



# **Austin City Council MINUTES**

**For**                      **APRIL 28, 1983 -- 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:**

### **INVOCATION**

The Invocation was given by Reverend Dr. R. Richard Baldwin,  
Covenant Presbyterian Church.

### **CONSENT RESOLUTIONS**

The Council, on Councilmember Mullen's motion, Councilmember  
Duncan's second, adopted the following resolutions in one consent  
motion: (5-0 Vote, Councilmember Goodman was out of the room.)

#### **Eminent Domain Proceedings**

Authorized eminent domain proceedings to acquire the following  
tracts of land for the U.S. 183 at Loop 1 Interchange Project:

- (a) 26,440.91 sq. ft. (0.6070 acre) of land out of Lot No. 5,  
The Echelon Subdivision, in Travis County, Texas.  
(Nater Investments, Inc. owner)
- (b) 14,643.06 sq. ft. (0.3362) of land out of Lot No. 4,  
The Echelon Subdivision, in Travis County, Texas.  
(The Chelon Project Venture owner)

#### **Change Orders**

Approved the following change orders:

## CHANGE ORDERS - (Continued)

- a. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$8,210.00 to AUSTIN ENGINEERING COMPANY for 38th - 38 1/2 Street and Drainage Improvements. (2.06% increase of original contract) C.I.P. No. 73/62-29
- b. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$11,864.94 to DAVID WATSON, INC. for the E.M.S. Station No. 5. (4.2% increase of original contract) C.I.P. No. 81/93-09
- c. CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$26,011.00 to ROBERT E. MCKEE, INC., for Brackenridge Hospital Phase 3B. (0.22% increase of original contract) C.I.P. No. 78/84-09

Capital Improvements Program

Authorized and approved a change in project scope and amending the contract with the consultant, Graeber Simmons & Cowan, Inc., for the Brackenridge Hospital Parking Garage Addition - \$30,000.00 CAPITAL IMPROVEMENTS PROGRAM No. 84/08.

Authorized and approved proposed Supplemental Amendment No. 1 to the professional services agreement between the City of Austin and S.A. Garza Engineers, Inc. for the Upper Shoal Creek Wastewater Interceptor Improvements for the Water & Wastewater Department - \$10,000.00. CAPITAL IMPROVEMENTS PROGRAM No. 72/23-16.

• Authorized and approved the selection of Energy Engineers, Inc. for Professional Engineering Services in connection with the preparation of Energy Conservation and Management Plans for four municipal buildings for the Energy Management Department. - \$34,831.00.

Contracts Approved

Approved the following contracts:

- |  |  |
|--|--|
| a. MAROCO, INC.<br>2826 Center Street<br>Deer Park, Texas            | - Removable insulation covers for high-pressure turbine valves, Electric Utility Department<br>Item 1 - \$7,779.00   |
| b. PINKLEY SALES COMPANY<br>44 N. E. 50th<br>Oklahoma City, Oklahoma | - Street Sign Hardware for the maintenance/installation of street signs, Urban Transportation Department<br>Twelve (12) Month Supply Agreement<br>Items 1 thru 5 - \$12,442.00 |

## CONTRACTS APPROVED - (Continued)

- c. DIXON ENGINEERING, INC. (MBE)  
5630 Heffernan  
Houston, Texas
  - Strip chart records for Holly Units 3 & 4, Electric Utility Department  
Items 1 thru 3 - \$12,205.00
- d. WESTINGHOUSE ELECTRIC CORPORATION  
201 N. St. Mary's Street  
San Antonio, Texas
  - Turbine and generator parts for Holly #3 & Decker #2 generators, Electric Utility Department  
Item 1 - 11 - \$9,012.12
- e. EASTERN SPECIALTY COMPANY  
c/o Len T. Deloney Company, Inc.  
1900 Mistywood Drive  
Austin, Texas
  - Watthour Meter Test Board System, Electric Utility Department  
Item 1 - \$52,500.00
- f. Bid award:
  - Course Paper Products, All City Departments  
Six (6) Month Supply Agreements  
Estimated total \$16,780

(1) BANCROFT PAPER COMPANY  
2201 East 6th Street  
Austin, Texas

(2) GRAHAM PAPER COMPANY  
825 West 1st Street  
San Antonio, Texas

(3) LONE STAR PAPER COMPANY  
210 East St. Elmo Road  
Austin, Texas

(4) MONARCH PAPER COMPANY  
3911 East Woodward  
Austin, Texas

(5) Tie bids received on items 1 and 18. Award to be made by casting of lots.

Item 1 - tie was between Bancroft Paper Company and Graham Paper Company. Contract was awarded to BANCROFT PAPER COMPANY.

Item 18 - tie was between Bancroft Paper Company and Monarch Paper Company. Contract was awarded to BANCROFT PAPER COMPANY.

## CONTRACTS APPROVED - (Continued)

- g. UARCO, INC.  
7718 Wood Hollow, Suite G54  
Austin, Texas
    - Continuous Labels, Purchases and Stores Department  
Twelve (12) Month Supply Agreement  
Item 2.a - \$6,524
  - h. HERSEY PRODUCTS, INC.  
250 Elm Street  
Dedham, Massachusetts
    - Fire Service Type Water Meter and related repair parts,  
Water and Wastewater Department  
Twelve (12) Month Supply Agreement  
Items 1 thru 6 - \$215,536.00
  - i. TOM FAIREY COMPANY  
5005 East 7th Street  
Austin, Texas
    - Tractor/Loader/Backhoes,  
Vehicle and Equipment  
Services Department  
Items TLB-1 thru TLB-3  
Total \$130,348.00
  - j. ENVIRONMENTAL SALES & SERVICE, INC.  
1137 W. Hurst Boulevard  
Hurst, Texas
    - Truck-Mounted Sewer Line  
Cleaners, Vehicle and  
Equipment Services Department  
Item SLC-1 - \$56,000.00
  - k. GALLAGER EQUIPMENT COMPANY  
11011 Research Boulevard  
Austin, Texas
    - Air Compressors, Vehicle and  
Equipment Services Department  
Item 1, 10 ea. - \$74,625.50
  - l. JOHNSON INTERNATIONAL MATERIALS,  
INC. (MBE)  
2908 Boca Chica Boulevard  
Brownsville, Texas
    - Disposable Wiping Rags,  
Purchases and Stores Department  
Twelve (12) Month Supply Agreement  
Item 1 - \$39,200.00
  - m. Bid Award:
    - CAPITAL IMPROVEMENTS PROGRAM  
Emergency Purchase of two (2)  
modular bridges and timber  
bridge decking (Shoal Creek  
Flood Control) Greenlawn Parkway,  
Public Works Dept.  
Total \$75,916.00 C.I.P. No.  
82/6005
- (1) BAILEY BRIDGES - Modular Bridges - \$70,750.00  
San Luis  
California
- (2) CARDWELL &  
WILSON LUMBER  
COMPANY
  - Bridge Decking Timber  
\$5,160.00

## CONTRACTS - (Continued)

- |   |  |
|---|--|
| n. GO-LASS IRRIGATION<br>EQUIPMENT<br>Rt. 1, Box 128B | - Irrigation Pipe for Hornsby<br>Wastewater Treatment Plant,<br>Water and Wastewater Dept.<br>Item 1, \$6,960.00 |
|---|--|

Temporary Street Closings

Approved temporarily closing the following streets:

- a. Pearl between 24th and 25th Streets as requested by Mr. John Bartholomay, representing the Ex Students' Association Involvement Committee, from 3:00 p.m. to 7:00 p.m., May 5, 1983.
- b. From 3:00 a.m. on Saturday, May 14, through 5:00 a.m. on Monday, May 16, 1983, as requested by Mr. French Smith, representing the Old Pecan Street Association for the 5th Annual Spring Arts Festival:
  - a. Brazos from 5th Street to 7th Street
  - b. Neches from 5th Street to 7th Street
  - c. San Jacinto from 5th Street to 7th Street
  - d. Sixth Street from Congress to Red River
  - e. Trinity from 5th Street to 7th Street

Legislative Priorities

Approved positions on additionally identified legislation as part of the Legislative priorities of the City of Austin.

Standard Rehabilitation Loans

Authorized and approved eleven CDBG funds for Standard Rehabilitation Loans in the total amount of \$166,152 and authorize staff to enter into appropriate contracts:

- a. Imperial Construction - \$11,400
- b. Texas Western Associates - \$18,900
- c. Imperial Construction - \$13,596
- d. Texas Western Associates - \$14,500
- e. Imperial Construction - \$15,682
- f. E & T Masonry (MBE) - \$16,453
- g. Texas Western Associates - \$18,000
- h. KM Construction - \$8,990
- i. E & T Masonry (MBE) - \$13,900
- j. Fulford Construction - \$17,400
- k. Imperial Construction - \$17,831

STANDARD REHAB LOANS - (Continued)

Approved confirmation of emergency expenditures of CDBG Funds for a standard rehabilitation loan and authorize staff to enter into contract:

- a. Texas Western Associates - \$19,800

Guidelines for Tree Protection Ordinance

Approved guidelines for Tree Protection Ordinance.

Civil Service Commission

Confirmed the reappointment of Gerald F. Henderson as a member of the Civil Service Commission.

Resolution to Have Further Study

During the consent motion, Council approved sending back to Audit and Finance the following resolution for review:

Consider authorizing an amendment to the City's current contract for financial services with First Southwest Corporation.

Wrecker Truck Legislation

Approved opposition of proposed wrecker truck legislation pending in the Texas Legislature.

Public Hearing Set

Approved setting a public hearing on the following:

- a. Changing the Street name of Research Boulevard and East Anderson Lane from U.S. 290 to the Northwest City Limits to Emma Long Boulevard: May 12, 1983 at 5:15 p.m.
- b. An appeal from Betty Edgemond, chairperson, Far South Austin Community Association and Steve Hanson, of the Planning Commission's decision granting a Special Permit for a 122-unit apartment complex, the northeast corner of Stassney Lane and Emerald Forest: (Case No. C14p-83-014) May 12, 1983 at 5:30 p.m.

Employee and Employee Organizations Conduct

Approved adoption of regulations to provide for orderly conduct of employee organizations at the City.

Councilmember Duncan stated for the record: "I would propose that we do want a consultation process included in this, and suggest that the Manager meet with the appropriate representatives and work out a consultation process to amend to this resolution and, secondly, there has been some misunderstanding over the use of Union stewards to use unlimited City time for Union related activity, and it is our understanding as the resolution is written, that there is nothing new in this..that they still have to go through the regular process as it is set up now."

Lease of Office Space

Approved leasing office space for Human Relations and Health Department.

Lease Amendment

Approved amending the lease with Twin Towers Office Park.

Release of Easement

Authorized release of the following Easement:

- a. The 5.0' Public Utility Easement on Lot 15, Enfield F, 1704 Hartford Road. (Requested by Mr. Jim Phillips.)

Temporary Street Closing

Approved temporarily closing the 800 block of West 15th Street on April 20th from 2:00 p.m. to 8:00 p.m.

CONSENT ORDINANCES

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote)

Operating Budget Amendment

Amended the 1982-83 Operating Budget by: Accepting a twelve month Title X grant in the amount of \$74,696 from the Texas Department of Health (TDH and approving the contract with TDH for the provision of family planning services from April 1, 1983 through March 31, 1984.

Speed Limit Zones

Amended the Austin City Code pertaining to establishing speed limit zones by adding and deleting the following:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
ADDING - Section 11-2-99 - Subsection (d)		
Speedway	200 feet south of 39th Street West	200 feet north of 40th Street West
Section 11-2-100		
DELETING - Subsection (c)		
Manchaca Road	William Cannon Dr.	South City Limits (365 feet south of Shiloh Drive)
ADDING - Subsection (c)		
Manchaca Road	William Cannon Dr.	Matthews Lane
ADDING - Subsection (d)		
Manchaca Road	Matthews Lane	South City Limits (365 feet south of Shiloh Drive)

Zoning Ordinances

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

- |                                       |                    |                                      |
|---------------------------------------|--------------------|--------------------------------------|
| a. OADS JUNG<br>C14-70-001 (part)     | 4220 South IH 35   | From Interim "A"<br>to "D" 1st H&A   |
| b. MAUTHE-MYRICK HOUSE<br>C14h-83-006 | 408 W. 14th Street | From "O" 2nd H&A<br>to "O-H" 2nd H&A |

(5-0 Vote, Councilmember Mullen abstained)

Electric Fuel Charge

Approved the Electric Fuel Charge for summer months (May-October, 1983) at \$.03969 per kwh)



No Action on Ordinance

Council took no action on an ordinance to consider rescheduling the regular starting time of the May 5, 1983 City Council Meeting.

## BOARDS &amp; COMMISSIONS

Mayor Pro Tem Trevino announced the following board and commission appointments are due to be made: Community Development Commission, 6; Austin Tomorrow On-Going Committee, 6; Manpower Advisory Planning Council, 1; Vending Commission, 1; Downtown Revitalization Task Force, 3; Affirmative Action Plan Advisory Committee, 2; Private Industry Council, 1; Environmental Board, 3; Energy Advisory Commission, 11; Dental Health Advisory Commission, 9; Neighborhood Revitalization Commission, 2; Water and Wastewater Commission, 1; Arts Commission, 1; Building Standards Commission, 3; Plumbing Advisory Board, 1; Hospital Board, 2; Elisabet Ney Museum Board of Directors, 3; Commission on the Status of Women, 2; Water and Wastewater Commission, 1; Capital Area Planning Council, 6.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, appointed Kathy Tyler to a term on the Community Development Commission; Richard Coxdale to a term on the Neighborhood Revitalization Commission, and Arthelin "Cookie" Smith to the Hospital Board. (6-0 Vote)

## RESOURCE RECOVERY PROJECTS

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted a resolution supporting legislation related to resource recovery projects and include as priority in the City's legislative package. (6-0 Vote)

## LANDFILL SITES IN AUSTIN

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, authorized the City Manager to locate and identify the content of all landfill sites in Austin. (6-0 Vote)

Prior to the vote, Mr. Meiszer referred to recent information that landfill sites may contain toxic substances. He said Mabe Davis Park has been taken care of, and the allegation is that there are 10 other sites which must be investigated with borings. He said there will be cost estimates. Mr. Ridings, Director of Public Works, told Council the sites will be identified but so far they have found none within the City limits which contain toxic substances.

## CAPITAL RECOVERY FEE ORDINANCE AMENDMENT

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance amending the Capital Recovery Fee Ordinance to exempt subdivisions using existing commitments. (6-0 Vote)

## EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council will meet in Executive Session, pursuant to Article 6252-17, V.T.C.S. to discuss:

- a. Board and Commission Appointments - Section 2, Paragraph g.
- b. Ex Parte City of Austin, Cause No. 345,898 - pending litigation - Section 2 (e)
- c. STP-related litigation against Brown & Root and Houston Lighting & Power - pending litigation - Section 2(e)
- d. City of Round Rock pending application before the Public Utility Commission for a Certificate of Convenience and Necessity - Pending Litigation - Section 2, Paragraph (e)
- e. Contemplated litigation concerning the Texas Department of Water Resources against the City of Austin - Section 2, Paragraph (e)

## RECESS

Council recessed its meeting at 2:05 for the executive session and resumed its recessed meeting at 2:45 p.m.

## ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the following zoning zoning case scheduled for 1:30 p.m. Council heard, closed the public hearing, granted and instructed the City Attorney to draw the necessary ordinances to cover the following zoning changes:

C14r-83  
019 WAUGH DEVELOPMENT  
CORPORATION  
By William E. Young

4220 South I.H. 35

From "D" 1st H&A  
To "D" 2nd H&A  
To deny "D" 2nd H&A

CLOSE PUBLIC HEARING AND GRANTED APPROVAL

Ms. Donna Kristaponis, Planning Department, told Council the request is for 80 square feet of D 2nd H&A for placement of a sign.

William Young, representing the applicant, told Council he was present in the Council Chamber to answer any questions.

(On Councilmember Duncan's motion, Councilmember Deuser's second, 5-0 Vote, Councilmember Mullen abstained.)

## ELECTRIC UTILITY COMMISSION REPORT

Peck Young, Electric Utility Commission, reported on recommendations concerning financing and participation in Fayette 3 and the Resource Recovery Plant. His report is on file in the City Clerk's Office.

## REPORT - (Continued)

Councilmember Goodman asked if it is necessary to use parkland for the resource recovery plant.

Mr. Ridings, Director of Public Works, showed slides and maps of the plan. He said the proposed site for the resource recovery plant is Decker Lake. Mr. Young said they will be calling for a bond election soon on lignite, Fayette Power Plant & resource recovery plant. Because of funding constraints he said the bond election should be soon.

## OAK VIEW NEIGHBORHOOD PARK

Mr. Leonard Eherler, Director of Parks and Recreation, reported on the Parks and Recreation Board's recommendation to name the park in the North Oaks Subdivision the "Oak View Neighborhood Park". He said this is the name they would like to have.

Council instructed action on the May 5th agenda for naming of the park.

## AUSTIN TOMORROW ON-GOING COMMITTEE

Jack Evis, chairman, Austin Tomorrow On-Going Committee, asked Council to consider a resolution to revise the membership composition of the Austin Tomorrow On-Going Committee.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, adopted a resolution that the membership composition of the Austin Tomorrow On-Going Committee shall consist of one member from each of 10 geographical zones and three at-large and all members shall have means of participation until, by attrition, the number of active members goes to 13. (5-0 Vote, Councilmember Goodman was out of the room.)

## WATER AND WASTEWATER COMMISSION REPORT

Mr. Schwing, Director of Water and Wastewater, reported on the recommendation concerning the sizing of the Onion Creek Wastewater Treatment Plant. He asked for Council's support and the Council said he has it.

## UPPER LITTLE WALNUT CREEK DETENTION POND AT RUTLAND DRIVE

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted a resolution authorizing and approving of a Community Facilities Contract for Participation with Developers in the Upper Little Walnut Creek Detention Pond at Rutland Drive and Mearns Meadows Boulevard - \$125,000. CAPITAL IMPROVEMENTS PROGRAM No. 82/60-05. (4-0 Vote, Councilmembers Deuser and Mullen were out of the room.)

## DETENTION POND - (Continued)

Councilmember Duncan said we have an agreement that has been negotiated and there are several items that are conditions of the dedication of the drainage and park easements. He questioned whether Council should agree to some of those items. "Specifically it says the City would approve of a permit acceptable to the developer for the construction of his proposed apartment complex. I do not recall us ever before making an agreement to someone to approve a Special Permit before it ever comes to the Council acceptable to the developer and us never even seeing the site plan. Secondly it says the City would approve the final plat for this development and furthermore that the City would approve all the necessary permits to allow construction of the proposed apartment complex and finally that we would waive capital recovery fees. I'm not sure I want to give away all of that at this stage."

David Armbrust told Council, "The way the agreement is drafted and also the intent is that these are conditions to this agreement. The Special Permit is on the Planning Commission agenda for May 10 and also the final plat. We are not asking any guarantee that they be approved. We're just saying that if those do not get approved then the whole thing just kind of dissolves but it is always contingent upon the site plan. We are not asking for any guarantee that they be approved with the exception of the capital recovery fee waiver, which is part of the agreement. ....This has been a very long negotiation. Basically Embry Investments is dedicating 9½ acres of land and in return the City is waiving the capital recovery fee. The land that they are buying is priced at \$1.31 a square foot so the land cost is much greater than the capital recovery fee."

Councilmember Duncan said, "I will go ahead and move approval and would like to read into the record that we are in no way approving a Special Permit, the final plat or any or the other necessary permits to allow construction of the Country Place Apartment Complex."

Mayor Pro Tem Trevino read into the record that we will waive the capital recovery fee.

## TRUCK TRAFFIC DISCUSSED

Mr. Sabino Renteria discussed East 1st and East 2nd Street big truck traffic.

## SIGNAL FOR MONTOPOLIS

Mr. Enrique G. Lopez Jr. of Montopolis Neighborhood Association appeared before Council to request a red light signal installation near the vicinity of Tom Gro Supermarket in Montopolis.

Mr. Meiszer, City Manager and Dr. Benson, Director of Urban Transportation, said the equipment has been ordered and the light will be installed in late September or early October.

STREET LIGHTING DISCUSSED

Mr. Clyde Russell appeared before Council to discuss street lighting and thank Council for their help with lighting problems.

CITIZEN DID NOT APPEAR

Mr. Phillip Blackerby who had requested to discuss Council activities relating to the Edwards Aquifer did not appear.

CITY STAFF DISCUSSED

Merle Lang discussed the City staff.

ROSEWOOD PARK IMPROVEMENTS DISCUSSED

Mr. Cleveland Moore appeared before Council to discuss improvements at Rosewood Park. He said he represents the Central East Austin Neighborhood Association and said no one uses the park because of the barriers to the entrance. He also found fault with the facilities.

Kenneth W. Lewis also spoke about Rosewood Park and the barriers.

Mrs. Duffy who is on the advisory board of Rosewood Park took exception to statements made. She said trash cans are stolen, and they had to get a gate to allow parking for people using Doris Miller Auditorium.

General Marshall, Givens Advisory Board, said they recommended that Springdale Road be closed.

David Hill, past president Givens Advisory Board, said the discussion today indicates a lack of communication in the minority community and that the contention should have been solved in the neighborhood and not brought to the City Council.

TRAFFIC ACCIDENT DISCUSSED

Mr. Paul Gomez appeared before Council to discuss a traffic accident which occurred on East Riverside Drive.

## ZONING HEARING - AMENDMENT TO RESTRICTIVE COVENANT

C14 -80 TEXAS CENTER  
063 ASSOCIATES

502-512 Haywood  
413-507 Barton  
Springs Road  
501-615 South  
First Street

RECOMMEND amendment  
to restrictive covent  
to allow for two  
buildings at a maximum  
height of 167 feet and  
one building with a  
maximum height of 180  
feet, 75% impervious  
cover, parking garages,  
future buildings over  
60 feet subject to  
Planning Commission  
review.

COMPLETE TRANSCRIPT OF ZONING  
HEARING IS ON FILE IN THE CITY  
CLERK'S OFFICE.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second closed the public hearing. (5-0 Vote, Councilmember Mullen was out of the room.)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, instructed the City Manager to instruct the Legal Department to meet with the neighborhood to solve differences. (5-0 Vote, Councilmember Mullen was out of the room.)

Ms. Donna Kristaponis reviewed the amendment. She said there has been concern expressed about how the new zoning ordinance will affect the area of Haywood, Barton Springs Road and South First Street. Discussion followed concerning the proposed changes to the Zoning Ordinance.

Mr. Bert Pence, representing the applicant, showed slides of the area. He then offered the following restrictive covenants to go with the land: "First of all I will limit my development to three multi-story buildings plus the necessary parking structures. Secondly, the height limits on these three multi-story buildings, as interpreted by the Building Inspection Department, will be one building not to exceed 180 feet. Two buildings not to exceed 170 feet, we can make that 167 feet. Three, I will limit my impervious cover to 75% of the total property. Four, I will limit the total multi-story density and I am offering this because of the neighborhood meeting I had last night. They asked me to do it and I said I would because they asked me to. I will limit the total multi-story density to 750,000 square feet of net usable space. I feel very strongly that offering restrictions that go with the land are in greater interest of the neighborhood than having unrestricted 2nd Height and Area. If I sold the property, and I am not trying to sell it, if Tenneco wanted to put their corporate headquarters there right now, he could build a 400 foot building and there wouldn't even be a public hearing on it. The restrictions I am imposing would make that impossible." Mr. Pence then clarified the point of impervious cover and said there will be 72% impervious cover, with an abundance of landscaping.

## HEARING - (Continued)

David Armbrust, representing the applicant, told Council this is just an effort to simplify the zoning by amending the restrictive covenant that is no longer relevant to this piece of property. He said it was relevant to the hotel project that was proposed a couple of years ago but since it is not going to be built, that covenant does not apply to this property.

M.H. Crockett Jr., who owns 20 acres to the east of the site, said he favors the project.

Mark Mullen, representing Austin Building Trades, said Texas Center is a well planned project and he urged Council to allow amendment of the restrictive covenant.

Royce Faulkner, the contractor on the project, told Council the project is an outstanding and well planned architectural project.

James Pineda, Bouldin Creek Neighborhood Association, said they have united with the South River City Citizens and the Zilker Neighborhood Association to oppose efforts to abandon the present restrictive covenant. He said they want controlled development and do not want the original restrictive covenant agreed to 3 years ago abandoned.

Connie Moore reviewed what has happened on the property the past three years. She said the zoning was confused and said "Pence's unrestrictive covenant allows for at least 3 high-rise buildings instead of one and there is no site plan."

Glenna Balch, Zilker Neighborhood Association, spoke against the project and the amount of impervious cover it will create.

Brooks Casson, member of South River City Citizens, told Council Mr. Pence has "used some zoning requirements that do not conform to easy interpretation under the proposed zoning ordinance so he or his innovative attorney has come up with a restrictive covenant that needs your approval. His new covenant would essentially grant his project an elite status beyond the proposed zoning ordinance. It would never be subject to possible misinterpretation under the proposed ordinance or its grandfather. He said neighborhoods and the environment will be the ones to pay for the accomplishment of the feat of Mr. Pence and his attorney.

The president of the Zilker Park Neighborhood Association told Council that what should concern them is the possibility of unbridled development along Barton Springs Road and the probable overflow of traffic through Zilker Park.

Nat Caldwell showed slides which he said shows the traffic problem they have which will be compounded by Texas Center.

Jean Mather, South River City Citizens, asked questions concerning the ordinance and the restrictive covenants.

There was long discussion between Councilmembers.

## HEARING - (Continued)

Mr. Pence returned for his summation to tell Council that he would not even be asking for this request if it were not for the new zoning ordinance because he is developing under an existing set of rules and he is complying with the existing rules. The second reason he is making the application is, "I think you will all agree, it is confusing, and confusion breeds indecision quite often and I am trying to eliminate the confusion."

After considerable discussion the two motions were made. (COMPLETE TRANSCRIPT OF HEARING IS ON FILE IN CITY CLERK'S OFFICE.)

## PUBLIC HEARING - ETJ RELATED REQUESTS

Mayor Pro Tem Trevino opened the public hearing set for 5:30 p.m. on nine extraterritorial jurisdiction related requests initiated by the Cities of Round Rock, Pflugerville, Manor, Rollingwood, West Lake Hills, Cedar Park and Lakeway.

Motion Made and Withdrawn

Councilmember Mullen made a motion to postpone requests from Cedar Park, Round Rock, Pflugerville, Manor and West Lake Hills for two weeks. Councilmember Duncan seconded the motion, and then it was withdrawn.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, approved the ETJ related requests initiated by Pflugerville for 20 acres; Manor for 20 acres; and Rollingwood for 6.2 acres. (6-0 Vote)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, postponed the other requests as follows: (5-0 Vote, Councilmember Mullen was out of the room)

Cedar Park, 300 acres - 60 days  
Pflugerville, 130 acres - 60 days  
West Lake Hills, 59 acres - 60 days  
Lakeway, 950 acres - May 12, 1983



## PUBLIC HEARING - APPEAL OF SPECIAL PERMIT

Mayor Pro Tem Trevino opened the public hearing set for 6:00 p.m. on an appeal from Mr. H.B. Howard of the Planning Commission's decision granting a Special Permit for Case No. C14P-83-005.

Donna Kristaponis, Assistant Director, Planning Department, reviewed the case and said apartments are proposed.

Mr. H.B. Howard, 1908 Cedar Ridge Drive, said the area was all residential when he bought his home and there is spot zoning now. He said the proposition is to put a road 18 feet from his bedroom window. He said carbon monoxide will be in his house and dumpsters for the project will be next to him. He also thinks there will be too much impervious cover.

Mrs. Howard said they are concerned with spot zoning and they do not want to feel like they are penned in.

Merle Lang said he owns property in the area and there is an error in the zoning map.

Devonna Moshatt who owns a house across from the proposed development said she opposes.

Councilmember Duncan said the Council does not have the power to oppose the apartments and the road.

After discussion the following motion was made:

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, closed the public hearing and encouraged the applicant to address the driveway, dumpsters, flood control, landscape buffer between the apartments and houses; a revised site plan; and then return to Council; and item will be scheduled for action from Council on May 12, 1983 at 2:00 p.m.

## CITIZENS REQUESTS

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, approved the following requests made by citizens: (6-0 Vote)

1. Mr. Waldi Browning, requesting permission for the sale of beer and food at Reed Park, Saturday, May 7, 1983, from 12:00 noon to 6:00 p.m. for Lake View Festival and Dedication of Official Texas Historical Marker.
2. Mr. Thomas Esparza, Jr. President, South Austin Neighborhood Council, requesting permission for the sale of beer at Gillis Park, May 28, 1983 and May 29, 1983 during Mayfest South.

## CITIZEN REQUEST DENIED

Council, on Councilmember Duncan's motion, Councilmember Deuser's second, DENIED the request of Mr. Ken Cook, publicity chairman, Northwest Austin Sertoma Club, for approval to be exempt from the normal \$15 sign fee in order to fly a 50 ft. banner above the City Coliseum area on May 7-8, 1983 promoting the Sertoma Art Fair. (6-0 Vote)

## PUBLIC HEARING SET

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution authorizing submission of a grant application to the Urban Mass Transportation Administration for a Capital Assistance Grant totalling \$3,052,827 and set a public hearing on the grant for June 2, 1983 at 5:30 p.m. on Option 2 and amending the land acquisition for first site in northwest Austin. (5-0 Vote, Councilmember Mullen was out of the room.)

## SALE OF PROPERTY IN AUSTIN

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution authorizing and approving of disposal by sale award (\$41,650 total revenue to City) City-owned property located at the following locations:

- a. 1308 Lilly Terrace - Steve Erickson - \$19,550.00
- b. 6211 Carnation Terrace - Richard B. Gresser - \$22,100.00

## ADJOURNMENT

Council adjourned its meeting at 7:20 p.m.