



# Austin City Council MINUTES

For MAY 6, 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., noting the absence of Councilmember Duncan, Councilmember Deuser, Mayor Pro Tem Treviño, Councilmember Urdy, Councilmember Goodman and Councilmember Mullen, who entered at 1:10 p.m., 1:17 p.m., 1:23 p.m., 3:10 p.m., 3:40 p.m. and 5:00 p.m., respectively.

### INVOCATION

The Invocation was given by Reverend Calvin W. Froehner, Tarrytown Methodist Church.

### CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Treviño's motion, Councilmember Deuser's second, adopted the following resolutions in one consent motion: (4-0 Vote, Councilmembers Goodman, Mullen and Urdy absent)

#### Release of Easements

Authorized release of the following easements:

- a. A 7.5' Public Utility Easement on Lot 9, Block J, Quail Creek Section Two, 9014 Blue Quail Drive. (Requested by Rippy Surveying Company, representing Mr. Joe Hartmen)
- b. A 7.5' Public Utility Easement on Lot 1, The R. B. Addition No. 2 and a 7.5' Public Utility Easement on Lot A, Miller-Attebury Addition, 2812-2904 South First Street. (Requested by Grinnel, Kemp & Harren Associates)

## EASEMENTS RELEASED - (Continued)

- c. A Public Utility Easement on Lots 19 & 20, Capital Business Park, 1701 Smith Road. (Requested by the Henry S. Miller Company)

License Agreement

Approved authorizing a license agreement to allow encroachment of a concrete and brick fence into the right-of-way adjoining Lot 6-B, Timberline III-E, 1201 Spyglass Drive. (Requested by Metcalfe Engineering Company, Inc., representing Mr. Sid Jagger)

Lease of City-owned Property

Approved a lease with MIGHT II, Inc., for a house for the multiple handicapped. (Herndon House located at 701 Herndon Lane)

Grounds Maintenance Agreement

Approved entering into a grounds maintenance agreement with Lumbermen's Association of Texas, Inc. for maintenance of City-owned right-of-way located along North Lamar Boulevard at West 25th Street.

Contracts Approved

Approved the following contracts:

- a. Bid award:
- Luminaires to be used in new street lighting installations and replacements, Purchases and Stores Department  
Twelve (12) month supply agreement
  - (1) GRAYBAR ELECTRIC  
7434 North Lamar Boulevard  
Austin, Texas - Items 1-4 & 9 - \$152,244.00
  - (2) GENERAL ELECTRIC SUPPLY CO.  
7521 North Lamar Boulevard  
Austin, Texas - Items 5 & 6 - \$9,636.00
  - (3) TECHLINE, INC.  
8750 Shoal Creek Boulevard  
Austin, Texas - Item 8 - \$9,129.00
- b. GREYHOUND FOOD MANAGEMENT, INC.  
813 West North Loop  
Austin, Texas - Food concession service at the Municipal Annex Building,  
Purchases and Stores Department  
Two (2) year contract  
Estimated \$9,750.00/year

## CONTRACTS APPROVED - (Continued)

- c. GREYHOUND FOOD MANAGEMENT, INC. - Food vending service at Lion's  
813 West North Loop Municipal Gold Course, Parks  
Austin, Texas and Recreation Department  
Two (2) year contract -  
Estimated \$6,767.00/year
- d. Bid award: - Parts for repair of TYMCO  
Sweepers, Vehicle & Equipment  
Services Department, Twelve (12)  
month supply. Estimated total  
\$40,000.00 to be awarded on a  
multiple progressive basis from  
1st low bidder to high bidder.
- (1) INDUSTRIAL DISPOSAL SUPPLY CO.  
1106 Paulsun Street  
San Antonio, Texas
- (2) VABCO, INC.  
13899 West 101st Street  
Lenexa, Kansas
- e. NAYLOR INDUSTRIES - Dredging of intake area at  
P. O. Box 6507 Holly Power Plant, Electric  
Pasadena, Texas Department, sixty (60) day  
contract - \$32,420.00

Temporary Street Closing

Approved the temporary closing of Mount Bonnell Drive from the bridge at the Water Treatment Station to 35th Street, 35th Street from Mount Bonnell Drive to Balcones Drive and Foothill Drive from 35th Street to Foothill Parkway on May 14, 1982 from 5:30 p.m. to 11:30 p.m., and on May 15th and 16th from 7:00 a.m. to 11:00 p.m., as requested by Mr. Scott Keller, representing the Women's Art Guild/Laguna Gloria.

Texas State Library Grant

Authorized submission and acceptance of a grant application to the Texas State Library for \$479,856.00 to cover expenses of the Central Texas Library System for FY 1983 in the provision of materials and support services to member libraries.

Contract Approved

Approved the following contract:

- SOUTH TEXAS INSULATION COMPANY, INC. - Emergency contract for correct-  
1120 East Quincy Street ing asbestos problems at Webber-  
San Antonio, Texas ville Service Center, Water and  
Wastewater Dept. - \$7,847.48

**PROHIBITION ON PARKING OF LARGE TRUCKS**

Councilmember Duncan brought up an item regarding creation of an ordinance prohibiting large trucks from parking on residential streets. He stated that an ordinance had been drafted by the Legal Department and had been reviewed by the Urban Transportation Commission and the Planning Commission. He asked that the Council recommend that the ordinance be discussed at a public hearing before the Council.

First Assistant City Attorney Jonathan Davis recommended that initially a public hearing be held before the Urban Transportation Commission so that some problems could possibly be worked out before bringing the ordinance before the Council for hearing.

Dr. Jim Benson, Director, Urban Transportation Department, stated that the Urban Transportation Commission could hold a public hearing in June and then report back to Council.

**MAYOR'S ECONOMIC TASK FORCE**

Mayor McClellan introduced Dr. Tim Ruffi, Chairman of the Mayor's Economic Task Force, who in turn, introduced Gus Garcia, Bill Shropshire, Wayne Huffman, Beck Spelce and noted that Chris Hart and Jerry Tucker were absent, as well as Lynn Anderson and Bill Milstead, who had dropped out of the Task Force earlier due to personal reasons. He also recognized staff members who had participated in the preparation of the report.

Dr. Ruffi stated that the Task Force had focused on City departments involving substantial amounts of City resources and on departments where questions had been raised by the Council or media regarding financial management. Overall, the City's financial management was generally sound. However, some departments were handicapped because their procedures were not formalized, thus detracting from their management ability. The report being presented to the Council today covered management policies and procedures of the departments which had been reviewed. Recommendations in the report were directed to the Council and City Manager for implementation.

Mayor McClellan suggested that the City Manager review each of the recommendations which had not been implemented by staff and prepare for Council a schedule of implementation. Copies of the schedule of implementation would be sent also to the Task Force.

Councilmember Deuser agreed with the suggestion and commented on the annual letter from Peat, Marwick, Mitchell, stating that the favorable tone of the letter was in direct response to the work of the Task Force and implementation by staff of the Task Force's recommendations. He then complimented all three entities.

Dr. Ruffi concluded by stating that if Task Force recommendations were followed, then the City would have a financial management system which would keep the City out of financial trouble.

## REPORT ON STEEN SUBDIVISION

Rodger White, Acting Director, Water & Wastewater Department, stated that since January, 1982 the Department, in accordance with Council direction, had been handling each subdivision on a case by case basis. The Steen Subdivision was dependent upon the Govalle Siphon and the Carson Creek Interceptor projects for wastewater service. Presently, there were only 553 living unit equivalents (LUE's) in the City's entire system available for new water treatment and 1,273 uncommitted LUE's for wastewater treatment at the Walnut Creek Treatment Plant and the Milwood approach main recommended on today's agenda would absorb 1,000 LUE's. The Water & Wastewater Department was unable to certify that additional service capacity was available to the Steen tract or any other tract at this time dependent upon City water service or wastewater service in the Williamson Creek or Walnut Creek drainage areas.

Responding to Mayor McClellan's questions, Mr. White stated that for all practical purposes, the system was out of water treatment plant capacity. For wastewater treatment capacity the earliest relief would be 1984-85.

Lynn Zimmerman, representing the applicant, stated that developers were being put in an untenable position. Her client had been trying to comply with City requirements since 1981.

After further discussion, Mayor McClellan suggested that one more meeting be held with the Legal Department and come back next week.

## ACTION POSTPONED ON SPECIAL PERMIT

The Council, on Councilmember Deuser's motion, Councilman Duncan's second, postponed action on the following item for two weeks. (4-0 Vote, Councilmembers Goodman, Mullen and Urdy absent)

An appeal from Mr. Howell Finch, of the Planning Commission's decision on a Special Permit for Las Colinas. (Case No. C14p-68-17)

## RECESS

The Council recessed its meeting at 2:45 p.m. and resumed its meeting at 3:10 p.m.

## ITEM POSTPONED

During the consent motion on resolutions, the Council postponed the following item for 2 weeks:

Consider re-affirming previously approved Package Treatment Plant Policy for Council's adoption and certification by City Clerk.

## CHANGE ORDER APPROVED

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the following Change Order: (4-0 Vote, Councilmembers Goodman, Mullen and Urdy absent)

CAPITAL IMPROVEMENTS PROGRAM - To AUSTIN ROAD COMPANY in the amount of \$24,654.87 for Rutland Drive Paving. (3.77% of the original contract) C.I.P. No. 73/62-21

## CONTRACTS APPROVED

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the following contracts: (4-0 Vote, Councilmembers Goodman, Mullen and Urdy absent)

3M BUSINESS PRODUCTS  
1948 South IH 35  
Austin, Texas

- Lease/purchase of Microfilm Reader-Printer, Public Works Department  
Sixty (60) month contract  
Estimated \$12,350.80

ORION RESEARCH, INC.  
840 Memorial Drive  
Cambridge, Mass.

- Sodium Ion Analyzers for monitoring sodium content (Holly & Decker Power Plants turbines)  
Electric Utility Department  
Item 1, 4 ea. \$4,900.00  
Total \$19,600.00

YELLOW CHECKER CAB COMPANY  
509 East 15th Street  
Austin, Texas

- Personalized taxicab service administered by Urban Transportation Department  
Twelve (12) month contract - \$291,000.00

## MINUTES APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the Minutes for Regular Meetings of March 18 & 25, 1982 & April 1, 1982 and Special Meetings of April 14, 1982 (3:00 p.m. & 5:00 p.m.) (5-0 Vote, Councilmembers Goodman and Mullen absent)

## CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Councilmembers Goodman and Mullen absent)

**CONSENT ORDINANCES - (Continued)****Operating Budget Amendment**

Amended the 1981-82 Operating Budget by appropriating funds from the General Fund ending balance in the amount of \$16,848.00 to provide funding for merit increases authorized the Municipal Court Judges and Court Clerk for FY 81-82.

Amended the 1981-82 Operating Budget by appropriating \$6,585.00 from the General Fund ending balance for the purpose of funding one permanent full-time position in the Personnel Department to assist with Police and Fire Civil Service activities.

Amended the 1981-82 Operating Budget by appropriating \$15,000 from General Fund Ending Balance to increase budget for Community Action Division.

**Limited Purpose Annexation**

Passed an ordinance on limited purpose annexation of 500 feet landward measured horizontally from and parallel to the 504.9 foot topographic contour line on either side of Lake Austin (Lake Austin Shoreland).

**Private Fire Protection Charges**

Passed an ordinance deleting Section 1-D of Water Rate Ordinance No. 811028-B to remove private fire protection charges.

**LIMITED PURPOSE ANNEXATION - FIRST READING**

The Council had before it consideration of an ordinance on limited purpose annexation of 332 acres of land out of the James Jett Survey No. 1 (Shepherd's Mountain area).

**Motion**

Councilmember Duncan moved the Council proceed with the first reading of the ordinance and exclude the Jones-Dwyer Tract, which would be brought back May 20, 1982. The motion, seconded by Mayor Pro Tem Trevino, carried by a 4-1 vote Mayor McClellan voting No, Councilmembers Goodman and Mullen absent.

**CHANGE ORDER - STANDARD REHABILITATION PROJECT**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, approved the expenditure of \$5,444.40 of 7th year CDBG funds for a Work Change Order of a standard rehabilitation project. (5-0 Vote, Councilmembers Goodman and Mullen absent)

## STANDARD REHABILITATION LOAN

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, approved the expenditure of \$14,740.00 of 7th year CDBG funds for a standard rehabilitation loan (Barnabe Sabana, applicant, 1900 Kenwood). (5-0 Vote, Councilmembers Goodman and Mullen absent)

## BOARD &amp; COMMISSION REPORT - AUSTIN CABLE COMMISSION

The Council had before it for consideration the following items:

- (a) Recommendation that Council request Austin CableVision to purchase a television editing system.
- (b) Recommendation that Council request the balance of the first year's annual access appropriation, \$415,000.

Mr. Hoyt Purvis, Chairman, Austin Cable Commission, stated that the franchise agreement provided for a \$1 million fund for cable origination programming in Austin. The \$35,110 for editing equipment would be the first item to be credited against the \$1 million equipment fund. The balance of the first annual access appropriation (\$415,000) was being recommended for transfer to the City, but would still come before the Council to approve any use of the funds by the Cable Commission.

Councilmember Deuser then referred to the Cable Commission's proposed budget and raised questions regarding rental space for meetings and the \$6,000 budgeted for a consultant.

Bruce Hatfield responded that he had no funds in the Cable Officer's budget to pay for rental space, but that the Electric Department had been back-charging him for use of the Electric Building Auditorium for Cable Commission meetings. Councilmember Deuser hoped that there were alternatives to the back-charge or an alternative meeting place.

Regarding the consultant, Mr. Purvis stated that the ordinance creating the Commission provided that the Commission could contract for such services as needed to perform its assigned duties. He understood that neither the equipment fund nor the access fund could be used for this purpose.

Councilmember Deuser questioned the use of General Fund revenues for Commission consultants. City Manager Meiszer stated that the franchise fee came to the General Fund and the expenses were paid out of the General Fund.

Both Mayor McClellan and Councilmember Deuser questioned the \$10,400 amount for travel, conferences and memberships. Mr. Purvis stated that the Commission felt strongly that they needed access to new material and technology to be fully informed.



## AUSTIN CABLE COMMISSION - (Continued)

After further discussion, Councilmember Deuser stated that he wanted more information, and Mayor McClellan requested a one week delay on the item.

Motion

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the following:

- (a) Recommendation that Council request Austin CableVision to purchase a television editing system at a cost of \$35,110.
- (b) Recommendation that Council request the balance of the first year's annual access appropriation, \$415,000.

(6-0 Vote, Councilmember Mullen absent)

## BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced that the following Board and Commission appointments would be made on May 13, 1982:

Austin Tomorrow On-Going Committee - 5; EMS Quality Assurance Team - 5; Electric Utility Commission - 1; Elisabet Ney Museum Board of Directors - 2; Manpower Advisory Planning Council - 4; Community Development Commission - 5; Dental Health Advisory Committee - 9; Energy Conservation Commission - 1; Medical Assistance Program Advisory Board - 1; Austin Community Education Consortium - One group to replace Urban League; Renewable Energy Resources Commission - 2; Wrecker Standards Commission - 1; MH/MR Public Responsibility Committee - 1; Urban Transportation Commission - 1.

Mayor McClellan also announced that the following Board and Commission appointments would be made on June 2, 1982:

Building Standards Commission - 5; Austin Tomorrow On-Going Committee - 5 regular & 5 alternates; Historic Landmark Commission - 6; Parks and Recreation Board - 6; Planning Commission - 4; Commission on the Status of Women - 7 to be effective 6/30/82; Vending Commission - 4; Hospital Board - 1; Water & Wastewater Commission - 1; Downtown Revitalization Commission - 1.

## RECESS

At that point, the Council recessed its meeting and resumed at 4:00 p.m. at which time the following citizens' communications were heard.

**LOADING ZONES**

Mr. David H. Slider appeared before Council to discuss Section 21 of the Austin City Code regarding loading zones. He complained about getting a ticket for parking in a delivery zone and asked that the ordinance be changed regarding signs on delivery vehicles.

Dr. Jim Benson, Urban Transportation Department, stated that the definition of a "commercial delivery vehicle" had been changed in October, 1981. The original intention had been to allow magnetic signs.

After further discussion, Mayor McClellan requested that everyone operate under the updated ordinance and to verify that Mr. Slider was ticketed under the appropriate ordinance.

**ELIGIBLE BLIGHTED AREA**

Mr. Sandy Gottesman appeared before the Council to request that a hearing be set to designate the W. B. Smith Building at 316-318 Congress as an Eligible Blighted Area.

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, set a hearing at 5:00 p.m., May 27, 1982, to consider the designation of the W. B. Smith Building at 316-318 Congress as an Eligible Blighted Area. (6-0 Vote, Councilmember Mullen absent)

**CORONADO HILLS HUD PROJECT**

Mr. Jerry Daniel appeared before the Council to discuss the Coronado Hills HUD Project. He asked for a new hearing on the water and wastewater approach main and that relevant information be made available to him.

Mayor McClellan asked that if there was new information or erroneous information was presented at the hearing that Mr. Daniel put it in writing and let the City Attorney look at it as well as staff. The Council could then consider it.

**RECESS**

The Council recessed at 4:50 p.m. and resumed its meeting at 5:00 p.m.

**PUBLIC HEARING ON ELIGIBLE BLIGHTED AREA**

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. to consider the designation of area located at 200-212 East 6th Street as an Eligible Blighted Area for industrial development bond purposes.

Mr. Bruce Rick, representing the applicant, Pecan Street Limited Partnership, distributed to the Council a description of the project.

Mr. Arthur Hamilton, a businessman who lived on East 6th Street, spoke in favor of the project and asked that for future projects in a National Register District that they be given careful consideration. His concern was that the project relate in scale and type of materials to the existing building.

**ELIGIBLE BLIGHTED AREA - (Continued)**

In response to a question from Ari Wright, Mr. Rick said that plans for the project were complete and that an arrangement to sell the bonds had been made based on those plans.

**Motion**

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, closed the public hearing and designated Lots 1, 2, 3 and the west 23 1/2 feet of Lot 4, Block 68, Original City, as an Eligible Blighted Area for industrial bond purposes. (6-0 Vote, Councilmember Mullen absent)

**RECESS**

The Council recessed at 5:35 to call to order a meeting of the Austin Industrial Development Corporation. At the conclusion of that meeting, Mayor McClellan called the recessed meeting to order and announced that the Council would then go into Executive Session under Section 2, paragraph g, Article 6252-17 Texas Revised Civil Statutes annotated to consider Board and Commission appointments; 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.

**BOARD AND COMMISSION APPOINTMENTS**

The Council resumed its recessed meeting at 6:08 p.m.

**Motion**

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, voted to approve the following Board and Commission appointments: (6-0 Vote, Councilman Goodman out of the room)

**ELECTRIC UTILITY COMMISSION**

Thaddeus Kochanski - expires 7/1/82

**MANPOWER ADVISORY PLANNING COUNCIL**

Donald Sproull - expires 9/30/82

**COMMUNITY DEVELOPMENT COMMISSION**

(County) - Jimmy Snell - expires 3/1/84

Confirmed the following appointments:

(Conference of Churches) - Barbara Holmes - expires 3/1/84

(PTA) - Jobeth Worden - expires 3/1/84

(Representative of Public Officials) - Ben Sarrett - expires 3/1/84

APPOINTMENTS - (Continued)

DENTAL HEALTH ADVISORY COMMITTEE

- Phyllis Hartzell - expires 3/1/83
- Dr. James Ross - expires 3/1/83
- John Frasher - expires 3/1/83
- Wes Storey - expires 3/1/83
- Mary Musta - expires 3/1/83
- Ola Johnson - expires 3/1/83
- Donna Knapp - expires 3/1/83

ENERGY CONSERVATION COMMISSION

- Timothy Boyd - expires 7/1/82

MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD

- Hilda Garcia - expires 12/1/82

RENEWABLE ENERGY RESOURCES COMMISSION

- August Petersen - expires

ZONING ORDINANCE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, passed on second reading the following ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change:

J. R. BEHRINGER  
By Morris Olguin  
C14r-82-015

11855 U. S. 183

From "GR" 1st H&A  
To "C" 1st H&A

(4-3 Vote, Councilmembers Deuser, Duncan and Mullen voting No)

Reconsideration of Motion

Councilmember Goodman made a motion to reconsider the preceding action. By acclamation, the Council voted to reconsider.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, waived the requirement for three readings and passed on second and third readings an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change:

## ZONING ORDINANCE - (Continued)

J. R. BEHRINGER  
By Morris Olguin  
C14r-82-015

11855 U. S. 183

From "GR" 1st H&A  
To "C" 1st H&A

(6-1 Vote, Councilmember Duncan voting No)

## ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 6:00 p.m. The Council heard, closed the public hearings, granted and instructed the City Attorney to draw the necessary ordinances to cover the following zoning changes: (except where noted differently)

- |     |             |   |   |   |
|-----|-------------|---|---|---|
| (1) | -82<br>022  | REMEDIOS MERCADO<br>By W. L. Thompson   | 2906 Cole   | From "A" 1st H&A<br>To "O" 2nd H&A<br>RECOMMENDED<br><u>GRANTED AS RECOMMENDED</u>              |
| (2) | -82<br>023  | NEVILLE M. MORRIS,<br>ET UX<br>By Mission Develop-<br>ment Corp.                | 8129 North Lamar  | From "A" 1st & 6th H&A<br>To "C" 1st H&A<br>RECOMMENDED<br><u>GRANTED AS RECOMMENDED</u>        |
| (3) | -82<br>026  | AUSTIN NATIONAL<br>BANK & J. CHRYS<br>DOUGHERTY, TRUSTEE<br>By Robert Barnstone | 301-309 Willow St.<br>also bounded by<br>Trinity Street | From "B" 2nd H&A<br>To "C" 3rd H&A<br>RECOMMENDED<br><u>GRANTED AS RECOMMENDED</u>              |
| (4) | -82<br>057  | C.L.R DEVELOP-<br>MENT, INC.<br>By Marshall Graham                              | 1700 & 1702 Willow<br>Creek Drive                       | From "LR" 1st H&A<br>To "GR" 1st H&A<br>RECOMMENDED<br><u>GRANTED AS RECOMMENDED</u>            |
| (5) | h-82<br>004 | MILLER-SEARIGHT<br>HOUSE<br>By Harry R.<br>Sindorf                              | 5400 Friedrich Lane                                     | From Interim "A"<br>1st H&A<br>To "A-H" 1st H&A<br>RECOMMENDED<br><u>GRANTED AS RECOMMENDED</u> |

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

Case Referred to Planning Commission

- |     |            |  |                      |  |
|-----|------------|--|----------------------|--|
| C14 | -82<br>039 | GEORGE C. JR. &<br>JOHN M. JOSEPH,<br>MAGDALENE FALYEY,<br>HORACE JOSEPH<br>By Scott Roberts | 4812-4910 Duval Road | From "AA" 1st H&A<br>To "A" 1st H&A<br>RECOMMENDED (NOT A<br>QUORUM VOTE)<br><u>REFERRED TO PLANNING<br/>COMMISSION TO CONSIDER<br/>A-2 ZONING</u> |
|-----|------------|--|----------------------|--|

## ZONING HEARINGS - (Continued)

Councilmember Deuser stated that the tract had been brought up in 1980 requesting a change from Interim "AA" to "BB". It was amended to request "A", was denied and "AA" was granted by both the Planning Commission and City Council. In light of that information and subsequent discussions with the applicant and the neighborhood, he requested that the case be taken back to the Planning Commission for consideration of a site plan to be proposed by the applicant on the possibility of granting "A-2" Condominium zoning. Councilmember Deuser also pointed out that even though surrounding properties were zoned Interim "AA", a petition drive showed that 37% of those owners opposed the zoning change. Adjacent owners were willing to consider a good "A-2" proposal.

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

C14 -82 025	W. P. GOODWIN ESTATE By Jane G. Gongaware	1122-1130 Springdale Road 3701-3729 Goodwin Avenue 1121-1131 Airport Boulevard	From "A" 1st H&A To "C" 6th H&A RECOMMENDED "C" subject to staff recommendations and ordinance require- ments <u>GRANTED AS RECOMMENDED</u>
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Dick Lillie, Planning Director, pointed out that staff requirements were right-of-way requirements.

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

C14 -82 030	JACK & MARIE MCGRAW By Bill Warford	3807 Spicewood Springs Road.	From Interim "A" 1st H&A To "O-1" 1st H&A RECOMMENDED (as amended) "O-1" 1st as agreed to by applicant; to be tied to site plan. <u>GRANTED AS RECOMMENDED</u>
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(On Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, 7-0 Vote)

Emergency Passage of Ordinance

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the preceding zoning change. (7-0 Vote)

## ZONING HEARINGS - (Continued)

C14 -82 004	CHRIS PETROPOULOS By Steve Price	Rear of 2414-2416- 2418 S. Lamar and Rear of 2408-2410- 2412 Bluebonnet Lane	From "A" 1st H&A To "C" 1st & "D" 1st H&A RECOMMENDED subject to site plan submitted & 6' privacy fence where adjacent to residential development & zoning. <u>GRANTED AS RECOMMENDED</u>
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(On Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, 7-0 Vote)

C14 -82 010	AUGUSTINE RAMIREZ By Donald E. Bird	7224-7238 E. Ben White Boulevard, also bounded by Yellow Jacket & Carson Ridge	From Interim "A" 1st H&A To "C" 1st H&A NOT RECOMMENDED RECOMMENDED "C" 1st on front 445 feet, subject to ordinance requirements and staff recommendations. <u>GRANTED AS RECOMMENDED</u>
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(On Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, 6-0 Vote, Councilmember Goodman out of the room at roll call)

Case Withdrawn

C14 -81 240	DAVID B. BARROW, JR. By Roe Gregg	3563 Far West Blvd. Suite 106, also bounded by Wood Hollow Drive	From "GR" 1st H&A To "C" 1st H&A NOT RECOMMENDED  <u>ALLOWED WITHDRAWAL ON APPLICANT'S REQUEST</u>
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(On Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, 7-0 Vote)

C814-82 001	NORTHGATE P.U.D. A. Leon Thompson By Snowden & Meyer, Inc.	1935-2011 West Rundberg Lane	From "B" 1st H&A To PUD 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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(On Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, 7-0 Vote)

Emergency Passage of Ordinance

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## ZONING HEARINGS - (Continued)

Amendment to Restrictive Covenant

C14 -78 188	WALTER VACKAR ASSOCIATES, INC.	3501-3529 Steck Avenue 8122-8180 MoPac	Amendment to Restrictive Covenant RECOMMENDED
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GRANTED AS RECOMMENDED

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

C14h-82 001	JACOB LARMOUR BLOCK By City of Austin	906-922 Congress Avenue	From "C-2" 4th H&A To "C-2-H" 4th H&A RECOMMENDED
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(On Councilmember Mullen's motion,  
Councilmember Deuser's second,  
7-0 Vote)GRANTED AS RECOMMENDED EXCEPT WHERE  
WRITTEN OBJECTION (912, 914, 920 &  
922 CONGRESS) WITH PLANNING COMMISSION CRITERIA(On Councilmember Deuser's motion,  
Councilmember Goodman's second,  
7-0 Vote)HISTORIC LANDMARK COMMISSION & PLANNING  
COMMISSION TO BRING IN RECOMMENDATIONS  
ON 105-115 WEST 10TH STREET.

City Clerk Grace Monroe stated that she had just received written objection from the administrator of the Pope Trust regarding historic zoning for 920-922 Congress Avenue.

Betty Baker, Planning Department, by use of slides, presented an overview of the proposed zoning changes. She also commented that the property located at 910 Congress had been sent back to the Planning Commission because the owners had requested a 90 day delay. She stated that with the exception of 922 Congress, both the Landmark Commission and Planning Commission had unanimously recommended historic zoning.

In response to Councilmember Deuser's question as to why 110 W. 10th was removed, Ms. Baker replied that staff did not have adequate information on the property.

Mr. Sam Perry, representing the owners of 912 Congress, objected to "H" zoning of the property because it would hamper any future plans. He also stated that he had received a call today from the owner of 916-918 Congress (Mr. McNair) objecting to the historic zoning and was relaying that information to the Council.

City Attorney Albert DeLaRosa stated that it was not a valid objection unless put in writing whereby the three-fourths rule could be invoked.



## ZONING HEARINGS - (Continued)

Tom Curtis, representing the Pope Trust, objected to historic zoning for property located at 920-922 Congress. He felt that the property had more value without "H" zoning and that the only reason that the corner property at 922 Congress was being requested for "H" zoning was that it was adjacent to the other properties being considered.

Charles Morton, owner of 914 Congress, objected to historic zoning for his property. He had submitted his objection in writing to the Council.

Sally Pope Fowler, one of the owners of 920-922 Congress objected to historic zoning for the property.

Blake Alexander, Martha Herzog, Betty Phillips and Jim Christiansen, all members of the Historic Landmark Commission, each spoke in support of historic zoning on the properties. Mr. Christiansen did not support historic zoning for 922 Congress.

In summation, Mr. Perry asked if it was fair to place a burden on an owner who objected to historic zoning and stated that Franklin Savings elected to restore the Tips Building.

Summarizing for the Pope Trust, Mr. Curtis referred to the limited historical data, the narrowness of the lots, the reduction in their usefulness if zoned "H" and asked the Council not to zone them "H".

In closing, Mr. Morton stated that the stone trim was not behind the blue and grey panels on his property at 914 Congress. To restore the building would be to completely rebuild it and he did not think that that was the intent of the ordinance. If declared historic, he would simply have to preserve the blue and grey panels.

Motion

Councilmember Mullen moved that the Council exclude 910 Congress and approve as "C-2-H" all the remaining property except where there is written objection (912-914 & 920-922) based on Items (a)(b)(c)(d)(f)(h)(i)(k)(l) & (m) of the Criteria. Councilmember Deuser seconded the motion.

Substitute Motion - FAILED

Councilmember Goodman's motion to uphold the Planning Commission failed for lack of a second.

Roll Call on Motion

Roll call on the motion showed a 7-0 vote.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, voted to consider the remaining property facing on 10th Street (105-110 W. 10th Street) and direct the Historic Landmark and Planning Commissions to bring in a recommendation to complete that as a one-half block package. (7-0 Vote)

## ZONING HEARINGS - (Continued)

C14r-82    MRS. BRYAN ROBINSON    11904 N. IH 35  
027        By Judith Fowler

From Interim "A" 1st H&A  
To "C" 1st H&A & "O-1"  
1st H&A (as amended)  
RECOMMENDED "C" for  
building only; "O-1" 1st  
for balance. Applicant  
volunteered that entire  
site be surrounded by a 6'  
wood privacy fence and  
if use changes the  
property would rollback  
to "O-1".

GRANTED AS RECOMMENDED

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

Dick Lillie reviewed the application by use of slides, stating that it was in the Walnut Creek neighborhood.

Judith Fowler, representing the applicant, stated that the owner was selling the property to Mr. Robert Newton, who owned a company called Renco. Mr. Newton's intention was to relocate his business, which was the selling of reflective discs for highway markings. He planned to build a 6,000 square foot building on the property and had agreed to restrictive covenants requested by the Planning Commission.

Kenneth Weatherford, representing the Walnut Creek Neighborhood Association, spoke in opposition to the zoning change, citing a restrictive covenant covering the subject property.

City Attorney Albert DeLaRosa explained that deed restrictions were a matter for the courts to decide and that the Council could grant a zoning change regardless of a deed restriction.

Summarizing for the applicant, Ms. Fowler stated that the original plat of the subdivision permitted the lots facing on IH 35 to be either residential or commercial.

A petition was submitted by area residents, but was not valid since the area was zoned Interim "A".

Emergency Passage of Ordinance

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the preceding zoning change. (7-0 Vote)

May 6, 1982

## ZONING HEARINGS - (Continued)

C14 -82 NELSON PUETT  
028 By Scott Roberts

8213 Brodie Lane

From "LR" 1st H&A  
To "GR" 1st H&A  
RECOMMENDED "GR" with  
provision that sign be  
maintained and removed  
after 4 years or when  
90% of subdivision is  
sold out, whichever  
comes first. Sign is  
not to be lighted and  
will be landscaped, to be  
used only for advertising  
Maple Run Subdivision.  
The Bill Milburn Company  
will remove the sign after  
the specified time or pay  
the City to remove it.

GRANTED AS RECOMMENDED

(On Councilmember Goodman's motion, Mayor McClellan's second, 7-0 Vote)

Dick Lillie reviewed the application by use of slides and stated that the use was for an off-premise billboard advertising.

Scott Roberts, representing the applicant and the Bill Milburn Company, stated that the Bill Milburn Company had leased the land for a sign to advertise the Maple Run Subdivision. Restrictive covenants had been signed and delivered to the City Attorney's office.

Ira Yates spoke in opposition to the billboard, citing safety and esthetic considerations.

Grant Kinsley, a local real estate agent, spoke in opposition to the billboard.

In response to Councilmember Deuser's question regarding the size of the sign, Mr. Roberts said that the dimensions would be 40' by 10'.

Bill Rouse spoke in favor of the billboard.

C14h-82 ALLAN JR. HIGH/  
009 AUSTIN HIGH SCHOOL  
By City of Austin

700 Block West 12th Street  
From Undesignated  
To Undesignated-Historic  
NOT RECOMMENDED

GRANTED UNDESIGNATED-HISTORIC BASED ON  
ITEMS (a), (d), (f), (i), (k), (l) & (m)  
OF THE CRITERIA.

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

## ZONING HEARINGS - (Continued)

Betty Baker, Planning Department, reviewed the application by use of slides, pointing out that the site was designated as a school site on the map of the Original City of Austin.

Dr. Mauro Reno, representing the Austin Independent School District, read a letter from AISD's attorney expressing their opposition to the zoning.

Jim Christiansen, member of the Historic Landmark Commission, spoke in favor of the zoning change.

Discussion ensued as to whether or not AISD would be subject to the City's historic zoning ordinance with the consensus being that the designation was meant to be honorary. The school board representative indicated that an honorary designation with no restrictions would be acceptable to AISD.

Mayor McClellan made the following statement:

"Our Minutes should clearly reflect that we are discussing an honorary historic designation, that not in any way do we intend to tie the hands of the School District in renovating the building as they see fit and to serve the purposes which will be ever changing. We cannot foresee what all those purposes may be in the future, and I think that our Minutes should clearly reflect that."

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C814-81	THE GREENS P.U.D.	Rain Creek Parkway	From "AA" 1st H&A
008	Great Hills, Inc.	at Lost Horizon	To P.U.D. 1st H&A
	By Espey Huston	Drive	RECOMMENDED

GRANTED AS RECOMMENDED

Dick Lillie reviewed the application by use of slides and commented that the case was before the Council in February when it was discovered that signs were not posted on the property. The case was returned to the Planning Commission and was heard in April. All legal requirements had been met.

Charles R. Wirtanen, Vice President of the Great Hills, stated that the project consisted of 51 detached garden homes and 8 large single-family lots adjacent to the golf course.

Diane Debois, representing the neighborhood, stated that the intent of the Lake Austin ordinance was to prevent clustering on steep slopes. The current proposal would cluster on the steeper slopes, and she felt that the intent of the ordinance was being circumvented by including a portion of the golf course in the impervious cover requirements. She then asked questions regarding water and wastewater requirements for the PUD.

## ZONING HEARINGS - (Continued)

Walt Darbyshire of the Planning Department responded that an administrative approach main was approved on January 22, 1982 for The Greens. Using part of the golf course to meet impervious cover requirements satisfied subdivision ordinance specifications. The Planning Department would keep track of how much credit the Great Hills had used and when it was exhausted, alternative methods could be used.

Sam Baldwin, President, Great Hills Neighborhood Association, spoke in opposition to the PUD, saying that it would increase density, set a bad precedent and lower property values in the area.

Don English opposed the zoning change stating that it was spot zoning and that the City should take over the private streets for maintenance.

Billie Mosley spoke against the zoning change saying that the PUD should be placed on the outskirts instead of in the middle of the project.

Sue Baldwin objected to the zoning change citing traffic problems.

Lois English opposed the change and read from the Lake Austin ordinance. She questioned development on the steepest slopes.

Grant Kinsley stated that the developers of the PUD were some of the best builders in Austin.

In summary, Mr. Wirtanen said that the density was only 3.1 units per acre and was not considered high density. An existing section in the area had a similar density and was adjacent to the people opposing the change. The zero lot line houses would not be on the steep slopes. The amount of green space would not be reduced over the life of the project.

In response to Councilmember Duncan's question, the City Attorney stated that he felt that the intent of the Lake Austin ordinance had been met. He also stated that the Council had discretion whether to approve a PUD.

In making his motion to approve the PUD, Councilmember Mullen said that any application for development in that area had to preserve the water quality, that there was comparable density in the area and that any development would increase traffic.

C14 -82  
053

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

4201-4217 James  
Casey Street  
621-627 Radam Lane  
also bounded by  
Clifford Drive

From "A" 1st H&A  
To "0-1" 1st H&A  
RECOMMENDED (as amended)  
"0-1" tied to site plan  
submitted and subject to  
upgrading of Radam.

GRANTED AS RECOMMENDED

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

## ZONING HEARINGS - (Continued)

Dick Lillie pointed out that only 4207-4217 James Casey was published and could be heard today. The remainder would be scheduled for May 27, 1982.

Bill Carson, representing the applicants, stated that they had no problem tying the zoning to a site plan as long as the site plan allowed access to James Casey and Clifford Drive if additional "O" Office zoning occurred on either street. There was no problem with the upgrading of Radam Lane as long as it was adjacent to the property under consideration. He also requested that 64' of right-of-way be required of Radam Lane instead of 80' recommended by Urban Transportation. The street would have 44' of paving.

Margie Ferris, one of the applicants, initially opposed the zoning change, but decided not to object after further clarification.

Wes Page, representing the South Austin Community Hospital, stated that the Hospital did not oppose the zoning request.

Councilmember Duncan requested that in addition to the motion to approve the zoning change that the entire triangle formed by Ben White Boulevard, the railroad tracks and South First be looked at as a possible medical use district by the Planning Commission.

Mr. Lillie referred to a memo from Urban Transportation pointing out the median constraints on Ben White Boulevard which would limit access to the Hospital. There was an indication that the constraints would be reduced, but major access to the Hospital would be from Radam Lane and James Casey.

## REPORT ON GRANT ACCOUNTING

City Attorney Albert DeLaRosa stated that earlier in the week he had distributed a memo concerning the authority of the City Council to amend the annual budget ordinance and the process to be followed to accomplish an amendment to the budget ordinance. The memo detailed two separate State laws giving the Council authority to amend the budget ordinance. One law covered emergency situations and the other one allowed for the amendment of items within the budget ordinance which related to an item which had been included in the original budget ordinance at the time of adoption. Regarding Item H.1.e. on today's agenda, he concluded that the Council had the authority to amend the budget under provisions of the second State law. The Council then acted on the following item.

## BUDGET AMENDMENT

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Operating Budget by: (7-0 Vote)

Transferring \$59,268 with five FTE's from the Human Services Department to the Finance Department.

## WASTEWATER APPROACH MAIN APPROVED

The Council had before it consideration of approval of the following wastewater approach main:

## MILWOOD JOINT VENTURE

- Wastewater approach main to serve Milwood 14-21 subdivision and adjoining land. Total cost is estimated at \$3,004,548; no City cost participation

The request was for 5,000 Living Unit Equivalents (LUE's), while only 1,253 LUE's were available city-wide. The Water & Wastewater Commission had recommended 1,000 LUE's. Councilmember Deuser questioned the granting of 1,000 LUE's whereby only 253 LUE's would remain for the entire city.

After further discussion as to how fast build-out would occur and how to account for unused capacity better, the following motion was made:

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, approved the preceding wastewater approach main as recommended by the Water and Wastewater Commission and exempt only 500 LUE's, the facilities to be served by Phase I of the approach main from payment of the established Walnut Creek Interceptor subsequent user fee. (6-1 Vote, Councilmember Duncan voting No)

## BOND ELECTION

City Manager Meiszer referred to a memo he had distributed to Council concerning the timing of a bond election. The only real urgency related to the water system. The advantage of an August election versus a September or October election needed to be weighed against the possibility of not being able to meet peak demand in the summer of 1984. From an operational standpoint, there were no unsurmountable problems created by a delay. Some voluntary conservation steps could be used to decrease demand during the summer months. The Water & Wastewater Commission had recommended not delaying due to the need to upgrade the Green Treatment Plant.

Mayor McClellan felt that the schedule should be kept as close to August as possible and no later than early September.

Councilmember Duncan felt that every attempt should be made to let a contract by October 1st for the Green Treatment Plant. He suggested the following:

1. Set the election for mid-September.
2. Have the City Manager draw up conservation measures for use this summer if necessary and for next summer.
3. Have the bond package ready 60 days before taking it to the electorate.

Mayor McClellan requested that the City Manager come back with a schedule for an election to be held no later than mid-September.

## EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or executive session authorized by Section 2(f), Art. 6252-17, V.T.C.S. relating to on-going real estate negotiations with Austin Independent School District and Section 2(e), Art. 6252-17, V.T.C.S. relating to pending litigation; 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.

## RATE CONSULTANT - PROPOSAL 7

At the conclusion of the executive session, the Council resumed its recessed meeting to consider hiring rate consultants for the Public Utility Commission hearing on Proposal 7.

Motion

Councilmember Duncan moved the Council hire Eugene Coyle to assist in Proposal 7 defense. Councilmember Urdy seconded the motion.

Mayor McClellan made the following comments for the record:

"I will vote No. I continue to strongly oppose Proposal 7 and all the subsequent actions it would take to defend what I think is an indefensible utility rate structure."

Councilmember Mullen stated that he supported the Mayor's position and said that it would take a minimum of \$300,000 of ratepayers' money to defend Proposal 7.

Councilmember Deuser made the following comments:

"We are indeed having to expand the defense of the electric rate structure because it's been opened up to things that heretofore had always been included and as part of the broad sweeping Attorney General's ruling that allowed a whole lot of other things to be opened up. Not the rate structure, but all of the other expenses and things that are associated with our Electric Utility and we're being treated just like a private utility. Those expenses will all be there. We're having to defend this in a nature way beyond the question of the particular rate structure we have, and I find that very unfortunate and I certainly want to make sure that we always allocate the costs associated with Proposal 7 as opposed to the costs that are being brought up by the school district, whether or not they should get a transfer and other individuals raising issues that are completely irrelevant to the original question."

Mayor McClellan responded that the issue would not even be before the Public Utility Commission if the issue did not fly in the face of sound utility rate making and cost of service base electric rate. She stated that it was this Council that had opened up Pandora's box.



RATE CONSULTANT - (Continued)

Councilmember Urdy felt that it was the Council's responsibility to defend whatever rate structure the City had in the event of a lawsuit.

Councilmember Mullen disagreed with Councilmember Urdy and said that in the past a situation was not created where the City had to spend \$300,000 to \$500,000 to defend itself.

ADJOURNMENT

The Council adjourned at 10:35 p.m.