



Austin City Council MINUTES

For FEBRUARY 11, 1982 -- 3:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

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

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the Meeting of the Council, scheduled for 3:00 p.m., noting the presence of all Councilmembers.

FIRST QUARTER FINANCIAL REPORT

Mr. Phil Scheps, Director of Finance, presented the First Quarter Financial Report. He said Brackenridge Hospital will be a problem and a loss situation. He also said the General Fund shows too small an ending balance. Mr. Scheps also said the self insurance program is not looking good. All other funds are all right, and there is no problem with the Electric Department.

Mayor McClellan requested a report as soon as possible on the self insurance program.

AGENDA ITEM PULLED

A City Manager Report on Water and Wastewater Master Plan Public Participation Process was pulled off the Agenda.

BERGSTROM WEST CONCEPT

Mr. Bayless, Director of the Airport, reviewed the Bergstrom West Plan. He said it is technically sound and would solve the airport problem for Austin. However, he said the 29 concerns as put forth by the Air Force cannot be pursued with good conscience. He cited restrictions of non-scheduled flights, no general aviation, legal problems with liability requirements for the City even if the Air Force is at fault, the one year termination condition at the determination of the Secretary of the Air Force, among the 29 concerns that would create problems for the City.

BERGSTROM WEST - (Continued)

Mr. Bayless suggested the Council may want to reactivate the Citizens Task Force and study, (1) short range planning for Mueller; (2) look at Manor site again.

Mayor McClellan said if the task force is reactivated, some new people should be added and they should be given an outline of their duties and the dollar allocation. Mr. Bayless said Austin had a 9.6% passenger traffic increase last year with 1,955,000 passengers served last year. Mayor McClellan is of the opinion that Austin does not have the luxury of not doing anything.

Councilmember Mullen said that since the consultants came to the ultimate decision that Manor is the best site, then the City should get started with developing the Manor site. He thinks that before the task force is reactivated, the consultant, R. Dixon Speas, should be brought back to give their report before Council. Mayor McClellan suggested a work session with former members of the task force. She said the scheduled February 24, 1982 work session concerning general aviation should be cancelled.

Councilmember Deuser thought Council should try one more time with the Bergstrom West Plan and reply to the proposal set forth by the Air Force. He said their questions should be answered and find out if their demands are negotiable.

Councilmember Urdy said it is his opinion that the Air Force has already said no.

Motion - Died for Lack of Second

Councilmember Deuser made a motion to reply to the Air Force with the best answers Austin can give to their 29 questions. No one seconded the motion.

Councilmember Goodman said he does not favor Bergstrom West and does not think the Air Force is in favor of it either. Councilmember Mullen said he does not want to send a letter unless there is a strong push by Council and they are unanimous in wanting Bergstrom West. Mr. Bayless told Council he does not think Bergstrom West is viable in any way as far as the Air Force is concerned.

Motion

Councilmember Mullen made a motion, seconded by Councilmember Goodman to close the discussion.

Friendly Amendment - Not Accepted

Councilmember Goodman offered a friendly amendment to direct staff to reply to the Air Force in a realistic fashion. His amendment was not accepted.

BERGSTROM WEST - (Continued)

Friendly Amendment

Mayor McClellan offered a friendly amendment to contact Speas, the consulting firm, and have a work session. Councilmember Mullen and Councilmember Goodman accepted her friendly amendment.

Friendly Amendment

Councilmember Goodman offered a friendly amendment to thank the Air Force for their reply. The friendly amendment was accepted.

Further discussion ensued.

Call for Question

Councilmember Mullen called for the question.

7-0 Vote

Roll Call on Motion with Amendments

6-1 Vote, Councilmember Deuser voted No.

NPSE GOVERNMENT PROFESSIONAL DEVELOPMENT AWARD

Mr. John German, Director of Public Works, told Council he had been in Phoenix to accept the NSPE Government Professional Development Award which recognized the City of Austin for outstanding development by engineers of the City.

LIBRARY DISCUSSED

Mr. Roland DeNoie appeared before Council to discuss library policies. He could not understand why his son had to wait 14 days for a library card after application. Mr. Holt, Library Director, said they had not been able to establish the fact that Mr. DeNoie is a resident of Austin. He also said the library has tighter controls and it takes 14 days to get a card the first time someone applies. Mayor McClellan asked Mr. Holt to consider a temporary card, and gave her card to Mr. DeNoie's son to use to check out the book he needs.

WATER QUALITY OF BARTON SPRINGS

Ms. Dorothy Richter appeared before Council to discuss the water quality of Barton Springs. She also said it is difficult to find out when the pool is closed because of pollution.

Mayor McClellan asked the City Manager to request staff to report on how the public can find out when the pool is closed.

WATER QUALITY - (Continued)

Mr. Frank Cooksey discussed the water quality of Barton Springs.

ZONING ROLL BACK

Mr. Richard Buratti discussed zoning roll backs.

DENSITY AND "INFILL"

Mr. Frank Harren appeared before Council to express his opinion on density and "infill". He said the citizens of Austin support the completion of MoPac and that nothing shows that development has caused any pollution of Barton Creek.

WATER & WASTEWATER SERVICE DISCUSSED

Mr. Pete Dwyer appeared before Council and discussed water and wastewater service.

ATTITUDES FOR DEVELOPMENT

Mr. Philip L. Bible, III, appeared before Council to express his opinion on attitudes for development.

WATER AND WASTEWATER SERVICE REQUESTED

Mr. W. Travis Williamson appeared before Council to request approval of water and wastewater for property in N.W. Travis County adjoining the City of Austin. He asked they be put in Growth Area 4.

Councilmember Goodman requested a report concerning the service line.

SITE DEVELOPMENT PLAN

Mr. Charles D. Primeaux appeared before Council to request approval of a site development plan and asked Council to grant requested variances. He said he wanted to short form a subdivision and was denied because it is less than 1 acre. He asked Council to review.

Mayor McClellan stated a report from the Health Department is required.

LANDSCAPE ORDINANCE

Council discussed the proposed amendments to the Zoning Ordinance concerning landscaping.

Councilmember Deuser discussed his version of the Landscape Ordinance.

Motion Made, No Second, Withdrawn

Councilmember Deuser made a motion to approve his version of the Ordinance.. There was no second to the motion and he withdrew it.

Councilmember Duncan discussed the ordinance. He said the revised Planning Commission version is the most fair.

Motion - Died for Lack of Second

Councilmember Duncan made a motion to adopt the revised Planning Commission version. There was no second to the motion.

Council discussed some more and made the following motion:

Motion

The Council on Councilmember Goodman's motion, Councilmember Duncan's second, voted to send the four drafts of the proposed amendments to the Zoning Ordinance concerning landscaping (Planning Commission original draft, Councilmember Deuser's draft, Apartment Association revision and Planning Commission revision) to the Planning Department for review with a fiscal note. (Legal Department and Building Inspection Department to participate in review.) (7-0 Vote)

ZONING HEARING

Mayor McClellan opened the public hearing set for 6:00 p.m. on the following application:

C14r-81 CORNERSTONE
015 DEVELOPMENT
COMPANY
By Mike Guerrero

6907 Capital of
Texas Hwy. North

From "AA" 1st H&A
To "O" 2nd H&A
NOT RECOMMENDED
RECOMMENDED "O-1" 1st H&A
with Items 1, 2, & 3 as set
out in applicant's letter.

Ms. Donna Kristaponis, Assistant Planning Director, reviewed the application.

Mr. Guerrero, representing the applicant, presented their views.

Edward Lee and Girard Kinney, architects of the proposed building discussed the plans and said there will be no driveway on Lakewood.

HEARING - (Continued)

Charles Graves, representing the applicant, told Council all requirements have been met and discussed the water quality design.

Don Walden, Cornerstone Development Company owner, discussed the proposed project.

Bill Gurasich discussed the FAA and interference to the tower by telephones. He said it probably would be better to put the tower on the buildings.

Charles Bounds said the area is zoned residential and should be left as it is. A few residences could be built on the site.

Mrs. Marjorie Bounds said 97% of the people in Lakewood are against a zoning change.

A man who did not identify himself said he has great concern. He does not want the zoning changed.

Richard Wackerbarth, Balcones Civic Association president, said they do not feel an office complex is wrong but they do oppose 2nd H&A and prefer access from Lakewood rather than curb cuts on 360.

Mark Woods spoke against more offices. He said the offices on MoPac are not leased and they do not need more on Loop 360. The 3 story height is not consistent with the neighborhood.

Chuck Carsner is afraid 360 will turn into another MoPac or 183 and thinks this should be left as it is.

Ann Havener, Lakewood resident, said once nature is destroyed it cannot be revitalized and asked Council to leave the area as it is.

Polly Solsbee showed a map of the area and said offices are not appropriate.

Grant Kinsler said this area's highest and best use is for multi-family.

John Almay, Lakewood resident, thinks the area should remain residential.

A woman who did not identify herself said the 360 area is the most beautiful around and there could be residences as there is not that much noise.

Mr. Walden returned with his summation and stated they are Austin developers who will provide jobs. The market, he said, will consist of people who live in the area and asked Council's support.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing and scheduled for a vote next week after they have received a letter from FAA. (7-0 Vote)

RECESS

Council recessed its meeting at 7:14 p.m. and resumed its recessed meeting at 7:37 p.m.

ACTION SCHEDULED

Council was scheduled to take action on the following zoning case:

C14-81 211 & h017	MICHAEL R. McHONE (Burt House)	608-612 W. 22nd St.	From "B" 2nd H&A To "O-H" 2nd H&A RECOMMENDED "O-H" 1st because of criteria added by Commissioner Manning; subject to rendering and site plan. <u>GRANTED AS RECOMMENDED AND CLOSED PUBLIC HEARING</u>
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WITH FINDING OF FACT (a),(d),(f),
(k) and (l)

Motion

Councilmember Mullen made a motion, seconded by Mayor McClellan to grant the zoning as recommended with a restrictive covenant tied to the site plan that the building is to remain there.

Substitute Motion

Councilmember Deuser made a substitute motion, seconded by Councilmember Goodman to grant "O-H" 1st H&A as recommended by the Planning Commission and close public hearing.

Mayor McClellan said if they grant this, every house in town will want "H" zoning. Councilmember Goodman said the house does meet 5 of the criteria for historic zoning. Councilmember Mullen said he looked at the site and is concerned with people wanting a tax break on buildings which are not really historic. Councilmember Duncan said he does not feel that a precedent is being set for houses built the same year as the Burt House.

Roll Call on Substitute Motion

4-3 Vote, Mayor Pro Tem Trevino, Councilmember Mullen and Mayor McClellan voted No.

PUBLIC HEARING ON LICENSE AGREEMENT

Mayor McClellan announced the public hearing, scheduled for 7:00 p.m. to consider authorizing a License Agreement to allow the aerial encroachment of a permanent building for occupancy over the Colorado Street Alley, 600 block minimum height 16.0'. (Requested by Rust Properties)

Mr. German, Director of Public Works, stated all departments recommend

LICENSE AGREEMENT - (Continued)

approval of the aerial encroachment which will allow a 16' alley for pedestrian and vehicle use. The annual lease fee will be \$28,450 per year with a two year escalation clause.

Tom Francis, Rust Properties, appeared before Council to review the history of how the property in question was acquired and the plans to build across the alley. He referred to written correspondence from the City regarding utilization of the alley. He showed slides.

Butch Reeve spoke in favor of the project.

Smoot Carl-Mitchell, representing the Austin Neighborhood Council said they are concerned with the bulk and scale of the building and the amount of parking.

Wayne Aldridge, business representative of the Carpenter's Union, spoke in favor of the project. He said it will create jobs and will be an asset to Congress Avenue.

Susanna Smith Sullivan spoke against.

Betty Phillips, Historic Landmark Commission, said the height and scale should be decreased. She is against.

Alan Taniguchi suggested Council should look into the concept of intercept parking garages on the periphery of the downtown area with a shuttle system to downtown.

Sander Shapiro, attorney representing Rust Properties, said there is no intrusion to downtown residents, because there are none, and he urged the approval.

Mr. Sieders, Texans to Save the Capitol, favors height limitations.

Musty Roller, president, We Care Austin, said the City should ask for lower height in return for aerial space.

Ari Wright feels too much traffic will be created and is in favor of intercept parking.

Charlotte Carl-Mitchell said the building will be higher than the Capitol and is against it.

Fred Hogue, chairman, Betterment Committee of the Downtown Lion's Club, favors the project.

Steve Harris, Austin Chamber of Commerce, spoke in favor.

Palmer Wright said the alley rights should be given up only with a equal trade-off.

LICENSE AGREEMENT - (Continued)

Dick Stanford, Lake Austin Hill Country Neighborhood Association, spoke against.

Charles Morton said the small property owners on Congress Avenue do not look at the Avenue as a museum and favors the license agreement. He said there will be a building over the alley in the 800 block of Congress so it should be all right in the 600 block.

Vernon Nichols, construction worker, said the building should be built.

A man who did not identify himself said he opposes glass structures but this building has been planned with the sanction of the Historic Landmark Commission and he is for it.

Charles Betts said the building will not intrude into the primary corridor and it is a quality project.

Debby Darden said Council should investigate whether it will add or detract from the tax base, etc.

Joe Riddell said the building is too tall and the City can get as much tax from four small buildings as they can from one big building.

Ted Kochanski said the City is not a static structure and favors the license agreement.

Richard Wackerbarth opposes the height.

Sinclair Black supports intercept parking.

Robert Foster Cherry questioned the height limitation of downtown buildings.

Karen McGraw opposed.

After Mr. Francis returned to present his summation, there was more discussion among the Council.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing and adopted a resolution authorizing License Agreement to allow the aerial encroachment of a permanent building for occupancy over the Colorado Street Alley, 600 block minimum height 16.0'. (Requested by Rust Properties) (7-0 Vote)

LICENSE AGREEMENTS - (Continued)

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, adopted the following resolutions: (6-0 Vote, Councilmember Goodman was out of the room)

- a. For the use of public right-of-way for sidewalk extension and landscaping adjoining Block 70, Original City of Austin, West 6th Street 100 Block, Colorado Street, 600 Block and West 7th Street 100 Block. (Requested by Rust Properties)

- b. To allow the use of public right-of-way for sidewalk extension and landscaping in the 700 Block of Colorado Street (west side) adjoining Lot 6, Original City of Austin. (Requested by Rust Properties)

- c. To allow the use of public right-of-way for sidewalk extension and landscaping in the 100 Block of West 7th Street (north side) adjoining Block 83, Original City of Austin. (Requested by Rust Properties)

ELECTION RE MO-PAC BOULEVARD

Council had before them an ordinance for consideration, ordering an election on April 3, 1982 relating to the completion of Mo-Pac Boulevard (Loop 1) from FM 1325 to Highway 290 west.

Motion

Councilmember Mullen made a motion to waive the requirement for three readings and finally pass an ordinance ordering an election on April 3, 1982 relating to the completion of Mo-Pac Boulevard with the ballot reading as follows:

Should Mo-Pac Boulevard be completed
from FM 1325 to Highway 290.

Mayor McClellan seconded the motion.

Mayor Pro Tem Trevino said the wording of the ballot is something that can be discussed next week. Councilmember Mullen said they can split the question.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance ordering an election on April 3, 1982 relating to the completion of Mo-Pac Boulevard. (7-0 Vote)

Councilmember Mullen said he would like the wording on the ballot to be absolutely clear to the voters.

Motion

Councilmember Mullen made a motion, seconded by Mayor McClellan to include the following wording on the ballot:

Should Mo-Pac Boulevard be completed
from FM 1325 to U.S. Highway 290?

Yes _____
No _____

Discussion followed concerning the wording of the petition. Mr. Robb Southerland discussed the petition which he had circulated and said they want to vote on the completion of MoPac at both ends. They do not want the wording on the ballot to say north end and south end, but completed at both ends. More discussion followed.

Substitute Motion

Councilmember Deuser made a substitute motion, seconded by Councilmember Urdy, to delay a vote on the wording of the ballot for one week. Motion passed by a 5-2 vote. Mayor McClellan and Councilmember Mullen voted No.

Mayor McClellan announced this issue will be scheduled for Thursday, February 17 at 5:00 p.m.

FUTURE ENERGY NEEDS

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, voted to direct the City Manager to direct staff to provide Council with new policy statement as to our alternatives and commitments with respect to immediate and long-range electric generation needs; and to begin preliminary discussions with LCRA staff related to our future energy needs. (6-0 Vote, Councilmember Goodman was out of the room.)

This item was introduced to Council by Mayor McClellan.

REVIEW OF BOARDS & COMMISSIONS
RESCHEDULED

Mayor McClellan suggested the rescheduling of annual review of Boards and Commissions for February 18, 1982 at 3:00 p.m. Council agreed.

REVIEW OF MUNICIPAL COURT JUDGES

Mayor McClellan suggested the rescheduling of interviews of Municipal Court Judges previously scheduled for February 15, 1982 at 3:00 p.m. to March 6, 1982 at 10:00 a.m. Council approved.

ITEM POSTPONED

An item introduced by Councilmember Goodman to consider authorizing the American Federation of State, County and Municipal Employees to participate in new employee orientation programs for non civil service employees was postponed until next week.

STNP PROJECT CONSTRUCTOR

Mayor McClellan had introduced an item to Council to discuss the forthcoming South Texas Project Management Committee and Chief Executive Officer meetings related to the selection of a Project Constructor. They Mayor said that there were, as yet, no recommendations for Project Constructor.

WORK SESSION CANCELLED

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, cancelled the work session concerning general aviation site needs which was scheduled for February 24, 1982. (6-0 Vote, Councilmember Goodman was out of the room.)

SALE OF PROPERTY

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, approved sale of a parcel of City-owned real estate that has been declared surplus located at 801 West 29th Street. (6-0 Vote, Councilmember Goodman was out of the room.)

Council had before it for consideration the sale of another parcel of property located at 709 West 29th Street. They will decide upon the sale next week.

APPROACH MAIN

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, adopted a resolution approving a contract between the City of Austin and Milwood Joint Venture for consideration of an approach main and water improvements. (5-1 Vote, Councilmember Duncan voted No, Councilmember Goodman was out of the room.)

ITEM POSTPONED

Council postponed for one week consideration of adopting the Renewable Energy Development (RED) Plan.

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on February 25, 1982.

1. C14r-81-224 PERRY INVESTMENTS, INC.
By: Donald E. Bird
3800 & 3900 blocks I.H. 35
(Far South Austin Community Assn.)
FROM: Interim "A" Residence, 1st H&A
TO: "GR" General Retail, 2nd H&A
2. C14-81-234 JOE B. LEWELLEN
5710 Nancy Drive
(Far South Austin Community Assn.)
(Pleasant Hill Neighborhood Assn.)
FROM: "MH" Mobile Home, 1st H&A
TO: "AA" Residence, 1st H&A
3. C14-81-235 CLEVE M. EARLEY
6715 Manchaca Road and
1920 Bissel Lane
(Cherry Meadows Neighborhood Assn.)
(Miles Avenue-Manchaca Estates Assn.)
FROM: "A" Residence, 1st H&A
TO: "O-1" Office, 1st H&A
4. C14-81-236 EULALIO HERNANDEZ, JR.
7812 Gault St. and
1301-1303 Anderson Lane
(Crestview Neighborhood Assn.)
FROM: "B" Residence, 1st H&A
TO: "O" Office, 1st H&A
5. C14-81-237 COUNTRY GROCERY, INC.
By: Jim Spence
11794 Jollyville Road also
bounded by Sierra Nevada
(Northwest Oaks Neighborhood Assn.)
FROM: "A" Residence, 1st H&A
TO: "C" Commercial, 1st H&A
6. C14-81-238 LENA E. & ETTA I. DYESS
By: Alan I. Castaneda
4712 Harmon Avenue
(No formal Neighborhood Assn.)
FROM: "A" Residence, 1st H&A
TO: "BB" Residence, 1st H&A
7. C14-81-239 BUCKINGHAM RIDGE DEVELOPERS and
C.W. HETHERLY, JR.
By: D. Edward Moore
6532-6536 South Congress Ave.
(Far South Austin Community Assn.)
(Pleasant Hill Neighborhood Assn.)
FROM: "LR" Local Retail, 1st H&A
TO: "C" Commercial, 1st H&A
8. C14-81-240 DAVID B. BARROW, JR.
By: Roe Gregg
3563 Far West Blvd., Suite 106
also bounded by Wood Hollow Dr.
(Northwest Austin Civic Assn.)
FROM: "GR" General Retail, 1st H&A
TO: "C" Commercial, 1st H&A

ZONINGS - (Continued)

9. C14-81-241 J. ALTON BAUERLE AND
ROGER GAILLARDETZ
By: William J. Scudder
2601 Del Curto Road, access
also to Southland Drive
(No formal Neighborhood Assn.)
FROM: "A" Residence,
1st H&A
TO: "A-2" Condominium,
1st H&A
10. C14-81-242 AARON A. BUFORD
By: M&B Plumbing Contractors, Inc.
12117 and 12119 Pecan St.
(Northfield Homeowners Assn.)
FROM: "A" Residence,
1st H&A
TO: "GR" General Retail,
1st H&A
11. C14r-81-243 LML INVESTMENT COMPANY
By: Phil Mockford
Rear of 12595-12601 Research
also bounded by Oakmont St.
(Northfield Homeowners Assn.)
FROM: Interim "AA" Resi-
dence, 1st H&A
TO: "C" Commercial,
1st H&A
12. C14-81-244 JAY L. JOHNSON, JR.
By: Miguel "Mike" Guerrero
2910 Manchaca
(No formal Neighborhood Assn.)
FROM: "A" Residence,
1st H&A
TO: "GR" General Retail,
1st H&A
13. C14-81-245 MARY A. RAGLAND ET AL
By: Jerry Saegert
3612-3618 S. 2nd Street
800-804 S. Center
(South Austin Neighborhood Council)
(South Austin Multi-Purpose Center)
FROM: "A" Residence,
1st H&A
TO: "C" Commercial,
1st H&A
14. C14-81-246 REMEDIOS MERCADO
By: W.L. Thompson, Jr.
2903 Swisher Street
(Concordia Neighborhood Assn.)
FROM: "A" Residence,
1st H&A
TO: "O" Office,
4th H&A
15. C14-77-138 J. KIRK CANSLER
By: Richard J. Ebert
Rear of 10511-10621 N. Lamar
(Northcreek Community Assn.)
(Mockingbird Hill Neighborhood Assn.)
Amendment to Restrictive
Covenant
16. C7p-80-013 GENE TANKERSLEY
1201 Enfield Road
(Concerned Citizens for the
Development of West Austin)
Amendment to Restrictive
Covenant

ZONINGS SET - (Continued)

17. C14-72-177

ABRAHAM P. YUJA
By: John W. Whitaker, III
9086-9126 Old U.S. 183
(Balcones Civic Assn.)

Amendment to Restrictive
Covenant

ADJOURNMENT

Council adjourned its meeting at 11:45 p.m.