

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 10, 1981
3:00 P.M.

Council Chambers
301 West Second Street

The Meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmember Deuser

Absent: Councilmember Goodman, Mayor Pro Tem Trevino, Councilmembers Mullen, Urdy, Duncan

Mayor McClellan said the meeting would begin as soon as a quorum was present. Councilmember Goodman entered at 3:04; Councilmember Mullen 3:11; Councilmember Urdy at 3:15; Councilmember Duncan and Mayor Pro Tem Trevino at 3:20 p.m.

Mayor McClellan asked that the record reflect the Council misses City Clerk Grace Monroe who is in the hospital.

The Council Meeting began at 3:14 p.m.

INVOCATION

The Invocation was given by Reverend Floyd Vick, Shettles Memorial United Methodist Church.

JEFFERSON FLOOD CONTROL

The Council had before it a resolution to consider acquisition of the following tract of land for the Jefferson Street Flood Control, C.I.P. No. 82/60-05: All of lot 111 Ridgelea Addition, 4005 Jefferson Street. They decided to postpone decision on acquisition.

SEWER EASEMENT

Motion to Reconsider

Councilmember Deuser made a motion, seconded by Mayor McClellan to reconsider a vote taken on December 9, 1981 approving the dedication of a tract of land as a sanitary sewer easement.

Councilmember Mullen said there should be policy that if an item is not pulled for reconsideration the day after it has passed, and vote it not changed, then action should be left as acted upon. If not, if Council wishes to change its action, then the item should be posted for the next week's agenda so concerned parties who are not in the Council Chamber can come back.

Councilmember Deuser inquired if this is the same back up material as was supplied two months ago. Mr. Bullock, Director of Water and Wastewater, said this action is to reduce the easement to Wells Branch. Councilmember Deuser said he misread the information.

Motion Withdrawn

Councilmember Deuser withdrew his motion and Mayor McClellan withdrew her second. (Action of December 9 therefore remains the same.)

CHANGE ORDER

Councilmember Deuser moved that the Council adopt a resolution approving the following 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. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Mullen, Urdy

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Mr. Jonathon Davis, Assistant City Attorney, said the work has been done and the contractor must be paid. Mr. Meiszer, City Manager, explained a procedural error was made in the contract and when the problem was discovered work should have been stopped until a Change Order was procured. Now the contractor should be paid. Tests were made of the area but the spot where the black clay is, missed the test.

CONTRACT

Motion to Reconsider

Councilmember Mullen moved that the Council reconsider the vote on the following contract which was taken yesterday: (Unanimous approval)

Bid award:	- Laundry Equipment, Brackenridge Hospital
HUGH HENDERSON COMPANY 5805 Star Lane Houston, Texas	- Item 2 - \$298,000.00
A.I.M., INC. 3720 San Janinto Houston, Texas	- Item 3, Carts, 18 ea. - \$23,701.50

The motion was seconded by Councilmember Deuser.

Motion

Councilmember Mullen moved that the Council adopt the resolution as passed on December 9, 1981; but City Manager is not to sign contract for one week. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Mullen, Urdy, Mayor McClellan
Noes: None
Abstain: Mayor Pro Tem Trevino
Not in Council Chamber when roll was called: Councilmember Goodman

ITEM PULLED

The Council unanimously agreed to pull the following item from the agenda for consideration until December 16, 1981:

Approval of Contract:

SWEET PRINTING COMPANY
1000 S. I.H. 35
Round Rock, Texas

- Printing of Residential Conservation Service Program Announcement, Office of Energy Conservation and Renewable Resources
Item 1 - \$5,215.89

SOUTH FIRST STREET CORRIDOR

Council had before it a resolution to consider authorization to implement physical improvements in the South First Street Corridor and extend assistance under the Commercial Rehabilitation Loan Program to corridor businesses.

Carlos Herrerra, Director, Human Services, said this was pulled from last week's agenda and they have met with various groups in South Austin. There has been an agreement to forward to Council a part of the plan forwarded two weeks ago. "The items that were forwarded to the City Council out of the total package originally estimated at \$323,384; there is a total now of \$171,727 comprised of the sidewalk project for \$75,300; the alley improvements project for \$77,027; the bus stops for \$12,400; and the architectural assistance project for \$7,000. The difference being \$151,657. Those projects are still pending and more discussion will take place on those and we will bring those or any other discussion to Council at a future date. In addition to that the group out there agreed they will support the extension of the Commercial Loan Program into the South Austin Corridor."

Theresa Holden, president of the Bouldin Creek Neighborhood Association, read a letter into the record: "The Bouldin Creek Neighborhood Association brings to you our concerns and comments for consideration in today's discussion of the South First Street Corridor revitalization plan which is promoting usage of \$1.4 million of CDBG monies over the next three years. An area of consternation has been \$157,000 proposed for commercial loan leveraging funds available in CDBG money earmarked for the South First Street commercial corridor. After much debate and a long sought clarification of the plan which we received on this past Monday, December 7, 1981, BCNA does not oppose the commercial loan allotment. We support businesses receiving assistance with safeguards such as stabilization of the business district. We urge such safeguards to be clearly stated and enforced. Specifically, sidewalks, alley improvements, bus stops, architectural assistance

for businesses hoping to buy low interest loans under the plan. Several BCNA members oppose addressing the neighborhood revitalization effort in such piecemeal fashion, preferring to develop a comprehensive plan with business people and representative neighborhood groups based upon our common goals and accurate information. Due to the pressures upon us a desire to establish a productive working relationship, this City and neighborhood business people, BCNA has consented to this piecemeal fashion. We have been convinced that to change the basic formula of the City's plan is not a worthwhile endeavor and CDBG funding will provide a new opportunity for us to be a participant in the plan making grant expenditures in our neighborhood. Regarding sidewalks funded for \$75,350, we suggest the continuous wide sidewalks on one side of the street of main residential arteries to South First makes more sense than sidewalks on all of the South First Street feeder streets penetrating only one block into the neighborhood. We suggest Mary and Annie Streets be the main arteries which would also be conducive to Becker Elementary School traffic as well as providing continuous pathways to the neighborhood business district. We would like sidewalk gaps filled in on both sides of South First in the designated commercial corridor area. We ask that all trees be preserved in the sidewalk process knowing that creative sidewalk paths can be developed around trees. Regarding alleys funded for \$77,027; we ask all property owners on the five alleys proposed for paving be consulted before paving decisions be made. Regarding bus stops funded for \$12,400. We are in agreement with the 11 bus stops proposed and would like to see even more money allotted to bus shelters versus bus benches at six of these sites. Regarding the \$7,000 architectural assistance allotment, we question why this cannot come from the \$157,000 allocated for commercial endeavors since its purpose reportedly is to convince banks to loan money to South First Street businesses. However, BCNA does not oppose it. We want business people to have input into hiring an architect. We do not want a Dallas type avenue... We hope our relations with the City and business people will improve as we see these as important links in the stabilization of the Bouldin Creek neighborhood. We look forward to working with all parties on the yet to be determined South Austin Corridor coordinating committee that the City's plan designated to oversee implementation of the revitalization effort."

Motion

Councilmember Duncan moved that the Council adopt a resolution authorizing implementation of the following physical improvements in the South First Street Corridor and extend assistance under the Commercial Rehabilitation Loan Program to corridor businesses. (\$722,445 CIP business loan program; \$75,300 for sidewalks, \$77,027 for alley improvements; \$12,400 for bus stops; and \$7,000 for architectural improvements.)

Ms. Holden then read a letter from Tomas Esparza, South Austin Neighborhood Council, saying the conflicts in the neighborhood have been resolved.

Motion Amended

Councilmember Duncan amended his motion to include the sidewalk recommendation made by BCNA.

Roll Call - Amended Motion

Roll Call on the amended motion carried by the following vote:

Ayes: Councilmembers Duncan, Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmember Deuser

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

WATER AND WASTEWATER APPROACH MAINS

JESTER DEVELOPMENT CORP.

- To construct 10,200 feet of 24-inch, 7,300 feet of 16-inch water main, a 4,500 CPM pump station and a 1.6 million gallon reservoir. Estimated total cost is \$2,338,063.00 for water improvements including 6% for engineering. No City cost participation.

JESTER DEVELOPMENT CORP

- To construct 2,500 feet of 15-inch, 900 feet of 8-inch and 2,200 feet of 12-inch wastewater main. Estimated total cost is \$263,781.00 for the wastewater improvements, including 6% for engineering. No City cost participation.

AUSTIN TRANSIT SYSTEM

Councilmember Urdy moved that the Council adopt a resolution authorizing renewal of a three-year management contract with American Transit Corporation for the operation of the Austin Transit System. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

BOND ELECTION SET

Councilmember Duncan made a motion, seconded by Councilmember Deuser to hold a bond election on May 8, 1982.

Mr. R.L. Hancock, Director, Electric Utility, agreed with the May 8th date because he said there would be more running room to work out programs.

Mayor McClellan said she thought there would be a better chance of approving the bonds if the election were in August.

Motion Withdrawn

Councilmember Duncan withdrew his motion and Councilmember Deuser withdrew his second.

Motion

Councilmember Duncan moved that the Council adopt a resolution approving a schedule for development of a Capital Improvements Bond Program and set date for bond election on August 7, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy

Noes: None

VARIANCE FOR BOAT DOCK

Mr. Rogers Wilson appeared before Council to request variance to build a boat dock off the main lake (Austin) on his property, but within 10' of neighbor's property line.

Mayor McClellan announced a public hearing will be set for this.

Motion

Councilmember Deuser moved that the Council set a public hearing for December 17, 1981 at 1:00 p.m. on the request of Mr. Rogers Wilson for a variance to build a boat dock on his property, but within 10' of neighbor's property line. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

REQUEST

Mr. Bill Bode appeared before Council to request a one (1) year renewal of present format for both M.A.P. Rx. program and physician education at Brackenridge.

OPINION OF STATUE

Mr. Kent Adams appeared before Council to express his opinion of the Council proclamation (December 3, 1981) accepting gift of statuary. He said it will be outside of the Public Library permanently and he does not like it.

CITIZEN DID NOT APPEAR

Mr. Dean M. Kilgore, attorney, who had requested to appear before Council to ask for a waiver of requirement that Fairmont Foods set aside a 50' strip of property for right-of-way purposes in connection with the Fairmont Foods Subdivision No. 1, was not in the Council Chamber.

TEXAS COWBOYS

Mayor Pro Tem Trevino moved that the Council approve the request of Mr. Chris Bell, representing Texas Cowboys (U.T.) for permission for the use of Auditorium Shores facility Thursday, April 15, 1982 until 12:00 p.m. and permission for the sale of beer. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy, Mayor McClellan
Noes: None

CITIZEN DID NOT APPEAR

Mr. Tomas Esparza or Bill Parr had requested to appear before Council to express the position of the South Austin Neighborhood Council on the South First Street Commercial Corridors Plan. Neither appeared because a letter from Mr. Esparza was read earlier in the day when the item was discussed.

PARADE PERMITS

Mayor Pro Tem Trevino moved that the Council approve the following parade permit:

Rev. Msgn. Lonnie C. Reyes, for the Most Rev. Vincent M. Harris, D.D., Diocese of Austin, from 1:00 p.m. to 3:00 p.m. Sunday, December 13, 1981, beginning from Coliseum grounds onto Dawson Street, right on Riverside Drive, left on Civic Circle to Auditorium West Ramp entrance.

The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

Mayor Pro Tem Trevino moved that the Council approve the following parade permit:

Sisto C. Ramirez, for All People Congress, from 1:00 p.m. to 3:00 p.m., Saturday December 12, 1981, beginning from West entrance of Zaragosa Park on Pedernales Street, north on Northwestern, west on Rosewood, south on Chicon, west on East 3rd Street, north on Comal, west on 6th and north on Congress to State Capital Building.

The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor McClellan, Mayor Pro Tem Trevino
Noes: None

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE REGULAR STARTING TIME OF THE CITY COUNCIL MEETING FOR THURSDAY, DECEMBER 17, 1981, FROM 3:00 P.M. TO 1:00 P.M.; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE (3) SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Deuser moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino

Noes: Councilmember Mullen, Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARINGS SET

Councilmember Deuser moved that the Council set a public hearing on amending Ordinance Number 810820-B Water and Wastewater Service Area Ordinance, including Los Indios, for December 17, 1981 at 1:15 p.m. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Councilmember Deuser moved that the Council set a public hearing on relocation of a structure located at 1706 Summit View Place (rear) to 1613 Gaston Avenue (rear), for December 17, 1981 at 1:45 p.m. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

CAPITAL VIEWS ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE INTERIM ORDINANCE WHICH CREATED A PUBLIC REVIEW PROCESS AS A PREREQUISITE TO ISSUING A BUILDING PERMIT IN A DOWNTOWN AREA FOR ANY STRUCTURE WHICH WILL EXCEED SIXTY (60) FEET IN HEIGHT (THE CAPITOL VIEWS ORDINANCE): AMENDING PART SIX (6) THEREOF RELATING TO EXEMPTIONS FROM SUCH INTERIM ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

RECESS

Council recessed its meeting at 4:40 p.m. and resumed its recessed meeting at 6:05 p.m.

PUBLIC HEARING - ELECTRIC TRANSMISSION LINE

Mayor McClellan opened the public hearing, scheduled for 6:00 p.m. on the use of land within the Barton Creek Greenbelt for electric transmission line purposes.

Mr. R.L. Hancock, Director, Electric Utility, said the purpose of this public hearing is to enable Council to make certain findings relating to the crossing of Barton Creek Greenbelt with an electric transmission line. "Previously the Planning Commission, the Environmental Board, the Electric Utility Commission have approved the installation of a sub station at the Oak Hill area and associated with the sub station is a transmission line that crosses Barton Creek. In March, 1981 the Council approved acquisition of the right of way for the subject transmission line and at about the same time frame the City also authorized the acquisition of the greenbelt on Barton Creek. Once the greenbelt was acquired then by State Statute a public hearing was required so Council could consider and make certain findings."

Mr. Peterson, Assistant Director, Electric Department, showed slides of the area and the proximity of the proposed transmission line.

Mr. Neil Graham, chairman, Citizens Environmental Board, said they approve.

Mr. Bill Hornen, Save Barton Creek Association, said they passed a resolution opposing the transmission line because they feel there are alternatives which can be used.

Motion

Councilmember Mullen moved that the Council close the public hearing. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmember Deuser, Duncan, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Councilmember Mullen asked Mr. Peterson, "Is there no feasible and prudent alternative to the installation of the use of land within the Barton Creek Greenbelt for electric transmission line purposes?" Mr. Peterson answered no. Councilmember Mullen asked, "In your opinion has all reasonable planning been undertaken to minimize any harm to the use of this land as a park?" Mr. Peterson answered that planning has taken place.

Motion

Councilmember Mullen moved that there is no feasible and prudent alternative to the installation of an electric transmission line within the Barton Creek Greenbelt and that this project includes all reasonable planning to minimize harm to such land as a park and that the City Council approves this project. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy

Noes: None

PUBLIC HEARING - APPEAL

Mayor McClellan opened the public hearing, set for 6:30 p.m. on an appeal from the University Neighborhood and others on the decision of the Planning Commission granting a Special Permit for the sale and use of alcoholic beverages on premises at 600 Martin L. King Boulevard (C14-81-068)

Mr. Lillie reviewed the application.

Mayor McClellan read a letter for the record from Save Our University Neighborhood Association. "The SUN steering committee voted unanimously to support the applicant, Daniel Bell, in his request for a Special Permit. It was our opinion that Mr. Bell's use of the property creates no particular disturbance to the neighborhood and his remodeling of the building has been a considerable improvement." The letter was signed by Bob Russell, president, SUN.

No one appeared to be heard.

Motion

Councilmember Goodman moved that the Council close the public hearing and uphold the decision of the Planning Commission granting a Special Permit for the sale and use of alcoholic beverages on premises at 600 Martin L. King Boulevard (C14p-81-068) The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan

Noes: None

Abstain: Councilmember Deuser

RECESS

Council recessed its meeting at 6:40 p.m. and resumed its recessed meeting at 7:00 p.m.

PUBLIC HEARING - APPEAL OF SPECIAL PERMIT FOR WESTVIEW

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on an appeal of the decision of the Planning Commission granting a Special Permit to Westview Corporation. (C14-81-057)

Mr. Lillie reviewed the application and discussed the golf course.

Gerry Goff, Westview Corporation, and Duke Altman, Senior Staff Engineer of Espey-Huston, showed a map of the development which is proposed and the area.

Norman Key showed slides of the area of Windy Cove and explained that the Special Permit area is adjacent to Windy Cove.

Joe Beals discussed a display Westview Corporation had of samples of water and sedimentation charts.

George Ward, Espy-Huston Associates, discussed the project.

John Henry Faulk, 1713 Channel Road, opposed the project because he said they have denuded the hilltop. The trees were flung down and made a dam to hold flood waters. His white beach is covered with 2' of silt from the golf course and he asked Council to deny the permit.

J. Frank Powell spoke against the golf course.

Bob Branion, 4107 Laguna Lane, said the issue is not the golf course but the amount of damage done during the rain by the soil from the course running into Windy Cove. He said the contractor has no erosion controls and he should be made to clean up the cove.

Loretta Fry, 1754 Channel Road, said the excavating is terrible and her property line has been ruined.

Roy Bechtol, landscape architect, said he has been working with Westview for four years on the landscaping.

Jerry Goff showed slides of erosion control measures.

Councilmember Goodman said he would encourage Westview Co. to clean the slew of the debris which has washed down from the golf course. Mr. Goff said they will clean the slew and more discussion followed.

Motion

Councilmember Goodman moved that the Council close the public hearing, uphold the decision of the Planning Commission to grant a Special Permit to Westview Corporation (C14p-81-068) with the stipulation Westview is to pay no less than \$25,000 to clean the cove. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote.

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy, Mayor McClellan, Mayor Pro Tem Trevino

Noes: None

ADJOURNMENT

Council adjourned its meeting at 8:20 p.m.

APPROVED Carole Keeton McAllister
Mayor
10/19/89

ATTEST:

Grace Monroe
City Clerk