



Austin City Council MINUTES

For DECEMBER 3, 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:

Belle

Mayor McClellan called to order the Meeting of the Council, scheduled for 3:00 p.m. at 3:00 p.m., noting the absence of Councilmembers Deuser, Duncan, Goodman, Mullen and Mayor Pro Tem Trevino. Mayor McClellan announced the items on the agenda would be discussed as soon as a quorum was present. Councilmember Duncan entered at 3:05 p.m.; Councilmember Mullen, 3:05 p.m.; Councilmember Deuser, 3:07 p.m.; Councilmember Goodman and Mayor Pro Tem Trevino at 3:30 p.m.

INVOCATION

The Invocation was given by Reverend L.M. Roberts, Greater Union Baptist Church.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary. The Mayor announced the following items would be discussed: (Items F 2. b. and F.2. c. on the agenda)

b. Shoal Creek Flood Control Project. C.I.P. No. 82/60-05

(1) All of lot 1, Block H, Edgewood Addition, 6604 Shoal Creek Boulevard. (Mrs. Milburn Easum, Jr.)

c. Jefferson Street Flood Control Project. C.I.P. No. 82/60-05

(1) All of Lot 106 Ridgelea Addition, 3909 Jefferson Street. (Mary F. Chachere and James J. Jack)

EXECUTIVE SESSION - (Continued)

- (2) All of Lot 115 Ridgelea Addition, 4101 Jefferson Street.
(Owen D. Dorman et ux Amy C. Dorman)
- (3) All of Lot 112 Ridgelea Addition, 4007 Jefferson Street.
(Stephen C. Chalmers et ux Susan D. Chalmers)
- (4) All of Lot 111 Ridgelea Addition, 4005 Jefferson Street.
(Victor H. Baez et ux Sonya P. Baez)
- (5) All of Lot 107 Ridgelea Addition, 3911 Jefferson Street.
(Rudolph H. Cantu et ux Patricia R. Cantu)
- (6) All of Lot 108 Ridgelea Addition, 3913 Jefferson Street.
(James A. Barry et ux Barbara J. Barry)
- (7) All of Lot 3 Allen Oaks Addition, 3903 Jefferson Street.
(Martha A. Boyd)
- (8) All of Lot 2 Allen Oaks Addition, 3905 Jefferson Street.
(Jim A. Fergeson and Barbara S. Anderson)
- (9) All of Lot 114 Ridgelea Addition, 4011 Jefferson Street.
(Edward J. Crew and Thelma Crew)
- (10) All of Lot 113 Ridgelea Addition, 4009 Jefferson Street.
(Carolyn S. Grove Estate)

RECESS

Council recessed its meeting at 3:08 p.m. for the Executive Session and resumed its recessed meeting at 3:25 p.m.

CAPITAL IMPROVEMENTS PROGRAM

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, adopted a resolution to aquire the following tracts of land: (7-0 Vote)

✓ Shoal Creek Flood Control Project. C.I.P. No. 82/60-05: All of lot 1, Block H, Edgwood Addition, 6604 Shoal Creek Boulevard. (Mrs. Milburn Easum, Jr.)

Jefferson Street Flood Control Project. C.I.P. No. 82/60-05:

- ✓ All of Lot 106 Ridgelea Addition, 3909 Jefferson Street.
(Mary F. Chachere and James J. Jack)
- ✓ All of Lot 115 Ridgelea Addition, 4101 Jefferson Street.
(Owen D. Dorman et ux Amy C. Dorman)
- ✓ All of Lot 112 Ridgelea Addition, 4007 Jefferson Street.
(Stephen C. Chalmers et ux Susan D. Chalmers)
- ✓ All of Lot 107 Ridgelea Addition, 3911 Jefferson Street.
(Rudolph H. Cantu et ux Patricia R. Cantu)
- ✓ All of Lot 108 Ridgelea Addition, 3913 Jefferson Street.
(James A. Barry et ux Barbara J. Barry)
- ✓ All of Lot 113 Ridgelea Addition, 4009 Jefferson Street.
(Carolyn S. Grove Estate)

LIBERTY LUNCH LEASE

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, adopted a resolution to enter into a two year lease between the City of Austin Lessor and Charles J. Tesar, Lessee, Liberty Lunch and Wagonyard.

ITEM TO BE BROUGHT BACK

The following resolution will be brought back on the December 9, 1981 agenda: Consider approval of a Change Order in the amount of \$10,000 to allow Parks and Recreation Department to proceed with removal of all black clay from beneath courts #1 and #2 (tennis center) and replace with compacted fill.

Councilmember Deuser asked why the court had not been constructed properly. Mr. Ehrler, Director of Parks and Recreation, told him a series of cuts had been made and core tests done but they had straddled a particular area and the black clay did not show up. Councilmember Deuser wanted to know who is liable. Mr. Albert DeLaRosa, Acting City Attorney, told him he will check and report back on December 9. Councilmember Deuser asked for the base amount of the contract.

PARKS & RECREATION DEPARTMENT MASTER PLAN

Motion

Councilmember Duncan made a motion, seconded by Mayor Pro Tem Trevino to adopt the Parks and Recreation Department Master Plan, Phase I as an official policy document of the City of Austin "with the first column on page 43 being deleted at this time and looked at further because of the implications which capital improvements and such future directions, and also that the addendum on the conclusions, issues and policies be passed at this time, but there is some question about the community neighborhood input and the household on site survey being in agreement with staff research and that we bring these forth again, but pass the rest of the Master Plan including the policy at this time, but delete pages 40-43 first column and conclusion and issues of the addendum and also add as the recommended sources in our memorandum from the Planning Commission action."

Councilmember Duncan said he would like further investigation on the discrepancies between the community-neighborhood input and the household survey and the staff recommendation. Mr. Ehrler said "I don't think we will have any problem with that at all. We feel it is very important and we feel like the Planning Commission..... I would like the opportunity then to spend some time with you and explain that to you.and I think you would be more comfortable with it before we print the final copy that would have that resource material. Councilmember Mullen suggested the whole thing be pulled for two weeks and not piecemeal it. Mr. Ehrler told him that they are working very fast to comply with the policies so that their C.I.P. reflects it. He said this would not affect the policies at all and they really need to have their C.I.P. reflect those policies and this, whether it is left in or pulled off, won't affect the policies. After discussion the roll was called.

Roll Call on Motion

6-0 Vote, Councilmember Goodman out of the room.

CAPITAL CABLE LABOR STRIKE

Council had before it for consideration a resolution requesting binding arbitration on the City of Austin cable franchise holder, Capital Cable and the Communication Workers of America; in an effort to solve the current labor strike.

Mayor McClellan stated that if the citizens are suffering because of the strike, then she wants the Cable Officer to tell Council. She said Legal has advised we cannot impose binding arbitration and that the above resolution would either be a meaningless resolution or if it is passed "we will be going against our role".

Motion

Councilmember Duncan made a motion, seconded by Mayor Pro Tem Trevino to adopt a resolution requesting binding arbitration on the City of Austin cable franchise holder, Capital Cable and the Communication Workers of America in an effort to solve the current labor strike.

In seconding the motion, Mayor Pro Tem Trevino stated for the record "we have a moral obligation to urge the two parties to resolve their differences".

Bruce Hatfield, Cable Officer for Austin, told Council that his office is not aware of suffering by the residents of Austin and there have been no increase in complaints.

Mayor McClellan stated she will register concern but if a resolution is passed it will mean interference.

Councilmember Mullen stated he will abstain from all motions which are not in the purview of the Council.

Mr. Nicholas Meiszer, City Manager, asked if Capital Cable is proceeding on schedule with their agreement with the City of Austin. Mr. DeLaRosa told him they are. Mr. Meiszer said that is the crux of the matter. Mr. Hatfield told him Capital Cable is on time with their development.

Councilmember Mullen reiterated Council should not vote on issues in which they are not involved. Mayor McClellan stated for the record, "My vote will not be because of lack of concern, it will be because we do not have any jurisdiction."

Roll Call on Motion

5-1-0 Vote, Mayor McClellan voted No, Councilmember Mullen abstained.

4th YEAR CDBG FUNDS

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution reprogramming deobligated 4th Year CDBG funds to the following projects: (7-0 Vote)

a. South Austin Multi-Purpose Center	\$ 37,501
b. Montopolis Neighborhood Center	71,000
c. Rosewood Neighborhood Center	130,000
	<u>\$ 238,501</u>

✓ PUBLIC HEARING - PDA

Mayor McClellan opened the public hearing scheduled for 4:00 p.m. to consider allowing a Planned Development Area on approximately 220.90 acres at North IH-35 & Yager Lane and authorizing a PDA Contract. C2a-81-003.

Mr. Lillie explained this application is for a planned development area of industrial designation on 221 acre of land. The tract is located on the northeast corner of I.H. 35 and Yager Lane. A small portion of the tract is within the city limits. This tract consists of several legal tracts, therefore subdivision is not required for development. The annexation act allows the city to designate industrial districts outside the city limits. The procedure developed by the Council involves site plan review and approval of a set of performance standards that relate to the use of the property. In areas where a subdivision is not required, the planned development area process is on a voluntary basis. A number of factors were raised in departmental review of the site plan. Several comments were related to Parmer Lane. The Roadway Plan suggests Parmer Lane be extended across I.H. 35 to the east. The right-of-way alignment has not been set by the Highway Department nor the City of Austin, however both agencies have discussed the alignment with the applicant. The alignment indicated on the site plan is the best alternative at this time. As development proceeds, it will be necessary to continue to negotiate with the state and city with respect to the right-of-way. The site plan indicates dedication of the 25-yr. flood plain easement. In the event the buildings encroach a 100-yr. flood plain, the minimum floor elevation of the building will be 2' above the flood elevation. The contract provides that industrial waste and air pollution control standards must be met. A waterway development permit is not required, but a waterway development permit with respect to location of water and wastewater lines will be submitted. Public Works and Water & Wastewater will review the storm water runoff generated by this development. A storm water detention pond will be located in the central cluster of the buildings. A 100' building setback line will be provided on all property lines except on the Parmer lane extension from I.H. 35 easterly to the north boundary line of the property. The Planning Commission and City Council have approved an approach main for water and wastewater. The contract provides that the property be annexed and zoned in accordance with a PDA contract, and also provides that heights be limited to 45'. A provision within the contract states it may be necessary to meet FAA building height requirements.

The following amendments have been revised:

- (1) "Schlumberger may make changes in the building, parking, interior roadway designs, and locations shown in the site

PDA - (Continued)

plan without further approval as long as the percentage of building coverage does not exceed 35%."

The staff is not concerned about minimum changes or slight adjustments to building locations within the site plan, however substantial or material changes to the site plan should have city approval. The applicant agrees.

- (2) Future alignment of proposed Parmer Lane. "Schlumberger and the City understand that the final alignment of such street may involve further discussion with the City, Schlumberger, and Texas Department of Highways. They will cooperate in connection with and expressly agree that no dedication or other grant of right-of-way for such street is or shall be made or implied by this agreement."

It should be amended to read that Schlumberger and the City understand that the final alignment of such street may involve further negotiations among and with the City, Schlumberger, and Texas Department of Highways Public Transportation regarding the dedication of right-of-way and construction of Parmer Lane. The applicant agrees.

Mr. Terry Bray, representing Mr. Schlumberger, addressed Council and informed them the facility will be for research and development and will basically be computer driven and operated. He said natural drainage patterns will not be cut or filled. He also stated the property is outside the city limits so the property does not require subdivision zoning.

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, closed the public hearing and approved a Planned Development Area on approximately 220.90 acres at North IH-35 & Yager Lane, and authorized a PDA Contract. C2a-81-003. (7-0 Vote)

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:

ZONING HEARINGS - (Continued)

✓ C14 -81 BILL MILBURN, INC. 2700-2800, 2701-2807 From Interim "AA" 1st H&A
 189 By John C. Meinrath 2809-2811 & 2815 To "A" 1st H&A
 Pectoral Drive RECOMMENDED
 9000-9012, 9100-9102 GRANTED AS RECOMMENDED
 Curlew Drive
 2838, 2828 & 2829-2381 Wilcrest Drive
 ✓ 2815-2613 Kentish Drive
 2700-2705 Curlew Cove

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

✓ C14 -81 JUANITA L. ROSS 2710 Manor Road From "B" 2nd H&A
 192 By Oliver B. Street 3200 Larry Lane To "O-1" 1st H&A
 RECOMMENDED (as amended)
GRANTED AS RECOMMENDED

Ordinance Passed - Emergency Basis

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance on an emergency basis to cover the following zoning change: C14-81-192, JUANITA L. ROSS, 2710 Manor Road & 3200 Larry Lane, from "B" 2nd H&A to "O-1" 1st H&A. (7-0 Vote)

✓ C14 -81 JOHN STREET 4700-4806 West From Interim "AA" 1st H&A
 201 BUILDERS, INC. Duval Road To "A-2" 1st H&A
 By Holford and RECOMMENDED
 Carson GRANTED AS RECOMMENDED

C14 -81 CITY OF AUSTIN 7405-7807 Latta Drive From Interim "AA" 1st H&A
 200 PLANNING DEPARTMENT 7500-7706 & 7501-7709 To "AA" 1st H&A
 Islander Drive RECOMMENDED
 7600-7724 & 7601-7721 GRANTED AS RECOMMENDED
 Navarro Place
 7700-7802 & 7701-7805 Copano Drive
 ✓ 7600-7616 & 7601-7617 Galliano Circle
 7700-7808 & 7701-7807 Copperas Drive
 4600-4610 & 4601-4611 Copano Ct.

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

ZONING - (Continued)

- ✓ C14 -81 CITY OF AUSTIN 6108-6220 & 6109-6215 From Interim "AA" 1st H&A
 199 PLANNING DEPARTMENT Brush Country Road To "AA" 1st H&A
 ✓ 4600-4708 & 4601-4707 RECOMMENDED
 White Elm Drive GRANTED AS RECOMMENDED
 4700-4810 & 4701-4811
 ✓ Summerset Trail
 4700-4706 & 4701-4707
 White Elm Court
- ✓ C14 h-81 JOHNS-HAMILTON 716 Congress Avenue From "C-2" 4th H&A
 015 BUILDING To "C-2-H" 4th H&A
 By Tom Eisenhour RECOMMENDED
GRANTED AS RECOMMENDED

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

- ✓ C14 -81 CITY OF AUSTIN 3601, 3605, 3607 From "O" 1st H&A
 179 PLANNING DEPARTMENT Lawton Drive To "BB" 1st H&A
 RECOMMENDED subject to
 staff recommendations,
 site plan.
GRANTED AS RECOMMENDED
- ✓ C14 r-81 HERBERT & FLORENCE 1006 E. 50th Street From "A" 1st H&A
 190 ZOCH To "O-1" 1st H&A
 By John Green RECOMMENDED subject to
 revised site plan approval
 by Planning Commission.
GRANTED AS RECOMMENDED
- ✓ C14 -81 BIG BROTHERS/BIG 4806-4908 Springdale From "B" 1st H&A
 197 SISTERS OF AUSTIN Road To "O" 1st H&A
 By Forest D. Cook RECOMMENDED subject to
 restrictive covenant
 limiting to one (1)
 residential unit for
 security caretaker (plus
 office development).
GRANTED AS RECOMMENDED

(To be brought back 12/9/81 for
 emergency passage.)

ZONING - (Continued)

- ✓ C14 -81 RANDALL H. RILEY 2504-2506 North Bluff From Interim "A" 1st H&A
174 By Lesa Flores Drive To "C" 1st H&A
RECOMMENDED subject to approval of site plan by Building Inspection, restrictive covenant to rollback the zoning once the use terminates as agreed by applicant.
GRANTED AS RECOMMENDED
- ✓ C14 r-81 BEE CAVE WOODS 1938 Holly Hill Dr. From "O-1" 1st H&A
206 DEVELOPMENT COMPANY 1900-1904 Doris Ann To "A-2" 1st H&A
By Timothy Mathews Boulevard RECOMMENDED subject to ordinance requirements, approve site plan for Tracts 2 & 3, noting the revised site plan for Tract 2 is for case no. C14-81-019, including wood berm sign & raising height restriction to two stories.
GRANTED AS RECOMMENDED

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

- ✓ C14r-81 KOGER PROPERTIES, 3400-3528 Executive From "GR" & "LR" 1st H&A
180 INC. Center Drive To "GR" 2nd H&A
By Tom Curtis 7640-7740 MoPac RECOMMENDED "GR" 2nd to be restricted to building footprint, zoning is to be rolled back to "O-1" if intended use ceases.

GRANTED AS RECOMMENDED SUBJECT TO SITE PLAN APPROVAL

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

ZONING - (Continued)

✓ C14 -81 A/P JOLLYMESA, LTD. 9226 Jollyville Rd. From Interim "A" 1st H&A
 183 By Phil Pokorny & Co., Inc. To "BB" 1st H&A
 RECOMMENDED

GRANTED AS RECOMMENDED & LIMIT
 TO 15.8 UNITS PER ACRE

Mr. Lillie reviewed the application by use of slides.

Mr. Phil Pokorny, representing the applicant, said they want to construct condominiums and that this is a good example of step zoning.

Richard Watabarth, president, Balcones Civic Association, told Council the density should be limited to A-2.

Garry McKenzie, Balcones Civic Association, said they are against the zoning because of the traffic.

Mr. Pokorny said there will be direct access to the condominiums from Old Jollyville Road onto MoPac, but getting back to the area is a problem.

Motion

Councilmember Deuser made a motion, seconded by Councilmember Duncan to grant "A-2" to lower density.

Mr. Pokorny returned to say 15.8 unit density is typical of 1st H&A which will allow 22 units. He said he prefers "BB" with a density restriction.

Strike and Insert

Councilmember Deuser amended his motion, and Councilmember Duncan amended his second to grant "BB" with 12 units per acre.

Friendly Amendment Not Accepted

Councilmember Mullen offered a friendly amendment to allow no more than 15 units per acre. The friendly amendment was not accepted.

Substitute Motion

Councilmember Mullen made a substitute motion, seconded by Mayor McClellan to restrict units per acre to 15.8 on all future zoning similar to this.

Council decided to divide the motion.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, granted "BB" zoning as recommended with a limit of 15.8 units per acre. (5-2 Vote, Councilmembers Deuser and Duncan voted No.)

ZONING - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, voted to allow a maximum of 15 units per acre on future applications with frontage on Jollyville Road. (7-0 Vote)

✓ C14-81 182	J. N. & GERTIE M. CHAMBERS By June Richardson	3801 South 1st St. 517 Post Road	From "A" 1st H&A To "O-1" 1st H&A RECOMMENDED "O-1" 1st, to be tied to site plan. <u>GRANTED AS RECOMMENDED</u>
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Mr. Lillie reviewed the application by use of slides.

(On Councilmember Duncan's motion, Mayor McClellan's second, 6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

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: C14-81-182, J.N. & GERTIE M. CHAMBERS, 3801 South 1st St. and 517 Post Road, from "A" 1st H&A to "O-1" 1st H&A, to "O-1" 1st, to be tied to site plan. (6-0 Vote Mayor Pro Tem Trevino was out of the room.)

✓ C14-81 187	ISOM H. & MILDRED L. HALE, JERRY B. & SANDRA H. HALE & JAMES W. SARVER	3511 Manor Road bounded on the east by Pershing Dr.	From "A" & "O" 1st H&A To "GR" 3rd H&A NOT RECOMMENDED RECOMMENDED "GR" 3rd for Hotel use only, subject to site plan approval by Planning Commission, noting ap- plicant has volunteered a maximum height of 6 floors. for hotel use; 1st H&A use for remainder. <u>GRANTED AS RECOMMENDED</u>
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Mr. Lillie reviewed the application by use of slides.

Mr. Jerry Hale told Council this will be a hotel until the airport moves and then it will be changed to something else compatible with whatever will be in the area.

(On Councilmember Urdy's motion, Mayor McClellan's second, 5-1-0 Vote, Councilmember Deuser voted No. Councilmember Goodman was out of the room.)

ZONING HEARINGS - (Continued)

Zoning Postponed

Council postponed the following zoning cases:

✓ C14-81 JOHN & LESLIE 2800 San Pedro From "A" 1st H&A
 177 PIERATT To "BB" 1st H&A
 NOT RECOMMENDED
POSTPONED TO JANUARY 28, 1982 @ 4 p.m.

Mayor McClellan inquired whether the applicant was present. No one appeared.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, voted to DENY the request for a zoning change. (7-0 Vote)

LATER IN THE DAY, Mr. Pieratt appeared before Council and referred to a letter which had been delivered earlier in the day to Councilmembers requesting that the hearing be rescheduled at a later date, preferably after the second week of January, 1982. Mayor McClellan stated she had overlooked the letter.

Motion to Reconsider

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, voted unanimously to reconsider the vote to deny the zoning change.

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, voted to postpone the zoning hearing until January 28, 1982 at 4:00 p.m. (6-1 Vote, Councilmember Deuser voted No.)

✓ C14 -81 JIM RAY, TRUSTEE 6509-6701 Bradsher From Interim "A" 1st H&A
 158 By Eugene O. Jarman 320 William Cannon Drive To "0-1" 1st H&A
 NOT RECOMMENDED
POSTPONED TO JANUARY 7, 1982, 4:00 P.M.

Applicant requested one month postponement.

(On Councilmember Mullen's motion, Mayor McClellan's second, 6-0 Vote, Councilmember Goodman was out of the room.)

ZONING HEARINGS - (Continued) Zoning Case Sent Back to Planning Commission

✓ C14-81 NASH PHILLIPS & 7000-7030 U.S. 290 From "GR" 1st H&A
186 CLYDE COPUS, JR. East To "C" 1st H&A
NOT RECOMMENDED

SENT BACK TO PLANNING COMMISSION

After Mr. Lillie reviewed the application with slides and Mr. Mark Bales, vice-president, Nash Phillips Copus gave a slide presentation, Mr. Riley Fletcher brought to Council's attention the fact that the Planning Commission notices regarding this case had the address of U.S. 183 rather than U.S. 290. As a result, Assistant City Attorney Jim Nias ruled this case should be sent back to the Planning Commission and procedure be done with the correct address.

Zoning Case to be Heard12/4/81

The following zoning case will be heard at the December 4, 1981 meeting.

✓ C14-81 REFUGIO & MICKIE 5807 Woodrow From "A" 1st H&A
181 ACUNA, JR. To "B" 1st H&A
RECOMMENDED (as amended)

(Applicant requests emergency passage of ordinance)

PUBLIC HEARING - NORTH HILLS CLUB TOWNHOMES

Mayor McClellan opened the public hearing scheduled for 5:30 p.m. on an appeal from members of the North Hills Club Townhomes Association on the decision of the Planning Commission, Special Permit File/Case No. C14p-81-058.

Mr. Lillie reviewed the case and stated an apartment project is proposed.

Mr. Charles Tuple, developer of Valleyside Condominiums said the Planning Commission had voted unanimous approval with 10.4 units per acre. The Planning Department recommended a roll back to "BB" 1st H&A. The Planning Commission had discussed "A-2" but some buildings would be too close to the property line to comply.

Dr. Sid Stewart, owner in North Hills Club Townhomes, expressed concern with the water flow and drainage. He said his home was flooded during the Memorial Day rains and building condominiums on the proposed site would create too much concrete and asphalt north of their townhomes and create more flooding problems. He is not opposed to the project but says the drainage problem must be solved.

After some discussion, Councilmember Deuser requested the City Manager to request staff to look into the engineering aspect to alleviate problems caused by water run off. Councilmember Mullen requested a report be given to Dr. Stewart in 30 days.

HEARING - TOWNHOMES - (Continued)

Motion

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, closed the public hearing, and upheld the decision of the Planning Commission Special Permit File/Case No. C14p-81-058. (6-0 Vote, Councilmember Goodman was out of the room.)

ZONING HEARING

Mayor McClellan announced Council would hear the zoning case scheduled for 6:00 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 change:

<p>✓ C14-81 220</p>	<p>ERNEST MAE MILLER, ET AL By Donna Loflin</p>	<p>1180 Navasota Street 1101 Amber, also bounded to the west by Waller St.</p>	<p>From "A" 2nd H&A To "O" 2nd H&A <u>GRANTED "B"</u> <u>1st H&A AS</u> <u>AMENDED</u></p>
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WITH RESTRICTIVE COVENANT TO ROLL BACK
IF USE CHANGES.

Mr. Lillie reviewed the application.

Donna Loflin, representing the applicant, told Council they have the support of the neighborhood. Request is for a home for day care for the elderly.

Ada Simon told Council this is the former home of Professor Anderson and it would honor him to use his home as a day care center for the elderly.

Betty LaRue said this is a chance to show "we care".

Marjorie Lee, lives next door, and is opposed to "O" zoning.

Mayor McClellan said it could be restricted to adult day care center and rolled back to "A" if not used as such.

After some discussion, in which Councilmember Deuser asked that the map be starred to show the roll back condition, the motion was made.

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

SEWER CONNECTION REQUESTED

✓ Reverend John W. Price appeared before Council to request a connection to the City sewer for senior citizen housing complex. He said it is a 60 unit complex in northeast Austin for handicapped as well as senior citizens. Councilmember Goodman asked Mr. Bullock, Director of Water and Wastewater, to look into the problem. Mr. Bullock told him the problem is Little Walnut Creek and he will check the options and report back.

WATER SERVICE DISCUSSED

Mr. Neil Schnyler, 6401 Spicewood Springs Road, appeared before Council to state he cannot hook up to the water line which is right in front of his home. Mr. Bulloch, Director of Water and Wastewater, told him the subdivision has been approved for wells and septic tanks. Mr. Schnyler's property is outside of the service area and Mr. Bulloch does not recommend extending service to Mr. Schnyler's property. Councilmember Mullen said this is an example of the City running out of money for extension of water and wastewater service, and bonds were not passed to replenish the funds.

CITY SERVICES REQUESTED

Mr. Henry Ault, appeared before Council to request his property located at 2614 Lane. He said he lives inside the City but has no service and wonders if anything will ever be done. Mayor McClellan told him if he grants the City a right-of-way on his property, something will be done. Mr. John German, Director of Public Works told Mr. Ault the City has dedicated the street leading to the property. Mr. Ault said he will dedicate the right-of-way because he wants service. Mr. German told him to meet with him and they will discuss the situation.

BOAT DOCK APPROVED

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request of Mr. Patton G. Lochridge for permission to build a 56 foot boat dock on his property on Lake Austin. (7-0 Vote)

SOUTH FIRST STREET REVITALIZATION PLAN

Mr. Michael Poulson, chairman, South First Street Corridors Revitalization Plan, appeared before Council to request their vote at the next Council Meeting on the South First Street Revitalization Plan.

PARADE PERMIT

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request for a Parade Permit from Mr. A.J. "Jim" Jackson, Jr. for the Mustang Owners Club of Austin, from 2:00 p.m. to 3:00 p.m., Saturday, January 24, 1981, beginning from parking lot at the corner of Guadalupe Street and 51st Street, 51st to Lamar Boulevard, south on Lamar to 5th Street. (6-0 Vote, Councilmember Goodman was out of the room.)

BOY SCOUTS INTRODUCED

Mayor McClellan recognized the presence of Boy Scouts from Troop 496 who were present in the Council Chamber.

RECESS

Council recessed its meeting at 7:25 and resumed its recessed meeting at 7:50 p.m.

KOENIG LANE

Mr. Lillie, Director of Planning, gave the Planning Commission Report on adoption of land use and zoning guidelines for Koenig Lane. He said they have tried to keep the area residential and the Commission has set up a prototype policy as guide lines. He asked Council to place this on a future agenda for approval.

NOTIFICATION RE PUBLIC HEARING
BERGSTROM WEST PLAN

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, adopted a resolution to notify neighborhoods/neighborhood organizations concerning the public hearing on Bergstrom West Plan. (5-0 Vote, Councilmembers Deuser and Goodman were out of the room.)

PUBLIC HEARING - VIEWS OF CAPITAL

Mayor McClellan opened the public hearing, scheduled for 8:00 p.m. to discuss the Planning Commission's recommendations on views of the Capital.

Mr. Lillie, Director of Planning, discussed the program being reviewed to preserve the view of the Capital. He said there is no formal review process at present and read the motion of the Planning Commission requesting a formal review process for any building 60' or higher.

Reuben Johnson, City Bank, told Council this is one more stumbling block for building in the City and that heights should not be limited when property is so expensive.

Terry Bray told Council any big project already has lots of controls on it and Council should not approve more cumbersome restrictions.

Alan Tanaguchi, Chairman, Downtown Revitalization Task Force, told Council that unless a variance is requested, a project of any magnitude can develop and go to the Building Department for a permit. He said projects should be brought to the Task Force for review and read the Downtown Revitalization Task Force Resolution. (See Attachment "A")

Ari Wright, member of the task force, said there should not be a series of tall buildings all the way to Town Lake from the Capital.

Mary Lea, Planning Commission, told Council she voted against the Planning Commission recommendation because she believes it does not go far enough. She feels more time is needed to develop a review process.

CAPITAL - (Continued)

Martha Hartogg, Landmark Commission, told Council new structures should have a set back along the original line; retail space should be provided in the structures and Congress Avenue beautification should take place.

David Armbrust is supportive of the Planning Commission recommendation.

Ruby Goodwin, Travis County Democratic Women, asked Council to vote favorably.

Dorothy Rowland said decision should be made for what is good for the City as a whole and asked Council to adopt the Planning Commission's recommendations.

Bill Bingham, representing Capital Mortgage Bankers, said they are planning a building at 10th and Congress Avenue and are following all restrictions set forth. He said they approve the Planning Commission recommendation but thinks it should be made clear that projects in the pipeline should be exempt from the ordinance passed.

Mayor McClellan stated an addition should be made to Part VI that the restrictions should not apply to any structures which presently have a building permit.

Tom Francis, representing Russ Properties, said he would not have voted for the Planning Commission's recommendation. He questioned the 90 day review process.

Phil Conard, task force member, said there are no binding guidelines concerning the review process and thought it should be within three weeks after intent to develop is filed.

Karen McGraw said elements of the American City Plan are the structures which are being built now.

Betty Phillips urged Council to adopt a stronger ordinance.

Smoot Carl-Mitchell, read a letter from the Austin Neighborhood Council.

Paul Hernandez, member Downtown Revitalization Task Force, said he endorses the recommendation.

A member of the Planning Commission supports the task force recommendation.

Michael Adair, an attorney, said he understands the Planning Commission ordinance but does not understand the 90 day provision and that he is the fourth attorney who has spoken today who does not understand it.

Richard Seiders said there should be residences downtown. He said 6th Street is vital and all of downtown should be made like that.

Warren Beaman, said the planning should be based on realistic rules and does not feel every case should be reviewed with a public hearing.

Motion

Councilmember Urdy made a motion, seconded by Mayor McClellan to close the public hearing.

CAPITAL - (Continued)

Substitute Motion

Councilmember Goodman offered a substitute motion to close the public hearing and pass through FIRST READING ONLY the ordinance with a 45 day time period instead of a 21 day time period and with correction made to geographical boundaries as reflected in his version of the ordinance, also an amendment to Section VI. (See Attachment B)

Friendly Amendment - Accepted

Councilmember Duncan offered a friendly amendment to take the original ordinance as proposed by Councilmember Goodman and substitute in it the words under Part 2, Line 4, after building, "provided however that the 90 day provision shall not apply to any project which has already applied, or any City permit such as demolition, building or special permit prior to the date thereof." Councilmember Goodman accepted the friendly amendment.

Friendly Amendment - Not Accepted

Councilmember Deuser offered a friendly amendment to specify certain types of information beyond the conceptual plan. His amendment was not accepted.

Councilmember Goodman, after considerable discussion, said the meaning this ordinance is that they are beginning a review process and "We are starting to incorporate the concerns of those who are planning to develop downtown and those who are concerned about what the developments are going to look like." Mr. DeLaRosa said he will come back tomorrow with corrections for second reading.

Friendly Amendment Withdrawn

Councilmember Duncan withdrew his friendly amendment.

Roll Call on Substitute Motion

FIRST READING ONLY (See Attachment C)

5-0 Vote, Councilmembers Deuser and Duncan were present and not voting.

AGENDA ITEMS POSTPONED

Mayor McClellan announced the items not heard at today's meeting will be heard at the Meeting of the Council, December 4, 1981.

ADJOURNMENT

Council adjourned its meeting at 10:55 p.m.

December 1, 1981

ATTACHMENT "A" - PAGE 1

Mayor Carole Keeton McClellan and
Members of the City Council

The following motion was unanimously approved by the Downtown Revitalization Task Force at its November 30, 1981 meeting.

Motion: Robert L. Davis
Second: Phil Conard

The Downtown Revitalization Task Force urges the City Council to amend the interim ordinance to regulate building height in the central business district which is recommended by the Planning Commission to the City Council under Item R700-81-001, by amending the first paragraph of the ordinance proposed by the Planning Commission to read as follows:

Given the 64 block area surrounding the State Capitol zoned "C" Commercial, 4th H&A allowing development of 200' buildings, the Planning Commission recommends to the City Council passage of an ordinance immediately creating a public review process as a prerequisite to issuing a building permit in the downtown area for any new structure, any demolition of any existing structure, or any addition to or renovation of any existing structure which will cost more than \$750,000.00. * A written description of the building's conceptual plan shall be forwarded to the Director of the Planning Department no later than the filing of an application for a building permit, and with respect to any building permit issued more than 90 days after the effective date hereof, at least 90 days prior to the filing of such building permit. The Director of the Planning Department shall set such plan for review by the Commission no later than two weeks from the date the plan was received by the Director and shall forward a copy of such plan to the Downtown Revitalization Task Force. The conceptual plan shall include the following:

a. Site Plan showing:

1. lot and dimensions
2. location of structure(s) and adjacent buildings
3. egress, ingress points for vehicles and pedestrians

b. Conceptual schematic elevation(s) for any buildings, showing or describing:

1. height and massing
2. fenestration and materials
3. color

c. Description of building program including:

1. extent and location of uses
2. parking requirements and provisions
3. energy conservation/efficiency considerations
4. ground floor plan

d. Zoning changes, vacancies, licenses or permits requested.

The review shall be a public hearing and the Planning Commission shall consider the proposed building's visual and design compatibility with the State Capitol. The Commission will consider air circulation, heat generation, and the ability of people to see the State Capitol. At the close of the hearing, and within the two week period, the Commission shall make such comment as deemed appropriate, in writing and included in the review package for the various City departments which must approve the building permit application filed for such building. This Ordinance is to be reviewed one year from the date of its enactment.

The underlined portions are those amendments proposed by the Downtown Revitalization Task Force.

Alan Taniguchi, Chair
Downtown Revitalization Task Force

DD15-RLD/16

R700-81-001

Capitol Views Project

Consider interim ordinance to regulate building height in the Central Business District

ORDINANCE NO. _____

AN ORDINANCE CREATING A PUBLIC REVIEW PROCESS AS A PREREQUISITE TO ISSUING A BUILDING PERMIT IN THE DOWNTOWN AREA FOR ANY STRUCTURE WHICH WILL EXCEED SECOND HEIGHT AND AREA ZONING CLASSIFICATION; DEFINING THE DOWNTOWN AREA; REQUESTING A STUDY BY THE DOWNTOWN TASK FORCE FOR ITS RECOMMENDATION OF DEFINITE CRITERIA FOR A PERMANENT REVIEW PROCESS; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Whereas the 64 block area surrounding the State Capitol is zoned "C" Commercial, 4th H&A allowing development of 200' buildings, the City Council hereby finds it to be in the public interest to adopt an ordinance immediately creating a public review process as a prerequisite to issuing a building permit in the downtown area for any structure which will exceed second height and area zoning classification.

PART 2. A written description of the conceptual plan of any building which will exceed the heights limitation of the second height and area zoning classification shall be forwarded to the Director of the Planning Department no later than the filing of an application for a building permit. The Director of the Planning Department shall set such plan for review by the Commission no later than three weeks from the date the plan was received by the Director. The conceptual plan shall include the height, massing, materials, and color of the building. The review shall be a public hearing and the Planning Commission shall consider the proposed building's visual and design compatibility with the State Capitol. The Commission will consider air circulation, heat generation, and the ability of people to see the State Capitol. At the close of the hearing, and within the three week period, the Commission shall make such comment as deemed appropriate, in writing and included in the review package for the various City departments which must approve the building permit application filed for such building.

PART 3. The downtown area shall be defined as follows:

Beginning at the point of intersection of the centerline of Martin Luther King, Jr. Boulevard with the western right-of-way line of Interstate Highway 35; in a southerly direction along the western right-of-way line of Interstate

Highway 35 to its intersection with the north bank of Town Lake; in a westerly direction along top bank of Town Lake to its intersection with the centerline of Congress Avenue; in a southerly direction along the centerline of Congress Avenue to its intersection with the centerline of Barton Springs Road; in a westerly direction along the centerline of Barton Springs Road to a point 125' west of its intersection with the centerline of Lee Barton Drive; in a northerly direction parallel to the right-of-way of Lee Barton Drive to a point 213' from the centerline of Barton Springs Rd; in a westerly direction and parallel to Barton Springs Road to the intersection with the centerline of Lee Barton Drive; in a northerly direction along the centerline of Lee Barton Drive to its intersection with the centerline of Riverside Drive; in a westerly direction along the centerline of Riverside Drive to its intersection with Lamar Boulevard; in a northerly direction along said centerline of Lamar Boulevard to its intersection with the centerline of Martin Luther King, Jr. Boulevard; in a easterly direction along the centerline of Martin Luther King Jr. Boulevard to its intersection with the centerline of Pearl Street north of Martin Luther King Jr. Boulevard; in a northerly direction along the centerline of Pearl Street to its intersection with the centerline of West 21st Street; in an easterly direction along the centerline of West 21st Street to its intersection with the centerline of the University Avenue Alley; in a southerly direction along the centerline of the University Avenue Alley to its intersection with the centerline of Martin Luther King, Jr. Boulevard, in an easterly direction along the centerline of Martin Luther King, Jr. Boulevard to the point of beginning.

PART 4. This ordinance shall be reviewed by the City Council one year from the date of its enactment.

PART 5. The Downtown Revitalization Task Force is hereby requested to conduct a study and make recommendations to the Planning Commission and the City Council within one year relating to the establishment of definite criteria for downtown buildings;

PART 6. Whereas an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this Ordinance becomes effective immediately upon its passage, therefore the rule requiring the reading on three separate days is hereby suspended and this Ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

ATTACHMENT "C" - PAGE 1

ORDINANCE NO. 81

AN INTERIM ORDINANCE CREATING A PUBLIC REVIEW PROCESS AS A PREREQUISITE TO ISSUING A BUILDING PERMIT IN THE DOWNTOWN AREA FOR ANY STRUCTURE WHICH WILL EXCEED SIXTY FEET IN HEIGHT; DEFINING THE DOWNTOWN AREA; REQUESTING A STUDY BY THE DOWNTOWN TASK FORCE FOR ITS RECOMMENDATION OF DEFINITE CRITERIA FOR A PERMANENT REVIEW PROCESS; DECLARING AN EMERGENCY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Whereas the general area surrounding the State Capitol of Texas is zoned "C" Commercial, 4th H&A, allowing development of 200 foot high structures, the City Council hereby finds it to be in the public interest to adopt an interim ordinance immediately creating a public review process as a prerequisite to issuing a building permit in the downtown area for any structure which will exceed 60 feet in height, for the purpose of preserving the integrity of the State Capitol of Texas.

PART 2. A written description and conceptual plan of any structure in the downtown area, as hereinafter defined, which will exceed the height of 60 feet shall be forwarded to the Director of the Planning Department no later than the filing of an application for a building permit for such structure. The Director of the Planning Department shall set such plan for review by the Planning Commission no later than 45 days from the date the plan was received by the Director. The conceptual plan shall include the height, massing, materials, and color of the building. The review shall be a public hearing and the Planning Commission shall consider the proposed structure's visual and design compatibility with the State Capitol. The Commission will consider air circulation, heat generation, traffic circulation and the ability of people to see the State Capitol. At the close of the hearing, and within the 45 day period, the Commission shall make such comment as deemed appropriate, in writing and included in the review package for the various City departments which must approve the building permit application filed for such structure. No building permit for such structure may be issued by the Building Official before the Planning Commission makes its comments or until such 45 day period has elapsed, whichever is sooner.

PART 3. For the purpose of this Ordinance, the downtown area shall be defined as follows:

Beginning at the point of intersection of the centerline of Martin Luther King, Jr. Boulevard with the western right-of-way line of Interstate Highway 35; in a southerly direction along the western right-of-way line of Interstate Highway 35 to its intersection with the north bank of Town Lake; in a westerly direction along top bank

ATTACHMENT "C" - PAGE 2

of Town Lake to its intersection with the centerline of Congress Avenue; in a southerly direction along the centerline of Congress Avenue to its intersection with the centerline of Barton Springs Road; in a westerly direction along the centerline of Barton Springs Road to its intersection with the centerline of Lamar Boulevard; in a northerly direction along said centerline of Lamar Boulevard to its intersection with the centerline of Martin Luther King, Jr. Boulevard; in an easterly direction along the centerline of Martin Luther King Jr. Boulevard to its intersection with the centerline of Pearl Street north of Martin Luther King Jr. Boulevard; in a northerly direction along the centerline of West 21st Street; in an easterly direction along the centerline of West 21st Street to its intersection with the centerline of the University Avenue Alley; in a southerly direction along the centerline of the University Avenue Alley to its intersection with the centerline of Martin Luther King, Jr. Boulevard, in an easterly direction along the centerline of Martin Luther King, Jr. Boulevard to the point of beginning.

PART 4. This Ordinance shall be reviewed by the City Council one year from the date of its enactment.

PART 5. The Downtown Revitalization Task Force is hereby requested to conduct a study and make recommendations to the Planning Commission and the City Council within one year relating to the establishment of definite criteria for a permanent review process for downtown buildings.

PART 6. The provisions of this Ordinance shall not apply to any construction project which would otherwise come within the ambit of this Ordinance for which such specific project any of the following applications were received by the City of Austin prior to the effective date of this Ordinance: zoning change application, special permit application, building permit application, demolition permit application or any permit application which requires City Council, Planning Commission or Historic Landmark Commission review.

PART 7. Whereas an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this Ordinance becomes effective immediately upon its passage, therefore the rule requiring the reading of ordinances on three separate days is hereby suspended and this Ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

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_____, 1981

Mayor

APPROVED: _____
City Attorney

ATTEST: _____
City Clerk

ADLR:bj