



# **Austin City Council MINUTES**

**For**

**MARCH 17, 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:**

Mayor Pro Tem Trevino called to order the Meeting of the Council scheduled for 1:00 p.m., noting the presence of all Councilmembers.

### **INVOCATION**

The Invocation was given by Reverend Dr. Harold D. Edwards, Koenig Lane Christian Church.

### **BOARD & COMMISSION VACANCIES**

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; Sesquicentennial Committee, 1; Affirmative Action Plan Advisory Committee, 2; Private Industry Council, 1; Environmental Board, 2; Energy Advisory Commission, 11; Dental Health Advisory Commission, 9; Neighborhood Revitalization Commission, 1; Water and Wastewater Commission, 1; Arts Commission, 1.

### **CONSENT RESOLUTIONS**

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, adopted the following resolutions in one consent motion: (6-0 Vote)

Capital Improvements Program

Approved acquisition of right-of-way for the U.S. Highway 290 East Project (Cameron Road to U.S. Highway 183) which is part of the 90-10 Right-of-Way Purchase Agreement with the State Department of Highways and Public Transportation. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-45 (City net share - \$3,328.00)

Approved acquisition of certain tracts of land for the East Riverside Drive - Newning to I.H. 35 Project. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-03

- a. Ruth C. Layne
- b. Roger Hight and Kris Donley
- c. Deborah and Ken Stedman

Approved and authorized Kinney & Stone for architectural services in connection with the St. John's Public Health Center. CAPITAL IMPROVEMENTS PROGRAM No. 76/91-05.

Change Orders

Approved the following Change Orders:

- a. In the amount of \$70,085.42 to P.A. Stark Construction, Inc. for Webberville Road, Street and Drainage Improvements. (8.6% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 77/62-02.
- b. In the amount of \$12,107.00 to Austin Road Company for Congress Avenue Improvements 1982. (0.452% increase of original contract) CAPITAL IMPROVEMENTS Nos: 75/62-09 & 83/17-02.

Contracts Approved

Approved the following contracts:

- |  |   |
|--|---|
| a. THE OFFICE COMPANY<br>312 Congress Avenue<br>Austin, Texas                        | - CAPITAL IMPROVEMENTS PROGRAM -<br>Modular Furniture for Municipal<br>Court<br>Items 1 thru 132 - \$58,366.11<br>C.I.P. No. 80/87-01 |
| b. G & L/VBJ OFFICE STATIONERY COMPANY<br>515 South Congress Avenue<br>Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -<br>File Cabinets for Municipal<br>Court<br>Item 3 - \$14,212.00 C.I.P.<br>No. 81/87-01               |
| c. ROBERT JENTSCH CONSTRUCTION COMPANY<br>P. O. Box 3343<br>Austin, Texas            | - CAPITAL IMPROVEMENTS PROGRAM -<br>Improvements for Fiskville<br>Substation Unit 4-5-6 addition -<br>\$67,390.00 C.I.P. No. 82/16-03 |

## CONTRACTS APPROVED - (Continued)

- d. BRYANT ROOFING COMPANY  
510 Dalton Lane  
Austin, Texas - Roof Replacement, Fire  
Station No. 2, Fire Department -  
\$15,937.69
- e. CHEMICAL AND TURF SPECIALTY COMPANY  
105 Main Street  
Dallas, Texas - Furnishing and Applying Bulk  
Fertilizer, Parks and  
Recreation Department  
Eight (8) Month Supply Agreement  
Items 1-5 - \$28,988.00
- f. MCKESSON CHEMICAL COMPANY  
4351 Directors Drive  
San Antonio, Texas - Soda Ash, Parks and Recreation  
Department  
Item 1 - 30 tons - \$5,695.50
- g. Bid award:
  - Bolts, Nuts, Screws, and  
Washers. Central Stores Division  
Twelve (12) Month Supply Agreement  
Bids to be awarded by multiple  
progressive award procedure from  
low to high bid - \$8,485.00
- (1) AMERICAN BOLT & NUT COMPANY  
4700 Burleson Road  
Austin, Texas - Items 130, 132-134, 183-186,  
188-192, 202, 205, 207-208
- (2) BOWMAN DISTRIBUTION  
Route 2  
Cypress Hill, Texas - Items 228-229
- (3) CAPITOL BOLT & SUPPLY, INC. (MBE)  
300 Neches Street  
Austin, Texas - Items 1, 7, 13-16, 19-24, 27-29,  
37, 65, 67-68, 127-128, 135,  
137-138, 142-144, 146-147, 152,  
161, 169, 170, 172, 180, 182, 193,  
195-197, 200-201, 203-204, 206,  
216, 220-221, 226, 230-231, 239
- (4) NORTH TEXAS BOLT, NUT & SCREW  
1509 109th Street  
Grand Prairie, Texas - Item 12, 18, 25-26, 46, 54, 64,  
66, 69-70, 82, 88, 90, 94, 129,  
131, 136, 145, 150, 154-157, 160,  
163-165, 168, 171, 173-179, 181,  
194, 219, 222-223, 227, 232-236,  
238
- (5) PRECISION NUCLEAR PRODUCTS  
2105 Donley Drive, Suite 104  
Austin, Texas - Items 2-6, 8-11, 17, 30-36, 38-45,  
47-53, 55-63, 71-81, 83-87, 89,  
91-93, 95-126, 139-141, 151, 153,  
158-159, 162, 166-167, 217-218,  
224-225

## CONTRACTS - (Continued)

- |   |   |
|---|---|
| (6) R & A SUPPLY COMPANY, INC.<br>3301 Conflans #107<br>Irving, Texas         | - Items 198-199, 209-210  |
| (7) TEXAS BOLT & SCREW COMPANY<br>514 El Paso Street<br>San Antonio, Texas    | - Items 148-149, 187, 211-215, 237  |
| h. OLSTEN TEMPORARY SERVICES (MBE)<br>313 East Anderson Lane<br>Austin, Texas | - Temporary Employment Service,<br>Public Events Facilities<br>Estimated cost is \$25,000.00<br>for a twelve (12) month period. |
| i. COMPUTER BROKERS, INC.<br>12006A Research Boulevard<br>Austin, Texas       | - Laboratory Monitoring System,<br>Water and Wastewater Department<br>Total cost \$13,900.00                                    |
| j. DATASCOPIES<br>580 Winters Avenue<br>Paramus, New Jersey                   | - Six (6) Portable Defibrillators,<br>Emergency Medical Services<br>Total \$31,620.00   |

Payment Approved

Approved payment to the Austin Independent School District for custodial services and utility fees associated with the usage of Austin Public Schools for the January 15, 1983 bond elections in the total amount of \$16,087.88.

Vocational Training

Approved entrance into a contract with Austin Community College for vocational training for Public Assistance recipients, administered by the Human Services Department in the amount of \$50,000.00 (No city cost - Grant Funded)

Morgue Space Lease

Approved a contract between Brackenridge Hospital and Travis County for lease of morgue space at the hospital at a fee of \$1,000 per month. (Approved by Hospital Board)

Temporary Street Closing

Approved temporary closing of West 24th Street from Rio Grande to Pearl Street on April 2, 1983 from 3:00 p.m. to 8:00 p.m. as requested by Mr. Rick Finney, representing the United States Cycling Federation.

Lease Site Improvements

Authorized execution on behalf of the City of Austin a consent and agreement acknowledging the conditions of a loan by Vernon Savings to Austin Aero, Inc. for lease site improvements.

Release of Restrictive Covenants

Approved the release of restrictive covenants on Burnet Road Commercial Park.

CDBG Funds

Authorized and approved CDBG funds for Standard Rehabilitation Loans in the following amount and authorized staff to enter into appropriate contracts:

- |                             |             |
|-----------------------------|-------------|
| a. Austin JJJ Corporation   | - \$ 8,587  |
| b. Fallon Construction      | - \$ 10,700 |
| c. Austin JJJ Corporation   | - \$ 13,897 |
| d. Imperial Construction    | - \$ 13,900 |
| e. Texas Western Associates | - \$ 20,400 |
| f. E & T Masonry (MBE)      | - \$ 17,700 |

Sportsfest

Approved a request from the Austin Chamber of Commerce Sportsfest Committee to use a gasoline powered motorboat on Town Lake, April 1-17, 1983. (Recommended by Parks Recreation Board)

Research Grant Concerning Edwards Aquifer

Authorized submission of an application to the Environmental Protection Agency for a research grant in the amount of \$100,000/year to investigate the impact of surfact conditions and the fate of pollutants within the Edwards Aquifer.

Public Hearing Set

Approved reopening the public hearing concerning vacation of Joan of Arc Street for April 7, 1983 at 5:00 p.m.

Sampson Building Project

Approved the bond resolution passed by the Austin Industrial Development Corporation authorizing issuance of Industrial Development Bonds to finance the Sampson Building Project, 618 1/2-620 Congress Avenue.

**SAMPSON BUILDING - (Continued)**

Approved the Sampson Building Project and making findings required by the Texas Industrial Commission.

Approved the Sampson Building Project for purposes of Federal Tax Law.

**Public Hearings Set**

Set public hearings on the following:

- a. Appeal of the decision of the Building Standards Commission to grant relocation permit for structure currently located at 1604 Manor Road to 1903 Stanley Avenue. (Vivian Huddleston) March 24, 1983 at 3:00 p.m.
- b. To consider 84 unit Multi-Family Housing Bond Finance Project proposed by Estate Properties, Ltd. April 7, 1983 at 2:00 p.m.
  - (1) The Regents Apts. - 1915 Martin Luther King Blvd.
  - (2) Chateau Le Grande Apts. - 1807 Poquito Avenue
  - (3) Stafford House Apts. - 2500 East 22nd Street
- c. To consider a 238 unit Multi-Family Housing Bond Finance Project proposed by Shady Oaks South Apartments at Congress Avenue and St. Elmo Road. (4300 South Congress One) April 7, 1983 at 2:00 p.m.

**Temporary Street Closing**

Approved temporarily closing Pearl Street from 25th Street to 24th Street on March 25, 1983 from 3:00 p.m. to 7:00 p.m. as requested by Mr. Donald McCabe, representing Texas Cowboys.

**CONSENT ORDINANCES**

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

**Capital Improvements Program**

Declared the necessity for and ordering improvements to North Bluff Drive, Phase I, consisting of 2 units covering approximately 5 1/2 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-32.

School Speed Limit Zones

Amended Section 11-2-99 of the Austin City Code of 1981, pertaining to establishing school speed limit zones, by adding the following to subsection (d) thereof:

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Shoal Creek Blvd.	N. Lamar Blvd.	650 feet east of N. Lamar Blvd.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (5-0 Vote, Councilmember Duncan abstained)

- |   |   |                                      |
|---|---|--------------------------------------|
| a. M.D. THOMSON & ORINE<br>HOAG, ET AL<br>By Jack E. Taylor Jr.<br>C14-82-104 | 3717-3719, 3801-3811<br>Garden Villa Lane   | From "A" 1st H&A<br>to "O-1" 1st H&A |
| b. ALBERT & GLORIA ALLEN,<br>ET AL<br>By David Armbrust<br>C14-82-069         | 3710-3802 S. 2nd St.<br>3708-3714 Birch St. | From "A" & "MH"<br>to "O-1" 1st H&A  |

COUNCIL APPROVAL OF CITIZENS REQUESTS

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, approved the following citizens requests for Council approval: (6-0 Vote)

1. Mr. Jerry Tucker's request for permission to sell beer and concessions at Auditorium Shores, April 6-7 and 16-17, 1983 to cover expenses of producing the 1983 Austin Sportsfest.
2. Request for a Parade Permit from Susan Berliner for Austin Community Nursery Schools, from 10:00 a.m. to 11:00 a.m., Tuesday, April 5, 1983, beginning from South 6th Street between West Mary and Brodie Street.
3. Ms. Sharon R. Ingraham's request for permission for the sale of beer at Auditorium Shores on April 23, 1983 for Silver Spurs Chili Cook Off to benefit Muscular Dystrophy Association.

CONTRACT APPROVAL

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, adopted a resolution approving the following contract: (6-0 Vote)

WOODBINE CORPORATION  
2510 Decatur Avenue  
Fort Worth, Texas

- CAPITAL IMPROVEMENTS PROGRAM  
Emergency repairs to Bartholomew District  
Park Swimming Pool Improvements -\$23,950  
C.I.P. No. 86/86-70

## CONTRACT - (Continued)

Prior to the motion, Councilmember Mullen wanted to know why the item was put on as an emergency. Mr. Ridings, Director of Public Works, pointed out that there are cracks in the pool which need repair. The standard bidding process would take until well into the swimming season, so phone quotations were taken from the two companies prepared to do this work. Mr. Nicholas Meiszer, City Manager, said the work needs to be done in time for the opening of swimming season and there is the possibility of public health being endangered if the pool is opened without proper repairs. Mr. Solon Bennett, Director of Purchases and Stores, told Council the contract went to the low bidder.

## TAX COLLECTION METHODS DISCUSSED

Councilmember Duncan discussed collection methods of the County Tax Assessor/Collector and asked that Sue Edwards, Director, Tax Department, compile information on current collections. Councilmember Duncan wants to know whether or not Mr. Aleshire is taking any new partial payment contracts. Ms. Edwards stated Mr. Aleshire is working on collecting contracts he got from the City and is not accepting any new contracts for partial payments. Councilmember Duncan asked if Mr. Aleshire's program is working as well as he promised. Ms. Edwards told him collections are behind \$700,000 as compared to last year at this time. Councilmember Duncan asked Ms. Edwards to discuss this with Mr. Aleshire and bring this item back on a future Council agenda.

## PARADE PERMIT ORDINANCE CHANGE SUGGESTED

Councilmember Mullen discussed the changing of the Parade Permit Ordinance to allow administrative approval of parades. He said according to the First Amendment of the Constitution the Council cannot disapprove a parade permit, therefore the approval of parades should be an administrative procedure. Councilmember Mullen requested the City Manager to request staff to present a proposal to Council. Mr. Meiszer said it would be an amendment to the requirement which takes Council approval.

Mayor Pro Tem Trevino requested a report on the feasibility of requiring a bond on any activity which requires more than the usual traffic control.

Councilmember Mullen said he thinks wine and beer sales at events should also be under administrative approval and not have to come to Council. Discussion followed.

Council instructed the City Manager to instruct staff to come back to Council with an amendment to the ordinance.

## NEIGHBORHOOD REVITALIZATION COMMISSION REPORT

Mr. Charles A. Caldwell, Neighborhood Revitalization Commission, reported on alternative approaches for establishing rehabilitation project limits. He told Council there is presently a \$14,000 limit per project expenditure as adopted by



## REPORT - (Continued)

Council February 25, 1982. This dollar limit creates a problem because repairs are costing more and more.

Ms. Paula Manning, Director, Office of Neighborhood Revitalization, told Council there are three alternatives offered, and they recommend Alternative #3 which involves the establishment of a "cap" rather than a limit for rehabilitation while still holding tightly to the accomplishment of the five priority areas. It would allow greater flexibility in insuring that basic code items can be accomplished and preserves a degree of public investment integrity. The disadvantages are it would be more complex to administer although the increased production may offset this liability. & it would also effectively dismantle the "full rehabilitation" concept.

Ms. Manning went on to say using Alternative #3 as a basis for recommendation the maximum loan would be determined as the lesser of:

- a. \$20,000 loan cap
- b. The actual cost of completing the five priority areas plus up to an additional 20% add-on for general property improvements.
- c. The average cost of Standard Rehabilitation units will remain at \$14,000.

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, adopted, on an emergency basis, a resolution adopting revisions to the Policy Guidelines for ONR housing rehabilitation relative to the recommendation of the Neighborhood Revitalization Commission concerning an Alternative Approach for Establishing Rehabilitation Project Limits. (6-0 Vote)

## MINUTES APPROVED

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, approved the minutes for the regular meetings of February 17 & 24, 1983 and March 10, 1983. (6-0 Vote)

## RECESS

Council recessed its meeting at 2:00 p.m. and resumed its recessed meeting at 3:00 p.m.

## PUBLIC HEARING - SANITARY SEWER EASEMENT

Mayor Pro Tem Trevino opened the public hearing set for 3:00 p.m. on the proposed sanitary sewer easement on the City of Austin Parkland (Shoal Creek Greenbelt) between San Pedro and North Lamar near 28th Street.

No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, closed the public hearing and adopted a resolution dedicating a Sanitary Sewer easement on City of Austin Parkland, (Shoal Creek Greenbelt) between San Pedro and North Lamar near 28th Street. (5-0 Vote, Councilmember Goodman was out of the room.)

## RECESS

Council recessed its meeting at 3:00 p.m. and resumed its recessed meeting at 3:40 p.m.

## PUBLIC HEARINGS - SILVER ENTERPRISES, INC.

Mayor Pro Tem Trevino opened the public hearings set for 3:30 p.m. on the following:

An Industrial Development Bond Financed Project proposed by Silver Enterprises, Inc.

An Industrial Development Bond Financed Commercial Project proposed by Silver Enterprises, Inc.

Conrad Masters, union carpenter, asked that there be assurance that this project will not contribute to further blight and that the prevailing wage be paid to Austin workers. He said a lot of contractors come into town with their own workers and undermine the wage scale of Austin.

Maria DeLeon, EACEDC, spoke in opposition to the projects. She said the money should be spent to build low cost housing.

Motion

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

Councilmember Duncan wondered if they could attach something which would designate Austin workers and the prevailing wage. Mr. Jonathan Davis, Assistant City Attorney, stated the projects are truly private enterprise undertakings done with public funds and he would investigate. Councilmember Duncan requested a report back in a couple of weeks.

## HEARING - (Continued)

Drucilla Lopez told Council 50% of the employees will be Austin residents.

Motion

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved an Industrial Development Bond Financed Project proposed by Silver Enterprises, Inc. (4-0 Vote, Councilmembers Goodman and Mullen were out of the room.)

Motion

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving an Industrial Development Bond Financed Commercial Project proposed by Silver Enterprises, Inc. (4-0 Vote, Councilmembers Goodman and Mullen were out of the room.)

## HEARINGS POSTPONED

Mayor Pro Tem Trevino, after asking if there were anyone in the Council Chamber to speak at the following hearings, announced they would be continued until March 31 at 2:00 p.m. and the following motion was made:

Motion

The Council, on Councilmember Urdy's motion, Councilmember Deuser's second, voted to continue the following public hearings until March 31, 1983 at 2:00 p.m. (5-0 Vote, Councilmember Mullen was out of the room.)

- Designation of an area as an "Eligible Blighted Area" pursuant to Art. 5190.6, V.T.C.S., The Development Corporation Act of 1979 for Walter Carrington-Jose Mercado, Ltd, on the following:

- a. 4804 Loyola
- b. 5602 Clay Avenue
- c. 111 Ramble Lane

- An Industrial Development Bond Financed Project for Walter-Carrington-Jose Mercado, Ltd., on the following:

- a. 4804 Loyola
- b. 5602 Clay Avenue
- c. 111 Ramble Lane

- An Industrial Development Bond Financed Commercial Project proposed by Walter Carrington-Jose Mercado, Ltd., on the following:

- a. 4804 Loyola
- b. 5602 Clay Avenue
- c. 111 Ramble Lane

## HEARINGS POSTPONED - (Continued)

Motion

The Council, on Councilmember Urdy's motion, Councilmember Deuser's second, continued the following public hearing until April 7, 1983 at 2:00 p.m. (5-0 Vote, Councilmember Mullen was out of the room.)

Consider a 200 Unit Multi-Family Housing Bond finance project proposed by Langtry Investments, 9601 Middle Fiskville Road.

## RECESS

Council recessed its meeting at 3:55 p.m. and resumed its recessed meeting at 4:00 p.m.

## RECESS FOR BOARD MEETING

Council recessed its meeting at 4:00 p.m. for Housing and Industrial Board Meetings and resumed its recessed meeting at 4:15 p.m.

## STASSNEY LANE OVERPASS DISCUSSED

Mr. Thomas A. Prentice appeared before Council to discuss the Stassney Lane Overpass. He thanked the Council for taking action to begin the overpass project which has been delayed for several years. Mr. Prentice stated, "My principle purpose for coming here is two-fold. Short term on Stassney Lane and long term in terms of bridge and road construction projects in general. First of all, I would like to ask the City Manager or the Director of Public Works to provide for you in this Council Meeting, for the public record, an exact time table that we can expect for completion of this project. Specifically, when condemnation proceedings will be concluded, when the utilities will be moved, who is responsible for the cost of moving the utilities, when the contract will be let, when the construction will begin and when the construction will be completed. Answers to these questions will go a long way in relieving the anxieties and frustrations of the people in the area who take that bridge every day to and from work." Mr. Prentice asked Council to ask staff to make a detailed day by day analysis of the project from the point when was planned until today and continue until the project is completed.

Councilmember Duncan stated, "We are to make sure our transportation department is coordinating the acquisition of the right of way between Congress and IH 35 to tie in with completion of the overpass." Mayor Pro Tem Trevino asked Mr. Ridings, Director of Public Works, to make certain Council receives the information asked for and send a copy to Mr. Prentice.

## ORDINANCE DISCUSSED

Mr. Jay F. Powell appeared before Council as president of the Windy Cove Neighborhood Association, to discuss the original intent of the ordinance that allows a project to refile a zoning case immediately after it has been rejected.

## ORDINANCE - (Continued)

Mr. Powell was referring to the Morro Vista proposal which was denied and then refiled again. Mr. Powell said evidently this procedure can go on forever. He does not feel that it was the original intent of the ordinance that this can go on forever. Mr. Powell felt there should be an appeal process but then there should be a delay. People have to hire attorneys and come from out of town every time the case comes up which he pointed out, is about every 60 days. Mr. Powell requested Council to look into the ordinance and see if there is some way the City Attorney can address this problem.

Mr. Powell then referred to the dredging of Windy Cove which he said the developer of Davenport Ranch had told Council the dredging contract was for \$25,000 and the residents of Windy Cove were holding up the progress. Mr. Powell said the figure of \$25,000 was never stated by the contractor for the dredging but realistically it was somewhere between \$35,000 and \$50,000. Mr. Powell said someone should ask the developers when and give them a date and if the dredging is not done by that date then something will have to be done because this could go on forever and the residents of Windy Cove will be denied the use of that part of the lake for the rest of their lives.

Councilmember Duncan said he would like to have staff address both of those issues and report back to Council concerning the true cost and status of Windy Cove and also the procedure concerning the Zoning Ordinance which allows cases denied to be brought back again and again. Mr. Jim Nias, Assistant City Attorney, said the present Zoning Ordinance says one must be rejected by both the City Council and the Planning Commission before the 18 month prohibition of coming back with the same zoning change request applies. Mr. Nias said it would be very easy to amend to say for exemption by the Council only. Councilmember Deuser stated that amendment should be made as soon as possible.

Councilmember Duncan said he also wants to know what the true cost of dredging is and he is under the impression the Council's direction to Davenport Ranch developers is to take care of the dredging.

## POLICE DEPARTMENT DISCUSSED

Mr. Bernard Duck appeared before Council to recommend a resolution concerning the revision of Police Department actions and policies.

## LAW ENFORCEMENT APPRECIATION WEEK PROPOSED

Ms. Yolanda Zielinski appeared before Council to express appreciation for the City of Austin Police Department. She said she represents a large group of Austin citizens who want to show their support for the whole police force and all law enforcement officers. Ms. Zielinski said the City must stand together and show the Ku Klux Klan that they cannot divide the City. She asked Council to proclaim Law Enforcement Appreciation Week and ask the citizens to wear a blue ribbon during that week to denote a safer and more unified Austin.

Mayor Pro Tem Trevino told Ms. Zielinski there will be resolution next week.

## WILLIAMSON CREEK PLANT DISCUSSED

Ms. Leda Roselle appeared before Council to discuss discharge of effluent from the Williamson Creek Plant. She referred to a newspaper article printed March 16, 1983 and discussed the history of the effluent charge. Councilmember Goodman asked her to submit her statement in writing to the City Manager for further study.

## PUBLIC HEARING - AMERICAN PROPERTY SYSTEMS, INC

Mayor Pro Tem Trevino opened the public hearing set for 4:00 p.m. which was the continued hearing on zoning for American Property Systems, Inc. by George E. Jamail, Case No. C14-82-160. Mayor Pro Tem Trevino read a letter from Mr. Jamail which requested a postponement of the case until the realignment of Spicewood Springs Road is finalized.

Mr. Ridings said the preliminary engineering is being done now and there is no final recommendation at this time for the part of the road adjoining Mr. Jamail's property.

Jim Landrum, zoning chairman for the Northwest Civic Association, told Council that no matter what the alignment is the zoning should be A-2.

Nik Brown, president, Balcones Civic Association, said they oppose the zoning request because of the density and the use of the land. He said the hearing has been postponed several times and would rather not have the hearing postponed again.

Mr. Jamail appeared before Council and said the way the alignment is proposed to be done, they cannot put anything on the land. He said they are asking for "0" office.

Motion

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

Discussion followed concerning the advisability of "A-2" zoning. Mr. Jamail said he would not object to "A-2" zoning.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved "A-2" zoning, subject to approval of a site plan. (5-0 Vote, Councilmember Goodman out of the room.)

## RECESS

Council recessed at 5:00 p.m. and resumed its recessed meeting at 5:15 p.m.

PUBLIC HEARING - APPEAL OF SPECIAL PERMIT FOR  
RAIL YARD APARTMENTS

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. on an appeal from the Fairway Village Tenants Council of the Planning Commission's decision to grant John Byrum a Special Permit to build 200 apartments known as the "Rail Yard Apartments" in the downtown vicinity of East 4th Street. C14-82-094, 095, 096 & 097.

Ms. Donna Kristaponis, Assistant Director, Planning Department, told Council that if the roof lines of the apartments are tied together, they will not need a Special Permit. Mr. Byrum does have a building permit and he can build and tie the roof lines together. There are two hundred units on the four blocks. The major concern of the Fairway Council is that Mr. Byrum is also owner of their apartments. They are not so much opposed to this project as they are to the way he has not kept up their apartments. The Planning Commission voted to approve the Special Permit unanimously.

Sam Perry, representing 4th Street Limited, told Council an appeal from the granting of the Special Permit that's based on some alleged deficiencies in a totally unrelated project in another part of town, in their judgement, is no basis on which to predicate denial of a special permit. Mr. Perry pointed out that Fairway Village Apartments do not economically stand on their own feet. The income is insufficient to meet the debt service and maintenance and repair and other costs associated with the project. He asked Council to uphold the Special Permit.

Ms. Lucie Rivera, representing Fairway Village, told Council that that property is not maintained and enumerated the conditions which need to be corrected.

A woman who spoke in Spanish told Council about her roof caving in twice.

Enrique Lopez, who said he lives near the Fairway Village Apartments, asked Council to deny the Special Permit.

Jennifer Sawyer and Willa Hardin, both residents of Fairway Village Apartments, spoke in opposition to the Special Permit.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, voted to close the public hearing. (6-0 Vote)

Councilmember Duncan stated he had toured the Fairway Village Apartments and found them in very bad condition. However, he said that is not a valid reason for denying the Special Permit. He stated for the record that "there is work to be done at the Fairway Village Apartments" and he is not sure what the Council can do but he wants the building and health inspectors to check closely on the condition of the apartments. Mayor Pro Tem Trevino said he has already requested that and has inquired to find out if it is possible to use CDBG funds.

Councilmember Mullen asked Mr. Ross, the manager of Fairway Village Apartments, to go on record that he will get with residents of Fairway Village and the owners of the apartments and address their concerns and work with them. Mr. Ross said he would.

## APPEAL - (Continued)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, approved the Special Permit, as requested by John Byram, to build 200 apartments known as the "Rail Yard Apartments" on the downtown vicinity of East 4th Street. C14-82-094, 095, 096 and 097. (6-0 Vote)

PUBLIC HEARING - APPEAL OF SPECIAL PERMIT FOR  
PARADISE OAKS APARTMENTS

Mayor Pro Tem Trevino opened the public hearing set for 5:30 p.m. on an appeal from the Montopolis Neighborhood Association of the Planning Commission's decision to grant a Special Permit to Omni Developers, Inc., to build a 436-apartment/condominium project known as "Paradise Oaks".

Ms. Donna Kristaponis, Assistant Director of Planning, reviewed the application for a Special Permit. She said the site is on Riverside Drive, west of Pleasant Valley Road and Montopolis Road.

Mr. Jerry Harris, representing the applicant, told Council the property was zoned in 1975 and showed plans of the proposed condominiums to be built.

Enrique Lopez, president, Montopolis Neighborhood Association, said their main concern is extra traffic through Montopolis when they have not yet been assigned traffic lights for busy intersections; sewage...they can already smell the stench over the Montopolis Bridge; the 400 units planned will threaten the public use of the Colorado River.

Lois Yolante said the traffic is too much and they need traffic lights.

Mrs. Rivera expressed concern because she said they need traffic lights on Porter and Marigold.

Marcos DeLeon, vice chairman, East Austin Neighborhood Association, said the development that is going on is forcing people out. He supports the Montopolis Neighborhood Association's views on the proposed project.

Mr. Lopez returned to say \$50,000 condominiums seem high for his neighborhood. He asked Council deny the Special Permit until Montopolis gets its traffic control needs.

Mr. Harris returned for his summation and said the developer supports the signals also. He said \$42,000 to \$55,000 is about as moderate as one can get for the price of a condominium. He said he does not see how the tract can be a threat to the Colorado River.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (6-0 Vote)



## PARADISE OAKS - (Continued)

Mayor Pro Tem Trevino said everything the Montopolis speakers said is true and the traffic needs must be addressed. He says he does not want to see another study. Councilmember Duncan agreed. Mayor Pro Tem Trevino stated, "Dr. Benson, the Council is saying we want something done now." Dr. Benson said he would do as Council directs.

Motion

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, voted to approve the Special Permit to Omni Developer's Inc., to build a 436-apartment/condominium project known as "Paradise Oaks". C14p-82-09. (6-0 Vote)

PUBLIC HEARING - ISSUANCE OF SITE DEVELOPMENT PERMIT  
FOR THE RESERVE

Mayor Pro Tem Trevino opened the public hearing set for 5:15 p.m. on an appeal from Mr. Gary L. Bradley on the issuance of a site development permit for The Reserve. (Permit No. 7213)

Mr. Ridings, Director of Public Works, told Council this hearing is for an appeal of the Rob Roy office park site. The development is between Loop 360 and St. Stephens School Road. It is about 500' north of the Wild Basin Road upstream of the Wild Basin Preserve. Mr. Bradley objects to the developed density of property that he sold to another owner. The development complies, Mr. Ridings said, with the City's opinion of the Lake Austin Peninsula Ordinance. "The ordinance specifies in addition to the Lake Austin Ordinance that on the peninsula no alternative methods are permitted to increase the impervious cover beyond the permitted standards of 30-20-10. The particular development in question achieves compliance by use of a special paving material referred to as turf stone which is an open grid concrete paving block and reduces the impervious cover on the paving by some 40%. This method of paving has been allowed in the past and essentially opens up holes within the paving system allowing the water to percolate down through the pavement structure. The question our staff looked at when the plat came through was did the development comply with the impervious cover requirements. From a technical standpoint we have found that it does comply with the requirement. The developer has worked with the OERM and the Wild Basin representatives to achieve erosion controls and restoration. I have not been able to contact the Wild Basin representatives myself but the developer is here to discuss the conversation he has had with him."

Mr. Gary Bradley showed slides of the area in question. He said the area is outside of the City's 200' height limitation for buildings and so the builder can go as high as he wants to. He feels if his appeal is not upheld the whole tract of land can be disturbed.

Mr. Julian Lockwood, representing the owner of the land, read from the City Code concerning Section 9-10-142(b): "An owner of property in the City may appeal the issuance of a site development permit on the basis that said permit will impair water quality. The appeal shall be denied unless the City Council finds from preponderance of competent technical evidence that the permit in question would violate one or more provisions of this division." He said the guidelines which Mr. Bradley

## HEARING - (Continued)

says are being violated, are not guidelines of this division. Mr. Lockwood said the appeal was filed under Chapter 9, but Mr. Bradley's objections refer to Chapter 13 and some other guidelines that are not appropriate for discussion tonight. Mr. Lockwood said the appeal must be based on competent technical evidence that some part of this particular ordinance has been violated.

Councilmember Goodman asked the City Attorney, "In Mr. Bradley's letter making this appeal, is the Council bound under the Chapter he cited in his letter of appeal?" Mr. Nias, Assistant City Attorney, said yes, "You have to base your actions on the standards that are set out in Chapter 9-10, the site development ordinance for the Lake Austin Watershed and the Lake Austin Peninsula."

Roddie Day, resident in Rob Roy, said he is upset about the project proposed. He does not want tall buildings in the area.

Tom Joyce, project manager with Espey Huston who is the designer for the sewage for the plan, said the turf stone is a means of complying with impervious cover requirements.

Ken Manning told Council the turf stone surface should not be allowed because it is not included in the Peninsula Ordinance.

Julian Lockwood returned for his summation to say Bradley and Wooley designated the area in question as a commercial reserve. The owners of the land bought it from them for \$850,000.

Alan Taniguchi, architect, told Council he worked on the second plan provided for the site, which is a 9 building campus type plan.

Councilmember Goodman asked if turf stone has been used any other place within the peninsula. Mr. Ridings said it has been used. Councilmember Goodman said he would like a report on the water system.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (5-0 Vote, Councilmember Deuser was out of the room.)

Motion

The Council passed, by a vote of 4-1, with Councilmember Mullen voting No and Councilmember Deuser out of the room, the following motion made by Councilmember Goodman and seconded by Mayor Pro Tem Trevino:

I move that the appeal be denied and as a part of the motion instruct the City Manager to coordinate among various departments the Public Works Department and the Engineering Division, the OERM office and so forth to make a definitive judgement on how turf stone and other alternative surfaces are going to be treated in the Lake Austin area and whether or not they are going to be allowed to reduce impervious cover within the Lake Austin Peninsula and make appropriate

## HEARING -- (Continued)

amendments to those two ordinances.

## COMMUNITY DEVELOPMENT COMMISSION

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, appointed Marian Marshall to a term ending March 1, 1985 on the Community Development Commission. (5-0 Vote, Councilmember Deuser out of the room)

## PUBLIC HEARING - AMENDMENT OF APPROACH MAIN POLICY

Mayor Pro Tem Trevino opened the public hearing set for 6:00 p.m. concerning the amendment of the Approach Main Policy to change the Davis Lane Reservoir requirements for the South Austin pressure zone from commitment to build out, as recommended by the Water and Wastewater Commission.

Bert Cromack, Save Barton Creek Association, told Council that the build out served by the Davis Lane Reservoir should not, as promised to the voters, serve the southwest quarter.

Scott Roberts told Council the policy change before them affects the south pressure zone which is mostly the south growth corridor and Area 4, which Mr. Cromack addressed is mostly Southwest A. On that basis, Mr. Roberts does not believe this is much of an environmentally sensitive change. "We feel this administrative change would help the small people more than anybody else. The reason for it is to cut down on the number of two foot and 16" approach mains that are coming before the Council and having to go through the process. Even though the staff says water is available there is none, mainly because of the Approach Main Ordinance.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing and accepted the Water and Wastewater Commission recommendations as follows: (5-0 Vote, Councilmember Deuser was out of the room)

1. The Water and Wastewater Commission remains supportive of our January 19, 1983 South Austin Pressure Zone resolution.
- II. Although the proposal could be implemented and water approach mains continue to be approved, corresponding wastewater treatment capabilities have since been redefined.

APPROACH MAIN POLICY - (Continued)

- III. Given the current uncertainty of the wastewater situation, the Commission would like the opportunity to explore the possibility of developing a policy to coordinate the simultaneous application, review and approval of water and wastewater approach mains.
- IV. We have scheduled a public hearing for March 30 on the following related items:
1. Develop a process for coordinating simultaneous application, review and approval of water and wastewater approach mains.
  2. Clarify the definition of "chronological order" of approach mains.
  3. Develop a Sunset provision for water and wastewater service commitments.
- V. The Commission requests the Council delay action on the January 19 resolution until a conclusion is reached regarding the availability of water service in the South Austin Pressure Zone and the corresponding wastewater treatment capabilities.

ADJOURNMENT

Council adjourned its meeting at 7:15 p.m.