



Austin City Council MINUTES

For SEPTEMBER 2, 1982 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

RESOLUTION

Before the meeting of the Council began, a resolution was read by Mayor McClellan as follows:

"WHEREAS, Dr. Gonzalo Garza received a Bachelor of Arts degree from St. Mary's University; a Master of Education degree from Our Lady of the Lake University; and a Doctor of Philosophy degree from the University of Texas; and WHEREAS, Dr. Garza has served as Deputy Superintendent for General Instructional Services, Houston Independent School District; Superintendent of Schools, Eagle Pass Independent School District; and Superintendent of Schools, San Marcos Consolidated Independent School District; and WHEREAS, Dr. Garza holds membership in numerous professional organizations and has served on the Continuing Advisory Committee for Special Education, Texas Education Agency; the Latin American Committee of the Southern Association of Colleges and Schools; and the Board of Directors of the National Congress of Parents and Teachers; and WHEREAS, Dr. Garza has accepted the position of Associate Superintendent for Instruction for the Austin Independent School District, assuming the duties of his new post September 1, 1982; and Now, therefore, be it resolved by the City Council of Austin, Texas, that we recognize the broad range of professional expertise that Dr. Garza brings to this new affiliation; that we are confident he will exert a positive influence on many facets of the Austin community; that we call on all citizens to join us in extending a warm welcome to Dr. Garza and his family; and that we direct that this resolution be spread upon the minutes of the City Council of Austin, Texas." The resolution was signed by all Councilmembers and Dr. Garza expressed his thanks and appreciation.

MEETING CALLED TO ORDER

Mayor McClellan called the meeting of the Council to order at 1:00 p.m., noting the absence of Councilmember Urdy, who entered the Council Chamber at 1:20 p.m.; Councilmember Deuser, who entered the

MEETING CALLED TO ORDER - (Continued)

Council Chamber at 1:45 p.m.; and Councilmember Goodman.

INVOCATION

The Invocation was given by Reverend Charles W. Hyde, First Assembly of God.

MINUTES APPROVED

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved the Minutes for Regular Meetings of September 24, 1981, August 5, 1982 and Special Meeting of July 7, 1982. (5-0 Vote, Councilmembers Deuser and Goodman absent)

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, adopted the following resolutions in one consent motion: (5-0 Vote, Councilmembers Deuser and Goodman absent)

Easement Release

Authorized release of the following easement: Westcreek Section 6 from Electric and Telephone Easements in Volume 564, Page 534, Volume 595, Page 80, Volume 595, Page 83, Volume 595, Page 78 and Volume 2127, Page 536 of the Travis County Deed Records. (Requested by Provident Development Company)

Land Acquisition

Approved acquisition of a certain tract of land for the North Bluff Drive Phase I Project. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-20: 2.491 acres of land out of and a part of a certain 111.099 acre tract of land out of the Santiago Del Valle Grant (Staron Development Limited)

Change Order

Approved a Change Order in the amount of \$12,473.00 for Fire Academy Addition-Prevention Division to Star-Field Constructors, Inc., CAPITAL IMPROVEMENT PROGRAM No. 80/82-01 (2.2% increase of original contract)

Contracts Approved

Approved the following contracts:

- a. MITCHELL, EVANS & BYRAM, INC.
150 E. Riverside Drive, Suite 506
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Rebekah Baines Johnson Health
Center, Public Works Dept. -
\$785,667.00 C.I.P. No. 82/91-02
- b. THE WESTMORELAND COMPANY
7919 Hwy. 71 West
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Alterations (plumbing) to
Doris Miller Auditorium, Public
Works Department & Parks and
Recreation Department - \$9,923.00
C.I.P. No. 82/86-84
- c. C & G DRAPES BY ENCORE
3216 South Congress
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
Stage Curtains for Doris Miller
Auditorium, Public Works and
Parks and Recreation Departments -
\$6,500.00 C.I.P. No. 82/86-84
- d. MEYER-LYTTON-ALLEN, INC.
2011 Anchor Lane
Austin, Texas - CAPITAL IMPROVEMENTS PROGRAM -
For Soils Investigative
and Engineering Testing Services
for Electric Transmission Line
Circuits 942 & 933 (West Loop),
Public Works Department -
\$18,000.00 C.I.P. No. 75/13-06
- e. COMAL ROOFING AND SHEET METAL
P. O. Box 1807
San Marcos, Texas - Roof Replacement, Fire Station
No. 6, Fire Department -
\$15,640.40
- f. ACETO CHEMICAL COMPANY, INC.
126-02 Northern Boulevard
Flushing, New York - Hydrazine, Electric Utility
Department
Twelve (12) Month Supply Agreement
Item 1 - \$18,360.00
- g. THE MARLEY HEAT TRANSFER COMPANY
5800 Foxridge Drive
Mission, Kansas - Stage Diffusers for Holly No. 1
& 2, Electric Utility Department
Items 1 & 2 - \$16,390.00
- h. DAVID M. GRIFFITH AND ASSOCIATES,
LTD.
3501 MacArthur Boulevard
Irving, Texas - Professional Services - 1982-83
City-wide Cost Allocation
plans for claiming indirect costs
from the Federal government,
Finance Department
Twelve (12) Month Contract
Not-to-exceed \$20,000

CONTRACTS APPROVED - (Continued)

- i. Bid award:
- Water Meters and Repair Parts, Water and Wastewater Department
Twelve (12) Month Supply Agreement
Estimated total \$327,605.00
 - (1) ROCKWELL INTERNATIONAL
5155 Blalock Drive
Houston, Texas - Items 1 thru 5, 7 thru 10, 21,
23 and 24 - \$275,000
 - (2) NEPTUNE WATER METER COMPANY
2512 Program Drive
Dallas, Texas - Items 16, 18, 19, 20 & 22 -
\$7,600
 - (3) Awards for repair parts (Items 6, 11, 17, 25 and 26) for water
meters is estimated to total \$45,000 Net. This includes awards
to ROCKWELL INTERNATIONAL, NEPTUNE WATER METER COMPANY and
BADGER METER, Milwaukee, Wisconsin.
- j. HUBCO OFFICE SYSTEMS
2327 Droxford
Houston, Texas - Message Conveyor System, Police
Department
Item 1 - \$14,248
- k. SAFESITE, INC.
1214 West 5th Street
Austin, Texas - Magnetic Tape Safekeeping
Service, Information Systems
Department.
Two (2) Year Contract
\$5,400.00 per year

Payment Authorized

Authorized payment to the following:

- a. NPC REALTY COMPANY - The cost difference of a 12-inch
water and 10-inch wastewater
main to serve Buckingham Estates,
Phase 3, Section 2-B. City cost
participation is \$4,062.50 for
the water main and \$3,267.00 for
the wastewater main.
- b. BILL MILBURN, INC. - The cost difference between
installation of two 3,500 GPM
pumps and one 7,000 GPM pump.
City cost participation \$49,115.10.

Wastewater Approach Mains

Approved the following wastewater approach mains:

- a. RANDY MORINE BUILDERS, INC. - Wastewater approach main to serve Oak Forest Hills, Section II Subdivision - Estimated cost \$31,800 (No City cost participation)
- b. CRISWELL DEVELOPMENT COMPANY - Wastewater approach main to serve Hyatt Addition. (No City cost participation)

Parking Facility Agreement

Approved renewal of Shared Parking Facility Agreement with The University of Texas at Austin - \$28,800 per year. (Approved by Hospital Board)

Psychiatric Services Contract

Approved renewal of contract with Dr. Deborah C. Peel, Associates, for Psychiatric Services for Brackenridge Hospital - \$10,000 per year. (Approved by Hospital Board)

Tax Refund

Approved refund of taxes paid by Broyhill Furniture Industries, Inc. for Parcel No. 4-0902-0101, in the amount of \$2,432.00.

Off-Peak Economy Energy Transaction

Sent to the Electric Utility Commission for their recommendation on a resolution authorizing participation in Off-Peak Economy Energy Transactions, approval of such transactions, and authority for the Director of Electric Department to approve such transactions.

Library Contract

Approved Contract 193 between the Texas State Library and the Austin Public Library in the amount of \$479,856 to cover expenses of the Central Texas Library System.

CETP

Authorized submission of the Comprehensive Employment and Training Plan (CETP) to the U.S. Department of Labor (DOL) to fund employment and training

CETP - (Continued)

programs for fiscal year 1983 in the Capital Area Manpower Consortium in the amount of \$2,307,704.

September 16, 1982 Council Meeting

Approved changing the location of the September 16, 1982, 5:30 p.m., public hearing on the 1982-83 budget from the Council Chambers to the Electric Building Auditorium.

Contracts Approved

Approved the following contract:

- (1) Bid award:
- (a) UNITED CEREBRAL PALSY OF TEXAS
2435 Oak Crest
Austin, Texas - 8th Year (FY 82-83) Community Development Block Grant (CDBG) Program - Not-to-exceed \$827,000
 - (b) AUSTIN TENANTS' COUNCIL
1619 East 1st Street
Austin, Texas - Not to exceed \$240,000
Architectural Barrier Removal
 - (c) AUSTIN AREA URBAN LEAGUE
3112 Manor Road
Austin, Texas - Not to exceed \$110,000
Rental Repairs
 - (d) VAUGHN HOUSE
2210 South 1st Street
Austin, Texas - Not to exceed \$150,000
Emergency Repairs
 - (e) CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION
Austin, Texas - Not to exceed \$300,000
Facility for the Handicapped
 - (f) CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION
Austin, Texas - Not to exceed \$27,000
Housing for Clarksville

INTERN INTRODUCED

Mayor McClellan introduced her high school intern, Barbara Claxton to Councilmembers and Chamber audience.

CONSENT ORDINANCES

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

Budget Amendment

Amended the 1981-82 Operating Budget by accepting \$20,789 from the United States Department of Health and Human Services to the City of Austin Health Department to increase Title X Family Planning Grant.

Approach Main Contracts

Approved the following 5-year approach main contracts:

- a. **BILL MILBURN, INC.** - To reimburse the developer of Maple Run Subdivision for the cost of installing a 7,000 GPM pump over a five-year period. City cost participation \$141,360.
- b. **BILL MILBURN, INC.** - To pay developer the City's share of the cost of the Upper Big Walnut Creek Relief Main. City cost participation is \$177,111.36

Zoning Ordinance Amendments

Approved amending the following Zoning Ordinances to correct various errors relating to field notes, legal descriptions, use designations or height and area designations.

- a. Ordinance No. 810403-G - Case No. C14r-81-033
- b. Ordinance No. 820106-I - Case No. C14-81-161

Zoning Ordinances

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

- a. **JASON PAVLOVIC, ET AL** 1802 Lakeshore Drive From Interim "L-A" 1st
By Jason Pavlovic H&A to "AA" 1st H&A
C14-82-084

ZONING - (Continued)

- | | | | |
|----|---|--|--|
| b. | GEORGE GALE PRICE
C14-82-075 | 7212 Brodie Lane and
7203 Lochinvar | From Interim "A" 1st H&A
to "A" 1st H&A |
| c. | MILLER-SEARIGHT HOUSE
By Harry R. Sindorf
C14h-82-004 | 5400 Friedrich Lane | From Interim "A" 1st H&A
to "A-H" 1st H&A |
| d. | WENDAL CORRIGAN
RALPH RAY WALLACE &
RICKY MCDANIEL | 1306 E. 7th Street | From "A" 1st H&A
to "O" 1st H&A |

LAKE AUSTIN PROPERTY DISCUSSED

Mr. Jim Nias, Assistant City Attorney, presented the City Manager's Report concerning three parcels of property on Lake Austin owned by Mrs. William Howard, Mr. Norman Jones and Mr. Jack Nations as follows: On April 8, 1982 the City Council passed an ordinance granting a variance from the Septic Tank Ordinance to allow Mrs. William Howard to plat a lot for a single family home on a tract of less than one acre using an evapotranspiration or experimental septic tank system. On April 15, 1982, City Council passed an ordinance exempting two parcels of land next to Mrs. Howard's tract, owned by Norman Jones and Jack Nations, from the moratorium on subdivision platting that was in effect along the Lake at that time. This was to let these men each plat one lot of less than one acre for a single family home. After these three citizens had in effect received specific authorization from the Council to proceed with their subdivision plats, their property was taken into the city by the Limited Purpose Annexation along the shoreline of the Lake and was zoned Interim Lake Austin Residence District which requires one acre lots. All three of these people are now unable to plat their lots because none of them own one acre. The Law Department recommends either the rezoning of this property to "AA" residence so as to allow the platting of this land into three parcels of less than one acre for the construction of three single family homes or, if Council is not amenable to this idea, the Law Department requests other appropriate direction from Council. The Planning Director has agreed to initiate city zoning cases for this purpose if approved by Council.

The Council unanimously agreed to instruct the City Manager to instruct the Planning Department to initiate City zoning to "AA" Residential to allow platting of the land.

TEMPORARY CLOSING OF EAST 6TH STREET

Councilmember Deuser introduced an item to Council concerning the temporary closing of a portion of East 6th Street (cross streets) on Friday and Saturday evenings. He said he would like to have a four week trial period beginning Friday, September 10, during which East Sixth Street will be closed from San Jacinto to Red River with the cross streets of Trinity and Neches left open. Councilmember Dueser told Council this option has been recommended by the Urban

TEMPORARY CLOSING - (Continued)

Transportation Department. Mayor McClellan inquired about the effect on vending activity. Councilmember Deuser told her that it will continue as set out by the Vending Ordinance.

Chief of Police Dyson reported that traffic will be allowed across cross streets and a police officer will be stationed at each corner to direct traffic.

He said cars parked on the streets in the closed off area at 7:00 p.m. will be towed away. Chief Dyson said the advantage to closing of 6th Street would be that the possibility of a pedestrian being hit by a car would be alleviated but the disadvantage would be the parking situation and police officers stationed at the intersections.

Dr. Benson, Director of Urban Transportation, told Council the vehicle traffic on East 6th is very heavy with cruising, etc. However, cross traffic is light. He said 50 parking spaces will be deleted from 6th Street.

Motion

Councilmember Deuser made a motion, seconded by Councilmember Mullen to authorize the closing of East 6th Street from 7:00 p.m. to 3:00 a.m. on Friday and Saturday beginning September 10 for a four week trial period with ticketing of cars parked on East 6th after 7:00 p.m.

Councilmember Duncan said he would like more information before the vote is taken. Discussion followed concerning the price of the barricade, etc.

Motion Withdrawn

Councilmember Deuser withdrew his motion and Councilmember Mullen withdrew his second. This will be brought back on the September 9, 1982 agenda.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraph g, Personnel Matter; and Paragraph f, South Texas Project, sale of real estate. After such closed or executive session any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed its meeting at 1:55 p.m. and resumed its recessed meeting at 2:45 p.m.

PUBLIC HEARING - STREET VACATION

Mayor McClellan opened the public hearing set for 2:30 p.m. to consider vacating the following and passage of ordinance:

WEST 5th STREET ALLEY (400 Block). Requested by the Trammell Crow Company.

Mr. Richard Ridings, Director of Public Works, told Council everything is in order. No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating West 5th Street Alley (400 block). (6-0 Vote, Councilmember Goodman absent.)

PUBLIC HEARING - APPEAL CONCERNING RETAINING WALL

Mayor McClellan opened the public hearing set for 2:45 p.m. on an appeal from Mr. Kenneth Vaughn, representing Mr. Raymond G. Schindler, of the Parks and Recreation Board's decision to deny permission for a retaining wall at 1901 Westlake Drive.

Mr. Vaughn appeared before Council to ask that the decision be overruled because the wall is already constructed and the continuation of the wall had previously been approved by the Parks Board.

Mayor McClellan asked for the recommendation by the City. Mr. Lonnie Davis, Director of Building Inspection, told her that it is approved by his department but one of the principal problems is that the wall was built prior to receiving a permit. He said it is his recommendation to approve the wall but in the future citizens should get approval before building. Mr. Ehrler said the main objection by the Parks Board is that approval was not obtained before the building of the wall and that puts the Parks Board in a bind. Mayor McClellan said she thinks it would be ridiculous to tear out the wall and then have Mr. Schindler go through the whole process again to rebuild the wall. After some discussion with Mr. Nias, Assistant City Attorney, the following motion was made:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, closed the public hearing and approved the retaining wall at 1901 Westlake Drive, with a friendly amendment by Mayor McClellan to bring this back to Council concerning appropriate legal action. (5-1-0 Vote, Councilmember Deuser voted No, Councilmember Goodman absent.)

Mayor Pro Tem Trevino asked that the City Manager check with staff to see if the City was at fault in its communications.

COLLECTION OF TAXES

Council had before them an item for action to consider a contract with Travis County Commissioners Court relating to collection of taxes.

Mr. Albert DeLaRosa, City Attorney, said there are a few legal concerns but that the Legal Department recommends Council take action to sign the contract. Their concerns are, can the City contract with the County Attorney? If the County Attorney changes, will the contract continue or will a new contract have to be negotiated with a new attorney? Another question is the legality of the 15% fine for late payment. Also, what about the contracts the City has with people making payments on a monthly basis.

Mr. Bill Aleshire, County Tax Collector, said the contract will specify the exact services and it will be with Margaret Moore. He said the 15% penalty will have to be. Mr. Aleshire clarified that people under contract for monthly payments will not be persecuted unless they default. He also said the contract should be renewed by June 1st.

Motion

Councilmember Mullen made a motion, seconded by Mayor McClellan to try the contract for one year.

Friendly Amendment

Councilmember Urdy offered a friendly amendment to place employees in the tax collection division of the City in other positions available with the City of Austin before the hiring freeze ends. (He said if the plan with the County fails in one year, the collection staff will be in the employ of the City and ready to return to their former jobs.) The amendment was accepted.

Councilmember Mullen agreed with the idea but said there should be flexibility on the department's part as to whether the employee is suited to the job available. Councilmember Urdy said his intent is to give top priority to put people in comparable jobs. Mayor McClellan requested a report concerning positions available. Mr. Metszer, City Manager, discussed the possibility of a leave of absence without pay but with continuing benefits for those who cannot find other positions immediately. Mr. Carrasco, Assistant City Manager, stated there is a lay-off procedure for employees without severing their relationship with the City.

Mr. Michael Mulcahey, Assistant City Attorney, said 2 people will be kept on staff for certain type of cases and there will be a winding down process but the bulk of the staff will be let go on October 1, 1982.

Discussion followed concerning the collection procedure which will be used by the County.

Roll Call on Motion with Friendly Amendment

6-0 Vote, Councilmember Goodman absent

BANNER APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request of Mr. Rich Finney to place a banner at 1303 Parker Lane from September 3, 1982 to October 3, 1982. (6-0 Vote, Councilmember Goodman absent.)

PARADE PERMIT

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request for a Parade Permit for Milton Francis for Anderson High School Band Parents' Association, from 2:30 p.m. to 4:40 p.m., Sunday, October 24, 1982, beginning from 8400 block of Mesa Drive, right down Cima Serena one block, right on Greenslope one block, right one block on Steck. Rain date is October 31, 1982.

NEIGHBORHOOD GARDENING PROGRAM

Ms. Eleanor McKinney appeared to before Council to show slides and request Council's support for Austin Community Gardens Greenspot Neighborhood Gardening Program.

PALM PLAYGROUND

Mr. Marcos DeLeon appeared before Council to request that Palm playground be retained as a neighborhood park. He said there are no other parks in the area for the children.

Mr. Ehrler, Director of Parks and Recreation, stated the Downtown Task Force will designate downtown parks. This is a little early for them to make their decision but Palm playground is still being maintained as a neighborhood park.

WAIVER OF FEES REQUESTED

Ms. Carmen Renteria appeared before Council to request that Council waive certain fees and requirements at Fiesta Gardens West. She said they are going to celebrate Columbus Day on October 9, 1982 with a fiesta. She said there will be live music and they will monitor the sound. Ms. Renteria asked if the fee can be waived and if the Brown Berets can be the security guards rather than other security officers. She said they will clean the area they use.

Mr. Ehrler said the fee will be waived after the area is cleaned. He said security will be provided by park rangers. Mayor McClellan suggested Ms. Renteria work with staff on details.

CITIZEN DID NOT APPEAR

Ms. Cary D. Jones who had requested to discuss City reimbursement to Bill Milburn Company for cost overruns did not appear.

BOND ELECTION SURVEY

Mr. Bill Hinchcliffe, representing Austin Jaycee's, appeared before Council to present the results of their survey on water and wastewater bonds in the upcoming election. Results are on file in the City Clerk's office.

APPEAL RESCHEDULED

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved the request of Mr. William J. Scudder, representing Lamar & Rundberg, Ltd., to reschedule an appeal on a Special Permit for the Villas Apartment Complex for October 7, 1982 at 2:30 p.m. (4-0 Vote, Councilmember Deuser was out of the room, Councilmember Goodman absent, Councilmember Mullen was out of the room.)

COUNCILMEMBER GOODMAN DISCUSSED

Mr. Royal Masset appeared before Council to express appreciation for Councilmember Goodman. He said he is not a political supporter of his, but wants to offer his support at this time.

FALL MALL BALL

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved the request of Mr. Mike Kleinman for rain dates of October 15, 16, 17, 1982 for scheduled 23rd Street dance on October 8, 9, 10, 1982 and sound permit extension until 11:00 p.m. for Friday and Saturday nights. (4-0 Vote, Councilmembers Deuser and Mullen out of the room, Councilmember Goodman absent.)

Mr. Kleinman told Council that Uncle Jim's burned several months ago and it has not been repaired or removed. He said the remains of the building is a hazard and should be torn down. Mayor McClellan requested a report.

Next, Mr. Kleinman discussed the pressure on the "Drag" since the passage of the Vending Ordinance. He said it is a bad ordinance and is creating more problems than help. Mr. Meiszer pointed out that one person is buying several spaces.

Lisa Lockhart, treasurer of the Merchant's Association in the University area, said there is a severe safety problem. Students cross the street at the point near University Co-Op. There are so many vendors there that the students cannot get on the curb when the light is green. The butane and propane tanks used for heating food are a fire hazard and could explode. The merchants are opposed to the vendors and ask Council to remove them from Guadalupe.

Mayor McClellan asked the City Manager to get representatives from the Drag and 6th Street together and find out the conflicts and if necessary place an item on next week's agenda to set a moratorium on vendor's licenses.

PRESERVATION PLAN

Mr. Byron Taylor appeared before Council to discuss the Landmark Commission's recommendations on the Preservation Plan.

6TH STREET SITUATION DISCUSSED

Mr. Ron Kercherville, president of the Pecan Street Association appeared before Council to discuss the 6th Street situation. He asked Council to make the area into what it should be. He is in favor of eliminating the Vending Ordinance and the street vendors.

ZONING HEARINGS

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

C14	r-82	JOHN STREET 021 DEVELOPERS By Don Martin	6200 Balcones Dr. 6300-6400 Balcones Dr. & 3419-3425 North Hills Dr., also bounded by Hart Lane	From Interim "A" 1st H&A To "O" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	r-82	CITY OF AUSTIN 097 PLANNING DEPT.	9905-10001 Woodland Village Drive	From "LR" 1st H&A To "O-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	-82	R. T. MAYFIELD & 103 BEN BARR By Jim Spence	11804-11820 Jolly- ville Road	From "A" 1st H&A To "O-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	r-82	ROBERT C. CULP, 106 JAMES MELTON By Robert Culp	13664 Research Blvd. also bounded by Hidden Meadows Dr.	From Interim "AA" 1st H&A To "O" 1st H&A RECOMMENDED as amended <u>GRANTED AS RECOMMENDED</u>

(On Councilmember Duncan's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Mullen out of the room, Councilmember Goodman absent.)

ZONING HEARINGS - (Continued)

C14-82 CITY OF AUSTIN
114 PLANNING Depart.

8500-8101 Coastal Drive
4300-4508 & 4301-4507 Sarasota Drive
7706-7712 & 7709-7717 Islander Drive
4200-4414 & 4201-4411 Moloka Drive
7802-8002 & 7805-8001 Copano Drive
4300-4602 & 4301-4601 Clarno Drive
7700-7902 & 7701-7817 Palacios Drive
4200-4206 & 4201-4207 Palacios Cove
8302-8408 & 8305-8409 Horton Trail
3900-4102 & 3903-4103 Alexander Drive
8002-8406 & 8003-8409 Treehouse Lane
8002-8306 & 8003-8305 Cattle Drive
3800-3834 & 3801-3833 Arrow Drive
4000-4008 & 4001-4011 Lillian Lane
4000 & 4001-4003 Kaylynn Pl.

From Interim "AA" 1st H&A
To "AA" 1st H&A
RECOMMENDED
GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Mullen out of the room, Councilmember Goodman absent.)

ZONING - (Continued)

- C14 -82 MARGARET A. 10924 Jollyville
100 QUADLANDER Road
From Interim "AA" 1st H&A
To "O" 1st H&A
RECOMMENDED limited to
"BB" density if developed
with apartments.
GRANTED AS RECOMMENDED
- C14 -82 CITY OF AUSTIN 2809-2867 E. 12th
102 By Jack E. Taylor, Street
Jr. 1170-1198 Hargrave
Street
From "B" 2nd H&A
To "C" 1st H&A
RECOMMENDED subject to
rollback to "B" when
City is through using it.
GRANTED AS RECOMMENDED
- C14 -82 PORFIRIO G. & 5502 & 5600 Bolm
105 VICTOR U. SOSA Road
By Laurin C.
Currie
From "A" 1st H&A
To "C" 1st H&A
RECOMMENDED subject to
preliminary site plan,
10 feet of right-of-way
and rollback to "A" if
use of user change.
GRANTED AS RECOMMENDED

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 6:-0 Vote,
Councilmember Goodman absent.)

- C14 -82 MANOR ROAD 4611, 4701 & 4703
096 INVESTMENT CO. Manor Road and
By B. G. Marroquin rear of 4313-4621 &
4705-4805 Manor Rd.
From "B" & "O" 1st H&A
To "GR" 1st H&A
RECOMMENDED subject to
review by Urban Trans-
portation for driveway
location, retention of
treeline along south
property line, no
development to be built
beyond the depression
and the dedication of
Lot 5 to the City as
a greenbelt.

GRANTED WITH SITE PLAN APPROVAL FOR
ANYTHING OTHER THAN A PARKING LOT

Mr. Lillie reviewed the application by use of slides.

Jerry Harris, representing the applicant, showed a map and said a three story park and fly garage is planned. Customers can park there and be delivered to

ZONING - (Continued)

the airport. He said this will not be in competition to the airport but will fill the need which is created now by not having enough parking spaces. The Planning Commission voted 7-0 in favor. The property has airplanes going over it and is not suitable for single family homes.

(On Councilmember Deuser's motion, Councilmember Duncan's second, 5-0 Vote, Councilmember Urdy out of the room, Councilmember Goodman absent.)

C14-82 104	M. D. THOMSON & ORINE HOAG ET AL By David Armbrust	3713-3719, 3801-3811 Garden Villa Lane	From "A" 1st H&A To "O-1" 1st H&A RECOMMENDED as amended subject to site plan approval and no access to Birch <u>GRANTED AS RECOMMENDED</u>
C14 -82 069	ALBERT & GLORIA ALLEN ET AL By David Armbrust	3710-3802 S. 2nd St. 3708-3714 Birch St.	From "A" & "MH" 1st H&A To "O-1" 1st H&A RECOMMENDED as amended subject to site plan approval and no access to Birch <u>GRANTED AS RECOMMENDED</u>

Mr. Lillie stated for the record, "There was some information that was included in your packet that extends ~~or tries~~ to answer some of the concerns of the Planning Commission with respect to the zoning. In the slide Case 104 is that part of the application that has frontage only on Garden Villa. The Planning Commission recommendation was that "O-1" zoning was appropriate subject to no access to Garden Villa. Your packet includes a letter from Mr. Armbrust that indicates their willingness to dedicate right of way and make improvements to Garden Villa Lane and there is also a memorandum from Urban Transportation Department indicating that they can support the application as long as those improvements are made. That was a primary argument with respect to the zoning on these two sites. I think the only thing that's not answered is access to Birch. Birch is a small street that dead ends into the property and has access only to another residential street whose primary use is mobile homes and single family. They may be able to speak to access to Birch. The Planning Commission on both applications is recommending that Council consider the "O" office zoning and you have information now on improvements to Garden Villa."

Mr. David Armbrust appeared before Council to say the neighborhood is in transition and it isn't just homes anymore. The proposed use is for office condominiums. He asked Council to allow access on Garden Villa.

ZONINGS - (Continued)

Ms. Nancy McCandless told Council she does not object to the zoning change but asked that the final site plan be brought back for Council approval. She said her concern is flooding and wants to be certain the drainage is handled properly.

Larry Scierandi, who lives in the neighborhood also asked that Council approve the site plan. They are already having problems with water detention.

Barron White, who lives in the Banister Lane condominium complex, said they are concerned about traffic, the driveway and water retention.

Mrs. James Reed is in favor of the change.

Oliver Roberts said he has picked up tons of trash on the property and is happy to see it developed.

(On Councilmember Mullen's motion, Councilmember Deuser's second, 5-0 Vote, Councilmember Duncan out of room, Councilmember Goodman absent.)

C14-82 TRUMAN O. BROOKS
064

5001 S. Congress
also bounded by
Wasson Road

From Interim "A" 1st H&A
To "C" 1st H&A
RECOMMENDED subject to
no development in 100-
year flood plain.

GRANTED AS RECOMMENDED WITH 100 YEAR FLOOD
PLAIN ZONED "SR"

Mr. Lillie reviewed by use of slides. He said there could be development in the 100 year flood plain.

Sharon Gillespi, representing the neighborhood association, said she would like "SR" in the 100 year flood plain.

Mrs. Truman Brooks said they have been in the neighborhood 30 years and never has had water inside her fence.

(On Councilmember Deuser's motion, Mayor McClellan's second, 6-0 Vote, Councilmember Goodman absent.)

ZONING - (Continued)

C14 r-82 VERNON C. 2730-3124 Capital of From Interim "AA" 1st H&A
 085 FRIESENHAHN ET AL Texas Hwy. South To "GR" 1st &
 By David Armbrust 2nd H&A

RECOMMENDED as amended
 subject to approval of
 P.U.D. and subdivision
 prior to ordinance
 approval.

GRANTED AS RECOMMENDED

Mr. Lillie reviewed the application by use of slides.

Mr. Armbrust, representing the applicant, said the plan is to have retail, bank and restaurant. They will comply with the 360 study. It is outside the service area so they have filed for a water and wastewater approach main. They have drilled a well which will serve the whole area. Councilmember Deuser asked how much of it will be over 5 stories. Mr. Armbrust told him that they will use 2nd H&A for one building only.

Diane DuBois, representing applicant, said they have a well and propose a 5 component treatment plant for wastewater.

Ed Wendler, representing the applicant, told Council some of the buildings are above grade but are more than 600' from the highway property line and that the corner in question is a commercial corner.

Hoyle Osborne, planning consultant, told Council this will not be a high rise complex.

Philip Blackerby told Council they are moving toward some problems on Loop 360.

Councilmember Mullen said that the project will be a good one and Councilmember Deuser stated he will vote against it because it should be on the 1st H&A grade level.

(On Councilmember Mullen's motion, Councilmember Urdy's second, 5-1-0 Vote, Councilmember Deuser voted No, Councilmember Goodman absent.)

Zoning Postponed

Council postponed the following zoning cases:

C14 r-82 094	DOYLE WILSON By David B. Armbrust	1613 Capital of Texas Hwy., also bounded by Camp Craft Road	From Interim "AA" 1st H&A To "O-1" 1st & 2nd H&A
			RECOMMENDED as amended with restrictive covenant limiting height to that of existing bldg.
C14 r-82 095	WESTLAKE II OFFICE BUILDING JOINT VENTURE By David B. Armbrust	1515 Capital of Texas Hwy., South, also bounded by Camp Craft Road	From Interim "AA" 1st H&A To "O-1" 1st & 3rd H&A
			RECOMMENDED as amended "O-1" 1st & 3rd H&A

POSTPONE TO 10/7/82 AT 4:00 P.M.

POSTPONE TO 10/7/82 AT 4:00 P.M.

Mr. Lillie told Council the buildings were begun prior to annexation. Mr. David Armbrust said he was there to represent the applicant. Mr. John Cutchfield told Council there are drainage and height problems and would like to meet with the developer to seek a resolution.

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 5-0 Vote, Councilmember Urdy was out of the room and Councilmember Goodman absent.)

C14 -82 101	ROGER M. RICH, JR. & OWEN G. WEAVER By Kinney & Stone, Inc.	109 & 201 Mockingbird Lane	From Interim "A" 1st H&A To "A-2" 1st H&A
			NOT RECOMMENDED
			<u>POSTPONED TO 10/14/82 AT 5:00 P.M.</u>

(On Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, 6-0 Vote, Councilmember Goodman absent.)

C14 r-82 034	J. A. SMALL By David Armbrust	1012-1020 Riverside Drive 1013-1019 Edgecliff Terrace	From "O" 2nd H&A & "A" 1st H&A To "B" 3rd H&A
			NO RECOMMENDATION

POSTPONED TO 10/7/82 AT 7:30 P.M.

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, first made a motion to postpone hearing until 10/7/82 at 4:00 p.m., motion passed by 4-0 Vote, Mayor Pro Tem Trevino present but not voting and Councilmember Goodman absent.

ZONING - (Continued)

LATER IN THE DAY, Council unanimously agreed to reconsider.

Motion

On Councilmember Deuser's motion, Councilmember Mullen's second, zoning hearing was postponed until October 7, 1982 at 7:30 p.m. (5-0 Vote, Councilmember Urdy was out of the room, Councilmember Goodman absent.)

C14	-82	ESMEL MCADO THOMAS	6200 Burleson Rd.	From Interim "AA" 1st H&A
	070	By Michael E. McCoy	also bounded by Montopolis Drive	To "D" 1st H&A
				NOT RECOMMENDED

POSTPONED TO 10/14/82 AT 5:00 P.M.

(On Councilmember Urdy's motion, Mayor McClellan's second, 4-0 Vote, Councilmembers Duncan and Mullen out of the room, Councilmember Goodman absent.)

Zoning Denied

The Council closed the public hearing and DENIED the following zoning request. There is a valid petition on file.

C14	-82	WAYNE TATSCH	4010 Avenue B	From "A" 1st H&A
	059			To "B" 2nd H&A
				NOT RECOMMENDED
				<u>DENIED</u>

(On Councilmember Deuser's motion, Councilmember Urdy's second, 5-0 Vote, Councilmember Goodman absent, Mayor Pro Tem Trevino was out of the room.)

RECESS

Council recessed its meeting at 6:20 p.m. and resumed its recessed meeting at 7:00 p.m.

PRESERVATION PLAN

Mayor McClellan opened the public hearing set for 5:00 p.m. on the Landmark Commission's recommendations on the Preservation Plan.

Mr. Blake Alexander, Historic Landmark Commission, said they recommend and approve the Preservation Plan for the City. The plan was prepared by Charles Hall Page in conjunction with the ordinances. A survey of historic buildings will begin in 1982-83 and will be done in five annual elements as follows:

- 1982-83 Core area from Town Lake to MLK Boulevard, I.H. 35 to Lamar Boulevard;
- 1983-84 South Austin from Town Lake to Oltorf, I.H. 35 to Lamar Boulevard;
- 1984-85 North Austin from MLK Boulevard to 45th Street, I.H. 35 to Lamar Boulevard;
- 1985-86 West Austin from Town Lake to 34th-35th Streets, Lake Austin to Lamar Boulevard; and
- 1986-87 Remainder of inner city areas.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, closed the public hearing. (6-0 Vote, Councilmember Goodman absent.)

PUBLIC HEARING - INDUSTRIAL DEVELOPMENT BOND FINANCING

Mayor McClellan opened the public hearing set for 5:30 p.m. on proposed Industrial Development Bond Financing in the amount of \$4,800,000 for Old Pecan Street, Ltd. (200-212 East 6th Street)

Joan Fremont, Finance Department, explained the hearing was for the amount of financing as outlined above.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance approving the issuance of bonds by the Austin Industrial Development Corporation to finance a project for Old Pecan Street, Ltd. (200-212 East 6th Street. (6-0 Vote, Councilmember Goodman absent)

PUBLIC HEARING - INDUSTRIAL DEVELOPMENT BOND FINANCING

Mayor McClellan opened the public hearing set for 5:45 p.m. on the proposed Industrial Development Bond Financing in the amount of \$1,250,000 for the Koppel Group.

Ernest Peralez discussed the bond financing.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, closed the public hearing on the proposed Industrial Development Bond Financing in the amount of \$1,250,000 for the Koppel Group (318-320 Congress Ave.). (5-0 Councilmember Duncan out of the room; Councilmember Goodman absent.)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the finding of fact as follows: (a) the project will have the effect of creating and stabilizing employment within the Unit; (b) the project is required or suitable for the promotion of manufacturing development and expansion of industrial facilities and is in furtherance of the public purpose of the Act; and (c) the Project will contribute to the economic growth or stability of the Unit by: (i) increasing or stabilizing employment opportunity; (ii) significantly increasing or stabilizing the property tax base; and (iii) promoting commerce within the Unit and the State of Texas. (5-0 Vote, Councilmember Duncan out of the room, Councilmember Goodman absent.)

The related resolution to consider approving issuance of bonds by the Austin Industrial Development Corporation to finance a project for Koppel Group will be brought back on the 9/9/82 agenda.

PUBLIC HEARING - CAPITAL RECOVERY FEES

Mayor McClellan opened the public hearing set for 6:00 p.m. on establishing Capital Recovery Fees for the Water and Wastewater Utilities and passage of ordinance on second and third readings.

Mr. Carl Schwing, Director of Water and Wastewater, reviewed what has happened thus far. Councilmember Deuser, City Attorney DeLaRosa, and Mr. Schwing discussed the water and wastewater availability.

Philip Blackerby told Council the bonds need to be passed.

Tom Sheffleman, member of Downtown Revitalization Committee, said the bonds must be passed.

D.L. "Butch" Reed told Council that we must go forward.

Homer Reed stated the capital recovery fee will splinter the Austin community and urged Council to vote against it.

FEES - (Continued)

Jim Eulich, Lumberman's Investment Corporation, said the capital recovery fee will affect people trying to get decent housing and price people out of the home market.

Rich Liepert, U.T. student, said the fee is unfair and will foster bedroom communities.

Smoot Carl-Mitchell supports the bonds but is opposed to grandfathering capital recovery fees because he says \$2,000 only pays for part of capital costs.

Frank Cooksey thinks that bill payers want a capital recovery fee.

Frank Herron said there is no justification for capital recovery fees and that Council is being blackmailed by a few.

Palmer Wright is not happy with the growth in Austin. He has been here 16 years.

Doyle Wilson, president, Austin Home Builders Association, told Council that new growth is paying its full share of Austin's utilities.

Robert Young said the bonds need to pass.

J.R. Howard asked Council to be fair and equitable.

Martin Gonzalez spoke against the fee.

Walter Timberlake said the economy has to be kept going. He thinks the fee should be low.

Mr. Butler is for an equitable fee.

Gary Wordian said the capital recover fee would be an inequitable fee.

Walter Devorshire, Randy Morine Builders, is against the fee.

Bill Bulloch, representing Nash Phillips Copus, told Council that utilities are the lifeblood of economic stability.

Terry Bray, representing views of several clients, said the fee should be administered fairly if it is passed. He said the fee is sending the wrong signals to industry and growth will not be stopped but will be sent right outside Austin.

John Faulk, real estate agent, discussed the need for young families to be able to buy a home.

Ed Wendler spoke in favor of the bonds.

Gary Witt, co-chairman, Neighborhood for Bonds, said people are tired of paying for growth.

FEES - (Continued)

Michael Hamilton said the increased fee of \$25.00 a month is too much.

Shudde Fath told Council that if they expect to pass the bonds then they must pass the capital recovery fee.

John Street, home builder, told Council the fee should be equitable and fair.

Bill Emory, who says he is an economist who rents a house because he can't afford to buy, is in favor of the capital recovery fee.

Dorothy Richter said it is vital for the bonds to pass.

John Noell told Council to digest all facts carefully.

Jim Hyal, builder, said the capital recovery fee will stop growth.

Councilmember Duncan said there has been a lot of capital recovery fee discussion. Bonds should be supported or defeated on their own merit and he is committed to a capital recovery fee.

Motion

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

Motion

Councilmember Duncan made the following motion which was seconded by Councilmember Deuser:

- Part 1. That a capital recover fee of \$2,000.00 per Living Unit Equivalent for each tap purchased be, and it is hereby, established for property within the boundaries of the Water and Wastewater Utility Service Area.
- Part 2 All applications for an amendment to the boundaries of the Water and Wastewater Utility Service Area shall be accompanied by an application fee of \$3800.00 for each Living Unit Equivalent which would be served by the Water and Wastewater Utility in the event such amendment is adopted; provided however, that such total application fee shall be refunded to the applicant in the event such amendment is not approved.
- Part 3 The \$2000.00 fee established in Part 1 of this Ordinance shall be increased or decreased in accordance with the schedule set forth below:

FEES - (Continued)

<u>SQUARE FEET</u>	<u>FEE</u>
2401 or more	\$2500
2301 - 2400	2400
2201 - 2300	2300
2101 - 2200	2200
2001 - 2100	2100
1901 - 2000	2000
1801 - 1900	1900
1701 - 1800	1800
1601 - 1700	1700
1501 - 1600	1600
1401 - 1500	1500
1301 - 1400	1400
1201 - 1300	1300
1101 - 1200	1200
1000 - 1100	1100
901 - 1000	1000
801 - 900	900
701 - 800	800
601 - 700	700
501 - 600	600
401 - 500	500
301 - 400	400
201 - 300	300
101 - 200	200
100 or less	100

Square footage excludes garages and carports.

Part 4. The Capital recovery fees established by this Ordinance shall be assessed to lots within subdivisions which have received final plat approval prior to the effective date of this Ordinance on the following basis:

<u>Time of Application for Tap Permit</u>	<u>% of Fee Paid</u>
effective date of ordinance to 6 months thereafter	0
6 months to 12 months thereafter	25
12 months to 18 months thereafter	50
18 months to 24 months thereafter	75
24 months thereafter	100

Fee will never be less than \$500.00

FEES - (Continued)

- Part 5. Severability clause
- Part 6. Effective Date
- Part 7. Supercedes all previous fees
- Part 8. Industrial development excepted
- Part 9. Septic tanks in City not included.

Friendly Amendment

Councilmember Deuser offered a friendly amendment that no case fee will drop below the current fee. His amendment was accepted.

Mayor McClellan said there have been many fine statements by people on all sides of the issue. She said she supports the bond package but feels a capital recovery fee will create an elitist community and would be an invidious discrimination contrary to long range and best interests of the City.

Friendly Amendment

Mayor Pro Tem Trevino offered a friendly amendment to remove garage square footage in the scale. Councilmember Duncan accepted the friendly amendment.

Mayor Pro Tem Trevino said he thinks the proposed fee is not equitable but he will support and order a study. He feels this will be an impact on industry and chase them away. Mayor Pro Tem Trevino said he is willing to pay his share because he contributed to the growth of Austin the day he was born.

It was clarified by a question from Councilmember Mullen that all commercial and industry is exempt until a study has been made. Mayor Pro Tem Trevino asked that an item be put on next weeks agenda to authorize a comprehensive study of the fee with an RFP.

Councilmember Mullen said he is for economic growth but does not know what is fair. He wants a compromise for people who already have commitments. Councilmember Mullen also asked what the City will do, if after a study, are told a capital recovery fee is not fair. Will they refund?

Amendment to Motion - SECOND READING ONLY

Councilmember Duncan added an amendment to the main motion to establish a comprehensive study and exempt commercial and industrial development.

Roll Call on Motion with Amendments

4-2 Vote, Mayor McClellan, Councilmember Mullen voted No, Councilmember Goodman was absent.

SECOND READING ONLY - Third reading set for a Special Called Council Meeting on September 9, 1982 at 4:00 P.M.

PUBLIC HEARING SET - ELECTRICAL CAPITAL RECOVERY FEES

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, set a public hearing on September 9, 1982 at 5:00 p.m. to consider the Electric Capital Recovery Fees. (5-0 Vote, Councilmember Duncan out of the room and Councilmember Goodman absent) (Note: This is correct, Councilmember Duncan made the motion and then left the room.)

CDBG FUNDS

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, adopted a resolution authorizing \$14,000.00 of CDBG funds for one (1) Standard Rehabilitation Loan for Dorothy Gago, and authorize staff to enter into appropriate contract.

VENDING ORDINANCE

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 10-5, Section 10-5-3 (Vending Ordinance) Code of the City of Austin relating to clarifying the exemption for sales/solicitation conducted on a door to door/business to business basis. (6-0 Vote, Councilmember Goodman absent)

ADJOURNMENT

Council adjourned its meeting at 10:30 p.m.