voted No.

## MORATORIUM - (Continued)

Motion

Mayor Pro Tem Trevino made a motion to approve exemption for property located at 119 W. Stassney Lane and 118 Sandra Street because it does not impact the traffic, does not impact the water and wastewater system and has the zoning that would also allow apartments. Councilmember Rose seconded the motion.

Friendly Amendment

Mayor Mullen offered a friendly amendment that applicant not use the argument of tacit approval because of Council's approval of this item today and in no way does zoning change meet. Council approval. Friendly amendment was accepted and Mr. Guerrero agreed.

Mayor Mullen stated, "What we are doing, we are saying that in fact this does not take any additional water and wastewater and that's why we are willing to consider an exception. I think that's the key argument." Councilmember Spaeth said this action will probably help the moratorium..

Roll Call on Motion with Friendly Amendment

5-2 Vote, Councilmembers Duncan and Shipman  
voted No.

## UTILITY ACCOUNT BILLING DISCUSSED

Mr. Merle A. Lang appeared before Council to discuss utility account billing. Mr. Meiszer, City Manager, said the staff will continue to work with him.

## CITIZEN DID NOT APPEAR

Mr. Ben Sarrett, representing Texas Trial Lawyers Association, who had requested to discuss the Sound Ordinance, did not appear as his request had been taken care of earlier.

## GARBAGE PICK UP DISCUSSED

Mr. Jack Evins appeared before Council requesting Council rescind decision of the Public Works Department to discontinue garbage pickup along certain alleys. He discussed the Hyde Park area and also requested smaller garbage trucks. City Manager Meiszer will report back to Council next week.



## CDBG

Mayor Mullen opened the public hearing set for 5:00 p.m. on the 1983-84 Community Development Block Grant Program Scopes of Work for Specific Program Activities.

Carlos Herrera, Director of Human Services, said this is an opportunity for citizens to comment on the scope of work for programs approved by the City Council to be conducted in the 9th year CDBG program beginning in October, 1983. (Scope of Work is on file in City Clerk's Office.)

Mayor Mullen announced Council will not act today but will do so on June 2, 1983.

Harold Wells, Housing Supervisor of Austin Urban League, asked for figures concerning self-help home maintenance and minor rehabilitation counseling. He felt that the figure of 100 proposed for counselling is too high for the amount of money they have. Mr. Wells asked to meet with members of Human Services concerning this. Mr. Herrera said he will meet with Mr. Wells and have a report to Council by next week.

Reverend Frank Garrett Jr., pastor of Rosewood Baptist Church, representing his church and Glen Oaks Neighborhood Association, said they have strong feelings concerning the development in their area and do not want prefabricated homes in the neighborhood.

Cathy Tyler, representing the Clarksville and Blackshear neighborhoods, handed out information concerning construction of homes in Blackshear and Glen Oaks. COPY IS ON FILE IN CITY CLERK'S OFFICE. Discussion ensued with Council.

John Henneberger told Council he thinks the RFP process does not allow for alternatives but is too restrictive and also does not allow for the creative approach.

Charles Miles, Austin Housing Authority, discussed the new rental housing in the Blackshear area.

Tina Allen, National Business League, discussed the East 11th and 12th Street corridors.

Ms. Hortencia discussed areas of development and rehabilitation.

Marcos DeLeon representing six organizations in East Austin, read a letter to Council concerning the needs of his area.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Rose's second, closed the public hearing and will vote on June 2, 1983. (7-0 Vote)

## PUBLIC HEARING - ZONING ORDINANCE

Mayor Mullen opened the public hearing set for 5:15 p.m. to amend Chapter 13-2 (Zoning Ordinance) of the Austin City Code regarding width of lots in "Lake Austin Residence Districts" or in "Suburban Residence Districts" when such lots front on a cul-de-sac. No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shimp's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 (Zoning Ordinance) of the Austin City Code regarding width of lots in "Lake Austin Residence Districts" or in "Suburban Residence Districts" when such lots front on a cul-de-sac. (7-0 Vote)

## SPECIAL PRESENTATION

A special presentation was made to the City of Austin by the Save Barton Creek Association. Mr. Bert Cromack, representing the association, presented a limited edition portfolio of dye transfer prints of Barton Creek. All of the photographs were shot by Ford Lowcock from 1979 to 1982. Publisher of the portfolio is Robert Haslanger. Portfolio Number One was presented to the City of Austin.

Mayor Mullen thanked the Save Barton Creek Association for the portfolio and said he thought it would be appropriate to hang in the hallway of City Hall.

## ADJOURNMENT

Council adjourned its meeting at 6:17 p.m.