



Austin City Council MINUTES

For

NOVEMBER 17, 1983

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

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved Minutes for regular meeting of November 3, 1983. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Rose and Urdy were out of the room.)

ENERGY ISSUES DISCUSSED

Mr. Paul Robbins appeared before Council to discuss energy issues. He said the City should explore co-generation and wind power.

CITIZEN DID NOT APPEAR

Mr. Thomas J. O'Meara had requested to discuss the Barton Creek Ordinance. He did not appear.

LIFE ON GOLDEN POND

Mr. Jay F. Powell, Windy Cove resident, discussed Life on Golden Pond - Austin Style. He said the construction of Davenport Ranch is ruining the residents of Windy Cove's life style and their water is being spoiled. The conservation measures of hay bales and brush berms are not being observed. He showed pictures of the spoilage. Mayor Mullen said he understands City staff has already checked into the problem and Mr. Ridings, Director of Public Works, stated the contractor has already begun to put the conservation measures in place.

CONSENT ORDINANCES

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

Operating Budget Amendments

Amended the 1983-84 Annual Operating Budget by accepting \$7,315.00 from The Meadows Foundation awarded to the Austin Natural Science Association for a pilot cooperative education program at the Jourdan-Bachman Farm.

Replacement Bond

Approved an ordinance relating to the authorization and issuance of a replacement bond.

Speed Zone Modifications

Approved amending the Austin City Code to modify the following speed zones;

Section 11-2-99.d (Decrease in maximum limits) - 20 mph

DELETE: (1) Danwood Drive from 130 feet south of Oakview Drive to 129 feet north of Oakview Drive.

Section 11-2-100.b (Increase in maximum limits) - 40 mph

DELETE: (1) East Riverside from Parker Lane to Riverside Farms Road.

ADD: (1) East Riverside Drive from Parker Lane to Pleasant Valley Road.

Section 11-2-100.d (Increase in maximum limits) - 50 mph

DELETE: (1) East Riverside Drive from Riverside Farms Road to Ben White Boulevard.

Section 11-2-100.a (Increase in maximum limits) - 35 mph

ADD: (1) East Riverside Drive from Pleasant Valley Road to Ben White Boulevard.

Item Pulled

An ordinance amending the Capital Recovery Fee Ordinance was pulled off the agenda.

November 17, 1983

Cable Television Rates

Passed through THIRD READING of an ordinance regulating and prescribing rates to be charged for cable television service with the City of Austin by Austin CableVision.

Zoning Ordinances.

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

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-82-040

Robertson Hill Area
Study

From "A", "B", "B-H",
"O", "O-H", "LR",
"GR", "C", "C-1",
"C-2", "C-H",
"C-2-H" 1st 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

APPROVED BUT DELETE TRACT 44
FROM THE ROLL BACK

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-81-198

2401-2415 N. Lamar
Blvd., 1308-1310
W. 24th Street
1301-1305 W. 25th St.

From "B" 5th H&A &
2nd H&A to "B"
1st H&A & "AA"
1st H&A

RICHARD & JANET
MATHYS
By Miguel Guerrero
C14-83-117

119 W. Stassney Lane

From "GR" 1st H&A
to "C-1" 1st H&A

DREXEL PROPERTIES,
INC.
By Miguel Guerrero
C14-83-200

11204-11282 Taylor
Lane

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

CAPITAL DEVELOPMENT
By Joe E. Higgs
C14r-83-177

4500-4630 Bull Creek
5700 Mt. Bonnell Drive
5701 West Slope Drive

From Interim "AA" 1st H&A
H&A to "A-2" 1st H&A

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easements

Authorized release of the following easements:

- a. Portion of the 6' Public Utility Easement dedicated along the common lot line of Lots 1 and 2, Block A, Barton Hills Section 7. (Requested by Mr. Gary Thomas Wilde)
- b. 10' of Public Utility Easements on Lots 22, 23, 24, and 25, Park View Subdivision and located on Lots 22-A and 24-A, Resub of Lots 22, 23 and 24 of Park View and on Lot 25, Park View, Nelson Street and West 8th Street. (Requested by J. Leroy Bush)
- c. The Public Utility Easements along the dividing lines of Lots 2 thru 15, Chaparral Village and release of the Electric Easement along the Common lot line of Lots 7 and 8. (Requested by J. E. L. Investments)
- d. The 10' Public Utility Easement on Lot 18, Block I, Resubdivision of a portion of Block I, Highland Park West, 5211 Valley Oak Drive. (Requested by Mr. Edward Austin)
- e. An Electric and Telephone Easement recorded in Volume 1916, Page 27, of the Travis County Deed Records and located on Cima Oaks Subdivision. (Requested by Mr. James G. Vier)
- f. A portion of an Electric and Telephone Easement recorded in Volume 4833, Page 739, of the Travis County Deed Records and located on Lot 11, Block H, Point Vista Section III-A, 1204 Tartan Lane. (Requested by The Lomas & Nettleton Company)
- g. A portion of a Blanket Electric Easement recorded in Volume 2179, Pages 425 and 426, of the Travis County Deed Records insofar as it affects the 1.676 acre tract, proposed Stassney Oaks Subdivision. (Requested by Valmore Leite, et al)
- h. A portion of an Electric and Telephone Easement recorded in Volume 3556, Page 1374, of the Travis County Deed Records and located on Carson Creek Subdivision. (Requested by Donald Harvard and the Ken Burge Company)
- i. The Water Meter Vault Easements dedicated in Volume 8028, Page 108, of the Travis County Deed Records, located at Barton Springs Road and South First Street. (Requested by Texas Center Assoc.)

- j. The 10' Public Utility Easement located on Lot 8-A, Resubdivision of Lots 6, 6A, 7 and 8, Timberwood, 3400 Timberwood Circle.

License Agreement

Approved entering into a License Agreement to allow the encroachment of drainage improvements from Arrowood Subdivision into Missouri-Pacific Railroad right-of-way at Dorsett Road and Everest Lane. (Requested by Nash Phillips/Copus and the Missouri-Pacific Railroad)

Assignment of Lease

Approved the assignment of the lease from MIGHT II, INC. to ARCIL, INC., for the City-owned property at 701 Herndon Lane.

Surface Water Regime

Approved renewal of the agreement between the United States Geologic Survey of the Department of the Interior and the City of Austin for an investigation of the surface water regime (quality and quantity) in the Austin metropolitan area.

Capital Improvements Program

Approved a contract with John Lloyd and Associates to provide landscaping for the Commons Ford Substation. CAPITAL IMPROVEMENTS PROGRAM NO. 79/16-03.

Approved a supplemental amendment to an existing Professional Services Agreement between the City of Austin and L.M. Holder III, Architect for developing an addition to Fire Station No. 22 at 5309 East Riverside Drive to house E.M.S. equipment and staff - Estimated fee \$8,000.00. CAPITAL IMPROVEMENTS PROGRAM NO. 81/93-02.

Change Orders

Approved the following Change Orders:

- a. In the amount of \$5,477.00 to BRB CONTRACTORS, INC., for the Green Water Treatment Plant - 1983 Modifications and Facilities Improvements. (0.06% increase of the original contract) C.I.P. No. 73/22-92
- b. In the amount of \$70,000.00 to BRB CONTRACTORS, INC. for the Green Water Treatment Plant - 1983 Modifications and Facilities Improvements. (0.74% increase in contract) C.I.P. No. 73/22-92
- c. In the amount of \$43,188 to POWER ENTERPRISES, INC. for Tubular Steel Transmission Poles. (9.2% increase of the original contract.) C.I.P. No. 75/13-07 & 75/13-06

Contracts Approved

Approved the following contracts:

- a. PYRAMID STONE COMPANY
9011 Old Corpus Christi Road
San Antonio, Texas
 - CAPITAL IMPROVEMENTS PROGRAM
Concrete Trash Coffins,
Parks and Recreation Department
Items 1-3 \$34,975.00
C.I.P. No. 83/86-02
- b. Sheryl Behne
(subject to
contract
approval)
 - Tennis Pro at Caswell Tennis
Center, Parks and Recreation
Department
Twenty-one (21) Month Contract
Estimated \$8,925.00

(Recommendation of Gene Morris was stated on agenda. Councilmember Spaeth recommended the approval of Sheryl Behne.)

- c. Bid award:
 - Fine Paper, Purchasing
Department
Six (6) Month Supply Agreement
Total \$95,822.00
- (1) CENTURY PAPER
10205 Metropolitan
Austin, Texas
 - Items 7-9, 21-23, 26

- (2) LONE STAR PAPER
200-210 East St. Elmo
Austin, Texas
 - Items 1-6, 10-20, 24-25

- d. Bid award:
 - Post Insulators, Central Stores
Division
Total \$33,963.40
- (1) PRIESTER-MELL & NICHOLSON,
INC.
601 East 56th Street
Austin, Texas
 - Item 1 - \$20,768.40
- (2) TEMPLE, INC. (MBE)
8746 Shoal Creek Boulevard
Austin, Texas
 - Item 2 - \$13,195.00

- e. BEARINGS, INC.
9421 Neals Thompson Drive
Austin, Texas
 - Parts for FMC Traveling
Water Screen, Unit No 1,
Decker Power Plant, Electric
Utility Department
Item 1 - 5 - \$14,035.21

CONTRACTS APPROVED - (Continued)

- f. **AFRI-AMERICAN SUPPLY COMPANY**
8525 East 46th Street
Tulsa, Oklahoma
- High Pressure Sodium Light
Fixture Assemblies for Power
Plants, Electric Utility
Department
Item 1 - \$10,224.34
- g. **B & W CONSTRUCTION COMPANY**
Three Greenspoint Plaza
223 Bernar, Suite 660
Houston, Texas
- Repair of the Holly Number 3
Boiler, Electric Utility
Department - \$996,051.00
City share - \$213,317.00
- h. **HUSKY INDUSTRIES, INC.**
Route 1, Box 275
Dunnellon, Florida
- Powdered Activated Carbon, Water
and Wastewater Department,
Twelve (12) Month Contract
Items 1 & 2 - \$38,790.00
- i. **HUMANE SOCIETY OF AUSTIN AND
TRAVIS COUNTY**
1156 West 1st Street
Austin, Texas
- Animal Impoundment Services,
Health Department
Twelve (12) Month Contract
Total \$340,000.00
- j. **PLANNED PARENTHOOD OF AUSTIN**
1309 East 12th Street
Austin, Texas
- Family Planning Services, Human
Services Department
November 18, 1983 - November 30, 1984
Not to exceed \$17,000.00
- k. **ROSEWOOD VILLAGE-GLEN OAKS
NEW HOUSING CORPORATION**
1101 Capital of Texas Highway
Austin, Texas
- Implementation of the 9th year
Community Development Block
Grant (CDBG) Program, Human
Services Department
November 18, 1983 - September 30,
1983
Not to exceed \$500,000
- l. **WATSON DISTRIBUTING COMPANY**
5511 Brewster Drive
San Antonio, Texas
- Industrial Trucks, Vehicle and
Equipment Services Department
Item ITR-1 - \$20,988.00

Item Postponed

During the consent motion, Council agreed to postpone until December 1, 1983 the following contract:

Bid Award

- Job Training Partnership Act
(JTPA) Training and Job Placement
Program for Fiscal Year 1984
(October 1, 1983 to June 30,
1984), Human Services Department -
Not to exceed \$260,000.00

ITEM POSTPONED - (Continued)

- (1) AUSTIN WOMEN'S CENTER (MBE) - Not to exceed \$110,000
1505 West 6th Street
Austin, Texas
- (2) SER-JOB FOR PROGRESS (MBE) - Not to exceed \$150,000
4704 East 12th Street
Austin, Texas

Sale of City-Owned Real Estate

Approved disposal by sale award of City-owned real estate located at 1128 Salina Street to N. Toby Tyler in the amount of \$25,520.00.

Sale of Real Property

Approved for sale the real property, consisting of 30 lots in the Glen Oaks Urban Renewal Project Area to John A. Pfluger, for a total amount of \$90,300.00 and to contract with the next highest bidder in the event of default.

Bus Purchase

Approved accepting the approved \$1,205,300 Capital Grant from the Urban Mass Transportation Administration to aid in financing the purchase of nine transit buses.

Approved accepting the approved \$1,237,000 Capital Grant from the Urban Mass Transportation Administration to aid in financing the purchase of nine full size transit buses.

North Central Austin Growth Corridor MUD

Authorized the North Central Austin Growth Corridor Municipal Utility District Number 1 to enter into a contract with Jalco, Inc. for construction of the North Lamar 48-inch Transmission Main Phase A - \$666,715.00.

Reimbursement of Brackenridge Hospital

Approved a contract with the Texas Department of Health to reimburse Brackenridge Hospital for services rendered to end-stage renal disease patients who are eligible under the Texas State program.

November 17, 1983

Water and Wastewater
Approach Mains

Approved the following Water and Wastewater Approach Mains:

- a. **ROBERT ALLEN**
 - Water Approach Main to include approximately 26.5 acres of commercial development for Walter Vacker Subdivision. No City cost participation.
- b. **ROBERT ALLEN**
 - Wastewater Approach Main to include approximately 26.5 acres of commercial development for Walter Vacker Subdivision. No City cost participation.
- c. **BARRY CAMPBELL**
 - Water Approach main to include approximately ± 70 acres of residential development for Viewpoint @ Williamson Creek Subdivision Phase I. No City cost participation.
- d. **CURTIS JOHNSON**
 - Water Approach Main to include approximately 40 acres of commercial development for Hidden Valley. No City cost participation.
- e. **CURTIS JOHNSON**
 - Wastewater approach main to include approximately 40 acres of commercial development for Hidden Valley. No City cost participation.

Item to be Brought Back

During the consent motion, Council voted to bring back on December 1, 1983 consideration of a resolution approving an Industrial Development bond financed project for the Davis Buildings for the purpose of the Federal Tax Law and making the findings required by the Texas Industrial Development Commission.

Also to be brought back is a resolution to authorize the issuance, sale and delivery of \$500,000 single family Mortgage Revenue Bond, Series 1983, for Rosewood Village/Glen Oaks.

Water Supply Contract

Authorized the renegotiation of the water supply contract between the City of Austin and the City of Rollingwood.

Capital City Chamber of Commerce

Mayor Mullen stated: "I would like to request Council that the Capital City Chamber of Commerce is not being funded like the rest of the Chambers and that we go back and pick up \$2,090 a month beginning on October 1 with them like the rest of the other Chambers are doing the funding until this comes to a resolution from the same source that the recommendation is for the rest of them."

Items Pulled

During the consent motion, Council pulled from the agenda consideration of approval of contracts with Mexican-American Chamber of Commerce for \$160,000 and Austin Chamber of Commerce for \$527,500, also Capital City Chamber of Commerce in the amount of \$25,000.

Public Hearings Set

Set public hearings on the following:

- a. To amend the service area of the Water and Wastewater utility to include approximately 163 acres of residential development containing 377 L.U.E.'s for Canyon Creek I Tract: December 1, 1983 at 4:55 p.m.
- b. To amend the service area of the Water and Wastewater Utility to include approximately 59 acres of multi-family residential and office commercial development containing 456 L.U.E.'s for Highway 290 West: December 1, 1983 at 4:45 p.m.

Lease of Land for Sanitary Landfill Purposes

Approved a lease of 286.92 acres of land from T.C. Steiner for Sanitary Landfill purposes.

SOUTHWEST AUSTIN MORATORIUM

The Council, on Councilmember Rose's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed, on an emergency basis, an ordinance declaring a moratorium until February 1, 1984, delaying the processing of all land plats in the approved and proposed Municipal Utility Districts located in the Southwest portion of the City of Austin's Extra Territorial Jurisdiction until roadway plans for the area have been approved by the Austin City Council. (6-0 Councilmember Spaeth abstained.)

SOUTHWEST MORATORIUM - (Continued)

Prior to the vote, Ed Wendler Sr. appeared before Council to say he does not think the moratorium should last that long.

NO ACTION TAKEN ON ITEM

Council took no action on their item concerning instructions to staff concerning 90-day moratorium on demolition and removal permits and water and wastewater taps in the Old West Austin Neighborhood.

REVIEW SYSTEM FOR FAIRVIEW PARK

Ms. Claudell Lowe appeared before Council requesting the adoption of an ordinance requiring a special permit review system in Fairview Park. She said some of the property in the neighborhood is becoming overzoned and wants the developers to have a guide. She requested Special Permits be required for construction or demolition of any structure in Fairview Park.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, waived the requirement for three readings & finally passed an emergency ordinance requiring a Special Permit review system in Fairview Park. (6-0 Vote, Mayor Mullen abstained.)

WEST AUSTIN MORATORIUM EXEMPTION

Mr. Robert Barnstone appeared before Council requesting an exemption from the West Austin Moratorium. He said he planned to build housing for the elderly at 13th and West Lynn and he was just a few days away from completion of the plans when the moratorium went into effect. He said this is most costly for him.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Robert Barnstone for an exemption from the West Austin Moratorium. (6-0 Vote, Councilmember Spaeth abstained.)

ITEM PULLED

The Council, pulled of the agenda for two weeks, an ordinance to consider amending the Approach Main Ordinance 820514-D Section C (9) and (11) related to establishing a time limit upon commitments for approved approach mains and establishing a service area for administratively approved approach mains.

HYDE PARK MORATORIUM

Council had before it for consideration an ordinance considering a moratorium on water and sewer taps in Hyde Park area until completion of the infrastructure capacity study.

Alta Willms, Hyde Park neighborhood, told Council she has heard that testing of sewer lines has begun but she has not seen it. She does not feel her neighborhood needs a moratorium.

Doug Nichols says he welcomes the study but sees no evidence of an emergency existing.

Roy Bockhorn, 703 West 49th, said he thought he lived in the Ridgetop area and now finds that Hyde Park has extended itself. He said he does not favor a moratorium and more restrictions on him.

Joel Aldridge is concerned with efforts to de-value property zoned "B". He feels the moratorium is untimely and discriminatory. He said the action is unrelated to alleged need of infrastructure.

Councilmember Shipman said there is a misunderstanding because there is a dire infrastructure emergency. The water and sewer system is over 70 years old in Hyde Park and it is being assessed. The question is how to pay for it, by bonds, citizens, or by Hyde Park property owners.

Joe Dobie, 4204 Avenue B, said the water will flow if the roots are removed.

Sly Brook, who owns property in the area, said there should not be a moratorium on the whole area.

T.W. Wilson, 4306 Avenue B, said he has been a plumber since 1949 and there is 80# pressure in the area and plenty of volume. He said the study can be done without a moratorium.

Evelyn Aldridge spoke against a moratorium.

Ruth Reeder favors a moratorium because she feels any new development will cause problems.

Grant Thomas asked that the moratorium be included in Fairview as well as Hyde Park.

Councilmember Urdy stated Mr. Schwing, Director of Water and Wastewater, has said there is a problem and wants to extend the moratorium to February 1, 1984. Mr. Schwing stated that the north side of 43rd has high pressure and the south side has low pressure. He recommends that the inspection work be continued and the moratorium extended.

HYDE PARK - (Continued)

David Lewis, 601 E. 50th, said the City engineers should study before any action is taken. He said Ridgetop should not be included in the Hyde Park area moratorium because they have no water or sewer problems.

Bert Cromack said for 70 years the people in the area have been paying for the sewer system.

Discussion followed concerning the pros and cons of a moratorium. Councilmember Duncan favored a moratorium until the problem can be fixed. He said City-wide problems should be found. Mayor Mullen said he does not favor a moratorium and if someone wants to build, let the builder pay their fair share before receiving a Certificate of Occupancy. Councilmember Urdy favors the moratorium because he said if the developer posts a fiscal note and the lines are in trouble, then what does the City do?

Discussion continued and the following motions were made:

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, passed through FIRST READING ONLY, a moratorium on water and sewer taps in Hyde Park area until completion of the infrastructure capacity study, 241-84. (4-2-0 Vote, Mayor Mullen and Councilmember Rose voted No, Councilmember Spaeth abstained.)

LATER IN THE DAY: Mayor Pro Tem Trevino made a motion to reconsider the vote, which was unanimously approved.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance declaring a moratorium on water and sewer taps in the Hyde Park area until completion of the infrastructure capacity study, February 1, 1984. (5-0 Vote, Councilmember Spaeth abstained, Councilmember Urdy was out of the room.)

RECESS

Council recessed its meeting at 3:10 p.m. and resumed its recessed meeting at 3:25 p.m.

SOUTH AUSTIN MUD NO. 1

Council had before them a resolution to consider and create the South Austin Municipal Utility District. No. 1. Councilmember Duncan said there were four questions that had been unresolved previously. "The first had to do with the retail designation of some acreage on Convict Hill Road. It is my understanding, in this motion, the area shall be changed to multi-family and I would like to put in, 'with a density not to exceed 20 units per acre' which I think would be commensurate with the density across the road in Convict Hill. The second point had to do with the recommendations by the staff regarding the price per acre for park improvements. \$130.00 was proposed by the developer in accord with the recent Maple Run development, \$200.00 was recommended by the staff. I think we have a matter of fairness and equity here and what point they were in the system and I will support the \$130.00 figure and vote for the \$200.00 figure for the following MUD's that come in and apply because they are more in line with our staff calculations. The third question had to do with the overall density of the area. They were asking for a gross density of 5.75 and they have now agreed that the overall gross density shall be limited to five units per acre. I need to point out that as with the previous MUD's that this is an overall count and this in no way allows any variances, waivers or exceptions on any impervious cover requirements for the watershed they are in. In fact I have some doubts they could reach five units per acre and I would not like this to be taken as any waiver of the impervious cover. The final question that is still unresolved and we could not reach a satisfactory resolution is the operation of the fire station. The applicant has agreed to give land and the station. Re the operation of the station and we do not have a resolution. The applicant would have to do it through volunteer service."

Ed Wendler Sr., applicant, said they are agreeable to all statements made by Councilmember Duncan. They will also comply with the billboard ordinance.

Councilmember Duncan said there is a nine page motion incorporating everything.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, adopted a resolution creating the South Austin Municipal District (complete motion is on the following nine pages) (7-0 Vote)

NOVEMBER 17, 1983

MOTION REGARDING CREATION OF 640 ACRE

SOUTH AUSTIN MUD NO. 1

I move that we approve the creation of the South Austin Municipal Utility District No. 1 upon the following terms and conditions:

1. The proposed contracts for the recently approved Maple Run at Austin Municipal Utility District No. 1 shall be used as the basis for the contracts for this District.
2. Creation of the District shall be subject to the City of Austin MUD policy, unless otherwise provided.
3. The District will agree that at least 90% of the facilities for which its bonds have been authorized will be installed within 4 years from the date of confirmation of the District's creation. If the installation of 90% of the facilities has not been accomplished within that 4 year period, the City may, at its option, annex the entire District and revoke its approval for the installation of any further facilities and revoke its authorization for the issuance of the balance of the District's unissued bonds. In the event the District has begun construction of any facilities and that construction is in progress, in good faith, at the expiration of 4 years, the annexation of the District, and the corresponding revocation of authority to issue bonds to finance those facilities, shall be postponed until the construction is completed and the purchase of those facilities is accomplished.
4. Annexations to the District and out-of-district service by the District must first be approved by the City and will require submission of a land use plan to which the landowner will be bound in the same manner as the land originally included in the District.

5. The Consent Agreement shall contain standard incorporation-annexation language comparable to the terms in the Maple Run at Austin District.

6. Allow a variance from the MUD policy to allow bonding authority and surcharge calculations to be computed as in Area III, 0-2 ETJ for the entire district, as unanimously recommended by the Planning Commission. The surcharge calculation, calculation for fees from the sale of water and sewer taps, and Capital Recovery Fee offset calculations shall be determined in accordance with the formulas which were used in Maple Run. An eight year period shall be used as the annexation factor in determining the fee offset, as recommended by the Planning Commission. The capital recovery fees shall be collected by the District for the City, and it shall cover commercial and industrial properties. ✓

The monthly surcharge shall be collected by the District prior to annexation, and may be collected by the City thereafter. The surcharge may be continued for thirty (30) years after the initial District debt is issued, or until the bonded indebtedness of the District has been retired, whichever occurs last, but in no case for a longer period of time than is necessary to wholly compensate the City for assuming the bonded indebtedness of the District.

7. The City shall have the right to establish and charge a subsequent user fee to all customers outside the District who connect to the contract bond projects.

8. The provision for including City legal and financial consultant fees on contract bond issues, the requirement that the terms and provisions of District bonds be approved by the City Council and the principal repayment schedule of the bonds shall be similar to the language developed in

connection with the contracts for Maple Run MUD. The bondable legal and financial consultant fee shall be in accordance with the schedule approved by the City's Finance Department for all future districts. The City Council shall have the right to approve the draft of any bond resolution for contract bonds prior to passage of the resolution by the District's Board of Directors, and to approve the costs of issuance and amounts of capitalized interest associated with contract bonds.

9. The District shall provide revenues adequate to meet its share of the "times coverage" requirement for the contract bonds, beginning the third year after issuance if financially feasible for the District.

10. Planning Commission approval of all subdivision plats shall be required. Development shall be in accordance with the land plan, as approved by the Planning Commission and compliance with all notes on the land plan shall be required. The retail area proposed near Convict Hill shall be changed to multi-family with density comparable to multi-family across the road. ^{NOT TO EXCEED} ~~20 UNITS PER ACRE~~ The allowable densities shall be limited according to the recommendation of the Planning Commission. That recommendation provided that the District's overall gross density shall be limited to five (5) units per acre. The densities shown on the land plan are not guaranteed, but are subject to compliance with other applicable ordinances. For the purpose of calculating the density allowed under applicable ordinances, the developer shall be required to account for a total of one-half of the impervious cover for the designated arterial roadways within the District. Variances, waivers and exceptions are not guaranteed. Any proposed increases in density or intensity of land use and any changes in land use shall require Council review and approval; however, transfers of densities at or below the maximum levels may be handled

administratively. The Consent Agreement shall also require site plan approval of all tracts having land uses other than single family or duplex. The method and standard for site plan review shall be the same as set forth in the PRA Ordinance, including any compatibility standards as may be approved by the City in connection with the City's zoning ordinance.

11. The District shall be permitted to use existing City facilities for temporary water and sewer service, on the same basis as other customers of the City, until the facilities to be financed by Contract bonds are completed. The District will receive service on the same basis as other customers of the City and, in the event of a moratorium, will be treated in the same manner as other similarly situated utility customers.

12. The District shall comply with the Industrial Waste Ordinance and shall promote compliance with the Water Conservation Ordinance.

13. Require amenity contributions from the developer as follows:

1. The greenbelt areas shown on the land plan shall be dedicated to the District and to the City upon annexation; ✓
2. A cash donation to the City of Austin of \$130.00 per LUE to be used by the City for the construction of a swimming pool complex and related improvements in the Dick Nichols Park; ✓
3. A school site as shown on the land plan; and ✓

4. A fire site of approximately .08 acres as shown on the land plan. ✓

The cash contribution, the school site, and the fire site shall be dedicated no later than the date of disbursement of the proceeds of the first sale of District bonds. The park land and greenbelts shall be dedicated within one (1) year of the date of confirmation of creation of the District.

The District shall agree to proceed to seek authority from the state to bond and provide a three bay fire station and a pumper truck to be placed on the fire site. ✓

14. The District shall be allowed to use its bonding authority to plan, design, engineer and construct the offsite water and sewer improvements associated with the Oak Hill Annexation Service Plan, as described in the exhibit which I am handing to the City Clerk, with the City participation through the use of Contract bonds. The basic method for calculating the District's share of the Contract bonds shall be that which has been agreed upon by the Staff and the applicant, and is described in the preliminary engineering report prepared by Espey, Huston & Associates. The exact percentages of City and District cost participation shall be determined when the ordinance and final contracts are brought back for action. The City specifications and criteria for the design and sizing of the facilities shall be those in existence at the time of City review and approval of construction plans.

15. The District shall be authorized to enter into a joint utility construction contract for any of these facilities at the time the proposed Maple Run at Austin Municipal Utility District No. 1 is created. In the event that the proposed South Austin Municipal Utility District No. 1 is not approved for creation by January 1, 1984, this District

shall be authorized to build any of the offsite facilities proposed by that District upon request by the City Council. The City will participate through the use of Contract Bonds as appropriate.

16. The City shall serve as Project Manager for the purpose of easement and facilities site negotiation and acquisition and construction inspection and supervision in cooperation with the District for the Projects which are to be constructed with contract bonds.

The District shall have the right to approve the plans and specifications, and the project engineer for this project.

17. The Contract shall also provide that any time prior to May 1, 1984, if the voters of the City approve the passage of a bond election which includes any of the off site facilities, the approved projects shall be deleted from the Contract bonds issued by the District. The Contract shall provide for reimbursement in such event, as was proposed in the Maple Run at Austin MUD contract. ✓

18. The City may elect to include all or part of the Williamson Creek Wastewater Treatment Plant Interim Improvements, in the event additional improvements are identified, in the contract bond facilities.

19. The Construction Contract shall provide that, if the City Council finds the District has failed to commence or diligently pursue the completion of any contract bond facilities, the City may elect to serve as project manager for those facilities in the same manner as was proposed in the Maple Run at Austin MUD contract. The City shall own each contract bond project upon completion.

20. The Environmental Board have the ability to review the initial alignment and construction plans of major utility lines including the opportunity for site visits during the alignment stage and during the construction stage.

21. Boundary street improvements shall be constructed in accordance with City ordinances and policies. The developer shall build and pay for arterial roadways within the District and all of Beckett Road lying between the District's boundary to the west and Dick Nichols Park to the east and the west side lane of Beckett Road from the northern boundary of the park to Convict Hill Road, which shall conform with the City's Roadway Plan, as amended from time to time. The developer shall not be precluded from receiving funds from the State or County for such construction, however. No Driveway curb cuts for single family or duplex residential property shall be permitted on arterial roadways. All allowable curb cuts on major arterials shall be at least 200 feet apart.

22. Construction in the District shall comply with the City's Landscape Ordinance and Waterway Development Ordinance, as applicable, and the Building, Plumbing and Electrical codes in effect inside the City, as amended from time to time. Inspection by City Building Inspection shall be required. The developer shall agree to pay standard inspection and permit fees which are charged to similar projects within the City. All development, including the routing and construction of infrastructure, shall also comply with the applicable special watershed ordinances.

23. The City shall also have the right to inspect all facilities being constructed by the District and to charge and collect the standard fees therefor, but no such inspection fees shall be collected in connection with the construction of any Contract bond items.

24. The developer shall provide environmental safeguards in accordance with the memorandum prepared by the engineers for Maple Run in consultation with the Environmental Board, ~~copy of which is being handled by the Board~~, which shall be attached to the Creation Agreement with the additional sentence to be added that the results of the geologic site investigation shall be utilized in the design of and locations for streets, drainage, wastewater infrastructure and site plans in a manner which minimizes adverse water quality to the Edwards Aquifer. The District agrees to comply with the site development regulations of Chapter 29 of the Williamson and Slaughter Creek Ordinance as if the land were in the City limits.

25. The District shall file a copy of its annual audit, and a copy of its proposed budget for the following year showing expenses, income, and revenue sources, with the City Clerk and City Manager.

26. Direct that the Legal Department bring the Ordinance and the final Contracts back for action two weeks from today and that copies be distributed to all Council members in compliance with the MUD Review Policy Ordinance. ✓

SOUTH AUSTIN MUD NO. 1 CONTRACT BOND PROJECTS

PROPOSED WATER IMPROVEMENTS

If approved, the District proposes cost-participation with the City of Austin to engineer and construct the following improvements to the water utility:

1. 48-Inch South Pressure Zone Transmission Main;
2. 4 Million Gallon Elevated Storage Reservoir (Brodie Lane);
3. 25,000 Gallon per Minute Pump Station (Brodie Lane);
and
4. 27,000 Gallon per Minute Pump Station (Davis Lane).

PROPOSED WASTEWATER IMPROVEMENTS

If approved, the District proposes cost-participation with the City of Austin to engineer and construct the following improvements to the wastewater utility:

1. 42-Inch North Williamson Creek Main;
2. 24 and 18-Inch South Williamson Creek Wastewater Main.

PUBLIC HEARING - SOUTHWEST AUSTIN MUD

Mayor Mullen opened the public hearing set for 3:00 P.M. on the Southwest Austin MUD (Circle C Ranch).

Frank Cooksey appeared before Council to say he opposes the entire development scheme for area of MUD's granted in the recharge zone of Edwards Aquifer. He wants low density standards. He said there is no reason for Gary Bradley to develop with the density he proposes. Austin's bond rating has declined and the plans proposed will ruin the aquifer water quality and Barton Springs.

Ceretha Henry said the area has been planned for the best development of the southwest area. The owners have been helpful in agreeing to tie their land use to the land plan by written commitment. They will also comply with the sign ordinance and be sensitive to the environment.

Mary Arnold discussed the proposal from material she handed to Council. City Clerk did not receive a copy.

Bert Kromack asked Council to look at everything carefully.

Motion

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

PUBLIC HEARING - ANNEXATION OF SCOFIELD ADDITION

Mayor Mullen opened the public hearing set for 3:30 p.m. to consider annexing 226 acres to the North Central Austin Growth Corridor MUD #1 "Scofield Addition".

Donna Kristaponis, Assistant Director of Planning, reviewed the petition and said there is a problem of equity.

Mary Arnold said it is a frivolous petition and asked Council to deny.

Motion

The Council, on Councilmember Shipman's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (6-0 Vote, Councilmember Urdy was out of the room.)

Motion

Councilmember Duncan made a motion, seconded by Councilmember Rose, to approve the contiguous 40 acres and deny the rest.

Mayor Mullen was out of the room, Mayor Pro Tem Trevino relinquished the chair to make the following motion:

HEARING - (Continued)

Substitute Motion

Mayor Pro Tem Trevino offered a substitute motion, seconded by Councilmember Shipman to deny the annexation.

Motion Withdrawn

Councilmember Duncan withdrew his motion, and Councilmember Rose withdrew his second.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, DENIED annexation of 226 acres to the North Central Austin Growth Corridor MUD #1 "Scofield Addition". (7-0 Vote)

MOTOROLA WATERLINE

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending the Motorola PDA Agreement regarding the Motorola Waterline with the City cost of the line to be one half of the total but not to exceed \$1,000,000.00. (7-0 Vote)

CONTINUED HEARING - SOUTHERN UNION GAS RATE INCREASE AND
CONSERVATION RATES

Mayor Mullen opened the public hearing set for 3:45 p.m. which was a continued hearing on Southern Union Gas rate increase request and Southern Union's residential conservation rates.

Bob Laczko, vice president, Southern Union Gas Company, said he had asked for more time last week so he could review the staff report on the proposed increase request.

Raymond Bennett, vice-president, Southern Union Gas Company rate and design, said flat rates are higher in the winter when the low income group is having trouble paying their bills.

Cecilia Hodge, member of ACORN, said she is against higher gas rates.

Don Butler, rate consultant of the City of Austin, reviewed the proposal.

Mr. Lawson, Energy Management Department, said Southern Union Gas is using data from northern Michigan for their figures for Austin, Texas.

William Derryberry, Utility Budget Manager for Austin, discussed figures for the flat rate. He said the overall bills would be lower. Two months of the year would be higher but the rest would be a savings.

HEARING - (Continued)

Daryl Janes, chairman, Energy Advisory Commission, said the conservation programs already in force in the City is saving people money.

Bob King, member of the Energy Advisory Commission, said the Southern Union Gas rate design change is substantial.

Mr. Laczko said he does not believe anyone in Austin is wasting natural gas and there is a certain amount of revenue the company needs to run their business. He said there is no such thing as a free audit or energy conservation program. He said SUG is willing to put in place any level of energy conservation program this City Council feels appropriate.

Discussion followed concerning the inability to put separate gas meters in apartments.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Spaeth's second, closed the public hearing, AND PASSED THROUGH SECOND AND THIRD READING of an ordinance prescribing rates for Southern Union Gas Company with the following additions: (7-0 Vote)

1. City of Austin grant Southern Union Gas Company a per annum increase of \$1,754,374.00 based on a rate that eliminates the customer charge and charges the same rate regardless of consumption level.
2. That \$15.00 be allowed for RCS audit charge but no tariff or surcharges allowed before a conservation incentive program is brought back by Council and approved.
3. Single metered apartments be billed in rate schedule 20 (commercial) rather than rate schedule 10 (single family residence.)

RECESS

Council recessed its meeting at 5:00 p.m. and resumed its recessed meeting at 5:40 p.m.

ENVIRONMENTAL BOARD REPORT

Ms. Phyllis Brinkley, Environmental Board, told Council signs are needed to designate the areas of the Edwards Aquifer Recharge Zone. She said there would be a total of five signs. They would be made of redwood and the total cost would be \$812.00 but the money could come from the private sector.

Mayor Mullen pointed out the fact that Council has just passed an ordinance eliminating billboards and signs and is reluctant to approve any signs. He asked staff to get some photos to show Council how they would look.

November 17, 1983

ELECTRICAL UTILITY COMMISSION REPORT

Mr. Peck Young, chairman, Electric Utility Commission, presented a report on Recommendation on Electric Rate Structure. His report is on file in the City Clerk's Office. Part of his recommendation is to send out a bill stuffer explaining.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, voted to set a public hearing on January 12, 1984 at 5:30 p.m. concerning the electric rate structure, and to include a stuffer in electric bills. (6-0 Vote, Councilmember Urdy was out of the room.)

ACTION ON ZONING CASES

Council was scheduled to take action on the following zoning cases and after some discussion by Councilmember Spaeth, who told Council the applicant wants to change his request from "O-H" to multi-family Historic in order preserve the structure, the following motion was made:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, sent the zoning applications back to the Planning Commission with the stipulation that "O" office is not acceptable. (6-0 Vote, Councilmember Urdy was out of the room.)

C14-83 JULIAN READ
142 By Diane Van
Helden

1504 West Avenue

From "A" 1st H&A
To "O-H" 1st H&A
RECOMMENDED subject to
restrictive covenant
restricting parking and
fence or natural barrier
on upper level of property
fence is to be provided on
lower level of property.

SEND BACK TO PLANNING COMMISSION, "O" OFFICE
IS NOT ACCEPTABLE

C14 h-83 DIGNAN-MICKEY
020 HOUSE
By Julian Read

1504 West Avenue

From "A" 1st H&A
To "O-H" 1st H&A
RECOMMENDED

SEND BACK TO PLANNING COMMISSION, "O" OFFICE
IS NOT ACCEPTABLE

(Continued on next page)

ZONING CASES - (Continued)

Prior to the vote, Councilmember Duncan asked if the applicant is agreeable to going through the process. Council wondered what will be done with the property. Ms. Diane Van Helden, representing Julian Read, the applicant, said they have to figure out all of the economics. But, she said, the Reads want to save the structure. Councilmember Shipman said Council will need to see a site plan.

**PUBLIC HEARING - ALTERNATIVE STREET STANDARDS TO THE
LAKE TRAVIS WATERSHED**

Mayor Mullen opened the public hearing set for 4:00 p.m. on an amendment to Chapter 13-3 Subdivision Ordinance of the Austin City Code related to extending Alternative Street Standards to the Lake Travis Watershed.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-3 Subdivision ordinance of the Austin City Code related to extending Alternate Street Standards to the Lake Travis Watershed. (6-0 Vote, Councilmember Urdy was out of the room.)

ANNEXATION HEARING CANCELLED

Mayor Mullen announced that the hearing scheduled for 4:45 p.m. on annexation of the following would not be heard: (Pulled for undetermined length of time.)

1314.06 acres of land out of the William Frampton Survey No. 122 in Travis and Williamson Counties, Texas, the J.V. Agree Survey No. 2 in Williamson County Municipal Utility District No. 1 and Additional land. C7a-83-012.

ZONING HEARING

Mayor Mullen announced Council would hear the following zoning scheduled for 4:00 p.m. Council heard, closed the public hearing, granted and instructed the Acting City Attorney to draw the necessary ordinances:

C14 r-83 HEART O' TEXAS
211 SAVINGS & LOAN
By Leo Danze/Jean
Bringol

11111 South I. H. 35

From Interim "AA" 1st HEA
To "O-1 1st HEA
RECOMMENDED
GRANTED AS RECOMMENDED

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

ZONING - (Continued)

C14 r-83 209	UNION CREEK DEVELOPMENT CO. By Leo Danze/ Jean Bringol	10816 Crown Colony Drive	From Interim "AA" 1st H&A To "O-1" 1st H&A RECOMMENDED subject to right-of-way for Crown Colony Drive should be dedicated from tracts 209 and 210 up to 35 feet from the centerline <u>GRANTED AS RECOMMENDED</u>
C14 r-83 210	JACK BROWN CLEANERS By Leo Danze/ Jean Bringol	11001 South I.H. 35	From Interim "AA" 1st H&A To "LR" 1st H&A RECOMMENDED subject to right-of-way for Crown Colony Drive should be dedicated from tracts 209 and 210 up to 35 feet from the centerline. <u>GRANTED AS RECOMMENDED</u>

(On Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, (6-0 Vote, Councilmember Urdy out of the room.)

ANNEXATION HEARINGS

Mayor Mullen opened the public hearing set for 5:00 p.m. on annexation of the following:

- a. 30 acres of land out of the Theodore Bissel League No. 18, Pheasant Run Section 2. C7A-81-007
- b. 131 acres of land out of the Thomas Anderson League, Maple Run, Section 5, Maple Run, Section 6, Maple Run, Section 7 and Maple Run, Section 7-A and portion of Latta Drive. (C7A-81-010 & C7A-81-011)
- c. 7.73 acres of land out of the James O. Irvine Survey No. 122, Balcones Village Section 12. C7A-81-014
- d. 15.9 acres of land out of the William Cannon League Survey No. 19, portion of Buckingham Estates, Phase 3, Section 3-A. (C7A-83-004)

No one appeared to be heard.

Motion

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, closed the public hearing, approved the annexation, and directed the City Attorney to bring back the necessary ordinances on December 8, 1983, (6-0 Vote, Councilmember Urdy was out of the room.)

ANNEXATION HEARINGS - (Continued)

Mayor Mullen opened the annexation hearing set for 5:15 p.m. on the following:

- a. 6.58 acres of land out of the William Frampton Survey, Williamson County, portion of Anderson Mill Commercial Addition and Anderson Mill Road. (C7A-80-20)
- b. 81 acres of land out of the Santiago Del Valle Grant, Williamson Creek Subdivision, Section 1, portion of Nuckols Crossing Road and Unplatted land. (C7A-81-005)
- c. 117 acres of land out of the P. Conrade Survey No. 112 James Roger Survey No. 19 and E.J.W. Lowery Survey No. 21, Milwood Section 9 and 11, Dorsett Road and Unplatted land. (C7A-81-006)

No one appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, closed the public hearing, approved the annexation, and directed the City Attorney to bring back the necessary ordinances on December 8, 1983. (6-0 Vote, Councilmember Urdy was out of the room.)

PUBLIC HEARING - AMENDMENT TO THE AUSTIN METROPOLITAN AREA ROADWAY
PLAN - VINSON DRIVE/EMERALD FOREST DRIVE

Mayor Mullen opened the public hearing scheduled for 6:00 p.m. (erroneously stated for 2:30 p.m. on agenda) on an amendment to the Austin Metropolitan Area Roadway Plan - Vinson Drive/Emerald Forest Drive.

Dr. Benson reviewed the report which is on file in the City Clerk's office.

No one appeared to be heard when Mayor Mullen stated Council is ready to delete Emerald Forest and Vinson Drive from the Roadway Plan.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, closed the public hearing and approved deletion of Emerald Forest and Vinson Drive from the Metropolitan Roadway Plan. (6-0 Vote, Councilmember Urdy out of the room.)

ZONING HEARING

Mayor Mullen opened the zoning hearing scheduled for 4:00 p.m. on the following case. Council heard, closed the public hearing, and sent it back to the Planning Commission.

ZONING HEARING - (Continued)

C14 r-83 M. D. THOMSON &- 1000-1010 Banister
073 WILLIAM M. BROOKS Lane & 3708-3818
By Miguel "Mike" Garden Villa Lane
Guerrero

From "A" 1st H&A
To "O" 1st H&A
RECOMMENDED
SEND BACK TO PLANNING
COMMISSION

Donna Kristaponis reviewed by means of slides.

Miguel Guerrero, representing the applicant, showed a site plan of the area. He said they want to amend their request and have "B" 1st H&A zoning rather than "O" 1st H&A. They want to build apartments only and tie it to 25.7 units per acre density. He showed a map of the area.

Kay Northcott opposes the zoning change because of drainage problems. Lee Howard, Oakcrest Neighborhood Association, showed slides of potential flood problems. Nancy Fogarty, Dawson Lane Neighborhood Association, said a traffic study is needed and a Bouldin Creek study as well before building 250 apartments. James Pinedo said flooding is a problem and asked denial.

Miguel Guerrero said drainage has been addressed at other meeting.

Richard Ridings, Director of Public Works, told Council that drainage on the site can be controlled.

Councilmember Duncan said the proposal is too dense. He said some level of "B" zoning seems appropriate but he would like to see a site plan and then process a Special Permit and zoning at the same time. Councilmember Rose said he cannot support a zoning change without a site plan.

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

ZONING HEARINGS

Mayor Mullen announced Council would hear the zoning hearings scheduled for 6:00 p.m. Council heard, closed the public hearing, granted with amendments, and instructed the Acting City Attorney to bring back the necessary ordinances.

C14-83 WILLIAM H. ESPEY, 1134-1152 Lost Creek
157 TRUSTEE Boulevard
ROBERT J. HUSTON
TRUSTEE
By David Ambrust

From Interim "AA" 1st H&A
To "GR" 1st H&A
NOT RECOMMENDED
RECOMMENDED "LR" 1st H&A
subject to restrictive
covenant limiting use to
bank facility, noting
that zoning will rollback
to "O-1" 1st H&A in the
event the bank use ceases.

GRANTED WITH AMENDMENTS

ZONING HEARINGS - (Continued)

C14 r-83 NARJIS INVESTMENTS 1114 Lost Creek
161 N.V., TRUSTEE Boulevard
By Geroge E.
Henderson

From Interim "AA" 1st H&A
To "GR" 2nd H&A
NOT RECOMMENDED
RECOMMENDED "LR" 2nd H&A
for building pad only,
subject to restrictive
covenant limiting use
to bank facility, "O-1"
H&A for balance.
GRANTED WITH AMENDMENTS

Motion

The Council, on Councilmember Spaeth's motion, Councilmember Shipman's second, approved LR, 2nd Height and Area, with a restrictive covenant for "Bank Only" with a rollback to "O-1" should the bank cease operations, zoning on the entire tract of Case C14r-83-161 and "O-1", 1st Height and Area zoning on the entire tract of case C14-83-157 and of the site plan as conceptually designed, it being understood that this site plan is not in final form and that numerous approvals, variances and vacations shall be required to accomplish intent of this site plan and to protect the interests of the neighborhood which may include but shall not be limited to: (7-0 Vote)

Conditions

- 1) Special permits on the site of case 157 to allow the LR use of a drive-in bank facility and for a berm sign to be located at the proposed western most driveway location on Lost Creek Blvd.
- 2) O-1 zoning and site plan approval will be required for the 2½ acre Marshall Tract to allow construction of the internal roadway and necessary parking.
- 3) The current O-1 zoning on the existing Espey, Huston driveway onto Lost Creek Boulevard be relocated westerly to the proposed driveway location and that the current driveway location be rolled back to AA zoning.
- 4) Reasonable variances, if necessary, from the provisions of the Barton Creek Ordinances should be allowed on the drive-in bank site and the Marshall tract to allow implementation of the entire plan.
- 5) Vacation of the 25 foot environmental easement along Loop 360 to allow implementation of the site plan.
- 6) Administrative approval of site plan changes to the Espey, Huston tracts and Lost Creek Pointe necessary to reflect the proposed plan.
- 7) Implementation of the improvements to Lost Creek Blvd. as agreed to by the developer and the neighborhood and as shown on the site plan.
- 8) The City Council shall have final site plan approval and the Lost Creek Neighborhood

HEARING - (Continued)

Association shall be included in the review process for landscaping, lighting and external signage of the site plan.

- 9) Developers shall be required to provide internal traffic signage to direct as much traffic as practicable away from Lost Creek Blvd.
- 10) A "No U-Turn" sign shall be placed on the western end of the Lost Creek Blvd. median.
- 11) That any automatic teller machine be placed on the Loop 360 side of the project.
- 12) That appropriate acceleration and deceleration lanes be marked on the shoulder of Loop 360 in conjunction with the relocation of the Loop 360 entrance/exit subject to the approval of the State Highway Department.
- 13) That the westbound Lost Creek Blvd. exit from the drive-in bank facility be constructed so as to prohibit any exit movement other than westbound.
- 14) That the most westerly driveway to the Lost Creek Pointe be closed.
- 15) That the easterly driveway to the Lost Creek Pointe be reconstructed and realigned so as to allow ingress only.
- 16) That no banking operations be allowed until adequate access to Loop 360 is provided.

ZONING HEARING

Mayor Mullen opened the public hearing set for 6:30 p.m. on the following. Council heard, closed the public hearing and took no action.

C14 -83 EDWARD JOSEPH 3408 Fruth Street
152 DEVELOPMENTS, INC.
By Douglas Hearne

VALID PETITION ON FILE

From "BB" 1st H&A
To "O" 1st H&A
NOT RECOMMENDED
RECOMMENDED "O-1" 1st H&A
subject to restrictive
covenant limiting use
to parking lot only.
City of Austin land-
scape architect is to
review existing trees,
dedicate right-of-way
up to 30' from center-
line.
NO ACTION TAKEN

Motion

Councilmember Shipman made a motion, seconded by Councilmember Duncan to DENY. Vote was 3-4 with Councilmembers Rose, Spaeth, Mayor Mullen and Mayor Pro Tem Trevino voting No. There was no action taken. Valid petition on file. (CONTINUED ON NEXT PAGE)

ZONING - (Continued)

Prior to the vote Douglas Hearne appeared before Council to discuss the parking lot. He said since March of this year he has spent \$300,000 to remodel the business and then was notified by the Building Inspection Department that the parking lot is non-conforming. They have picked up additional parking spaces across the street and told the neighborhood association they will relinquish eight spaces but if they lose some of their other spaces, then they will use them.

Richard Iverson said they want parking removed from the 23' x 80' area from Fruth Street area and the area chained at night. He said parking and traffic is a problem.

Leon Barish, vice-president of the neighborhood association, is against the parking area. Curt Schultz wants to preserve trees.

Douglas Hearne said everything has been done to preserve trees.

Lonnie Davis said a permit has been presented to the Building Inspection Department and the applicant has said concrete will be removed from the trees.

Terry Irion, Assistant City Attorney, said if the applicant loses parking across the street then another lot may not have 32 spaces and the applicant would need an additional seven spaces and use the ones they say they will relinquish now.

After discussion the motion was made.

RECESS FOR EXECUTIVE SESSION

Mayor Mullen announced that City Council will go into an executive session pursuant to Article 6252-17 to discuss Ku Klux Klan v. City of Austin; Black Citizens Task Force v. City of Austin--pending--litigation--Section 2, Paragraph (e); and board and commission appointments, Section 2, Paragraph (g). After such closed or executive session, any action to be taken will be done in open meeting. Council recessed for executive session and later resumed its recessed meeting.

PARADE ORDINANCE

Council had before them an ordinance to consider amending Chapter 11-4, Code of the City of Austin, 1981, regarding parades.

Jonathan Davis, Acting City Attorney, went over the November 14th draft of the ordinance and said changes have been made.

Motion

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 Chapter 11-4, Code of the City of Austin, 1981, regarding parades with the following changes: Sec. 11-4-2, Parades consist of 50 or more; Sec. 11-4-18, Eliminate one parade per day and maintain one parade per year; Sec. 11-4-20, City Manager may modify conduct and time. (7-0 Vote)

HEARING - APPEAL

Mayor Mullen opened the public hearing on an appeal from Mr. Arthur L. Mosely, representing the Northeast Austin Residents Association, of the Planning Commission's decision to grant a Special Permit for Case No. C14-83-098.

Art Mosely, Northeast Austin Neighborhood Association, asked where the City is on this.

Mr. Schwing, Director of Water and Wastewater, said the commitments have been made.

Art Rushke passed out information to the Council. City Clerk did not receive a copy.

Art Mosely said the appeal should be denied because it will affect the general public's health and welfare. He said the water and sewer capacity is grossly overloaded now and there have been instances of sewage back-up in apartments.

Karen Horn, Northeast Alliance Group, an umbrella group, asked Council to consider no new uncommitted connections to the Little Walnut Creek Interceptor.

Art Rushke said he has purchased the taps from the City and would like an immediate decision.

An unidentified woman said this project is on the Little Walnut Creek Interceptor.

Mr. Schwing said commitments have been made and money has changed hands. Councilmember Duncan read a receipt from the Water and Wastewater Department. He asked why the City does not return deposits. Mr. Schwing said 5000 of them are out. Discussion followed concerning issuance of taps. Councilmember Duncan then said that the proposed project does indeed endanger the public health and safety. Jonathan Davis, Acting City Attorney, said concern for public health and safety overrides a commitment on the City's part. Mr. Schwing said if this development is denied then everything upstream must be denied and it will shut down every developer in this City. He said this one can be approved but does not want to approve any others.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, DENIED the appeal and approved the Special Permit. (7-0 Vote)

BOARD & COMMISSION APPOINTMENT

The Council, on Mayor Mullen's motion, Mayor Pro Tem Trevino's second, appointed Regina Henderson as a member of the Neighborhood Revitalization Commission. (7-0 Vote)

ADJOURNMENT

Council adjourned its meeting at 9:45 P.M.