



Austin City Council MINUTES

For

MARCH 3, 1983 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor Pro Tem Trevino called to order the Meeting of the Council scheduled for 1:00 p.m., noting the absence of Councilmember Goodman, who arrived at 3:25 p.m.

INVOCATION

The Invocation was given by Monsignor Louis Wozniak, St. Louis Catholic Church.

CONSENT RESOLUTIONS

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, adopted the following resolutions in one consent motion: (5-0 Vote, Councilmember Goodman absent.)

Capital Improvements Program

Approved and authorized Meyer-Lytton-Allen, Inc. for selection of soils investigative and engineering testing services for the hydraulic capacity improvements at Davis Water Treatment Plant in the amount of \$7,500.00. CAPITAL IMPROVEMENTS PROGRAM No. 76/22-84.

Approved and authorized proposed supplemental amendments No. 2 and 3 to the existing Professional Services Agreement between the City of Austin and Parkhill, Smith and Cooper, Inc. for the Govalle Wastewater Treatment Plant - Renovation, Restoration and Facilities Improvements - \$1,296,502.00. CAPITAL IMPROVEMENTS PROGRAM No. 73/23-83.

Contracts Approved

Approved the following contracts:

J & E DIRT WORK, INC.
12406 Old San Antonio Road
Manchaca, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Street and Sidewalk Improvements
Phase II for Robertson Hill Area,
Public Works Department -
\$16,946.25 C.I.P. No. 82/62-19

A-TEC, INC.
1103 Roosevelt Industrial Parkway
San Antonio, Texas

- Overhaul and Transfer of Aerial
Tower and Replacement body, Vehicle
and Equipment Services Department
Item OVHL-1 - \$27,553.00

Property Sale

Approved of disposal by sale award of City-owned property located at 6200 Palm Circle to Allan J. Tolbert III, (Estimated revenue to City - \$12,500.00)

Library Systems Act

Approved endorsement of four amendments to the proposed Library Systems Act (S.B. 427), which relates to the operation and continuation of the Texas State Library and Archives Commission. (Approved by the Austin Public Library Commission)

Water & Wastewater Approach Mains

Approved the following Water and Wastewater Approach Mains:

C.B. FRANCIS

- Wastewater approach main to
serve C.B. Francis Tract.
Estimated cost \$62,556.00
(No City cost participation)

C.B. FRANCIS

- Wastewater approach main to
serve Five Tract Project.
Estimated cost \$47,515.00.
(No City cost participation)

PHIL POKORNY & COMPANY AND
WALTER VACKAR ASSOCIATES, INC.

- Wastewater approach main to
serve Vackar-Pokorny Condominium
Project. Estimated cost
\$14,000. (No City cost participation)

(4-0 Vote, Councilmember Mullen abstained, Councilmember
Goodman absent.)

Emergency Housing Repair
Program

Approved allocating additional Community Development Block Grant funds to the Emergency Housing Repair Program operated by the Austin Area Urban League.

Councilmember Urdy stated the number of units will be increased from 75 to 253 and the amount of funds will increase from \$150,000 to \$259,000.

Temporary Street Closing

Approved temporarily closing 26 Street from San Pedro to Pearl Street on March 5, 1983 from 2:00 p.m. until 6:30 p.m., as requested by Mr. Barry Jucha representing the Alpha Epsilon Pi Fraternity for their annual Olympiad benefiting Muscular Dystrophy.

Public Hearings Set

Set public hearings on the following:

- a. An appeal from the Fairway Village Tenants Council of the Planning Commission's decision to grant John Byram a Special Permit to build 200 apartments known as the "Rail Yard Apartments" on the downtown vicinity of East 4th Street, C14p-82-094, 095, 096 & 097 for March 17, 1983 at 5:00 p.m.
- b. An appeal from the Montopolis Neighborhood Association on the Planning Commission decision to grant a Special Permit to Omni Developers Inc. to build a 436-apartment/condominium project known as "Paradise Oaks". C14p-82-091: March 17, 1983 at 5:30 p.m.
- c. An appeal from Francis Gatt & Olga Gatt, of the Planning Commission's decision to grant a Special Permit for Case No. C14p-82-092 for March 24, 1983 at 5:00 p.m.
- d. Foundation and Gypsum Board Inspections for March 10, 1983 at 2:30 p.m.
- e. An appeal from Mr. Gerald Nels Olson, trustee, of Mr. Thomas M. Cummins, of the Planning Commission's decision to deny a Special Permit to build 280 apartment units at 10924 Jollyville Road known as Village Oaks Apartments - Case No. C14p-82-077 for March 10, 1983 at 5:00 p.m.

Ad Hoc Committee on Rail Right-of-Way Acquisition

Approved appointment of Councilmembers Deuser, Duncan and Mullen to the Ad-Hoc Committee on Rail Right-of-Way Acquisition. (The rest of the members will be appointed later by Council.)

Capital Improvements Program

Authorized and approved a Change Order for Congress Avenue Improvements - 1982 in the amount of \$8,168.68 to Austin Road Company. (0.305% increase of original contract) CAPITAL IMPROVEMENTS PROGRAM No. 72/23-03 .

Change Order

Approved a Change Order in the amount of \$55,000 for the Upper Walnut Creek Wastewater Improvement, Phase II-A Construction Contract.

Capital Improvements Program

Approved a Change Order in the amount of \$34,724.00 (4.4%) and confirmation of two previous Change Orders totalling \$5,076.00 (0.65%) - Administrative Action for the Rebekah Baines Johnson Health Center. These four changes amount to an increase of 7.0% of the original contract amount, approved by Council on September 2, 1982 and awarded to Mitchell, Evans and Byram, Inc.

Opposition to Federal OMB Circular

Adopted a resolution opposing revisions to the Federal OMB Circular A122 proposed as of January 24, 1983.

CONSENT ORDINANCES

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Councilmember Goodman absent)

Capital Improvements Program

Ordered and set a hearing at 2:30 p.m., April 21, 1983 in connection with paving assessments to be levied on Kramer Lane, West and East, consisting of two units covering approximately 27 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-21.

Zoning Ordinances

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

ZONING - (Continued)

- a. RIVERSIDE PLAZA JOINT VENTURE
By Gary L. Falkenburg
C14-82-187 2237 East Riverside Drive, Suite 208 From "GR" 1st H&A to "C-2" 1st H&A
- b. JOHN A. & JENNIFER JO BIRD
By Thomas Goebel
C14-82-182 2009 W. Rundberg Lane From Interim "A" 1st H&A to "B" 1st H&A

PASSED ON EMERGENCY BASIS

- c. JOE E. TRUCHARD
C14-82-180 903 Neans Drive From Interim "AA" 1st H&A to "AA" 1st H&A
- d. ROLAND HAMPTON
By Hal Haralson
C14-82-191 209 & 211 Redbird Lane From Interim "A" 1st H&A
5501-5507 Bluebird Lane To "A" 1st H&A
- e. GEORGE C. JOSEPH, JR.
MAGDALENE FALYEV,
HORACE JOSEPH, JOHN M.
JOSEPH
By Scott Roberts
C14-82-039 4812-4910 Duval Road From "AA" 1st H&A to "A-2" 1st H&A
- f. HOWARD JOHNSON'S MOTOR LODGE
By Tom Curtis
C14-82-134 3309-3423 I.H. 35 South From "O" 1st H&A to "LR", "C-2" & "O" 1st H&A

PASSED ON EMERGENCY BASIS

AUSTIN NATURE CENTER

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, adopted a resolution approving and authorizing the Potomac Group for architectural services in connection with the Austin Nature Center Phase 1B - \$200,000. CAPITAL IMPROVEMENTS PROGRAM No. 77/86-15. (5-0 Vote, Councilmember Goodman absent)

ITEM PULLED

Council agreed to postpone until March 10, 1983 consideration of approving a contract for:

GIFFORD HILL AND COMPANY, INC.
Austin Concrete Works Division
801 Airport Boulevard
Austin, Texas

- Concrete Products, Central Stores
Division
Twelve Month Supply Agreement
Items 1-8 & 10-59 - \$294,579.11

CONTRACTS APPROVED

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, adopted resolutions approving the following contracts: (5-0 Vote, Councilmember Goodman absent.)

Bid Award:

- Standard Items, Water and Wastewater Department
Six month supply agreement
Bids awarded by casting of lots of tied line item bids to determine low bidders - \$21,772.00.
- (1) AUSTIN PIPE & SUPPLY COMPANY - Items 51, 81, 241, 247 & 252
300 Medina
Austin, Texas
- (2) BIG STATE UTILITY COMPANY - Item 107
9324 Circle Drive
Austin, Texas
- (3) PFV SUPPLY - Item 172
4700-R Burleson Road
Austin, Texas
- (4) AUSTIN PIPE AND SUPPLY COMPANY - Item 231
300 Medina
Austin, Texas
- (5) TRAN TEX SUPPLY - Item 340
4618 East 7th Street
Austin, Texas
- (6) TRANS TEX SUPPLY - Item 343
4618 East 7th Street
Austin, Texas
- (7) TRANS TEX SUPPLY - Item 356
4618 East 7th Street
Austin, Texas

CONTRACTS - (Continued)

Prior to the vote, Councilmember Mullen asked questions regarding the number of tie bids. Mr. Bennett, Director of Purchases and Stores, said there were 356 items and out of those only seven were tie bids.

WATER & WASTEWATER APPROACH MAIN

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, adopted a resolution approving the following Water and Wastewater Approach Mains: (5-0 Vote, Councilmember Goodman absent)

LUMBERMEN'S INVESTMENT CORPORATION

- Water approach main to serve Onion Creek. Estimated cost \$920,822.00. City cost participation \$64,872.00.

NEIGHBORHOOD ADVISORY OFFICE

Councilmember Deuser discussed details and plans for a neighborhood advisory office. He said there should be an office to address the needs of citizens to communicate with departments to find out what is happening with their particular concern or problem. He requested the City Manager to bring back a plan to Council to implement such an office.

SOUTHWEST AUSTIN DEVELOPMENT

Councilmember Duncan discussed development in the southwest area of Austin. He said that area has some environmentally critical spots that affect our water supply. Councilmember Duncan requested developers bring in land use plans as soon as possible in relation to their MUD activities; (2) OERM prepare some notations, not a study, on the environmentally sensitive areas affected by the MUD's and particularly the critical water zone, how much is covered by these MUD's and where it is, etc. & the other environmentally sensitive areas that may not be in the water quality zone; (3) the Water and Wastewater Commission begin immediately to look at the capacity of the area and be certain the City cannot extend utilities to these areas and that MUD's are required if they are going to move ahead.

Mr. Lillie commented, the three applications that were in the newspaper.... only one is filed complete, the other two are still incomplete. The 120 day process will not start by agreement of the people that represent them and the City. Once started, "we have outlined a week by week schedule of review and evaluation to include exactly what Councilmember Duncan requested."

EXECUTIVE SESSION

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

EXECUTIVE SESSION - (Continued)

- a. Board and Commission Appointments - Section 2, Paragraph g.
- b. Neil Bischoff, et al v. Carole Keeton McClellan - pending litigation - Section 2, Paragraph e.
- c. Acquisition of real estate for street right-of-way purposes Section 2, Paragraph f.
- d. Mueller, et al v. City of Austin - pending litigation - Section 2, Paragraph e.
- e. Personnel - related matters - Section 2, Paragraph g.
- f. Pending litigation related to the South Texas Project - Section 2, Paragraph e.

TEXAS BICYCLE PROMOTIONS

Council had before them a resolution to consider temporarily closing the following street on April 2, 1983, from 10:00 a.m. until 4:00 p.m. as requested by Mr. Kevin Bice, representing the Texas Bicycle Promotions, Division of U.S. Bicycle Development Corp., Inc.:

- a. Brazos from 5th Street to 7th Street
- b. San Jacinto from 5th Street to 7th Street
- c. Trinity Street from 5th to 7th Street
- d. Neches from 4th Street to 7th Street
- e. Red River southbound from 7th Street to 4th Street
- f. 4th Street from Red River to Neches
- g. 5th Street from San Jacinto to Red River
- h. 6th Street from Red River to San Jacinto
- i. 7th Street, right 2 lanes from Brazos Street to Red River Street

Councilmember Deuser said several 6th Street businesses feel that closing the streets the day before Easter would severely curtail their trade. He said he wants the course altered to delete the 200 block of 6th Street between Brazos and San Jacinto. Councilmember Deuser stated Richard DeGarmo, U.S. Cycling Association, said that alteration to the route would be agreeable. The Cycling Association said they could shorten to 2:00 p.m.

Mr. Kercheval appeared before Council to say in light of the above changes, some of their concerns are taken care of.

Mr. Gellman, Gellman's Department Store, said the change suggested will not help them because the closing of 6th Street will hurt their business on the Saturday before Easter. They support the race but not the day.

David West, president, Old Pecan Street Association, said the closing of that Saturday will be all right because in the future races will be on Sunday.

PROMOTIONS - (Continued)

Richard DeGarmo, U.S. Cycling Association, said there were several problems concerning racing on Sunday and of the 67 people polled concerning the race on Pecan Street only four were not in favor of it.

Dr. Benson said the revisions will help Urban Transportation and EMS. Saturday is always a higher traffic and higher volume day.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, adopted a resolution approving as amended: Deletion of 200 block of 6th Street between Brazos and San Jacinto with the race beginning at 9:00 a.m. and ending at 2:00 p.m. or before. (A friendly amendment to begin at 9:00 a.m. as offered by Councilmember Duncan, was accepted.) (6-0 Vote)

LAND USE PLANNING

Ms. Frances Schenckan, chairperson, Planning Commission, asked Council to consider a resolution regarding public input on State and University eminent domain actions. She asked Council to approved the resolution, ask the City lobbyist to work with Senator Doggett and have the Legal Department ascertain how to help with planning.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, adopted the following resolution:(6-0 Vote)

WHEREAS, the City of Austin has an interest in land use planning throughout its boundaries; and

WHEREAS, the City of Austin has an obligation to its citizens to attempt to provide predictability and protect their property values; and

WHEREAS, the University of Texas and other State agencies enjoy the power of eminent domain and have exercised said power in the past without public input from Austin or its citizens;

THEREFORE, be it resolved, that the City of Austin pursue all its legal remedies to attempt to influence or direct State agencies and the University of Texas to exercise its power only after appropriate planning and public comment has occurred;

AND FURTHERMORE, be it resolved, that the City of Austin specifically endorse any legislation which supports public review of buildings proposed by State agencies or State-supported institutions.

PARKS & RECREATION BOARD

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, approved a request to use gasoline powered safety motorboats on Town Lake March 11-25, 1983 and June 19, 1983. (6-0 Vote)

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending Section 11-2-129(d) of the City Code to provide for designated places as "reserved for patrons" at various Parks and Recreation Department areas. (6-0 Vote)

CABLEVISION ACTIVITY

Mr. Peter Varteressian appeared before Council to apprise the Council of Cablevision activity. He said during the past year 250 new miles of cable has been constructed and they are re-building the 18 year old system. Customer service has been improved. They did not want to remove WGN-Chicago from cable viewing but copyright royalty tribunal states a small city is only entitled to one long distance hook-up. Mr. Varteressian said Cablevision is appealing and hopes to get WGN back.

VARIANCE ON SEPTIC TANK REQUESTED

Mr. Talferd Collins appeared before Council to discuss a variance on a septic tank requirement. He said he has a house he wants to rent as a duplex with one septic tank. Law requires he should have two. He is asking for a variance. City Manager Meiszer asked why he does not keep his property as a house and rent it like that. After discussion, Mayor Pro Tem Trevino referred the question to the City/County Health Department to see if Mr. Collins request is possible. If not, the Council can look at the ordinance.

POLICE DISCUSSED

Mr. Enrique Lopez Jr. discussed police conduct on Saturday, February 9, 1983 and said they are suspending the Neighborhood Watch Program in Montopolis.

Mr. Eugenio R. Hinojosa Jr. said there should be a way for outsiders to investigate police conduct.

Ms. Lucy Trevino Rivera read a letter concerning police conduct.

Mayor Pro Tem Trevino read the following statement from all members of the Council:

POLICE - (Continued)

"We have been informed that the Travis County Grand Jury will review the events which occurred during the Ku Klux Klan march on February 19, in order to determine if any persons were engaged in criminal behavior. Inasmuch as we support the existing criminal justice system and we believe that the Travis County Grand Jury has the power and authority to conduct an impartial and complete inquiry, and that the Grand Jury review will be vigorous and thorough, we suggest that the Council should wait for the completion of the Grand Jury's investigation before we decide whether or not to take any action. And you have asked for an impartial investigation. We concur with you that one should be done. We also agree with you that it should be done by someone that is fair and impartial, and we believe that the Grand Jury is such a body, and so that is why we have read this statement."

Councilmember Deuser said this is a good step forward and hopes it will clear the air concerning the events of that afternoon and subsequent reaction.

Councilmember Mullen said he has asked the Assistant City Attorney concerning legal ramifications and responsibilities and powers of the Council.

Mr. Jonathan Davis, 1st Assistant City Attorney, stated: "The bottom line, whether or not you like it or agree with it, the State Civil Service Statute on firemen and policemen specifies that the Chief of Police is the only person with the authority to initiate disciplinary action. Even if the Council were to conduct an inquiry, under the existing statute the Council would not have the authority to discipline the officers directly and would not have the authority to recommend discipline taken by the Civil Service Commission. The Council's authority or right would be to instruct the Chief of Police to start the process. Another thing is that to terminate an officer the statute requires an impartial hearing be conducted by the Civil Service Commission and also gives the officer the right to appeal the Civil Service Commission decision to a District Court and on up."

Councilmember Mullen said that in conjunction with the City Charter, the Council cannot instruct the Chief of Police to do something to personnel. That is up to the City Manager. The Council can tell the City Manager their opinion but then it would be up to him what to do. He went on to say that the Council tried very hard to get people to stay away from the Ku Klux Klan parade, but the Police Officers did not have that choice. They had to be there.

UNISON URGED

Ms. Evelyn Erickson appeared before Council to express her desire that the opposing factions, as an aftermath of the Ku Klux Klan Parade, show a willingness to work out their differences.

ARTS AND CRAFTS MARKET

Mr. Mike Kleinman appeared before Council to discuss planned improvements for the 23rd Street Arts and Crafts Market including tree planting and other items. He asked that the street be approved for temporary closing for another year.

ZONING HEARINGS

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

C14	-82 r197	CITY OF AUSTIN PLANNING DEPT.	4015-4021 Banister Lane and Rear of 1200-1208 Ben White Boulevard	From "O" & "GR" 2nd H&A To "O" & "GR" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	-82 206	COFFEE & CRIER, INVESTMENT By Jack Crier	508 & 509 Oakland Avenue and 1405 West 6th Street also bounded by Oakland Avenue	From "B" 2nd H&A To "O" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED</u>
C14	-82 210	HOWARD BRUNSON By Hoyle M. Osborne	6601-6603 Airport Boulevard & 300-304 Huntland Drive	From "C" 1st H&A To "C-1" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	-82 212	MICHAEL G. POULSON	501-C (rear) West Live Oak, rear of 2209 South 1st Street	From "A" 1st H&A To "C" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	-83 h002	AUSTIN PUBLIC LIBRARY By City of Austin	401-423 West 9th Street, also bounded by Guadalupe and San Antonio	From Undesignated To Undesignated- Historic RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
C14	-83 h003	KOPPEL BUILDING By City of Austin	318-320 Congress Avenue, also bounded by West 4th Street	From "C-2" 4th H&A To "C-2-H" 4th H&A <u>GRANTED AS RECOMMENDED</u>

ZONING - (Continued)

- C14 -82 RICE COURT 1204 San Antonio From "O" 2nd H&A
195 DEVELOPMENT CO. Street To "C" 3rd H&A
By Bill Faust RECOMMENDED noting
height of structure is
not to exceed 60 feet,
office use only and
site plan review.
GRANTED AS RECOMMENDED
- C14 -82 ANN MCWHERTER 1601 West Koenig From "A" 1st H&A
205 By Jerry L. Harris Lane, also bounded To "O-1" 1st H&A
by Arroyo Seca and RECOMMENDED subject to
Ullrich Avenue 5' of "A" 1st along
Ullrich Avenue; recommend
that Urban Transportation
consider reverting
Ullrich to a one-way
street east, and that
they also consider
installing a stop sign
at Arroyo Seca and
Ullrich; existing
structure is to be
retained.
GRANTED AS RECOMMENDED
- C14 -82 JOHN K. AND 5011 Hamilton Road From Interim "AA" 1st H&A
213 NANCY W. OSGOOD and 10829 Jollyville To "C" & "O" 1st H&A
By Don Bird Road RECOMMENDED "C" for
building and "O" 1st for
remainder, subject to 10'
of right-of-way on Hamilton
Ln. and rollback to "O"
if use discontinues or is
sold.
GRANTED AS RECOMMENDED
- C14 -82 WILLIAMSON CREEK 5301-5313, 5315-5415, From Interim "A" 1st H&A
202 JOINT VENTURE 5101-5107 To Tr. 1 "BB" 1st H&A
By George Yonge 5003-5009 Nuckols Tr. 2 "GR" 1st H&A
Crossing Tr. 3 "BB" 1st H&A
Tr. 4 "BB" 1st H&A
NOT RECOMMENDED
RECOMMENDED "A-2"
condominium 1st H&A for
Tracts 1, 3 & 4; "LR"
1st H&A for Tract 2,
subject to necessary
right-of-way on Nuckols
Crossing and E. Stassney
Lane through the
subdivision process.
GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Councilmember Mullen's second (6-0 Vote))

ZONING - (Continued)

C14 -82 144	RAINTREE DEVELOPMENT CORPORATION By Haynie & Kallman, Inc.	11751-11755 Jollyville Road and 5843-5845 Secrest Drive	From "AA" 1st H&A To "A-2" 1st H&A RECOMMENDED <u>GRANTED AS RECOMMENDED</u>
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8 UNITS - CITY MANAGER TO REPORT ON ALTERNATIVES FOR JOLLYVILLE ROAD

Mr. Lillie reviewed by use of slides.

Bob Bledsoe, representing North Oaks Homeowners Association, said there is not sufficient water pressure now and multi-family units will just compound the problem. Also, traffic on Jollyville Road is already a problem. He requested that only single family homes be allowed.

Ray Lopez, who lives in the area, said he opposes the development of condominiums because that could set a trend of development in the neighborhood.

Katherine Fowler said she does not want non-owner duplexes in the neighborhood. She is concerned with the density and the traffic flow.

Patrick Donaldson, Haynie & Kallman, explained the project and urged Council to approve.

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

The Council heard, closed the public hearing and will vote March 10, 1983:

C14 -82 r201	WALTER VACKAR ASSOCIATES, INC. By Kinney & Stone, Inc.	9430 Research Blvd.	From "O-1" 1st H&A To "LR" 1st H&A RECOMMENDED <u>CLOSED PUBLIC HEARING- VOTE MARCH 10, 1983</u>
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Mr. Lillie reviewed the application by means of slides.

Sid Sanders, representing Kinney & Stone, told Council the request is for a sign for the property. Councilmember Mullen was concerned with the size of the sign and asked if it would be possible to reduce the size of the sign by 50%. Vote will be taken next week.

(On Councilmember Mullen's motion, Councilmember Urdy's second, 6-0 Vote)

PUBLIC HEARING - GUIDELINES FOR VENDOR LICENSE AGREEMENT

Mayor Pro Tem Trevino opened the continued public hearing on proposed guidelines and procedures for Vendor License Agreement scheduled for 5:30 p.m. Dr. Benson went over the changes which have been recommended and said they will proceed with implementation of the amended guidelines unless the Council objects.

Bobby Taylor, representing the vendors, said he met with the merchants and after questions and discussion he feels there are still too many problems.

Mayor Pro Tem Trevino said there are a lot of concerns and there has not been time for full discussion with the vendors. Council unanimously agreed to continue the hearing to April 7, 1983 at 3:30 p.m. because more time is needed to study the guidelines and procedures.

CONTRACT APPROVED

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the following contract: (6-0 Vote)

DIASONICS
2002 E. Robinson
Orlando, Florida

- One (1) Ultrasound Imaging System
for Brackenridge Hospital
\$61,000.00

Councilmember Mullen had questioned this contract award because it was the second bid, but after viewing the machine brought in by staff, he agreed the second bid was most feasible.

RENTAL REHABILITATION PROGRAM

John O'Brien, Rehabilitation Coordinator, told Council, the City is a participant in the second round of the Rental Rehabilitation Program Demonstration, which is a program administered by the U.S. Department of Housing and Urban Development. The Demonstration, to be administered by the Office of Neighborhood Revitalization calls for the rehabilitation of 100 rental units within the Austin Neighborhood Strategy Area (NSA). A Request for Proposal was sent out and seven firms responded. The recommended firm for the project for architectural services is Carter Parshall and Associates.

Sam Percy, Austin Tenant's Council, passed out information. CITY CLERK DID NOT RECEIVE A COPY. He said they feel the program is speculation for investors who stand to benefit the most from it.

RENTAL - (Continued)

Motion

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving a contract award for architectural services in the estimated amount of \$91,000 to Carter Parshall and Associates (MBE), with authorization and approval to award a contract to the next best offer in case of contractor default. (6-0 Vote)

Motion

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending the Office of Neighborhood Revitalization's Operating Budget to provide an additional \$91,000 for contract with estimator for Rental Rehabilitation Demonstration Program. (6-0 Vote)

**BOARD & COMMISSION VACANCIES
ANNOUNCED**

Mayor Pro Tem Trevino announced the following board and commission appointments are due to be made: Community Development, 6; Austin Tomorrow On-Going Committee, 8; Manpower Advisory Planning Council, 1; Vending Commission, 1; Downtown Revitalization Task Force, 3; Sesquicentennial Committee, 1; Affirmative Action Plan Advisory Committee, 2; MH/MR Public Responsibility Committee, 1; Private Industry Council, 1; Environmental Board, 2; Energy Advisory Commission, 11; Dental Health Advisory Commission, 9; Neighborhood Revitalization Commission, 1; Water and Wastewater Commission, 1.

IN-FILL PLAN FOR SOUTH AUSTIN

Councilmember Duncan and Mayor Pro Tem Trevino introduced a discussion concerning the in-fill plan for South Austin.

Jack A. Goodman, 1010 Austin Highlands, told Council that 3-4,000 apartment units are going up near his house in southwest Austin and his neighborhood is being destroyed.

Councilmember Duncan said there should be an in-fill study of south Austin in the area of South Congress on the east, Manchaca Road on the west, Ben White Blvd. on the north and City limits on the south. Councilmember Duncan said the study should be for the purpose of finding out the appropriate use for the areas and he wants to know the appropriate distribution of land use. He asked if this type study will take a lot of time and money. Mr. Dick Lillie, Director of Planning, told him he will send him a memo concerning time and money.

ZONING HEARING - JUAREZ-LINCOLN BUILDING

Mayor Pro Tem Trevino opened the public hearing set for 6:00 p.m. which was heard last week with action postponed until this week, on the following. Council's final vote was to uphold the Planning Commission's recommendation and DENY.

C14 -83 EAST AVENUE
h001 BAPTIST CHURCH
By City of Austin

711-713 East 1st
Street

From "LR" 2nd H&A
To "LR-H" 2nd H&A
NOT RECOMMENDED

PLANNING COMMISSION UPHELD
"H" ZONING DENIED

Mr. Dwyer, owner of the property, said he concurs with the Historic Landmark Commission and the Planning Commission and does not want his property zoned "H".

Pete Martinez, president, Rainey Street Neighborhood Association, told the story of his life and does not want to have to move again.

Mr. Tomas wants the building preserved.

Mario Mana presented what he thought was basis for "H" zoning. He said it should be so zoned to preserve the neighborhood.

Mr. Pablo said the building is of historic value because of the murals which were painted on the side of the building. He said none "of our buildings are left up long enough to be considered historical."

Raol Valdez, mural painter, said the mural has received worldwide recognition.

Hortense Vallita said if the Juarez-Lincoln building goes, the Rainey neighborhood will go also.

Rene Florito said she worships the painting.

Tracy Brown said the cornerstone was laid in 1923 and the rest of the building is eclectic.

Elbierto Rivera, representing Chicano artists, read a statement to save the building by zoning it historic.

Jane Haney, representing Rainey Street, said she recommends historic zoning because of the character of the building, the value of the mural, architectural style, ethnic heritage, location site because it was the first campus site for Chicanos, the location is of value to the neighborhood, and it is of value to public pride.

Frankie Torres said the building and the paintings are beautiful.

Marcos DeLeon said the Rainey Street plight has been hard and long and it is time to take a stand in their favor.

ZONING - (Continued)

John Fulton said "Let's stand up for the people of East Austin."

Maria Rocha representing LULAC said the request for historic zoning is a reasonable one.

Allen McCoy, who works in the Rainey neighborhood, spoke in favor of "H" zoning. He said the City could buy the building and convert it into a neighborhood center or a museum to document Mexican-American people.

Mr. Dwyer returned for his summation. He said he has heard arguments for both sides many, many times and is proud to live in Austin where both sides can be heard. The City of Austin brought the case against the property owner to be able to enjoy the use of his property. If Council denies the zoning change, then their message concerning the protection of the property owner will be heard. Mr. Dwyer said the issue is whether or not the building is historical enough to vote against the property owner. He pointed out that in order to preserve it historically someone would need to put much money into the building for preservation and repairs.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, closed the public hearing, (6-0 Vote)

Councilmember Duncan said he feels there is more than one aspect of the building to qualify as historical and that no other building represents the history of Mexican-Americans in Austin.

Motion

Councilmember Duncan made a motion, seconded by Councilmember Deuser to approve historic zoning with finding of fact A, I, K, L, and M.

Councilmember Mullen stated he will vote against the zoning change because ever since he has been on the Council there have been attempts to zone property "H" by the neighborhood against the property owners wishes. He said he has always voted against it when the owner did not want "H".

Councilmember Urdy said he always votes for "H" zoning and said it is difficult to get in a minority neighborhood. However, he said there is no commitment here that there will be funds for restoration.

Councilmember Goodman said he will not vote for the motion because the building does not meet the criteria in the Ordinance.

Mayor Pro Tem Trevino said he also will not support the zoning change. He feels several schools in east Austin are more historically significant than the Juarez-Lincoln building. He said if it is zoned "H" the likelihood of someone fixing it up is very slim and the building will become dilapidated and attract transients.

ZONING - (Continued)

Roll Call on Motion

3-3 Vote, Councilmembers Goodman and Mullen and Mayor Pro Tem Trevino voted No.

Planning Commission upheld and zoning DENIED.

Mayor Pro Tem Trevino requested the City Manager to report to Council how much it would cost to save the mural and put it elsewhere.

ITEM TO BE BROUGHT BACK

An ordinance to amend Section 2-3-56 of the Code of the City of Austin to require Financial Disclosure of all members of all sovereign boards and commissions will be discussed on March 10, 1983.

ADJOURNMENT

Council adjourned its meeting at 7:45 p.m.