



# **Austin City Council MINUTES For**

**FEBRUARY 3, 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 McClellan called to order the meeting of the Council scheduled for 1:00 p.m., noting the absence of Councilmember Deuser, who arrived at 1:40 p.m.; and Councilmember Goodman who was absent for the day.

### **INVOCATION**

The Invocation was given by Reverend C.R. Johnson, Bluff Springs Baptist Church,

### **APPROVAL OF MINUTES**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, approved the Minutes for Regular Meeting of January 20, 1983, (4-0 Vote, Councilmember Urdy out of the room, Councilmembers Deuser and Goodman absent.)

### **CONSENT RESOLUTIONS**

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

#### **Capital Improvements Program**

Acquired a certain tract of land for the East Riverside Drive-Newning to IH 35 Project, CAPITAL IMPROVEMENTS PROGRAM No. 73/62-03

Capital Improvements Program

Approved acquisition of right-of-way for the North Bluff Drive, Phase I  
Project. CAPITAL IMPROVEMENTS PROJECT 78/62-20.

Contracts Approved

Approved the following contracts:

- |  |  |
|--|--|
| a. FEDERAL PACIFIC ELECTRIC COMPANY<br>c/o R. D. Erb Company, Inc.<br>5511 San Pedro<br>San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM -<br>Transformers, Electric Utility<br>Department<br>Items 1 & 2 - \$700,200.00<br>C.I.P. Nos. 83/16-04, 83/16-06 &<br>82/16-03 |
| b. CENTEX MATERIALS, INC.<br>P. O. Drawer 920<br>Buda, Texas   | - Recycling Waste Trap Rock,<br>Public Works Department<br>Twelve (12) Month Contract<br>Item 1, 2, & 3 - \$9,675.00   |
| c. Bid award:  | - Paper, Toilet Tissue, Central<br>Stores Division<br>Six (6) Month Supply Agreement<br>Estimated total \$18,219.00  |
| <br>(1) BANCROFT PAPER COMPANY<br>2201 East 6th Street<br>Austin, Texas                                    |  |
| <br>(2) CENTURY PAPERS, INC.<br>10205 Metropolitan<br>Austin, Texas  |  |
| <br>(3) GRAHAM PAPER COMPANY<br>210 West Peden<br>San Antonio, Texas                                       |  |
| <br>(4) LONE STAR PAPER COMPANY<br>200-210 East St. Elmo Road<br>Austin, Texas                             |  |
| d. THE FECHHEIMER BROTHERS COMPANY<br>4545 Malsbary Road<br>Cincinnati, Ohio                               | - Uniform Shirts, Central Stores<br>Division<br>Twelve (12) Month Supply Agreement<br>Items 1 thru 4 - \$35,791.00   |
| e. AMMUNITION EQUIPMENT RELOADING, INC.<br>2901 West Coast Highway<br>Newport Beach, California            | - Automatic Ammo Reloading<br>Machine, Police Department<br>Item 1 - \$7,934.06  |

**CONTRACTS APPROVED - (Continued)**

- |  |   |
|--|---|
| f. <b>CONSTANT COMMUNICATION</b><br>705 N. Lamar Boulevard, Suite 101<br>Austin, Texas | - Rental of Pocket Pagers,<br>Vehicle and Equipment Services<br>Department<br>Twelve (12) Month Service Agreement<br>Total \$89,034.00  |
| g. <b>FRED STROUD COMPANY</b><br>3900 Sierra Drive<br>Austin, Texas                    | - Firefighting Nozzles, Fire<br>Department<br>Item 1 - 20 ea. - \$6,778.00  |
| h. <b>BURNUP AND SIMS OF TEXAS, INC.</b><br>2716 East 5th Street<br>Austin, Texas      | - Electric Utility Transmission and<br>Distribution Construction<br>Alterations and Line Clearing<br>Work, Electric Utility Department<br>Two (2) year contract -<br>\$3.5 million per year |
| i. <b>AUSTIN ENGINEERING COMPANY</b><br>P.O. Box 3255<br>Austin, Texas                 | - CAPITAL IMPROVEMENTS PROGRAM -<br>Construction of Loyola Lane<br>Bridge/Little Walnut Creek<br>Drainage Improvements, Public<br>Works Department - \$875,378.80 -<br>C.I.P. No. 82/60-05  |

**Temporary Street Closing**

Approved temporarily closing San Gabriel Street from W. 24th to W. 25th on March 4, 1983, from 3:00 to 7:00 p.m. for a street benefit for Frank C. Erwin, Jr. Endowment Fund as requested by Mr. Wright Alcorn, representing Kappa Sigma Fraternity.

**Pathology Consultant Services**

Approved entering into a contract with Austin Pathology Associates, 711 West 38th Street, Suite 11, for the Health Department, in the amount of \$10,000 to provide pathology consultant services.

**Radiology Consultant Services**

Approved entering into a contract with Radiology Consultants, 711 West 38th Street, Suite B8, for the Health Department, in the amount of \$10,000 to provide radiology consultant services.

**Physician Services**

Approved renewal of an amended contract for physician services with the Central Texas Medical Foundation (CTMF) from October 1, 1982 through September 30, 1983. (Approved by Hospital Board)

CDBG

Adopted a Citizen Participation Plan and Schedule for the 1983-84 Community Development Block Grant Program.

Civil Service Commission

Confirmed the re-appointment of Rev. Msgr. Lonnie Reyes as a member of the Civil Service Commission.

Utility Pole Agreement

Approved a Utility Pole Rental Agreement with Via Cable, Inc.

Approved a Utility Pole Rental Agreement with Star CATV Investment Corporation.

Public Hearings Set

Set the following public hearings:

- a. Proposed amendments to the Subdivision Ordinance regarding independent utility districts and private water and sewer corporations for February 24, 1983 at 2:00 p.m.
- b. An Industrial Development Bond financed project proposed by Silver Enterprises, Inc. for February 24, 1983 at 2:30 p.m.
- c. An Industrial Development Bond financed commercial project proposed by Silver Enterprises, Inc. for February 24, 1983 at 2:30 p.m.
- d. Urban Development Acting Grant (UDAG) for the Waller Creek Project located at I-35 and East 5th Street for February 24, 1983 at 5:30 p.m.

Lost Creek M.U.D.

Approved adoption of a bond resolution by Lost Creek Municipal Utility District of Travis County, Texas for issuance of \$2,035,000 Waterworks and Sewer System Combination Unlimited Tax and Revenue Bonds.

Law Firm for STP Matters

Approved hiring the law firm of Miller, Canfield, Paddock & Stone as counsel for the City of Austin for legal matters related to the South Texas Project in order to retain the services of Thomas J. Heiden, Attorney at Law.

Item Postponed

During the consent motion, Council postponed until 2/10/83 consideration of approval and authorization for selection of Architectural Services in connection with the hospital parking garage addition. C.I.P. No. 80/48-08

## MUNICIPAL OFFICE ANNOUNCEMENT

Mayor McClellan announced that an item for action, scheduled for 1:30 p.m. on the Municipal Office Complex Site will not be heard today due to the absence of Councilmember Goodman. She set the item for action on February 10, 1983 at 1:30 p.m.

## 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, Councilmember Goodman absent, Councilmember Deuser was out of the room.)

Zoning

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

RIVER HOTEL COMPANY  
By Mark Manske  
C14r-82-171

6421 No. I.H. 35, also  
bounded by LaPosada  
Drive

From "C" 3rd H&A & "C"  
6th H&A to "C-2" 3rd  
and 6th H&A

## PASSED ON EMERGENCY BASIS

H.L. JOSEPH  
By Austin Design  
Associates, Inc.  
C14r-82-066

13880 No. I.H. 35

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

## PASSED ON EMERGENCY BASIS

NORTHWEST SAVINGS  
ASSOCIATION OF AUSTIN  
C14r-82-151

13764 Research Blvd.  
also bounded by Lake  
Creek Parkway

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

Loyola Lane Bridge

Approved amending the 1982-83 Capital Improvements Program by appropriating \$300,000 to the Loyola Lane Bridge at Little Walnut Creek Project. C.I.P. No. 82/60-05.

M.U.D. Procedure Ordinance

Approved amending the Municipal Utility District Procedure Ordinance to include annexations to existing districts.

Moratorium on Pole Attachment Agreements to Cable TV

Approved a 60-day moratorium on granting electric utility pole attachment agreements to cable television systems operating outside the Austin City limits.

## RECESS

Council recessed at 1:25 p.m. and resumed their recessed meeting at 1:28 p.m.

## FAYETTE POWER PLANTS I AND II

Mr. H. L. Peterson, Assistant Director, Electric Utility, reported on Fayette Power Plants I and II as follows:

The Fayette Power Project Units 1 and 2 were originally planned in 1974 with capabilities of burning natural gas, oil, lignite, and western coal. Space for scrubbers were built into the design of the plant.

As engineering progressed and with the decision in late 1974 for using low sulfur coal from Decker, Montana, full gas and oil burning capabilities were omitted. Scrubbers were not required because of the utilization of low sulfur compliance coal.

The emission standards under which Units 1 and 2 were permitted require less than .1 pounds/MBTU of particulate emission from the stack and 1.2 pounds/MBTU of sulfur emission from the stack.

Present measured emissions from the stack are less than .045 pounds/MBTU of particulate and .7 pounds/MBTU of sulfur.

Under the present operating performance of the plant, with the plant capacity factor of approximately 80%, the two units could burn approximately 600,000 tons of Wilcox lignite and not exceed emission standards. The proposed burning of 200,000 tons of Wilcox lignite per year is well below this maximum level of lignite burn.

Projected costs of burning the Powell Bend Wilcox lignite indicates a fuel cost of approximately \$2.00/MBTU. The present cost of Decker coal delivered to the plant is \$2.71/MBTU, and the present cost of Arco coal delivered to the plant is \$2.34/MBTU. If the burning of the Powell Bend lignite does not cause an excessive build up of presently contracted coal at the plant, then the burning of the lignite will produce a lower fuel cost to the customers.

The lignite that LCRA has considered mining is in the Powell Bend area of Bastrop County. LCRA acquired these leases in 1980 as a part of an overall lignite acquisition program. The leases are in close proximity to Camp Swift leases which LCRA, Austin, and San Antonio have attempted to acquire since 1974. LCRA apparently had no specific plan for mining or burning the lignite at that time. LCRA has attempted to renegotiate the leases from the property owner. Failing this, LCRA must begin mining lignite by 1984 or lose some of the lease holdings.

LCRA applied to the Texas Railroad Commission for a mine permit in September, 1982. The mine permit includes the statement that LCRA proposes to burn the lignite in the Fayette Power Projects Units 1 and 2. As a procedure for acquiring fuel for the Fayette Power Project, the Participation Agreement for

February 3, 1983

**FAYETTE - (Continued)**

the Project provides that the Project Manager take bids or proposals for fuel for the Project and present these fuel proposals to the Management Committee for action. Both participants are required to sign fuel contracts.

As requested by the City Council, Austin's Management Committee representative has inquired of LCRA's intent for use of the Powell Bend lignite. LCRA has verbally responded that it has not acquired a mine permit and has not as yet received responses to its mine service proposal that is currently out for response.

LCRA has indicated to Austin that upon receipt of all sufficient data, LCRA will make a meaningful formal proposal to Austin concerning Austin's participation in use of the Powell Bend lignite for use in Units 1 and 2.

If both participants utilize equally the small amount of lignite proposed to be burned in Units 1 and 2, then no measurable operating costs or problems should be experienced. Decker coal, with its high sodium content causes excessive slagging in the boilers. Burning Wilcox lignite may actually reduce the slagging problem. Some additional ash will develop from burning lignite. The additional ash is estimated to be approximately 15,000 tons per year as compared to the present ash accumulation of approximately 210,000 tons per year. This will add a small increase to the total plant operating cost but is insignificant when compared to the total operating cost of the plant.

In summary, the participation agreement seems to disallow one participant using a separately owned fuel. However, it seems reasonable that one participant should not be able to prevent the other participant from using a fuel if the first participant does not want to use that particular fuel. The participant providing a separately owned fuel would be required to pay any additional fuel handling cost and accounting costs. If both participants share equally the lignite burning, it would present no operating problems to the Plant and may slightly reduce the fuel cost of the Plant.

Councilmember Duncan discussed LCRA's right to obtain fuel but not to mine. City Attorney DeLaRosa said he will research that. Councilmember Duncan also wanted information concerning structural change to the plant. Mr. Peterson said there will not be any needed.

**AFFIRMATIVE ACTION IMPLEMENTATION PLAN**

Mr. Meiszer, City Manager, presented the Affirmative Action Plan. CITY CLERK DID NOT RECEIVE COPY. Mr. Meiszer said the new plan will invite suggestions and two members of the advisory staff will attend all affirmative action meetings. Quarterly reports will be issued beginning March of this year. Some changes have been made to bring about immediate results. The Personnel Department and Affirmative Action Office have both been relocated so applicants and employees can visit one facility for job information and service. A job review description analysis is being done to remove anything that might hamper affirmative action efforts.

## AFFIRMATIVE ACTION - (Continued)

Mr. Meiszer then reviewed the major elements of the plan. He said the plan has "five major parts. Selection and recruitment is the first concern. Hiring is second. Retention and promotion is third. Compensation is fourth and the work environment is fifth." After references to the plan Mr. Meiszer pointed out that the key is training and commitment.

## MONTHLY FINANCIAL STATEMENT

Mr. Scheps, Director of Finance, discussed the monthly financial statements. CITY CLERK DID NOT RECEIVE A COPY. Mr. Scheps discussion was based on references to pages in the report.

## RENTAL OF AUDITORIUM SHORES

Mr. Terry Childers, Assistant City Manager, presented the City Manager Report on fiscal impact of non-commercial fee waiver for rental of Auditorium Shores. He told Council that research was done to answer Mr. James A. Kincl's request to reduce the Northwest Sertoma Club's fee for Auditorium Shores. He has asked that Council set the rental rate at the old rate of \$175.00 per day plus \$20 for electric usage. Mr. Childers told Council that it is recommended that City Council maintain the 1982-83 fee structure intact. The structure was previously reviewed and approved by the City Council in an effort to recap a portion of the City's cost to provide the facility for other than general public use. Mr. Childers said if the Council desires to amend the ordinance in any way it will be necessary to present on a subsequent agenda an ordinance formally amending the fee ordinance.

PUBLIC HEARING - NORTH AUSTIN GROWTH CORRIDOR MUNICIPAL  
UTILITY DISTRICT NUMBER ONE

Mayor McClellan opened the public hearing set for 2:00 p.m. on the North Austin Growth Corridor Municipal Utility District Number One request to annex 141 acres to the District.

Mr. Schwing, Director of Water and Wastewater, stated this request is for additional acreage for the existing 912 acres. Their contract with the City calls for 10,000 gallons of water per minute and 2,000 gallons per minute of wastewater. The staff finds if the area is annexed the increase in the water will be 10,636 gallons per minute and the wastewater would still be within the 2000 gallons per minute that was in the original contract. This would require an additional capacity of 289 LUE's. The Department has no objection to this. Four options are offered and they recommend Option 2. This is a charge of 100% of the capital fee for the units in excess of 10,000 gallons per minute, or \$289,000.00. This would require a modification of the contract because we would have to make provisions for collecting the fee. The Water and Wastewater Commission has recommended approval as well as the Planning Commission.



## MUD #1 - (Continued)

Ed Wendler Jr, who works with Provident Development Company, said they are requesting the annexation. Mr. Wendler said they have no problem with Option 2 and agree to pay the capital recovery fee for everything they use in excess of their committed capacity. He said they will also pay the \$8.89 surcharges in their existing contract and all the living units in the annex plan.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance permitting annexation of 141 acres to North Austin Growth Corridor Municipal Utility District #1 under Option 2. (6-0 Vote, Councilmember Goodman absent.)

ST. EDWARD'S UNIVERSITY WASTEWATER  
APPROACH MAIN

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, adopted a resolution approving St. Edward's University Wastewater Approach Main's participation in the Govalle Siphon and Montopolis Lift Station Project. (Other off-site improvements and cost participation to be considered at future date). (6-0 Vote, Councilmember Goodman absent.)

Prior to the vote Mr. Schwing told Council this would be for 1200 LUE's. David Armbrust, representing St. Edward's, asked Council's approval. Gene Ray, representing the neighborhood, said the approach main is 2½ miles long and passes through the most ecological street in the City.

## EXECUTIVE SESSION

Mayor McClellan announced Council would go into Executive Session pursuant to Article 6252-17, V.T.C.S. to discuss the following matters:

- a. Board and Commission appointments - Section 2, Paragraph g
  - b. Camp Swift Lignite Lease - real estate negotiations - Section 2, Paragraph f.
  - c. Personnel matters - Section 2, Paragraph g.
  - d. Mueller et al v. City of Austin - pending litigation Section 2, Paragraph e
- and if any action is to be taken, it will be done so in open session.

## RECESS

Council recessed its meeting at 2:25 p.m. for Executive Session and resumed its recessed meeting at 3:20 p.m.

A.L.S. DISCUSSED

Mr. Robert Foster Cherry appeared before Council to discuss the ALS or street sweeping fee on the electric bill. He feels it is an unfair charge because an apartment with several meters pays more per linear foot than someone with the same property area with one meter. He questioned whether or not the bill was placed on the utility bills without proper passage of ordinance. It was explained to him that fees are adopted by ordinance at the time of passage of budget for each fiscal year.

## PUSHBALL EVENT

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Tony Smercina, president, Delta Sigma Phi, for permission for the sale of beer at the Zilker Park Polo Fields on Saturday, March 5, 1983, from noon to 6:00 p.m. for Pushball event.

## CITIZEN DID NOT APPEAR

Mr. Daniel Alec Runnels who had requested to speak out against a permit for the Klan to march, did not appear.

Mr. John Simmons had requested to report on proposed downtown parking garage and shuttle facility at 5th and Red River. He did not appear, but Grace Monroe, City Clerk, submitted a letter to Council from Mr. Simmons.

## ASSISTANCE ASKED

Mr. Allen King, ratepayer and general counsel for Public Utility Commission, asked assistance to help the needy pay their electric bills. He urged Council to expedite a study.

## SALES TAX FOR INDIGENTS DISCUSSED

Mr. Fred Michaelis appeared before Council to discuss sales tax paid by indigents. He read a proposal and asked that it be distributed to Councilmembers.

## ENERGY CONTROL SYSTEMS

Mr. Gregory Yamin appeared before Council to discuss the city's use of electricity and gas through solid state energy control systems. He said \$200,000 a year could be saved. Councilmember Duncan requested a feasibility report from the Energy Office. Mr. John German, Assistant City Manager, informed Council the City is already working on its own buildings.

February 3, 1983

## HEARING TO BE CONTINUED

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, voted to continue until March 3, 1983 at 2:45 p.m., the continued hearing on an appeal from Mr. Scott D. Pinkerton of the Planning Commission's decision on removal of a Plat Note regarding access to Loop 360. C8s-82-129 & C8s-79-245. (5-0 Vote, Mayor McClellan out of the room, Councilmember Goodman absent.)

## 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:

C14-82 176	BALCONES WOODS SHOPPING CENTER/ HARVEY W. DOERRING By Jeff Calechman	Rear of 11150 Research Blvd. 5124 Balcones Woods Drive and 11139 Jollyville Road	From "O" 1st H&A To "GR" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14-82 181	FRANK T. SMITH	1403 West 6th St.	From "B" 2nd H&A To "O-1" 2nd H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
C14 -82 182	JOHN A. & JENNIFER JO BIRD By Thomas Goebel	2009 W. Rundberg Ln.	From "I-A" 1st H&A To "B" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -82 187	RIVERSIDE PLAZA JOINT VENTURE By Gary Lee Falkenburg	2237 E. Riverside Drive, Suite 208	From "GR" 1st H&A To "C-2" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 h-82 010	NORCLIFFE By City of Austin	1009 Edgecliff	From "A" 1st H&A To "A-H" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>

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

-----

## ZONING HEARINGS - (Continued)

C14 -82 FRANCES DUEY 1503 Koenig Lane From "A" 1st H&A  
157 By George To "O-1" 1st H&A  
Bastanjoo RECOMMENDED (as amended)  
subject to 10 feet of  
right-of-way on Koenig  
Lane.  
GRANTED AS RECOMMENDED

C14 -82 R. G. MUELLER, 3701-3705 Jefferson From "A" 1st H&A  
194 JR. Street To "GR" 1st H&A  
By Randolph G. RECOMMENDED subject to  
Mueller 5' of right-of-way.  
GRANTED AS RECOMMENDED

C14 -82 AL TAUB & JOHN 716 W. 24th Street From "B" 2nd H&A  
183 ZARSKY To "C" 3rd H&A  
RECOMMENDED subject to  
site plan limiting  
height to three stories  
(35 ft.) and dedication  
of 10 ft. of right-of-  
way.  
GRANTED AS RECOMMENDED

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

-----

C14-82 JOE E. TRUCHARD 903 Neans Drive From Interim "AA" 1st H&A  
180 To "A" 1st H&A  
NOT RECOMMENDED  
RECOMMENDED "AA" 1st H&A  
GRANTED AS RECOMMENDED

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

## ZONING HEARINGS - (Continued)

C14 -82 DR. A. A.  
179 KRUMHOLTZ  
By John Pirkle

505 Powell

From "B" 2nd H&A  
To "O-1" 2nd H&A  
RECOMMENDED (as amended)  
subject to 5.6' of  
right-of-way as agreed  
to by applicant.

GRANTED "O-1" 1st H&A

Mr. Lillie reviewed the application by use of slides.

John Pirkle, representing the applicant, told Council they will dedicate the right-of-way of 5.6' if it is going to be used for widening of the street.

(On Councilmember Duncan's motion, Councilmember Urdy's second, 6-0 vote, Councilmember Goodman absent.)

C14 -82 LEON MCMORROW  
185

4401-4403 Gillis  
1315-1317 Casey  
Street

From "A" 1st H&A  
To "O" 1st H&A  
RECOMMENDED "O-1" 1st H&A  
tied to site plan, 24"  
x 12" sign on building;  
rollback to "A" when  
sale or use change occurs;  
will not be altered be-  
yond reasonable repairs;  
in the event the Planning  
Commission rezones the  
area to "O-1" or greater  
intensity, the property  
will retain its "O-1"  
zoning; and subject to  
5 feet of right-of-way  
on Casey and Gillis.

GRANTED AS RECOMMENDED SUBJECT TO SITE PLAN REVIEW

Mr. Lillie reviewed the application by use of slides.

Mr. McMorrow, the applicant, said he operates a foreign language studio and cannot advertise, so he is taking action in order to have a sign. He said his business does not generate any traffic.

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

## ZONING HEARINGS - (Continued)

C14 -82	ROLAND HAMPTON	209 & 211 Redbird	From Interim "A" 1st H&A
191	By Hal Haralson	Lane	To "C" 1st H&A
		5501-5507 Bluebird	NOT RECOMMENDED
		Lane	RECOMMENDED "A" 1st H&A
			<u>GRANTED "A"</u>

Mr. Lillie reviewed with slides.

Mr. Haralson, representing the applicant, said their intended use will improve the neighborhood.

Charles Cunningham expressed opposition to the zoning change. He said the commercial uses are all on Congress Avenue.

Maura Lokomora said they have formally requested "AA" for their neighborhood as permanent zoning and asked Council not to take final action until a study of the area is finished.

(On Councilmember Duncan's motion, Councilmember Deuser's second, 4-2 Vote, Mayor McClellan and Councilmember Mullen voted No, Councilmember Goodman absent.)

-----

Case Heard - Action Postponed

C14 -82	TIM H. RITTER	2718 Guadalupe also	From "C" 3rd H&A
209	By Larry C.	bounded by West	To "C-1" 3rd H&A
	Talley, Jr.	28th Street	RECOMMENDED

PUBLIC HEARING CLOSED - ACTION  
TO BE TAKEN FEBRUARY 10, 1983

Mr. Lillie reviewed the application by use of slides. He said the applicant wants to use the site for a liquor store.

Larry Talley said it is in the interest of the public to have a drive through liquor store at that site.

Billy Gammon, member of the Board of Trustees of All Saints Day School, told Council they object to the proposal and ask denial of another liquor store in the neighborhood.

Ike Templar, 109 West 29th Street, said he objects to the proposed zoning change because it is not suitable to the area. There is a sorority house right behind the site.

Mary White, president, Zeta Tau Sorority alumnae, said they are concerned for the safety of the girls in the sorority. A vagrant population is attracted to liquor stores in the area. She presented a petition signed by 87 sorority members expressing their opposition.

**ZONING HEARINGS - (Continued)**

Nora Hamm, Zeta Tau Sorority, pointed out to Council the error in the map which shows a book store in the site where their sorority is situated. She asked denial of the zoning request because she feels it is not appropriate to have a liquor store right behind girls housing. She said the store's patrons will probably use their parking lot and they are concerned for their safety.

Mr. Dublin, the co-applicant, said there is a liquor store 1½ blocks up the road. He said the drive-through will be strictly that. They will not have an area for parking and they will not sell to vagrants.

**Motion**

Councilmember Deuser made a motion to close the public hearing and deny the zoning request. Mayor McClellan seconded the motion.

**Substitute Motion**

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Duncan to close the public hearing and study one week and bring back for action February 10th. Motion passed by a 4-2 vote, Councilmember Deuser and Mayor McClellan voted No, Councilmember Goodman absent.

-----

**Zoning Case Withdrawn**

The applicant requested withdrawal of the following zoning case and Council granted withdrawal.

C14-82 HUGH C. RUSHING 3409 Glenview  
184 By Larry W.  
Langley

From "A" 1st H&A  
To "O-1" 2nd H&A  
RECOMMENDED "O-1" tied  
to site plan; recommend  
applicant submit a roll-  
back for Lot 8; and  
subject to 5 feet of  
right-of-way on Glenview.  
WITHDRAWN

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

-----

**Zoning Hearing to be Continued**

The Council voted to continue the following zoning case until March 17, 1983 at 4:00 p.m.:

## ZONING HEARINGS - (Continued)

C14 -82 AMERICAN PROPERTY 4907 Spicewood  
160 SYSTEMS, INC. Springs Road  
By George E. Jamail

From Interim "A" 1st H&A  
To "O" 1st H&A  
NOT RECOMMENDED

CONTINUE TO MARCH 17, 1983, 4:00 P.M.

Mr. Jamail, the applicant, appeared before Council to ask that the application be sent back to the Planning Commission because they are working out the zoning with the neighborhood. Ron Allen, Balcones Civic Assn., said they are interested in the outcome.

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

## ANNOUNCEMENT CONCERNING MARCH ZONING HEARINGS

Mr. Lillie said there are 50 zoning cases to be heard in March. He requests Council to hear one half of them the first week in March and one half in the second Council Meeting in March. Council said this will be all right. They will be scheduled at 4:00 p.m. on March 3rd and 10th.

## SUNSET REVIEW ORDINANCE HEARING

All Councilmembers introduced a discussion on the Sunset Review Ordinance and the Boards and Commission which will be reviewed under it. Councilmember Deuser said Ethics Review Commission, Citizens Traffic Safety Commission, Energy Conservation Commission and Renewable Energy Resources Commission will all be reviewed and they are to come prepared for discussion. All other boards and commissions are to submit their reports immediately and be ready if they have anything to discuss.

## RECESS

Council recessed its meeting at 5:30 p.m. and resumed its recessed meeting at 6:30 p.m.

## PUBLIC HEARING - HOUSING ASSISTANCE PLAN

Mayor McClellan opened the public hearing set for 6:00 p.m. on the Housing Assistance Plan.

Cloteal Davis Hayne, General Supervisor, Human Services, went over the plan which is on file in the City Clerk's office. She said the plan does not commit funds but helps government apply for additional housing assistance.



## HOUSING ASSISTANCE PLAN - (Continued)

Jane Haney, EACEDC, made suggestions for changes in the plan. She said there is a need for new construction of housing in East Austin. The taxes and rents are going up.

Charles Miles, Austin Housing Authority, said he would like to study further.

Maria Lamond, EACEDC, showed slides.

Zeke Romo, EACEDC, thinks the plan is not coordinated and the Council should declare a housing crisis in Austin.

Kevin Bott, Affordable Housing Task Force, criticized the HAP and the figures used, which he said were from 1980.

Kathy Tyler discussed displacement of people, which shows the need for low income housing in Austin.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing and sent the plan to the Austin Housing Authority for review. (6-0 Vote, Councilmember Goodman absent)

## PUBLIC HEARINGS - FLOOD PLAINS

Mayor McClellan opened the public hearings set for 6:00 p.m. which were:

- (1) Continued public hearing on an amendment to Chapter 13-3 (Subdivisions) of the Austin City Code concerning dedication of flood plains.
- (2) Continued public hearing on an amendment to Chapter 9-10 (Rivers, Lakes and Watercourses) of the Austin City Code concerning flood plain development.

Mr. Richard Ridings, Director of Public Works, summarized the last public hearing, as follows: "There are two ordinance changes. One is the subdivision ordinance which requires someone who is subdividing or re-subdividing to dedicate the 100 year flood plain and this is a change from the previous requirement of dedicating the 25 year flood plain. The amendments to Chapter 9 & 10 of the Creek Ordinance require a developer or builder to obtain Council approval for any project that would have water in or passing under the building during the 100 year flood."

Mayor McClellan asked about the exemptions. Mr. Ridings said the exemptions that apply to the Creek Ordinance are those where construction or reconstruction of a single family or duplex residential structure where only one structure is built per lot in subdivisions lawfully recorded prior to the day of passage of this ordinance. This means the creek ordinance does not apply to previously recorded single family or residential structures. It does not apply to reconstruction of buildings... where those commercial buildings have previously received an approved waterway development permit. It does not apply to building

## FLOOD PLAINS - (Continued)

construction or reconstruction in the 100 year flood plain of Town Lake. There are also some exemptions that apply to the creek ordinance that explains you cannot build a parking lot within a 100 year flood plain unless the water does not exceed an average depth of 8" or a maximum of 12". There is an exemption to that if the parking area construction or repair is accessory to a single family or duplex residential structure, also to construction repair of parking areas authorized by waterway development permits issued prior to the passage of this ordinance or construction or repair of parking areas in the 100 year flood plain."

Mayor McClellan said it was brought out at the last hearing that although the ordinance was designed to help the people in the downtown area, the ordinance is actually hurting them. They feel it is the development upstream that needs to be corrected. Mr. Ridings said, "This is one of the primary areas that was to be addressed by this ordinance, to have someone who wants to build or rebuild in an area like that, who wants to build in a 100 year flood plain where the water is running through their building or underneath their building, to have those particular developers come before the City Council and ask for a variance to the ordinance and ask for a specific ordinance. We felt that is a policy decision that is to be made by the City Council. If the Council decides to make a carte blanche policy decision on that area up front as a part of this ordinance, then I would have to leave that to the Legal Department."

Carl Daywood showed slides of the Waller Creek area.

Mike Colson, South First Street Business Association, said he would like to sit in on the planning and asked that the 1st Street businessmen not be penalized.

Tom Cook, president of Georgian Neighborhood Association, told Council there should be no new development allowed in the flood plain.

Marshall Slater, owner of a restaurant at 10th and Shoal Creek, said he respects the intent of the ordinance to help the residents in the north but he does not want to be penalized for being in the center of Austin.

Mary Odgen, who owns property on Waller and Johnson Creeks, feels the ordinance would amount to serious confiscation of their property rights.

Allen Rundell told Council the City already owns property at 19th Street that would be a tremendous holding pond as a part of Shoal Creek.

Pete Vascoto, owner of Austin Toyota, thinks the downtown business district south of Town Lake should be exempt.

Betty Mateu asked Council to refrain from allowing buildings in the 100 year flood plain.

Councilmember Duncan said he would like to have time to meet downtown businessmen. Mayor McClellan said the ordinance will be brought back when Council is ready to act on it. She instructed that it not be included on the February 10, 1983 agenda as instructed in a previous meeting.

## FLOOD PLAINS - (Continued)

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearings on an amendment to Chapter 13-3 (Subdivisions) of the Austin City Code concerning dedication of flood plains and an amendment to Chapter 9-10 (Rivers, Lakes and Watercourses) of the Austin City Code concerning flood plain development. (5-0 Vote, Councilmember Mullen was out of the room, Councilmember Goodman absent.)

## TREE ORDINANCE

Mayor McClellan opened the public hearing set for 7:00 p.m. on the adoption of a new Chapter 9-11 (Trees) of the Austin City Code.

Dr. David Reed, Parks Department, reviewed the ordinance. He said it mainly was dealing with larger trees of 60" or more.

Ken Conway, who was involved the the drafting of the ordinance, encouraged Council to adopt it.

Margaret Hofmann, former Councilmember, discussed the ordinance which she was instrumental in adopting ten years ago. She said if we protect historic buildings we should protect historic trees.

Judy Fowler, member of the Planning Commission, told Council they voted 5-4 to not have this ordinance. She said the developers do realize the value of trees.

Tom Curtis, representing home builders, said they are already very conscious of conservation of trees.

Ken Zimmerman, Home Builders Association, said they do not see the need for an additional ordinance or another board to go through.

Howard Ferguson said he wants all large trees protected and asked Council to pass the ordinance.

Paul Harris, Austin Association of Builders, pointed out that most builders are very aware of the value of a tree and the saving of trees is essential because that is a selling point for a house.

Charles Meek said an ordinance is needed which is mutually supportive.

An unidentified citizen said trees and money are the same color and favors this ordinance.

Terry McLaughlin, owner of a landscaping business, said he looks for seed stock and cannot find enough. Someone, he said, is cutting down the trees.

TREE ORDINANCE - (Continued)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing on the adoption of a new Chapter 9-11 (Trees) of the Austin City Code. (4-0 Vote, Councilmembers Deuser and Mullen out of the room, Councilmember Goodman absent.)

NO ACTION TAKEN ON ITEMS  
FROM COUNCIL

No action was taken on an item introduced by Councilmembers Duncan, Mullen and Urdy to consider supporting a city-wide celebration of unity in Austin, February 19, 1983.

The following was postponed until February 10, 1983:

- Details and Plans for a Neighborhood Advocacy Office introduced by Councilmember Deuser.
- Appointment of a member to the Travis County Appraisal District Board introduced by Mayor McClellan
- Discussion of financial disclosure for boards and commissions introduced by Councilmembers Mullen and Duncan.

ADJOURNMENT

Council adjourned its meeting at 8:15 p.m.