



Austin City Council MINUTES

For MARCH 14, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 P.M., noting the absence of Mayor Pro Tem Trevino and Councilmember Spaeth.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, approved the minutes for regular meetings of September 29, 1983 and February 28, 1985. (4-0 Vote, Spaeth absent, Rose out of the room)

CONSENT ORDINANCES

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

Capital Improvements

Declared the necessity for ordering improvements to William Cannon Drive, Phase 2 & Beckett Road, consisting of 2 units covering approximately 13 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 76/52-12.

Speed Zones

Amended the Austin City Code to modify the following Speed Zones:

SPEED ZONES - (Continued)

Section 11-2-99(d) (School Speed Zone) - 20 MPH

ADD: BURLERSON ROAD from 82 feet north of Metcalfe Road
(west curb) to 110 feet south of Iroquois Lane
(east curb).

BURLERSON ROAD from 210 feet north of Catalina Drive
(west curb) to 28 feet south of Princeton Drive
(east curb).

Ordinance Amendments

Amended Ordinance No. 840913-M, Zoning Case No. C14r-83-292
to correct legal description.

Amended Ordinance No. 840920-EE relating to fees and charges
on park land.

Zoning Ordinances

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

- a. JOE D. ADAMS 1604 Fortview Road From "SF-3"
By Donald E. Bird to "GR"
C14-84-199
- b. Passed FIRST READING ONLY of the following ordinance:
(4-1 Vote, Councilmember Shipman voted No, Mayor Pro Tem
Trevino and Councilmember Spaeth absent)
- CARILLON JOINT 8120 Research Blvd. From "CS" to
VENTURE "CS-1"
By Mike Guerrero
C14-84-315
- c. DICKSON PROPERTIES, Property located at From Interim "SF-3"
INC. & ROBERTA P. Pleasant Valley Rd. to "MF-3", "MF-5",
DICKSON and East Riverside "LR" and "MF-2"
C14-72-204 (part) Drive
- d. LOUIS HOWARD 12636 Research Blvd. From "LO" to "GR"
By Terrence L. Irion
C14-84-387
- e. CARPENTER-MARCELLA 11909 Research Blvd. From Interim "SF-2"
JOINT VENTURE to "LO"
C14r-84-071

ZONING - (Continued)

- f. REG E. BRITTIAN/
MARCH WILLIAMS
C14-84-090 1010-1014 West Mary From "SF-3" to
1807-1811 S. 6th St. "LO"
- g. CITY OF AUSTIN 7804-8006 & 7803-8007 From Interim "RR" to
By Office of Land Forest Wood Road, 1003- to "MH"
Development Services 1105 & 1000-1104 Reno
C14-84-425 Dr. & all of Dymalor Cir.,
Darvone Circle, Persimmon
Trail & Wynne Lane

Third Reading of Ordinances

Passed through THIRD READING of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- a. G.A. & LEONA MCNEIL 406 Sterzing St. From "SF-3" to
By David B. Armbrust "LO"
C14-84-313
- b. AUSTIN BOWL-O-RAMA 4614 U.S. 290 West From Interim "SF-2"
By Thomas J. O'Meara to "GR" & "GO"
C14r-81-233

Item to be Brought Back

Consideration of an ordinance amending Ordinance No. 840717-A (Capital Recovery Fee Ordinance) to provide for base capital recovery fees of \$1,286 per fee unit for each water tap purchase and \$979 per fee unit for each wastewater tap purchase with adjustments to the fee for house size and for particulars in the financing of City utility facilities, will be brought back on the March 28, 1985 agenda.

Moratorium Extended

Approved extending the 14th Street/DMU Study and Moratorium until April 4, 1985.

Street Vacation

Approved an ordinance vacating Willow Street (200-300 Blocks), San Jacinto Street (90 Block) and Willow Alley (200-300 Blocks).

Transients

Established a temporary moratorium on building permit issuance and site plan approval for any service center facility for transients.

CONSENT RESOLUTIONS

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Spaeth absent)

Land Dedication

Approved dedication of 0.262 of one acre of land for street purposes out of a City-owned tract of land.

Release of Easements

Authorized release of the following Easements:

- a. The 10' Public Utility and Drainage Easement located on the common lot line of Lots 11 and 12, Block G, Highland Park West, 3201 Sunny Lane. (Request submitted by Ms. Cathy Baumgardner)
- b. A portion of a Blanket Electric Easement recorded in Volume 659, Page 564, of the Travis County Real Property Records insofar as it affects a 12.4146 acre tract of land out of the James Rogers Survey #19. (Request submitted by Cunningham-Graves, Inc.)
- c. The Electric, Telephone and Public Utility Easement recorded in Volume 676, Page 450, of the Travis County Real Property Records and located on Lots 19 and 20, Mira Loma Subdivision, 2409 Vista Lane. (Request submitted by Graves, Dougherty, Hearon & Moody)
- d. The Ingress and Egress Easements recorded in Volume 3539, Page 1152, and Volume 3539, Page 1187, of the Travis County Real Property Records, conveyed to the City of Austin, and located on Lot 11-A Professional Square Addition, 816-820 E. 53rd Street. (Request submitted by Fountain Plaza Joint Venture)

Eminent Domain Proceedings

Authorized Eminent Domain Proceedings to acquire the following:
A Waterline Easement along South I.H. 35:

- (1) 0.084 acre Waterline Easement out of Lot 23, Block A, Circle S Ridge Subdivision, Section One, Travis County Texas. (Ron Sims & Donna Sims, owners)

- (2) 0.092 acre Waterline Easement out of Lot 24, Block A, Circle S Ridge Subdivision, Section One, Travis County, Texas. (David Bryant, owner)
- (3) 0.287 acre Waterline out of that certain 11.615 acre tract of land in the F. H. Hodges Survey, said 11.615 acre tract being the same tract described in a deed recorded in Volume 2401, Page 576, Deed Records of Travis County, Texas. (Gloria Meisch Shouse and Earl Shouse, owners)

Capital Improvements Program

Approved Brodie Lane/William Cannon-Paisano Street Improvement Project. (Robert J. Ellis, et ux, Babette Z. Ellis, owners) C.I.P. No. 79/62-14.

Change Order

Approved the following Change Order, in the amount of \$35,820.00 to BRB CONTRACTORS, INC. for the Green Water Treatment Plant - 1983 Modifications and Facilities Improvements. CAPITAL IMPROVEMENTS PROGRAM No. 73/22-92 (.38% increase of the original contract)

Water and Wastewater Facilities

Approved the selection of professional engineering and Associated services in connection with the proposed Instrumentation, Control and Computerized Planning and Management Systems for the Water and Wastewater Facilities. CAPITAL IMPROVEMENTS PROGRAM No. 82/22-22.

Item Postponed

Postponed for one week is a resolution approving selection of Professional Architecture Services in connection with the Golf Course Project. CAPITAL IMPROVEMENTS PROGRAM No. 85/89-05.

Contracts Approved

Approved the following contracts:

- a. ROBERT JENTSCH CONSTRUCTION, INC. - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 3343
Austin, Texas
Cherry Creek Drainage Improvements
Phase V, Public Works Department -
\$340,108.75 C.I.P. No. 79/60-04

CONTRACTS APPROVED - (Continued)

- b. D. L. MEACHAM CONSTRUCTION CO.
2108 Hoskins Street
Houston, Texas
 - c. DON E. PHILLIPS, INC.
8000 Blue Goose Road
Manor, Texas
 - d. BILL BOYD CONSTRUCTION COMPANY
11904 Hornsby Street
Austin, Texas
 - e. DON E. PHILLIPS, INC.
8000 Blue Goose Road
Manor, Texas
 - f. RIVER CITY MACHINERY COMPANY
12949 Research Boulevard
Austin, Texas
 - g. HORIZON TOWERS, INC.
2303 Pinewood Road
Kilgore, Texas
 - h. TEXACO, INC.
510 Petroleum Drive
San Antonio, Texas
 - i. GOLDTHWAITE'S OF TEXAS (WBE)
10751 Sentinel Drive
San Antonio, Texas
(continued from March 7, 1985)
 - j. Bid award:
- CAPITAL IMPROVEMENTS PROGRAM -
Foundations and Conduit System
for Transformer-switchgear unit
456 at Jett Substation, Electric -
Utility Department - \$27,600.00
C.I.P. No. 81/16-02
 - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Long Canyon II-A, Electric
Utility Department - \$62,747.19
C.I.P. No. 84/15-01
 - CAPITAL IMPROVEMENTS PROGRAM -
Foundations and Conduit System
for Transformer-Switchgear Unit 789
at Hamilton Substation, Electric
Utility Department - \$30,500.00
C.I.P. No. 81/16-02
 - CAPITAL IMPROVEMENTS PROGRAM -
Installation of Underground
Electric Distribution Facilities
for Davenport Ranch, Phase I,
Section 3, Electric Utility
Department - \$62,679.57 C.I.P.
No. 84/15-01
 - Wheel Mounted Trenching Machine,
Vehicle & Equipment Services
Department - \$52,092.00 85-0079-DC
 - Antenna Tower and Transmitter
Building, Vehicle & Equipment
Services Department - \$156,639.00
85-0053-MB
 - Oils and Grease, Vehicle and
Equipment Services Department
Twelve (12) Month Supply Agreement
Items 1-6 - \$92,422.00 85-0119-QM
 - Riding Rotary Mowers, Parks
and Recreation Department
Total \$52,500.00 85-0067-DC
 - Generic Pharmaceuticals for
Brackenridge Hospital
Twelve (12) Month Supply Agreement
\$2,114,388.86 BS5-1074
- NOT APPROVED - TO BE BROUGHT BACK 3/21/85

CONTRACTS APPROVED - (Continued)

- (1) AMFAC DRUG SUPPLY COMPANY - \$227,047.89
11927 Warfield
San Antonio, Texas
- (2) ARMOUR PHARMACEUTICAL COMPANY - \$87,459.40
303 South Broadway
Tarrytown, New York
- (3) BRISTOL LABORATORIES - \$89,589.74
P. O. Box 657
Syracuse, New York
- (4) DUPONT PHARMACEUTICALS - \$27,589.25
Biochemical Department
Wilmington, Delaware
- (5) ELKINS SINN, INC. - \$104,009.10
P. O. Box 5483
2 Easterbrook Lane
Cherry Hill, New Jersey
- (6) HOECHST PHARMACEUTICALS CO. - \$88,667.61
Route 202-206 North
Somerville, New Jersey
- (7) INVENEX LABORATORIES - \$58,433.81
CNA Tower Suite 770
255 South Orange Avenue
Orlando, Florida
- (8) LYPHO-MED, INC. - \$40,556.17
4020 West Drive Division Street
Chicago, Illinois
- (9) MERCK SHARP DOHME - \$95,526.35
925 111th Street
Arlington, Texas
- (10) PARK DAVIS COMPANY - \$28,270.77
P. O. Box 1379
Grand Prairie, Texas
- (11) A. H. ROBINS COMPANY - \$30,607.12
1407 Cummings Drive
Richmond, Virginia
- (12) J. B. ROERIG COMPANY - \$31,786.96
P. O. Box 222249
Dallas, Texas
- (13) SCHERING CORPORATION - \$65,468.69
Gallop Hill Road
Kenilworth, New Jersey

CONTRACTS - (Continued)

- | | |
|---|----------------|
| (14) SMITH KLINE FRENCH
LABORATORIES
1500 Spring Garden Street
Philadelphia, Pennsylvania | - \$94,340.62 |
| (15) SK & F LAB. CO.
P. O. Box 7929
Philadelphia, Pennsylvania | - \$77,796.96 |
| (16) E. R. SQUIBB & SONS, INC.
Price Quotation Dept.
P. O. Box 4000
Princeton, New Jersey | - \$29,608.94 |
| (17) STUART PHARMACEUTICAL
ICI American Inc.
Concord Park & Murphy Road
Wilmington, Delaware | - \$58,834.56 |
| (18) TRAVENOL LABORATORIES, INC.
1 Baxter Parkway LC 11-03
Deerfield, Illinois | - \$45,702.40 |
| (19) UPJOHN COMPANY
P. O. Box 225451
Dallas, Texas | - \$120,762.11 |
| (20) WINTHROP LABORATORIES
90 Park Avenue
New York, New York | - \$33,712.06 |
| (21) WYETH LABORATORIES DIVISION
P. O. Box 8299
Philadelphia, Pennsylvania | - \$148,725.25 |
| (22) ABBOTT LABORATORIES
Abbott Park D361
Chicago, Illinois | - \$74,189.89 |

Left Turn Improvements to Loop 360

Approved entering into a contract with the State Department of Highways and Public Transportation for left turn improvements to Loop 360 at Wildridge Drive.

AHFC Floating Monthly Demand Revenue Bonds

Approved the sale of \$10,000,000 Austin Housing Finance Corporation Floating Monthly Demand Revenue Bonds (Woodmeade Apartment Project) Series 1985.

Aero Services, Inc.

Approved entering into an agreement between Aero Services, Inc. and the City of Austin as the technical consultant for construction site monitoring by remote sensing.

Public Hearing Set

Set a public hearing on the following:

An appeal from Mr. Ken Aicklen of a Waterway Development Permit Application denial for 5300 Burnet Road. (85-01-4332): April 11, 1985 at 2:15 p.m.

PUBLIC HEARING - ELIGIBLE BLIGHTED AREA

Mayor Mullen opened the public hearing set for 1:30 p.m. on designating an Eligible Blighted Area for the Cattleman's State Bank; making the findings required by the rules of the Texas Economic Development Commission; and other matters related to the subject.

Paula Phillips, Director, Housing & Community Services Department, said the purpose of the hearing is for designating an eligible blighted area for the purpose of issuing industrial development revenue bonds and to make findings as ruled by Texas Economic Development Commission and to consider other matters related to the subject. She said the area is bounded by Montopolis Drive, East Riverside Drive, State Highway 71 West and U.S. Highway 183. She said according to real estate appraisers, the area contains 42% deteriorating or substandard structures as defined by City Code which meets requirements. Staff recommends approval.

Motion

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, closed the public hearing, and adopted a resolution designating an Eligible Blighted Area for the Cattleman's State Bank and made findings required by the rules of the Texas Economic Development Commission. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Spaeth absent)

ANNEXATION PUBLIC HEARINGS SET

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, adopted a resolution setting public hearings on the following: (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Spaeth absent)

ANNEXATION - (Continued)

Annexation of FM 1826

1. C7a-85-004 - Phase I - FM 1826 Corridor
March 28 & 29 at 3:00 p.m.
2. C7a-85-004 - Phase II - FM 1826
March 28 & 29, 1985 at 3:05 p.m.
3. C7a-85-005 - Phase III - FM 1826 and RM 150 Corridor
March 28 & 29 at 3:10 p.m.

PUBLIC HEARING - RIGHT-OF-WAY DEDICATION OF PORTION OF PARK TRACT
ALONG BOSTON LANE

Mayor Mullen opened the public hearing set for 2:15 p.m. on dedication of road right-of-way out of a portion of City-owned park tract which lies along Boston Lane.

Mr. Ridings explained this has been reviewed and approved by the Parks Board and approved the dedication for road right-of-way purposes and the owner has agreed to donate parkland to the City in an amount larger than the roadway amount that is being taken. That is 2.1 acres being given to the City for 1.45 acres and recommended by all departments.

Councilmember Urdy asked if there is any feasible or prudent alternative to the taking of such land. Mr. Ridings said there is not. Councilmember Urdy asked if the program or project includes all reasonable planning to minimize harm to the land resulting from such use. Mr. Ridings said there has been.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Rose's second, closed the public hearing and approved didication of road right-of-way out of a portion of City-owned park tract which lies along Boston Lane. (5-0 Vote, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

EMINENT DOMAIN RESOLUTION

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, adopted a resolution amending the Eminent Domain resolution approved by Council on January 17, 1985; owners: C. Aubrey Smith Jr., holder of Life Estate measured by the life of Myrtis Beall Daniel Smith, InterFirst Bank of Tyler, Trustee, for Catherine A. Smith, Charles A. Smith III and Mary M. Smith; and Doris Jean Smith Umstattd. (5-0 Vote, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

CITY MANAGER REPORTS

The following City Manager Reports were presented. Copies are on file in the City Clerk's office:

1. CDBG Performance Report
2. Republic Square
3. Loop 1 - Hwy. 183 Intersection
4. Five-Year Financial Forecast
5. Federal Budget Cuts

GRAY PANTHERS

Ms. Charlotte Flynn, convener for Gray Panthers, appeared before Council to discuss issues concerning Brackenridge Hospital options.

CRISIS OF THE HOMELESS

Councilmember Shipman introduced an item to Council to consider establishing a seven-member "Crisis of the Homeless" Task Force and adopting Charge.

Mayor Mullen said, "The item has to do with the possible movement of the Salvation Army from where we are talking about it being to another location wherever that may be." Councilmember Shipman said, "Mayor, no, this item was placed on the agenda per a discussion that has been going on for about a month to establish a task force on the homeless. The charge of this task force, as stated February 27 references only the homeless. We may want to expand it to go along with the recommendation of the Planning Commission and expand it into the scope of the Salvation Army." Mayor Mullen stated, "I understand, but I may need to abstain and I want to talk about it." Councilmember Shipman said she would like to expand it to make a more suitable recommendation on the location for a shelter for the homeless in the City. Mayor Mullen stated, "I need to publicly state that one of the locations that might be under consideration is a block and a half from my 1st/3rd Street interest, in which I am the one that took the representative from the Salvation Army to it, but with the interpretation of the Ethics Review Commission, saying that you cannot have a positive or a negative interest, that you cannot in any way affect a piece of property that you own, I'm not picking, I'm just saying I do not want to take another chance. I just can't believe it, but that is where we are now on the ethics situation until we get that cleared up. So, it is placed there, which is one of the possible sites, it will negatively affect my property, which I encourage as a solution to the problem but now find we are at a vote situation that might be interpreted that I had a direct or indirect, positive or negative affect on my property. And so I am going to, number one, abstain from the vote. Number two, I am not going to sign an affidavit

CRISIS - (Continued)

proposed by the State because of another technicality in the law that is a real problem. I did not ever sign one of those State affidavits. I did that because the City Attorney advised not to unless you own 10% ownership in a business entity. I think the law has goofed up and it doesn't matter what I do today, I am sure there is going to be someone saying that I did it wrong but I would like Jonathan to explain why I can't perjure myself and sign an affidavit that says something that is not true."

Jonathan Davis, First Assistant City Attorney, stated, "Bear with me on this, there may be some difficulty explaining. The requirement of an affidavit is set out in Article 988B. Some of this may sound familiar because right after the legislation passed last year, while I was acting City Attorney, we had a presentation to the City Council and advised you of the statute and what it said and what it didn't say. Article 988B prohibits a local public official from participating in a vote or a decision on a matter involving a business entity in which the local public official has a substantial interest, with some other conditions attached. The statute tells us what is meant by a person having a substantial interest in a business. There are two ways that can be accomplished. The first is if you own 10% of it or if you own \$2500 or more of the fair market value of the business entity. The second way you can be found to have a substantial interest in a business is if funds received by the official from the business entity exceed 10% of the persons gross income for the previous year. Those are two ways the Statute says you can have a substantial interest in a business entity. The situation involving the Mayor is that he does not have, or appears not to have, a substantial interest in a business entity as that term is defined by the Statute. It is generally understood that conduct does not constitute an offense unless it is defined as an offense by Statute, by Municipal Ordinance or Commissioner's Court rule, or something. The only offense in Article 988B relates to a business entity, which in this instance, since the Mayor does not have a substantial interest in, at least according to the Mayor's assertions to me. The confusion arises over the fact that the Statute includes a definition of a substantial interest in real property. It tells us what a substantial interest in real property is but it doesn't define an offense relating to a substantial interest in real property nor does it require the filing of an affidavit, in fact it doesn't even use the term substantial interest in real property anywhere else in the Statute. So, what we have, is a statute that tells us that an offense is committed by an official if he participates in a voted decision on a matter involving a business entity and it also requires the governmental official to file an affidavit if he does have a substantial interest in a business entity. In the situation presented today, and in my opinion, presented before, there was not substantial interest in a business entity and so the requirement of the Statute and the prohibition in the Statute never arose. You may have read something

CRISIS - (Continued)

to the contrary of that in the newspaper recently. So the advice I gave to you all last year and I gave to the Mayor earlier today, was, that the requirement of an affidavit does not arise. Having said that, I also pointed out that the ordinance does include a prohibition against participation in a discussion or vote in a matter involving a personal pecuniary interest so that the Statute does not require the Mayor to file an affidavit, the Ordinance does require him to announce the nature and extent of his interest and to abstain him from participating or voting on the matter."

Mayor Mullen said, "I know it sounds awfully technical and what I understand is by the City Ordinance I will abstain on number one and two until those are cleared up, but I will not sign an affidavit because Jonathan is saying if I do it I will perjure myself and swear to something that is not true. I think the purpose of this is to try and be sure the intent is carried out and that is so that other officials will show their interest, which I have always done, and not to try and get so technical that it is hard for us to understand what is going on here. But that is where we are now."

Motion

Councilmember Shipman made a motion to create a task force on the homeless and adopt the following resolution that is before you but add two specific amendments; Item 1 originally said a seven member task force and I'd like to change the wording to "and up to 15 member task force", this would allow us to create a blue ribbon panel with specific representation from the community if we so chose; item number one would read "review all available data concerning the homeless"; number two, the same as is written, "develop a profile"; item three, research innovative programs for the homeless in other American cities and after that, utilizing this information, make recommendations as to the most suitable location for a new shelter for the homeless in this City; and number five would be "make recommendations to the City Council about how to mitigate the crisis of the homeless". I had set this up as something much more comprehensive than the immediate problem we have and we would extend the time from 60 days to 90 days. That's my motion.

Councilmember Rose seconded the motion, and said, "You did state the first piece of business for the task force is to work on the Salvation Army location." Councilmember Shipman said, "That would be their first conclusion. The first item of business is to review all available data concerning the homeless in Austin. Once the data is there they are charged with utilizing this information to make recommendations to the City Council as to the most suitable location for a shelter for the homeless in the City. I also think we should take two weeks to make appointments to this task force."

Roll Call on Motion

4-0 Vote, Mayor Mullen abstained, Mayor Pro Tem Trevino, Councilmember Spaeth absent.

TOWNLAKE GREENBELT AS DEDICATED PARK LAND

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, approved dedication of the Townlake Greenbelt as dedicated park land from Eilers Park to Longhorn Dam and exclude the Palmer Auditorium area. (4-0 Vote, Mayor Mullen abstained, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

Councilmember Duncan stated the formal metes and bounds will have to be brought back to Council at the time of passage of the ordinance, that this is the resolution instructing staff to bring back the final ordinance. At that time, he said, there may be some structures which they will make a decision on concerning final inclusion and staff needs to make sure all the structures are clearly defined by metes and bounds.

Councilmember Shipman indicated a map, painted green, which encompasses the area she referred to on both sides of the lake.

ITEM PULLED

Councilmember Shipman pulled from the agenda her item to consider endorsing the concept of the Outer Parkway project as a necessary travel corridor and transportation facility around the City.

MOKAN TRANSPORTATION CORRIDOR

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted a resolution supporting the MOKAN Transportation Corridor Project. (5-0 Vote, Councilmember Spaeth, Mayor Pro Tem Trevino absent.)

BEE CAVE ROAD

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, adopted a resolution supporting a state-funded feasibility study for the upgrading of Bee Cave Road (FM2244) through the Cities of Westlake Hills and Rollingwood. (5-0 Vote, Councilmember Spaeth, Mayor Pro Tem Trevino absent.)

PUBLIC HEARING - EXHIBITION HALL REVENUE BONDS FOR LIVESTOCK SHOW

Mayor Mullen opened the public hearing set for 3:30 p.m. on Bond Resolution with respect to \$4.5 million City of Austin, Texas Exhibition Hall Revenue Bonds, Series 1985, for the Austin/Travis County Livestock Show. (TEFRA Hearing)

Shiela Matthews, Acting Director of Finance, referred to the memo Council had outlining reasons for the livestock items. She said Council is required to hold the public hearing because these bonds are considered, for Federal purposes, to be industrial development bonds.

LIVESTOCK - (Continued)

However, Ms. Matthews said, under State law they are not industrial development bonds.

Michael Spain, Fulbright & Jaworski, bond counsels for this issue said he would answer any questions.

Jay Evans and Bill Canale, officers of the livestock show, spoke about the facility.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance approving a bond resolution with respect to \$4.5 million City of Austin, Texas Exhibition Hall Revenue Bonds, Series 1985, for the Austin/Travis County Livestock Show. (TEFRA Hearing) (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Spaeth absent)

PERMIT FEES ON VEHICLES

Mr. Terral Smith appeared before Council to request the amendment of Section 8-7-102 to waive the payment of permit fees on vehicles authorized until such vehicles are actually placed in service. No action taken.

CITIZENS DID NOT APPEAR

Mr. Frank Newson did not speak, as he had requested, concerning Council's consideration regarding Austin Travis County Livestock Show Bond Indebtedness Program. Mr. Jay Evans, who had requested to speak on the same subject, did so earlier at the public hearing.

ADDITIONAL SCENIC ARTERIALS

Ms. Susan Frost appeared before Council to request they name three additional scenic arterials on the Principal Roadway Area designation map: Lake Austin Blvd., West First Street, and Riverside Drive west of I.H. 35.

Motion

Councilmember Shipman made a motion to designate Lake Austin Blvd., West First Street and Riverside Drive west of IH 35 as three additional scenic arterials on PRA designation map. Councilmember Duncan seconded the motion.

SCENIC - (Continued)

Councilmember Rose discussed the possibility of designating some of the roads going east as scenic arterials.

Walt McCool asked, "Was the motion to designate these roadways scenic arterials? This would require an amendment to the Principal Roadway Ordinance, which is in the Zoning Ordinance, so we'll have to hold a public hearing and publish notice before you can do that. I suggest you set a public hearing if you consider adding these additional roadways as scenic arterials."

Councilmember Shipman asked, "Do I need to reword the motion?" Councilmember Rose said all that needs to be done is direct staff to put something on the agenda for next week. "We are not posted to set a public hearing." Mr. McCool said the notice must be published 15 days prior to the public hearing.

ELECTRIC UTILITY COMMISSION REPORT

Peck Young, Chairperson, Electric Utility Commission, requested permission to hold an executive session for the purpose of receiving legal briefing on the pending South Texas Project litigation involving the Electric Utility.

Council made no motion, so request was denied.

PUBLIC HEARING - DEDICATION OF LAND OUT OF DICK NICHOLS DISTRICT PARK

Councilmember Urdy opened the public hearing set for 3:30 p.m. on dedication of approximately two acres for roadway purposes and the conveyance of approximately seven acres of land out of the Dick Nichols District Park to the adjacent property owner.

Charles Jordan, Director of Parks and Recreation, told Council the City would gain more in the long run doing this.

Mary Arnold discussed the Village at Western Oaks MUD and the fact they have not submitted a land plan. She urged they do so within 30 days.

Stephen Kreger, member of the Parks Board, said he wants the City to receive good quality land for that which they will give up.

Motion

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, closed the public hearing. (4-0 Vote, Councilmember Spaeth and Mayor Pro Tem Trevino absent, Mayor Mullen out of the room.)

Later in the day:

HEARING - (Continued)

Motion

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance dedicating approximately two acres for roadway purposes and the conveyance of approximately seven acres of land out of the Dick Nichols District Park to the adjacent property owner. (5-0 Vote, Councilmember Spaeth, Mayor Pro Tem Trevino absent)

PUBLIC HEARING - STREET VACATIONS

Councilmember Urdy opened the public hearing set for 3:45 P.M. on vacating a portion of Guadalupe Street right-of-way, 8200 Block, and a portion of the Westhill Drive right-of-way, 2700 Westhill Drive.

Mr. Ridings, Director of Public Works, explained, described the vacations.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, closed the public hearing. (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

Later in the day:

Motion

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance vacating a portion of the Guadalupe Street right-of-way 8200 Block. (5-0 Vote, Councilmember Spaeth, Mayor Pro Tem Trevino absent.)

Sam Gammon, 2605 Rae Dell Avenue spoke in opposition to vacation of the cul-de-sac for a portion of the Westhill Drive right-of-way. He said, "We feel the Mayor should abstain from any vote on this issue since he was in partnership with Bernard Snyder who represents Paragon Properties and H.C. Carter at the time this was under consideration by the Council".

Jack Morton, representing Carter Investments, said they will live up to their commitment and erect a barrier to serve as a crash gate. Councilmember Shipman discussed the type of crash gate to be used. Scott Carter said they will put up whatever is wanted by Council. A double gate was decided upon.

HEARING - (Continued)

Motion

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, closed the public hearing. (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

Later in the day:

Motion

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, passed through FIRST READING ONLY of an ordinance vacating a portion of the Westhill Drive right-of-way, 2700 Westhill Drive, approving a double gate. (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent.)

PUBLIC HEARINGS -AMENDMENT TO WATER RATE ORDINANCE & WASTEWATER RATE
ORDINANCE

Councilmember Urdy opened the public hearings set for 3:45 on amending Ordinance No. 840920-Z (Water Rate Ordinance) to correct an error in Section 2-A and add provision for inside City rates for inside City utility districts; and hearing set for 3:50 p.m. on amendment to Ordinance No. 840920-AA (Wastewater Rate Ordinance) to provide for inside-City rates inside City utility districts.

Jim Thompson, Director of Water and Wastewater, told Council "with the adoption of the Davis Springs MUD we have authorized, within the City limits of Austin the first inside City MUD. These ordinances have two purposes, one is to correct a typographical error in the existing ordinance. The other is to have all inside City customers paying the same rates. Currently, MUD's that are outside the City limits, or anywhere, pay 1.25 differential. Outside City customers pay 1.5 differential to the existing rate for inside City customers. This is to clarify the status of MUD's inside the City limits. We recommend approval."

Motion

Councilmember Rose made a motion, seconded by Councilmember Shipman to close the public hearings and pass through FIRST READINGS ONLY the following two ordinances: (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

- Amending Ordinance No. 840920-Z (Water Rate Ordinance) to correct an error in Section 2-A and add provision for inside City rates for inside City Utility districts.

- Amending Ordinance No. 840920-AA (Wastewater Rate Ordinance) to provide for inside-City rates inside City utility districts.

PUBLIC HEARING - EAST RIVERSIDE/IH 35 TO NEWNING PROJECT

Councilmember Urdy opened the public hearing set for 4:00 p.m. on East Riverside Drive/IH 35 to Newning Project, CAPITAL IMPROVEMENTS PROJECT No. 73/63-03.

Bill Stockton, Urban Transportation Department, reviewed the plan of alignment by means of maps.

Paul Harris, representing Mr. Robin Giles, property owner at 600 Riverside Drive, the site of The Magic Time Machine. They are asking for an increase of the loading space for the left turn into The Magic Time Machine. They do not want a median cut or a "chicken lane", but they feel there is a potentially dangerous situation. The main reason is because they have a lot of bus traffic during certain times of the year when there is an athletic event.

Bob Aiken, representing The Magic Time Machine, also discussed and asked for the same consideration as proposed by Paul Harris.

Howard Faulkenberg, owner of a home at 500 East Riverside Drive, River Walk Condominiums. He said they have three entrances to their complex and to reduce ingress and egress to one entrance would be a threat to the safety of the residents.

Bert Fork, homeowner of a River Walk Condominium, agreed with Mr. Faulkenberg's statement, as did Ron LeMay, Danny Womack and Oscar Gayton.

Pat Gregory, Brian Dudley, Jean Mather and Beverly Williams also spoke about the curb cuts planned.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearing. (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, instructed the City Manager to instruct the staff to draft an ordinance and that there be no more driveway cuts on Riverside Drive. (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, approved back up storage maximum 175 feet. (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

ZONING HEARINGS POSTPONED

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, postponed the following zoning hearing until 4:00 p.m. on April 4, 1985: (4-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

-84	ESTATE OF ETHEL	502-504 W. 38th St.	From "A" 1st H&A (SF-4)
105	BELLE BROWN		To "O-1" 1st H&A (LO)
	By Robert Olvera		RECOMMENDED "O-1" 1st H&A
			subject to 40' right-of
			way from centerline of
			West 38th Street, tied to
			a 5,600 sq. ft. building,
			limited to professional,
			administration, business
			offices and no financial
			offices.

The Council unanimously approved postponement of the following zoning case until 5:00, March 21, 1985.

-85	ROBERT J. &	3200-3202 E. 14th	From "A: 1st H&A (SF-3)
479	JOSEPHINE SIDLE	Street	To "O-1" 1st H&A (LO)
	By Rick Gerber	3201-3202 E. 14 1/2	RECOMMENDED limited
		Street	to use by Big Brothers/
		1403-1407 Airport	Big Sisters, subject to
		Boulevard	retention of structure,
			noting that zoning will
			rollback to "A" 1st H&A
			in the event use ceases.

ZONING HEARING

Mayor Mullen announced Council would hear the following zoning case. Council heard, closed the public hearing, and directed the City Attorney to draw the necessary ordinance:

-84	SCOTT/BAGGETT	5001 Convict Hill Rd.	From "I-SR, 1st H&A
	DEVELOPMENT		(I-RR)
	CITY OF AUSTIN		To BB, 2nd H&A (MF-3)
	By Paul G. Gosselink		RECOMMENDED excluding
	(A-PADD, Southwest)		zoning for Dick Nichols
			Park and subject to dedi-
			cation of up to 30' of
			right-of-way from centerline
			of Convict Hill Road.
			<u>GRANTED AS RECOMMENDED</u>

EMERGENCY PASSAGE OF ORDINANCE

(On Councilmember Shipman's motion, Councilmember Duncan's second, 5-0 Vote, Councilmember Urdy, Mayor Pro Tem Trevino absent.)

EXECUTIVE SESSION

Mayor Mullen announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters; and action, if any, on the matters will be taken during the public meeting after the conclusion of the executive session:

- a. Board & Commission Appointments - Section 2, Paragraph g.
- b. Pending Litigation, including but not limited to the following items - Section 2, Paragraph e.
 - (1) Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County, and City of Austin vs Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.
 - (2) Application of Colorado River Municipal Water District (Stacy Reservoir).

RECESS

Council recessed for its executive session at 7:05 p.m. and resumed its recessed session at 8:55 p.m.

COMMISSION APPOINTMENT

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, approved the appointment of Jimmy Hall as a member of the Water and Wastewater Commission. (5-0 Vote, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

WAIVERS TO NORTHWEST LAND USE GUIDANCE PLAN

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, adopted a resolution granting waivers from compliance with the Northwest Land Use Guidance Plan pursuant to Ordinance No. 8412220-FF to certain development projects reviewed by the City Manager. (4-0 Vote, Councilmember Urdy out of the room, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

ELECTION ORDINANCE

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance, amending the ordinance, on an emergency basis, calling 4/6/85 election. (5-0 Vote, Councilmember Spaeth and Mayor Pro Tem Trevino absent)

ADJOURNMENT

Council adjourned its meeting at 9 p.m.