



# Austin City Council MINUTES

For OCTOBER 29, 1981 -- 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:

Prior to the opening of the Council Meeting, the Invocation was given by Father Jim Wooldridge, Seton Medical Center Chapel; and Mayor McClellan read proclamations for UNICEF Day and Founding Days of the Texas Rodeo.

Mayor McClellan called to order the meeting of Council, scheduled at 3:00 p.m., at 3:06. Mayor Pro Tem Trevino, Councilmembers Mullen and Urdy were not present but entered the Council Chamber at 3:10 p.m., 3:15 p.m. and 3:25 p.m. respectively.

### MINUTES APPROVED

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved the Minutes of the Meetings of October 7, 8, 14 and Special Called Meeting for September 18, 1981. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Mullen and Urdy absent.)

### WATER & WASTEWATER APPROACH MAINS

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, approved the following water and wastewater approach mains: (6-0 Vote, Councilmember Urdy was out of the room)

- a. WILLIAMS ESTATES - To construct 1,400 feet of 6-inch force main 360 GPM Lift Station. Estimated total cost is \$93,874.60 including 6% engineering fee. No City cost participation.
- b. SCHLUMBERGER WELL SERVICE - To construct 4100 feet of 24-inch water main. Estimated total cost is \$354,633.60 including 6% engineering fee. City cost participation will be \$177,316.80
- c. SCHLUMBERGER WELL SERVICE - To construct 2000 feet of 18-inch and 2000 feet of 12-inch wastewater mains. Estimated total cost will be \$222,600.00, including 6% engineering fee. City cost participation will be \$44,520.00.

MAINS - (Continued)

d. JOHN WATSON

- To construct 5000 feet of 24-inch water main. Estimated cost will be \$432,480.00, including 6% for Engineering. City cost participation will be \$144,160.00

Prior to the vote Councilmember Duncan and Councilmember Deuser questioned Mr. Bulloch, Director of Water and Wastewater. Councilmember Duncan requested a full list of everything in process and Mr. Bulloch said he had such a list and will send it to the City Manager.

CHANGE ORDER

Council had before it for consideration approval of the following change order:

NEAL SPELCE ASSOCIATES in the amount of \$3,666.10 & MIKE LACEY PRODUCTIONS in the amount of \$1,275.00 for preparation of "Request for Joint Use of Bergstrom Air Force Base" proposal.

Mr. Solon Bennett, Director of Purchases and Stores, said this was back before Council because the cost exceeded \$5,000. He said last June when it was approved by Council the bid was under \$5,000. Councilmember Mullen pointed out the production had already been completed and then the request was sent to Council for additional money. He said the request should come before the money is spent.

Mr. Roy Bayless, Airport Director, told Council the extra money was incurred when the production was modified to show to the Air Force. Mr. Bennett said this would not happen again because everything will now go through Purchases and Stores.

Council did not make a decision and asked for it to be brought back next week for further consideration.

LICENSE AGREEMENTS

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted a resolution to enter into a license agreement for the encroachment of a house into a public utility easement between Lots 10 & 11, Royal Oaks Subdivision. (Requested by Sneed, Vine, Wilkerson, Selman & Perry, representing J. Harold Box, et ux.) (7-0 Vote)

CONVEYANCE AUTHORIZED

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted a resolution authorizing conveyance to Harold Box, et ux by Quit Claim Deed all City rights and title in and to said property, save and except certain

## CONVEYANCE - (Continued)

drainage easement and sanitary sewer easement, Volume 544, Page 204, Travis County Deed Records. (7-0 Vote)

## LICENSE AGREEMENT

Council had before it for consideration a license agreement for encroachment of a fence into the right of way adjoining the west part of Lots 9, 10, 11 & 12, Royal Oaks Subdivision, Meridan Lane. (Requested by Sneed, Vine, Wilkers, Selman and Perry, representing J. Harold Box et ux)

Mr. German, Director of Public Works, appeared before Council and showed slides of the fence in question. He said the fence is a hazard because it is too close to the road and is 8' into the easement.

Ms. Eden Box appeared before Council and showed slides to depict that the fence is not too close to the road. They built the fence to discourage intruders.

A woman who did not identify herself objects to the fence because she said she likes to look at the property with the trees.

Council discussed what to do about the fence. The Mayor stated there are several conflicts involving the safety and public welfare. She said there had been numerous accidents in that area before the fence was erected and perhaps the fence ordinance should be amended. After more discussion Council asked that this resolution be brought back November 4 for further consideration.

PUBLIC HEARING - LOS ALTOS SUBDIVISION LIMITED  
PURPOSE ANNEXATION

Mayor McClellan opened the public hearing scheduled for 3:45 p.m. at 4:05 p.m. on limited purpose annexation of Los Altos Subdivision.

No one appeared to be heard.

Mr. Jim Nias, Assistant City Attorney, told Council that under new rules of limited annexation in the State Statute, it is mandatory to hold a second public hearing in Los Altos.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, closed the public hearing, approved annexation and set a public hearing in Los Altos for November 12, 1981 at 1:00 p.m., with final passage of the ordinance scheduled for December 3, 1981. (7-0 Vote)

## ZONING HEARINGS

Mayor McClellan announced, at 4:10 p.m., Council would hear zoning cases scheduled for 4:00 p.m. The Council heard, closed the public hearings, granted and instructed the City Attorney to draw the necessary ordinances to cover the following zoning changes:

C14 -81 160	ISAAH HARDY, JR. & KYLE B. COLLINS	1605 E. 7th Street	From "A" 2nd H&A To "O-1" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
C14 r-81 170	JOHN H. & BILLIE G. MCGEE Holford & Carson	9532 Jollyville Rd.	From Interim "A" 1st H&A To Tract 1 "GR" & Tract 2 "O-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14 -81 171	CHARLES LINBERG By John C. Meinrath	7414 Burnet Road	From "C" 1st H&A To "C-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>

(On Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, 7-0 Vote)

C14 -81 176	VAN CLEAVE DEVELOPMENT, CO., INC.	9704 North Lamar Boulevard	From "GR" 1st H&A To "C-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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Ordinance Passed - Emergency Basis

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis to cover the following zoning change: C14-81-176, VAN CLEAVE DEVELOPMENT, CO., INC., 9704 North Lamar Boulevard, From "GR" 1st H&A to "GR" 1st H&A. (7-0 Vote)

C14 h-81 008	ARNOLD BAKERY By City of Austin	1010 E. 11th St.	From "B" & "C" 2nd H&A To "B-H" & "C-H" 2nd H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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WITH FINDING OF FACT, a, f, h, k, l, m

C14 h-81 009	HAEHNEL STORE BUILDING By City of Austin	11th and Waller	From "C-2" 2nd H&A To "C-2-H" 2nd H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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WITH FINDING OF FACT a,c,f,h,k,l,m

(On Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, 7-0 Vote)

## ZONING HEARINGS - (Continued)

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|---------------|---|---|---|
| C14-81<br>161 | C.R. FLOURNOY &<br>M.H. FLOURNOY<br>By Donald R. Flournoy                                       | 5407 Wasson Road  | From Interim "A" 1st H&A<br>To "C" 1st H&A<br>RECOMMENDED subject to<br>site plan approval.<br><u>GRANTED AS RECOMMENDED</u>  |
| C14-81<br>166 | EDMUND J. ALFF, JR.<br>MARIE ALFF NOACK &<br>JOSEPHINE ALFF<br>NENDELL<br>By David Armbrust     | 1900-1910 Alamo<br>1901-1911 Poquito<br>2000-2018 E. Martin<br>L. King Boulevard<br>2001-2009 E. 20th<br>Street | From "BB" & "LR" 1st H&A<br>To "O-1" 1st H&A<br>RECOMMENDED (as amended)<br>subject to site plan<br>review; no curb cuts on<br>E. 20th as volunteered by<br>applicant.<br><u>GRANTED AS RECOMMENDED</u> |
| C14-81<br>169 | R.P.C. INVESTMENTS,<br>INC.<br>By Tom Curtis  | 1011-1107 S. Plea-<br>sant Valley Road  | From "O" 3rd H&A<br>To "C" 3rd H&A<br>RECOMMENDED "C" 3rd H&A<br>Applicant will volunteer<br>rollback once the use<br>terminates.<br><u>GRANTED AS RECOMMENDED</u>                                      |
| C14-80<br>089 | OWEN GARY HANSELER<br>FOR ESTATES OF OTTO<br>GLEN HANSELER &<br>ALMA K. HANSELER<br>By Jim Akin | 400-500 St. Elmo<br>Road West   | From "A" 1st H&A<br>To "BB" 1st H&A<br>RECOMMENDED "BB" subject<br>to site plan approval as<br>volunteered by applicant.<br><u>GRANTED AS RECOMMENDED</u>   |

(On Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, 7-0 Vote)

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|----------------|--|--|--|
| C14r-81<br>139 | WESTLAKE CROSSROADS,<br>INC.<br>By Joe Lucas | 4211,4301 Westlake<br>High Drive<br>1304 Camp Craft Road | From Interim "AA" 1st H&A<br>To "O" 1st H&A<br>NOT RECOMMENDED<br>RECOMMENDED "O-1" 1st H&A<br>subject to approval of<br>revised site plan by<br>Planning Commission. Urban<br>Transportation is to<br>submit written comments<br>regarding vehicle move-<br>ments.<br><u>GRANTED AS RECOMMENDED</u> |
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(On Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, 7-0 Vote)

## ZONING HEARINGS - (Continued)

C14c-80 006	MEADOW MOUNTAIN CORPORATION By Jeryl Hart, Inc.	4300-4313 Canyonside Trail	From "PUD" 1st H&A Resolution 81-012 To "PUD", 1st H&A Revised Site Plan <u>GRANTED AS RECOMMENDED</u>
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(On Councilmember Duncan's motion, Mayor McClellan's second, 7-0 Vote)

Ordinance Passed - Emergency Basis

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis to cover the following zoning change: C14c-80-006, MEADOW MOUNTAIN CORPORATION, 4300-4313 Canyonside Trail, From "PUD" 1st H&A Resolution 81-012, To "PUD", 1st H&A revised site plan. (7-0 Vote)

C14-81 159	TIMOTHY H. & ELIZABETH WEABER	200 E. 30th Street	From "B-H" 2nd H&A To "O-H" 2nd H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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Councilmember Deuser wondered if the neighborhood really wanted this. Ms. Donna Kristaponis, Assistant Planning Director, told him that they do. Mr. Lillie reviewed the application by use of slides.

(On Councilmember Mullen's motion, Councilmember Deuser's second, 7-0 Vote)

C14-81 162	BILL MILBURN, INC. By John C. Meinrath	13700-13712 U.S. 183 12509-12517 Hymeadow & 10000-10004 Hidden Meadow Drive	From Interim "AA" 1st H&A To "O-1" 1st H&A Recommended (as amended)
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GRANTED AS RECOMMENDED WITH RESTRICTIVE COVENANT TO PRECLUDE  
ACCESS FROM 19' OF NEIGHBORING PROPERTY FOR COMMERCIAL USES

Mr. Lillie reviewed the application by use of slides. Councilmember Deuser questioned whether this would open up large "LR" usage since it is adjacent to "GR" tract. Mr. Lillie told him the intersection will not be major.

Motion Made & Withdrawn

Councilmember Deuser made a motion, seconded by Councilmember Duncan to approve the zoning change if the applicant took back one foot of "AA" adjacent to 18'. The motion was withdrawn while Mr. Meinrath conferred with his client. Another motion was made with condition agreed to by applicant.

(On Councilmember Mullen's motion, Councilmember Goodman's second, 7-0 Vote)

## ZONING HEARINGS - (Continued)

C14r-81 JERRY D. HOLLEY &  
163 AUSTIN A. COOPER

13716 U.S. 183 &  
10500-10504 Hymeadow  
Drive

From Interim "AA" 1st H&A  
To "O-1" 1st H&A  
RECOMMENDED (as amended)  
GRANTED AS RECOMMENDED

Mr. Lillie reviewed the application by use of slides. Councilmember Deuser said he thought this zoning would be too intensive for the 183 Plan. Mr. David Armbrust, representing the applicant, said the amendment is needed because a bank will be built there. He said consideration is going to be given to the traffic flow.

Motion

Councilmember Mullen made a motion, seconded by Mayor McClellan to approve the zoning request.

Substitute Motion

Councilmember Deuser made a motion to go with the staff recommendation. It was seconded by Councilmember Duncan who withdrew his second, and then seconded by Councilmember Goodman who withdrew his second.

Discussion followed concerning the 183 study.

Roll Call on Motion

6-1 Vote, Councilmember Deuser voted No.

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C14-81 DISTRICT COUNCIL 6510 Berkman Drive From "A" & "B" 1st H&A  
164 ASSEMBLIES OF GOD 1612-1616 Wheless Ln. To "O-1" 1st H&A  
By Irwin Salmanson RECOMMENDED

GRANTED AS RECOMMENDED WITH SITE PLAN TO BE  
APPROVED BY COUNCIL

Mr. Lillie reviewed the application by use of slides. Councilmember Deuser said the neighborhood is opposed to the lot to the north being included. The concern is, he said, is the number of parking spaces which would be available. He suggested the driveway to Wheless be closed. Mr. Salmanson said the applicant would limit parking spaces to three off Wheless as a part of the zoning.

(On Councilmember Goodman's motion, Councilmember Urdy's second, 7-0 Vote)

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C14-81 GEORGE ARREDONDO/ 5004 Lynnwood  
173 CASITA JORGE'S, INC.  
By Willerd Perkins,  
Jr.

From "A" & "B" 1st H&A  
To "O" & "GR" 1st H&A  
RECOMMENDED  
GRANTED AS RECOMMENDED WITH SITE PLAN  
TO BE APPROVED BY COUNCIL

## ZONING HEARINGS - (Continued)

Mr. Lillie reviewed the application by use of slides. He said the change is needed for expansion of the restaurant and an increase in parking. At the time the restaurant was built, parking was allowed in "B".

Judy Glass, realtor, who lives next door, said the restaurant is dangerous. She said it is smelly and their dumpster is right next door to her fence.

Lillard Perkins, representing Jorge's said they want to expand from 250 to 350 seats. He said they will move the dumpster so it will be 50' from Ms. Glass's fence.

Jerry Holly appeared before Council and said there is a school at the end of the street and the traffic from the restaurant creates a problem.

Councilmember Deuser said he wants a site plan which will put minimal impact on the neighborhood, particularly on the south ingress and egress, with particular attention paid to the planning of the kitchen enlargement.

(On Councilmember Deuser's motion, Councilmember Duncan's second, 7-0 Vote)

C14-81 112	CITY OF AUSTIN PLANNING DEPARTMENT	609-619 W. 34th St. 610-612-614 and 616-618 W. 33rd St. 3301-3309 King St. 707-715 32nd St. 2907-2919 & 3107-3117 West Avenue 618 W. 31½ Street 905 W. 30½ Street 614-622, 705-709 & 908 W. 30th Street 800 Block W. 29th	From 2nd H&A To 1st & 2nd H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u> <u>ON FIVE PROPERTIES</u> <u>UNDERLINED: OTHERS TO BE</u> <u>DISCUSSED 11/5/81</u>
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Mr. Lillie reviewed the application by use of slides. He said they recommend several of the properties be zoned 1st H&A.

Motion - Died for Lack of Second

Councilmember Deuser made a motion, seconded by Councilmember Goodman to zone the above property 1st H&A. Councilmember Goodman then withdrew his second.

Natalie DeBlue appeared and asked for 1st H&A for 609-619 W. 34th and 610-618 W. 33rd.

Sophie Donn, Heritage Association, said they would like the assurance that if disaster hits some of the property, the zoning will be rolled back. Mr. Lillie said if a disaster does hit, the property will need to be rezoned at that time.

Motion

(On Councilmember Deuser's motion, Councilmember Duncan's second, 7-0 Vote)



## ZONING HEARINGS - (Continued)

C14-81 LAYTON B. WILSON  
167 By James H. Hollard  
Jr.

807-811 Nueces  
517 W. 9th Street

From "B" 2nd H&A  
To C-4th H&A  
Recommended (as amended)  
"C" 2nd H&A to be tied  
to site plan.

GRANTED AS RECOMMENDED "O" 2nd, SITE PLAN  
TO COME BACK TO COUNCIL FOR APPROVAL

Mr. Lillie reviewed the application by use of slides. He said the parking requires "C" use. Councilmember Goodman asked if they could grant "O" instead of C and then the applicant could get a variance. Mr. Lillie said they could but it would be difficult.

Dora Monick told Council she does not think "C" zoning in this area is appropriate. She asked Council to approve "O" which is the staff recommendation.

Mildred Webb Berg, 602 W. 9th, spoke against the Planning Commission's recommendation but accept the Planning Department recommendation.

Jim Kieke, 510 W. 8th, said mixed zoning is needed but downtown also needs to be saved.

John Joseph, representing Austin Women's Club, said they are not opposed to "O" use and would like to be able to review a site plan.

Robert Hobson, representing Austin Home for Battered Children, said they are against the zoning change.

James Hollard said his client wants to build an office and they need "C" to solve their set back problem and for parking.  
(On Councilmember Duncan's motion, Councilmember Deuser's second, 7-0 Vote)

C14-81 HUSSAIN MAILIK  
168 By Page Southerland  
Page

1015-1017 Kramer Ln.

From Interim "A" 1st H&A  
To "BB" 1st H&A  
RECOMMENDED subject to  
site plan approval,  
limit of 8 units.  
GRANTED AS RECOMMENDED

Mr. Lillie reviewed the application with slides. Hussain Mailik appeared and said these will be sold as condominiums.

Motion - Died for Lack of Second

Councilmember Deuser made a motion to grant "A-2" and limit the number of units to five. The motion died for lack of a second.

(On Councilmember Goodman's motion, Mayor McClellan's second, 5-0 Vote, Councilmember Deuser present and not voting, Councilmember Duncan was out of the room.)

## ZONING HEARINGS - (Continued)

<p>C14-81 CITY OF AUSTIN 157 PLANNING DEPARTMENT</p>	<p>900-1318 E. 7th St. 902-1216 &amp; 903-1215 East 8th Street 900-1218 &amp; 903-1219 East 9th Street 900-1218 &amp; 901-1219 East 10th Street 700-1004 &amp; 701-1005 San Marcos Street 700-1004 &amp; 701-1005 Waller Street 700-1010 &amp; 701-1013 Lydia Street 1000-1012 &amp; 1001-1007 Wheless Street All of Embassy Drive &amp; Inks Avenue</p>	<p>From "A", "A-H", "BB", "B", "B-H", "O-H", "C" &amp; "C-2" 1st &amp; 2nd H&amp;A To "A", "BB", "B", "A-H", "O-1-H", "O-1", "LR", "GR" &amp; "C" 1st H&amp;A NOT RECOMMENDED</p> <p>RECOMMENDED "A", "A-H", "BB", "B", "O-1", "O-1-H", "LR", "GR" &amp; "C" 1st H&amp;A with the exception of 902 East 7th Street which is to be zoned "O-1" 1st H&amp;A</p>
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GRANTED ROLL BACK OF ALL ZONING NOT CONTESTED. GRANTED ROLL BACK TO  
1st H&A ALL PROPERTY ON 7th STREET. REST OF PROPERTY TO REMAIN AS IS

Mr. Lillie reported to Council as follows: "This application covers the Guadalupe Neighborhood Association area. On July 17, 1980 the Planning Commission approved a request for a roll back area study for the Guadalupe Neighborhood. Since that time the association held numerous meetings with neighborhood residents, collected signatures from property owners of 31 lots volunteering roll back zoning. In addition on August 27, 1981 the City Council voted to submit Phase I of the Guadalupe Community Development Program to the HUD area office for approval. This document identifies roll back zoning as a goal for the overall plan. Guadalupe Neighborhood is located east of IH 35 and west of Navasota Street between 7th and 11th Street. For the purposes of this application the area was reduced to exclude the commercially developed property along 11th Street and those lots which fall within 200' of IH 35, a principal roadway. The primary reason for that exclusion was the principal roadway ordinance requires a site plan on all property within 200'. In this case we knew that those property owners were not in a position at this time to submit a site plan. A strip of "C" commercial zoning along 7th Street and "B" residence along Waller Street was established in 1931...50 years ago. All of the lots along Lydia Street were zoned "C" in 1936. "B" zoning to the east along Navasota and "C-2" along 11th Street were established prior to 1970. Since 1970 only three lots were zoned "BB", "B" and "O"; four lots have received historic zoning designation. 2nd H&A along 7th and 11th Street was established in 1941 but the predominant character of the study area is still single family residential use. Many of the businesses serve the immediate neighborhood and 94% of the area consists of streets and uses permitted in "A" zoning. These uses include 131 single family homes, five duplexes, 36 vacant lots, 4 churches, one school and the French Legation. The remaining 6% of the area is occupied by 2 triplexes, one fourplex, a 24 unit apartment structure, two offices, a parking lot, a plant sales, grocery store, restaurant, upholstery business, billboard, tortilla factory, contractor, parking lot for taxi vehicles. The streets in the study area have primarily 60' of right-of-way and are in good repair. East 7th has 80' of

## ZONING HEARINGS - (Continued)

right-of-way and serves as a major arterial and a boundary street for the southern boundary of the neighborhood. The lots west of San Marcos Street within the area are elevated from 6 to 20 feet above 7th Street. This is on the north side of 7th Street. Access is from the rear alley. ....The recommendation of the Department was to grant the appropriate zoning for those non residential uses that are already in the neighborhood. That included some "C" commercial, some general retail, some local retail and office, "B" zoning and "BB" zoning for the apartment uses and the three and four unit apartments, to retain the historic zoning on those structures and to zone the balance "A" residential and to zone the property 1st H&A from 1st H&A. The recommended zoning is consistent with the existing uses and will continue to afford each owner reasonable use of the property. In addition, the proposed zoning is an attempt to preserve the residential character of the neighborhood and reverse the rapid decline of housing stock on permissively zoned land which to date has remained undeveloped. All property owners have the right to petition against the recommended zoning, necessitating a 3/4 vote of the Council." He referred to a map showing 12 properties where they have received a written petition against zoning roll back. All but one of the properties are on 7th Street. Mr. Lillie went on to say the Planning Commission concurred with the Planning Department's recommendation with one exception. "There is one piece of property on 7th Street, 902 East 7th Street, which the Commission recommended be zoned "O-1" office and that property is near the southwest corner of the neighborhood on 7th Street and near IH 35."

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Goodman to approve roll back where there is no owner objection. Council passed by a 7-0 Vote.

A woman who did not identify herself, said she bought the property based on the fact the whole block was zoned "C"

Mr. Louis, East 7th Street, asked that his property not be zoned "A" because East 7th is a major commercial artery through the city.

Kathy Medina, 902 E. 7th Street wants to keep "C" zoning. She is an attorney and she bought it with her partners to use for law offices.

Ray Smith Jr. discussed his property at the northeast corner of 8th and IH 35.

Louis Zegulo would like to keep his property as is, but 1st H&A is all right.

Vivian Joseph made the same remarks as Mr. Zegulo.

John Meinrath, representing Joe Daywood, said he is against a zoning change.

John Joseph is against a roll back but would like to work with the neighborhood.

Enauris Trevino appeared before Council. Before he began to speak, Councilmember Trevino stated, for the record, that the two men are not related. Mr.

E. Trevino told Council he is for the roll back...all of them, to protect the neighborhood.

Mr. Narcissia, a contractor, favors the roll back. He said they have a pretty part of town.

Sister Anrellian Diaz asked Council to approve the Planning Commission's recommendation so people in business can live in the area.

Carmen Hernandez, 1106 East 8th, said she is a member of the steering committee for the neighborhood and they favor the roll back.

Narsisans Sistos is a member of the steering committee and favors the roll back.

Father Jerry Burnett told Council the area is still capable of providing growth and wants to keep the north side of 7th Street residential.

A man who did not identify himself said he favors the Planning Commission plan.

Leda Gonzales wants the area preserved as it is.

John Scanlon of West Lake Hills supports the roll back.

A woman who did not identify herself doesn't want business to move them out.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, closed the public hearing. (7-0 Vote)

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, approved the roll back on all property on 7th Street to 1st H&A. (7-0 Vote)

Motion - Died for Lack of Second

Councilmember Deuser made a motion to roll back to "A" all property remaining on 7th Street, parcels 9,12,7. No one seconded the motion.

Motion - FAILED

Councilmember Duncan made a motion, seconded by Councilmember Deuser to roll back parcels 10, 11,1,2,8,3,4 to "A" with the opportunity of owner to declare proposed use in 60 days with a site plan of proposed use to be considered at that time, and anyone coming back could do so at no cost. Motion failed 3-1-0, Mayor McClellan voted No Councilmembers Goodman, Mullen abstained, Mayor Pro Tem Trevino was out of the room.

## ZONING HEARINGS - (Continued)

Motion - FAILED

Councilmember Goodman made a motion, seconded by Councilmember Urdy to roll back parcels 1, 2, 3, 4, 8, 10, 11 to "LR". Motion failed 5-2, Councilmember Mullen and Mayor McClellan voted No. Six votes are needed for passage.

## RECESS

Council recessed its meeting at 8:08 p.m. and resumed its recessed meeting at 8:32 p.m.

C14r-81 GULF OIL CORPORATION 3324 Northland Drive  
155 By K.L. Vaughan

From "LR" 1st H&A  
To "GR" 1st H&A  
NOT RECOMMENDED  
RECOMMENDED "GR" for car  
wash, "LR" for remainder  
of tract, subject to  
landscape plan review.  
GRANTED AS RECOMMENDED

Mr. Lillie reviewed the application by use of slides.

Mr. Warner, Balcones Civic Association, objected to the planned 30' lighted sign. He said they are in agreement with the car wash.

Bill Thompson, construction engineer for Gulf discussed the zoning request and the fact that the illuminated disk sign would not encroach the neighborhood.

Motion

Councilmember Deuser made a motion to deny the zoning request. It was seconded by Councilmember Goodman.

Substitute Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the zoning change as recommended by the Planning Commission. (4-3 Vote, Councilmembers Duncan, Goodman and Deuser voted No.)

A friendly amendment by Councilmember Deuser that the sign be limited to 25' was not accepted.

## ZONING HEARINGS - (Continued)

C14r-81 165	CHAPARRAL INVEST- MENTS, LTD. By Sanford L. Gottsman	11946-12022 Burnet Road	From Interim "AA" 1st H&A To "GR" 3rd, "DL", 1st & 2nd and "O" 1st H&A NOT RECOMMENDED RECOMMENDED Tr. 1 "GR" 2nd for building only; 1st H&A for remainder of tract; Tr. 2 "DL" 1st; Tr. 3 "DL" 2nd for building only, 1st for remainder of tract; Tr. 4a. "O" 1st; Tr. 4b "DL" 1st and Tr. 5 "O" 1st subject to landscape plan review at time of subdivision. <u>GRANTED AS RECOMMENDED WITH ATTACHED SITE PLAN</u>
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Betty Baker reviewed the application by use of slides. Sanford Gottsman, representing Trammel Crow, discussed the request for a zoning change. John Joseph, representing Johnny Joseph and Donald Thomas said they are in favor the the zoning request. Bob Richardson, president, Walnut Crossing Homeowers Association, said 22 families have signed a statement in opposition. Their concerns were flood plain, traffic signs and parking lot lights.

## PUBLIC HEARING - RECOMMENDATIONS FROM FIRE &amp; LIFE SAFETY COMMITTEE

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. on recommendations from the Fire and Life Safety Committee at 9:40 p.m.

Mr. Guymon Phillips, Assistant City Manager, reported on recommendations. One which was discussed in full is the suggestion to require smoke detectors in dwelling. They can be purchased for a nominal cost and can help prevent serious fire damage. After some discussion in which Councilmember Mullen said he does not think it should be mandatory to have smoke detectors and Mayor Pro Tem Trevino said he favors them, the following action was taken:

(Councilmember Goodman left the Council Chamber during the discussion and did not return for the remainder of the day.)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 36 of the Code of the City of Austin of 1967 by adding Section 13-1210(c), amending Section 36-1807 and 36-1907; and adding a new section 36-1810 without requiring smoke detectors. (6-0 Vote, Councilmember Goodman absent)

Motion

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, passed through FIRST READING ONLY an ordinance amending Chapter 36 of the Code of the City of Austin of 1967 to require smoke detectors in all presently occupied dwellings in Austin, Texas. (4-2 Vote, Councilmembers Deuser and Mullen voted No, Councilmember Goodman absent)

ZONING HEARINGS - (Continued)

Zoning Denied

Council heard and DENIED the following request for a zoning change:

C14r-81  
172

LAMBETH BUILDING  
COMPANY, INC.

9091 Research  
Boulevard

From "D" 1st H&A  
To "C" 2nd H&A  
NOT RECOMMENDED  
DENIED AND CLOSED PUBLIC  
HEARING

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 7-0 Vote)

## ZONING ORDINANCE

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Goodman absent)

H.H. POOL	4312-4400 Terry-0-Lane	From Interim "A" 1st H&A
C14-70-001 (part)	(Area Study)	to "D" 1st H&A

## PROVISIONS OF MORATORIUM DISCUSSED

Mr. Joe Lucas, real estate developer, appeared before Council to discuss provisions of the recently enacted 120 day temporary subdivision moratorium. He said he is unable to get a variance because his land is not 50/50 in and out of the City limits.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, approved the 50/50 allowance for a variance, excluding a certain amount of land outside the City limits. Unanimous vote.

## CITIZEN DID NOT APPEAR

Mrs. Vivian Naddef had requested to appear before Council to discuss sewer connections to her home. She did not appear and Council requested a report next week.

## SPECIAL PERMIT HEARING DELAYED

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, approved the request of Mr. W.J. Scudder, architect, to delay special permit hearing (File #C14p-81-054) scheduled for November 12, 1981, indefinitely because water and wastewater connections have not yet been approved. (6-0 Councilmember Goodman absent)

## OFFICE OF NEIGHBORHOOD REVITALIZATION

Mr. Peter J. Fears, representing the American Federation of State, County and Municipal Employees, appeared before Council to request clarification of Council's decision on the establishment of the Office of Neighborhood Revitalization. He said he represents several employees of ARA who have applied for the jobs they had with ARA which will now be positions in ONR. Because they are not considered City employees they have to go to the end of the line in applying for their own jobs. Both Mayor Pro Tem Trevino and Acting City Manager Tom Muehlenbeck, told Mr. Fears that it is the Council's intent to give job preference to people formerly employed



ONR - (Continued)

by ARA. Mayor McClellan requested a report on what has and what will occur.

#### PARADE PERMIT

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request for a Parade Permit from The Texas Tech & University of Texas Longhorn Marching Bands from 9:45 a.m. to 12 noon, Saturday, October 31, 1981, beginning from Martin L. King, Blvd. south on San Jacinto to 12 Street into Capitol grounds. (6-0 Vote, Councilmember Goodman absent)

#### PUBLIC HEARING - STREET LIGHTS

Mayor McClellan opened the public hearing, scheduled for 6:30 p.m. on amendments to Chapter 41 of the Austin City Code to require street lights in Urban Subdivisions and consider an ordinance establishing charges for installation of street lights in urban subdivisions.

Mr. R.L. Hancock, Director of Electric Utility, discussed the fee; Mr. Peterson, Assistant Director, Electric Utility discussed funding and technicalities.

No one appeared to be heard.

#### Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 41 of the Austin City Code to require street lights in urban subdivisions. (5-0 Vote, Councilmember Mullen out of the room, Councilmember Goodman absent)

#### Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance establishing charges for installation of street lights in urban communities to be \$150.00 for underground and \$75.00 overhead. (5-0 Vote, Councilmember Mullen out of the room, Councilmember Goodman absent.)

#### ELECTRICAL SERVICE CONNECTION FEES

The Council had before it an ordinance to establish and implement a fee schedule for making electrical service connections.

Mr. Vaughn appeared before Council and asked that he not be made to collect a fee. He said the electricians should not be made to do this, the City should collect their own fee and the homeowners should be responsible for paying it.

## FEES - (Continued)

Mr. R.L. Hancock, Director of Electric Utility, appeared and said the connection fee should be paid by the homeowner or the general contractor or the electrical contractor. He said in his opinion it would be best for the contractor to pay it because he would be familiar with the process.

Walter Timberlake, union representative, appeared to say the Electric Board had recommended the owner pay the connection fee. He said if the contractor pays the fee he will add on to it to cover his time and effort.

Leland Williams, electric contractor, suggested the building contractor should pay at the time of the water and sewer tap payment.

Motion

Councilmember Duncan made a motion, seconded by Mayor Pro Tem Trevino to assess the owner.

Mr. Hancock pointed out that if the owner is assessed then the owner needs to be well informed of the charge so it will not come as a big surprise when he applies for electrical connection to his house.

Bobby Denton, Denton Electric and Plumbing, thought the contractor should pay the fee.

Lonnie Davis, director of Building Inspection, thought the connection fee should be required at the time of issuance of a building permit.

Amendment to Motion

Councilmember Duncan and Mayor Pro Tem Trevino amended the motion & second require connection fee to be paid at the time of issuance of building permit, effective November 1, 1981.

Roll Call

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance requiring electrical connection fee to be paid by the owner at the time of issuance of the building permit, to be effective November 1, 1981. (5-1-0 Vote, Councilmember Mullen voted No, Councilmember Goodman absent)

## FUNDING FOR ELECTRIC UTILITY

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the ordinance approving a 30 day Capital Improvement Program Budget by providing for an additional 60 day funding authorization for the Electric Utility in the amount of \$3.43 million. (6-0 Vote, Councilmember Goodman absent)

**UTILITY - (Continued)**

Prior to the vote, Mr. Hancock said the items are critical. Councilmember Deuser pointed out that the citizens so far have not seen the seriousness of voting down bonds. Mr. Hancock said if there is a continual decline in funds the capability of enough electricity for cooling in the summer will be felt and the message then would be pretty severe.

**WATER & WASTEWATER RATE**

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Water and Wastewater Rate Ordinances Nos. 810924-F and 810924-G to establish a separate class of customers consisting of Council authorized water districts and municipal utility districts that will be billed for water and wastewater services based upon a separate rate structure for districts only, Option 1. (6-0 Vote, Councilmember Goodman absent.)

**TASK FORCE FOR BARRIER FREE AUSTIN**

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, approved the establishment of a Task Force on a Barrier Free Austin, with the following members, Jim Cannon, Charles Eskridge, Pat Pounds and Ed Hammel. (6-0 Vote, Councilmember Goodman absent.)

**NO ACTION TAKEN**

The following resolution was not acted upon because it was not needed:

Release of easements: An unused 5.0 public utility easement in Royal Oak Subdivision, West part of Lots 9,10,11 and West Park Lot 12, and Conveyance to Mr. & Mrs. Harold Box by Quit Claim Deed.

**ADJOURNMENT**

Council adjourned its meeting at 11:30 p.m.