

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 12, 1981  
10:00 A.M.

Council Chambers  
301 West Second Street

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The meeting, scheduled for 10:00 a.m. was called to order at 10:15 a.m., with Mayor McClellan presiding.

Roll Call:

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

Mayor Pro Tem Trevino entered the Council Chamber at 10:17 a.m.; Councilmember Mullen at 10:43 a.m.; and Councilmember Goodman attended the Special Called Meeting at Los Altos, arriving at 1:35 p.m. He was present in the Council Chamber for the afternoon portion of the regularly called meeting.

Prior to calling the Council Meeting to order, Mayor McClellan read the following Proclamations; Community College Week, Campfire Girl Week, Great American Smokeout Week, Very Special Arts Festival Week, and Score Week.

INVOCATION

The Invocation was given by Reverend Margaret Zeiss, University Christian Church.

**EASEMENT RELEASE**

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A portion of an Electric and Telephone Easement recorded in Volume 850, page 277 of the Travis County Deed Records, 9613 McNeil Road. (Requested by Daugherty Kuperman, Golden, Carlisle and Morehead, representing Mr. John H. Biggar)

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

**LEASE AGREEMENT**

Mayor Pro Tem Trevino moved that the Council adopt a resolution entering into a five-year lease agreement with Travis Properties for offices for the Office Services Division of Purchases and Stores in the Travis Building. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Mullen

**CAPITAL IMPROVEMENTS PROGRAM**

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing purchase of land for the Onion Creek Wastewater Treatment Plant and associated easements in the Santiago Del Valle Grant. C.I.P. No. 73/23-87. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Mullen

## CHANGE ORDER

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following change order:

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

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

## CONTRACTS APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

ROBERT JENTSCH CONSTRUCTION  
P.O. Box 3343  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM  
Cherry Creek Drainage Improvements  
Phase III - \$113,593.80  
C.I.P. No. 79/60-04

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

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Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

V & H. ASSOCIATES,  
General Contractors  
1402 East 1st Street  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Safe Street Sidewalk Program  
Phase V, West 45th Street -  
\$15,735.99 C.I.P. No. 78/61-02

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

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Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

CLEARWATER CONSTRUCTOR'S INC. 5020 North Loop 360 Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Community Development District #5 Street Paving, Phase II - \$535,170.53 C.I.P. Nos. 75/62-20 & 75/61-20
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The motion, seconded by Councilmember Urdy, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Mullen

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Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

Bid award:	- Standard Utility Items, Water & Wastewater Department Six (6) Month Supply Agreement Multiple progressive awards - Estimated total \$70,000.00
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- (1) AMERICAN UTILITY  
Rt. 1, Georgetown Industrial Park North  
Georgetown, Texas
- (2) Austin Pipe and Supply  
300 Medina  
Austin, Texas
- (3) BIG STATE UTILITY  
9324 Circle Drive  
Austin, Texas
- (4) ESCO SUPPLY  
504 Industrial Boulevard  
Austin, Texas

- (5) MECHANICAL INDUSTRIAL SUPPLY  
4704 East 1st Street  
Austin, Texas
- (6) ROHAN  
508-D East St. Elmo  
Austin, Texas
- (7) TRANS TEX SUPPLY  
4618 East 7th  
Austin, Texas

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

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

#### WASTEWATER APPROACH MAIN

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following Wastewater Approach Main:

- G.K. BECKETT ESTATES - To construct 1,155 feet of 8-inch wastewater main. Estimated total cost will be \$71,459.90 for the wastewater improvements, which include 6% for engineering. No City cost participation.

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

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

## AMERICAN DANCE COMPANY

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing submission of an application to the Texas Commission on the Arts for funding to sponsor the American Deaf Dance Company at the National Council for exceptional Children Conference in Houston, Texas in April, 1982. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## CONTRACT WITH AUSTIN FAMILIES, INC.

Mayor Pro Tem Trevino moved that the Council adopt a resolution entering into a contract with Austin Families, Inc. from November 9, 1981 through September 30, 1982 to implement the CETA Child Care Voucher Program and authorizing transfer of CETA funds from SER-Jobs for Progress (\$18,429-Title II B) Austin Area Urban League (\$8,000-Title II B), Austin Women's Center (\$9,140-Title VII) and the Manpower Development Division's Job Factory (\$20,000) to Austin Families, Inc. for child care payments. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## BRACKENRIDGE HOSPITAL LIQUOR LICENSE

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving Brackenridge Hospital's request to apply for a liquor license for the purpose of serving wine with patient meals. (Recommended by Hospital Board) The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## SISTER CITIES WITH LIMA, PERU

Mayor Pro Tem Trevino moved that the Council adopt a resolution entering into an agreement with the City of Lima, Peru to establish Sister Cities relations. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## TEMPORARY STREET CLOSING

Mayor Pro Tem Trevino moved that the Council adopt a resolution temporarily closing Pearl from 24th to 25th Streets on Friday, November 13, 1981 from 2:00 p.m. to 7:00 p.m. as requested by Miss Libby Vogelpohl, representing the KAO Sorority and KA Fraternity for a Street Party benefiting the Austin Autistic Society. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## EXPERT WITNESS RETAINED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving retention of an expert witness for Seaward Construction Company versus City of Austin lawsuit. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## PROCESS FOR PROPOSED ZONING ORDINANCE

Mayor Pro Tem Trevino moved that the Council adopt a resolution adopting the Planning Commission's recommended process for review and implementation of the proposed zoning ordinance. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## PUBLIC HEARINGS SET

Mayor Pro Tem Trevino moved that the Council set a public hearing on the Transit Route Improvements, for December 17, 1981 at 5:00 p.m. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

Mayor Pro Tem Trevino moved that the Council set a public hearing on the Use of land within the Barton Creek Greenbelt for electric transmission line purposes, for December 10, 1981 at 6:00 p.m. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

Mayor Pro Tem Trevino moved that the Council set a public hearing on an appeal of the decision of the Planning Commission granting a Special Permit to Westview Corporation. C14-p-81-057, for December 10 at 7:30 p.m. The motion, seconded by Councilmember Urdy, carried by the following vote:

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



Mayor Pro Tem Trevino moved that the Council set a public hearing for December 17, 1981 at 5:30 p.m., on the Proposed Public Event Facilities. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

#### WORK SESSION SET

Mayor Pro Tem Trevino moved that the Council set a work session for November 19, 1981 at 2:00 p.m. to review and discuss a proposed schedule for development of a Capital Improvement Program and bond program. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

#### EMERGENCY TRAINING PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing entrance into an agreement in the amount of \$1,200 with the North Texas State University Office of Federal Emergency Training Program for November 16-19 and November 30 through December 4, 1981. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

OPERATING BUDGET AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF AUSTIN FOR THE FISCAL YEAR 1981-1982 BY APPROPRIATING AND TRANSFERRING A TOTAL OF \$70,842.00 FROM THE GENERAL FUND ENDING BALANCE TO THE CITY PLANNING DEPARTMENT TO FUND THE LEGAL NOTIFICATION PROCEDURES RELATED TO THE ADOPTION OF THE PROPOSED COMPREHENSIVE REVISION OF THE ZONING ORDINANCE OF THE CITY OF AUSTIN; DECLARING A PUBLIC NECESSITY FOR SECURING FUNDS FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

The Mayor announced that the ordinance had been finally passed.

SITE PLAN APPROVED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS THREE, FOUR, FIVE, AND SIX OF THE SUDDETH ADDITION TO THE CITY OF AUSTIN, LOCALLY KNOWN AS 1612-1616 WHELESS LANE, FROM "A" RESIDENCE AND "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O-1" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 0.35 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6615 MANHACA ROAD ALSO BOUNDED BY BARGE STREET, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.  
(Hyo K. Lee, C14-80-039)

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A .49 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3201-3203 MANOR ROAD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Perry Rose Tire Center, Inc., C14-80-069)

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

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

Noes: None

Absent: Councilmembers Goodman, Mullen

## MINUTES APPROVED

Mayor Pro Tem Trevino moved that the Council approve the minutes for Special Meetings of October 17, 18, 22, 23, 1981 and Regular Meetings of October 15, 21, 22, 28, 1981. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

## STREET MAINTENANCE &amp; RESURFACING

Mr. Richards Ridings, Assistant Director, Public Works, appeared before Council to present the 1981 Street Maintenance Inventory and Resurfacing Program. He outlined the report for the Council. (CITY CLERK DID NOT RECEIVE A COPY)

## GREAT AMERICAN SMOKE-OUT

Dr. Randall, Director, Health Department, passed out to Councilmembers and the City Clerk, copies of material concerning a smoking cessation program. Mayor Pro Tem Trevino stated this is very worthwhile and instructed the Acting City Manager to instruct the staff to proceed with the observance of the Great American Smoke Out on November 19, 1981.

(At this point, Councilmember Mullen entered the Council Chamber.)

## LIGNITE BIDDING PROCESS

Mr. R.L. Hancock, Director, Electric Utility, presented an update regarding the Camp Swift Lignite Bidding Process. "The Bureau of Land Management set a bid date of November 10 at 10:00 a.m. for the opening of the bids on Camp Swift. They were opened at that time by the Bureau of Land Management. Austin LCRA and City Public Service submitted a joint bid. It was the only bid the Bureau of Land Management received. That combined bid was the \$311 an acre plus a 12½% royalty on mined lignite. The Bureau of Land Management received the bids, acknowledged the costs, indicated that bids were in order and that it would take several weeks for the Bureau of Land Management to make a decision and at that time they would notify the bidders in the matter. The minimum bid requirement was \$240 an acre and the participants bid \$311 an acre. While that's simply the rights to mine the resource they retain the land after the mining is over. It seems like a large sum but in view of the value of the resources it is a reasonable bid.

We are now in the mode of waiting for the Bureau of Land Management's assessment of the bid and their notification to the prospective bidders."

Councilmember Deuser asked if there will be any action by the Department of Justice. Mr. Hancock said they have sent a letter as opposed to taking any legal action suggesting they may want to look further into some of the areas. Mr. DeLaRosa, Acting City Attorney, told Council that we are just waiting any further word from the Justice Department and the Bureau of Land Management. Mr. Hancock said this is the culmination of actions begun in 1974 and feels it is significant Austin could not have and developed on the entire package. It would have been a very large financial investment so we would have had to spin a portion of it off on someone else. Effectively, if they precluded Austin's bidding jointly, there would have been considerable risk that Austin simply could not have bid at all by virtue of that decision.

#### CHANGE ORDER - MUNICIPAL AIRPORT

Councilmember Duncan moved that the Council adopt a resolution approving the following change order:

CAPITAL IMPROVEMENTS PROGRAM - TEMPLE ASSOCIATES, INC.  
in the amount of \$106,913.91 for Interim Terminal Improvements  
to Robert Mueller Municipal Airport. C.I.P. Nos. 79/81-07 and  
79/81-08.

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Prior to the vote, Councilmember Duncan said that future restrooms at the airport were part of the bond package that failed recently. Mr. Bayless, Director of the Airport, told him the change order is for the restaurant which was not in the bond package. He said the additional cost will come from the contingency fund.

#### AGENDA ITEM POSTPONED

Consideration of entrance into a contract with University Savings Association for residential rehabilitation loan leveraging program was delayed until November 19, 1981.

## MONEY FOR FIRE MANAGEMENT ANALYSIS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1981-1982 OPERATING BUDGET BY APPROPRIATING \$135,584 FROM THE GENERAL FUND ENDING BALANCE TO IMPLEMENT THE RECOMMENDATIONS OF THE FIRE MANAGEMENT ANALYSIS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino 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

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Prior to the vote, Mayor McClellan stated that \$107,000 should be added to the appropriation in order to be able to place the order for protective clothing early. Chief Kirkham said he would welcome having the purchase included this year because on October 1 of next year everyone will be ordering. Mayor Pro Tem Trevino said he will place an item on next week's agenda for a budget amendment for the clothing.

## ROBERTSON HILL NEIGHBORHOOD MORATORIUM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A TEMPORARY 180 DAY MORATORIUM ON (1) THE ISSUANCE OF BUILDING PERMITS FOR NEW CONSTRUCTION OTHER THAN DETACHED SINGLE FAMILY RESIDENCES, AND (2) THE PROCESSING OF SPECIAL PERMIT APPLICATIONS IN THE ROBERTSON HILL NEIGHBORHOOD AREA; (3) THE PROCESSING OF ZONING CHANGE APPLICATIONS, AND (4) THE PROCESSING OF SUBDIVISION PLAT APPLICATIONS BEYOND BEING ACCEPTED FOR FILING AND DISAPPROVED BY THE PLANNING COMMISSION; DEFINING THE BOUNDARIES OF THE ROBERTSON HILL NEIGHBORHOOD AREA; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino 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 McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Prior to the vote there was Council discussion concerning length of time the moratorium should be. It was decided to keep the time at 180 days.

## EXECUTIVE SESSION

Mayor McClellan announced Council would 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.

## RECESS

Council recessed its meeting at 11:00 a.m. and resumed its recessed meeting at 11:20 a.m.

## NO ACTION TAKEN ON EXPANSION OF LAKE AUSTIN MORATORIUM

Councilmember Deuser had placed an ordinance on the agenda for consideration of expanding the moratorium (Ordinance No. 801211-R) to include both sides of Lake Austin. Assistant City Attorney Jim Nias referred Council to a map attached to the ordinance on January 21 material. A discussion ensued among Councilmembers concerning the land to be included.

Motion - Died For Lack of Second

Councilmember Deuser made a motion to waive the requirement for three readings and finally pass an ordinance expanding the moratorium (Ordinance No. 801211-R) to include both sides of Lake Austin. Motion died due to lack of a second.

## CERTIFICATION BY CITY CLERK

Mrs. Grace Monroe, City Clerk, pursuant to the provisions of Article IV of the Charter of the City of Austin, Texas, certified that she has examined "that certain petition styled 'INITIATIVE PETITION' (amendment to Fair Housing Ordinance) filed in my office September 1, 1981 and the Supplementary Petition filed in my office on October 22, 1981; that said petition appears to have been signed by requisite number of qualified voters; that 19,665 equals ten percent (10%) of the qualified voters of the City; that said petition appears to contain the names and residences of 29,561 persons; that there were on said petition the names and residences of 20,003 persons who were found to appear qualified to vote; that there were on said petition the names and residences of 4,515 who were not found qualified to vote; that there were 2,079 duplicate names; and that on the remaining pages of said petition which was filed on September 1 and October 22, 1981, there appears the names and residences of 2,964 other persons whose qualifications to vote have not been determined."

Mayor McClellan said an item shall be placed on next week's agenda to schedule for action either the passage of the ordinance or the calling of an election by December 16, 1981 to be held on January 16, 1982.

RECESS

Council recessed its meeting at 11:40 to attend a Special Called Meeting of the Council, scheduled at Los Altos at 1:30 p.m. Council resumed its regularly scheduled meeting at 2:25 p.m.

ACTION ON ZONING CASE

Council was scheduled to take action on the following zoning case which was recommended by the Planning Commission as requested:

CITY OF AUSTIN  
PLANNING DEPARTMENT  
C14-81-112

612-618 33rd Street

From 2nd Height and Area  
to 1st & 2nd Height  
and Area  
RECOMMENDED

Motion

Mayor Pro Tem Trevino moved that the Council grant as recommended, the change from 2nd Height and Area District to 1st and 2nd Height and Area District. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the change had been granted to 1st and 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

RECOMMENDATIONS FOR ENERGY CONSERVATION

Councilmember Duncan moved that the Council approve implementation of certain recommendations of the Austin Electric Utility Department and the Renewable Energy Resources Commission as recommended in the EUD's Conservation and Renewable Energy Resources Study and requested a fiscal note.



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

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

Noes: None

Prior to the vote, Councilmember Duncan who put the item on the agenda, discussed the recommendations. (COPY OF RECOMMENDATIONS ON FILE IN CITY CLERK'S OFFICE.)

#### UNITED NATIONS INTERNATIONAL DISARMAMENT WEEK

Councilmember Duncan asked Council to support a resolution concerning United Nations International Disarmament Week. He has brought this before Council at a previous meeting.

Councilmember Mullen stated he prefers not to vote on this type of resolution but offered the following friendly amendment which was accepted:

#### Friendly Amendment

To further ask: the Soviet Union to immediately withdraw its armed forces from Afghanistan, to cease the genocide of innocent Afghans and further cease its build up of arms in Cuba, along the Polish border, and wherever else its policies of expansionism endanger world peace.

#### Motion

Councilmember Duncan moved that the Council adopt a resolution supporting United Nations International Disarmament Week with amendment. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Mayor McClellan, Councilmember Deuser

**COUNCIL MEETINGS CANCELLED  
DURING HOLIDAYS**

Mayor McClellan introduced the following ordinance:

**AN ORDINANCE CANCELLING THE REGULAR CITY COUNCIL MEETINGS OF NOVEMBER 25, 1981, NOVEMBER 26, 1981, DECEMBER 23, 1981, DECEMBER 24, 1981, DECEMBER 30, 1981 AND DECEMBER 31, 1981; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS: AND DECLARING AN EMERGENCY.**

Councilmember Goodman 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 McClellan, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

**MINIMUM LOT SIZE AND LOW COST  
HOUSING STANDARDS**

Councilmember Goodman and Mayor Pro Tem Trevino introduced to Council discussion of reduction of minimum lot size requirements in the subdivision process and discussion of low cost housing standards. Councilmember Goodman stated the reason for the discussion is to develop innovative ideas for low cost housing so owning a home can again be a reality. It was suggested the use of smaller lots would reduce the land cost associated with a home; also, there are ways of building houses to reduce the cost. After some discussion, Council referred this to the Subdivision Review Task Force for an update.

**BARTON CREEK GREENBELT**

Councilmember Duncan moved that the Council adopt a resolution authorizing litigation settlement involving the acquisition of 131.93 acres for the Barton Creek Greenbelt. 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  
**Absent:** Councilmember Goodman

RECESS

Council recessed its meeting at 3:05 and resumed its recessed meeting at 4:05 p.m.

BOARD & COMMISSION ANNOUNCEMENTS

Mayor McClellan announced the following board and commission appointments are due to be made on November 19, 1981:

Building Code Board of Appeals - 2  
Ethics Review Commission - 1  
On-Going Goals Assembly Committee - 1 and 6 alternates  
Hospital Board - 5  
Plumbing Advisory Board - 1  
Vending Commission - 2  
Downtown Revitalization Task Force - 1  
Manpower Advisory Planning Council - 7  
Historic Landmark Commission - 1  
Private Industry Council - 4  
Affirmative Action Plan Advisory Committee - 3  
MTA - 10  
Neighborhood Revitalization Commission - 11  
Construction Advisory Committee - 3  
Human Relations Commission - 6  
Medical Assistance Program Advisory Board - 4

ROBERT E. "BOB" HAVINS SOFTBALL COMPLEX

Mr. Raymond Hall presented the Parks and Recreation Board report which suggested the official name of the softball complex at Walnut Creek Metropolitan Park should be "Robert E. 'Bob' Havins Softball Complex".

Motion

Councilmember Goodman moved that the Council approve "Robert E. 'Bob' Havins Softball Complex" as the official name of the softball complex at Walnut Creek Metropolitan Park. The motion, seconded by Councilmember Duncan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Mullen, Urdy

### DISCUSSION OF REOPENING OF SEXUALLY ORIENTED ESTABLISHMENT

Mr. Roger Alan Whatley appeared before Council to discuss the reopening of a sexually oriented commercial establishment on Middle Fiskville Road. He said it had been Lauri's Massage Parlor and had been closed because it was too close to a residential neighborhood. Recently it has been re-opened and is called the French Quarter Studio. Mr. Whatley's request is to ask the Legal Department to close the French Quarter by amending the City Ordinance to include modeling studios. He also asked there be more patrol by vice squads.

Mayor McClellan asked that Mr. Whatley's report be investigated and a report be brought back to Council by Mr. DeLaRosa.

### NEIGHBORHOOD REVITALIZATION COMMISSION DISCUSSED

Mr. Roger Fields appeared before Council to discuss the Neighborhood Revitalization Commission. He talked about the relocation fees and thought there could be some way to charge them other than the way it was done under the Austin Redevelopment Authority. He also asked how many units can be effectively refurbished. Mr. Fields requested the Council make the appointments to the Commission by next week.

### MONTOPOLIS NEIGHBORHOOD PRESENTATION

The following people, with Mr. Enrique Lopez, chairperson, Montopolis Neighborhood Association, as spokesman, discussed the Bergstrom West Proposal: Mr. Daniel Scales, Mr. John J. Rivera, Ms. Carolyn T. Borel, Mr. Edward Villegas, Ms. Lena Woodworth, Ms. Alice Rodriguez, Ms. Bertha Sanchez, and Ms. Cathy Heath. All of these people had requested to speak under Citizens Communications. Ms. Dahlia Klinefelter and Mr. Silverio R. Mendoza had also requested to speak but did not appear.

The items discussed by the members of the Montopolis Neighborhood Association were points against the development of Bergstrom West. They are: increased traffic over the community; jet noise; urban encroachment; increased traffic; etc. They also pointed out the need for more traffic controls in the Montopolis community and bus shelters with weather shields.

Mayor McClellan asked Dr. Benson to report back to Council concerning the traffic control requests.

Mr. E. R. Jinojosa Jr., principal of Allison School appeared before Council and discussed the disruption of school studies due to jet noise. He asked if the Council has heard from the Department of Defense. Mayor McClellan told him that the Department of Defense will not send any communication concerning Bergstrom West until December.

Roy Bayless, Director of Aviation, appeared before Council and discussed the approaches and turns which effect the noise level. He said there will probably be less noise over Montopolis with the air approach designed for Bergstrom West.

#### RECESS

Council recessed its meeting at 5:20 p.m. and resumed its recessed meeting at 5:35 p.m.

#### PUBLIC HEARING - APPEAL FROM RAINEY NEIGHBORHOOD

Mayor McClellan opened the public hearing, scheduled for 5:30 p.m. on an appeal from Mr. Pete Martinez, president, Rainey Area Neighborhood Association, of the Planning Commission decision on a Special Permit, File/Case No. C14p-81-065

Mr. Lillie, Director, Planning Department, addressed Council and told them they have all the information concerning the appeal concerning the property on South 1st Street, adjoining I.H. 35 which has been approved for the 192 condominiums, "Towers of Town Lake". The Special Permit request is to build 4 two-story structures and one 13-story structure, a total of 145 two bedroom units, 28 three bedroom units, and 19 four bedroom units. The total required parking is 417 spaces and the applicant is providing 447 spaces to be located in the three story parking garage.

Mr. Pence, the developer, appeared before Council to state he has tried everything to please the Rainey Area Neighborhood Association and doesn't know what else to do.

Mr. Pete Martinez, president, Rainey Area Neighborhood Association, appeared before Council, referred to the meetings they have had with Mr. Pence, and said they want more time. He requested a moratorium on the whole Rainey Street neighborhood concerning development. He asked for a month long moratorium.

Councilmember Duncan asked Mr. Martinez if he is appealing the Special Permit because he prefers one building rather than several buildings. Mr. Martinez said the neighborhood wants more time.

The following people spoke at the public hearing:

Paul Vega opposed development of condominiums.

Marco DeLeon, Coalition of East Austin Neighborhoods, wants a neighborhood impact study done on Rainey.

A man who did not identify himself requested letters be sent to Rainey Street residents assuring them their homes will be all right.

Frances Martinez requested Council to deny the Special Permit.

Hortense Palmera spoke against the Special Permit.

Frank Horsfal urged the building of the condominiums. He said there has to be progress.

Florentine Gonzales asked Council to protect her neighborhood.

Enrique Lopez, Montopolis Neighborhood Association, said they support the requests and concerns of Rainey Street.

Gilbert Rivera said the Rainey area needs protection for its residents.

Manuel Mena opposed the Special Permit and asked for a moratorium for one month.

Joe Riddell, who lives across Town Lake from the project, said the highway now is noisy and smelly but it won't always be that way and Council should not let the present land use determine what will be built on IH 35.

Mr. Ramirez fears that if the condominiums are built then the whole Rainey Street area will become apartments.

Mark Zufeldt asked for a moratorium and a roll back in zoning.

Sabino Renteria, Texas Teamworkers of America, appeared in support of the Rainey Neighborhood.

Connie Moore and David Morales asked Council to protect the Rainey area.

A man appeared and addressed Council in Spanish.

Malcolm Greenstein discussed Clarksville which received a Special Permit for expensive condominiums and now the Blacks of the area are moving away. He said Council should listen to what the neighborhood wants.

Paul Hernandez, Executive Director, EACEDC, said the project would be economically detrimental to East Austin. He said their request to deny the Special Permit is a stall tactic in order to have more consideration for Rainey Street.

Susanna Deleon asked Council to support the Rainey Street Neighborhood.

Alicia Garcia is opposed to encroachment in their neighborhood.

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During the hearing, Councilmember Deuser commented that the City can pass a policy to not buy any homes in the area, but he said the City cannot guarantee others from purchasing homes.

Mayor Pro Tem Trevino pointed out that the Rainey area has previously been under a moratorium for longer than six months.

Mr. Pence summed up his case by saying he will continue to do what he can do to cooperate with the Rainey Street neighborhood.

Mr. Martinez summed up his appeal by submitting a petition to the Council and saying the Rainey Street neighborhood is opposed to everything and wants a moratorium for Rainey, the east part of Austin and Montopolis.

#### Motion

Councilmember Deuser made a motion to continue the public hearing to Wednesday, December 2, 1981. Councilmember Duncan seconded the motion.

#### Substitute Motion

Councilmember Goodman made a motion, seconded by the Mayor to close the public hearing and delay action for one week, November 19, 1981.

#### Roll Call on Substitute Motion

Roll Call on Substitute Motion carried by the following vote:

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

Noes: Councilmembers Urdy, Deuser

Not in Council Chamber when roll was called: Councilmember Mullen

ADJOURNMENT

Council adjourned its meeting at 8:10 p.m.

APPROVED

*Carlo T. Kates*  
\_\_\_\_\_  
Mayor

*10/19/81*

ATTEST:

*Grace Monroe*  
\_\_\_\_\_

City Clerk