

MINUTES OF THE CITY COUNCIL
CITY OF AUSTIN, TEXAS
Special Called Council Meeting

March 19, 1980
7:00 P.M.

Council Chambers
301 West Second Street

The Meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Absent: None

Mayor McClellan stated that this was a Special Called Meeting for the purpose of discussing water and wastewater policies and capital increment fees. Included in the discussion were the following items for consideration of Council action:

1. Consider establishing a 180-day moratorium on the processing of subdivision plat applications covering land within certain water service areas beyond being accepted for filing and disapproval by the Planning Commission with certain exceptions.
2. Consider ordinance on repealing capital increment fees for out-of-the-city water and wastewater customers.
3. Consider instructing the City Manager to develop options for a new Water and Wastewater Service Plan.

Assistant City Manager Daron Butler stated that since last Thursday the City Manager and members of his administrative team had an opportunity, based upon some requests from the City Council and other inquiries, to review the financial status of the water and wastewater CIP, as originally reported to the Council in a March 13th communication. Results of the review

convinced the staff that the amount of money the City Council had the authority to obligate to meet and complete the needs of the system as it existed today had been adequately and accurately portrayed.

Mr. Butler commented on some information he had distributed which had been requested by Council and pointed out that the critical factor which Council should examine was the pumping capacity in Southwest A area. Optimum rating capacity for the area was 11,600 gallons per minute (gpm). Referring to Table B of the handout, Mr. Butler indicated that the maximum potential demand for Southwest A, B and C was about 300 gpm short of the pumping for those areas.

Mr. Butler said that if the February 23rd bond election had passed, there would have been the financial capacity to meet needs adequately even though the anticipated relief date might have been as late as March, 1982. Orderly planning could have followed with financing assurance.

Commenting further, Mr. Butler stated that under an existing 1976 City Council resolution, some options existed for the Council to work with the community to address some of the items. For example, in Southwest A, cooperation between the City and industry could lead to some relief in that area by providing additional pumping capacity, either at the Davis Lane Reservoir or the Center Street Reservoir and beginning construction of the Southwest Distribution Main. In Northwest B, the problem was almost entirely a pumping capacity, and under the same 1976 resolution, additional pumping capacity could be supplied at industry expense. In Northwest A, the problem of providing service on a case by case basis related to the length of the approach main. If the February 23rd bond election had passed, the City would have been constructing a 42-inch line from the intersection of Water Park Road and FM 1325 north along FM 1325, which would have been the Martin Hill Transmission Main Phase I. There would have been a 24-inch line running easterly along Howard Lane to IH 35. Without having those capabilities from the City's standpoint the case by case basis for subdivisions in that area could be relieved by rather long approach mains running back to Water Park Road and FM 1325 or proceeding from Braker Lane and IH 35.

The Council next discussed the possibility of any legal commitments by the City if a moratorium were established on subdivision plats. It was the opinion of Mr. DeLaRosa, City Legal Department, that the City might incur some liability, depending upon the processing stage of a plat, if a moratorium were established.

There was discussion regarding the approval of preliminary subdivision plats. Mr. Curtis Johnson stated that such plats received only a general review, but that final plats were reviewed in much greater detail.

In response to questioning, Mr. Johnson stated that he regarded 2.2 gpm as a quality level of service for the City. In Southwest C (Water District #14), the level was approximately 1 gpm per customer.

Mayor Pro Tem Mullen felt that the Council should decide upon a minimum level of service which could be provided in the future.

There was discussion regarding a possible moratorium on taps. Mr. DeLaRosa said that to his knowledge, no lawsuits resulted from the 1976 taps moratorium imposed by the Council.

Councilmember Goodman asked Mr. DeLaRosa to determine if there were any cases where a municipality or other entity was sued for not being able to provide service when it was available.

Daron Butler commented that the proposed moratorium drafted by Legal was based on the ordinance used in the Barton Creek instance whereby the Planning Commission would accept for disapproval preliminary plats. Options were available for industries working with preliminary plats filed for disapproval to continue through the subdivision pipeline. In many instances it might be two years after plat filing before a house was built in a subdivision. The City would thus have an opportunity to assess as a plat moved through the pipeline.

Referring to a question raised previously by Mayor Pro Tem Mullen as to what the staff should do during the subdivision process when comments were made about service being made available based upon CIP projects in unfunded years, Mr. Butler felt that the staff was committed to resolving the question and providing a response to Council so that a policy decision could be made.

Councilmember Goodman asked why people filing subdivision plats could not be advised that problems might arise which would effect the City's ability to serve those subdivisions.

Councilmember Cooke did not feel developers should be so advised because it was a policy decision which staff should not make.

Councilmember Goodman felt that it was a technical matter, not a policy matter.

Councilmember Himmelblau said that she felt more of a commitment to serve Southwest A, particularly the portion within the City limits, than Southwest B and C.

Mr. Johnson stated that it was difficult to separate the areas when some were both within and outside the City limits.

There was discussion between Mayor Pro Tem Mullen and Mr. Johnson as to capacity and projected growth in Southwest A. It was estimated that within the next 180 days system capacity in Southwest A would be within 700 gpm of the limit.

In response to Councilmember Cooke's question, Mr. Butler felt that the figures presented represented a worst case situation. Due to market conditions, he had also anticipated a 10% downturn by fall, 1980 in growth for the subject area.

Replying to Mayor Pro Tem Mullen's question, Mr. Johnson said that the peak need for a 2.2 gpm water supply would be for a 20-30 day period during the summer. If systems were taxed to the limit, air could come out of the lines and present a possible health hazard. The system generally operated in a range of about 1.6 gpm to 1.8 gpm.

Mayor Pro Tem Mullen did not agree with a moratorium to build to peak in 3 to 4 years. He next cited two examples of where staff had told individuals that they could not obtain water and wastewater service because the bonds had failed and stated that in areas not effected people should not be told that they could not get service because the bonds failed.

Daron Butler stated that if staff members had made such statements that the matter would be addressed.

Mayor McClellan stated that she felt that the Council would be remiss if it did not implement a short moratorium until all necessary information was obtained. The first commitment was to serve with quality service existing customers.

Councilmember Himmelblau stated that she would go with a moratorium on Southwest C, but not Southwest A and was doubtful about Southwest B.

Mr. Johnson stated that the greatest problems had occurred in Southwest C.

Councilmember Goodman asked for a legal opinion on the moratorium. Mr. DeLaRosa said that it would be up to Council discretion to impose a moratorium in one particular area.

In response to Councilmember Himmelblau's question, Mr. Johnson said that the City supplied water to Water District #14 (Southwest C), but was not involved in any extensions.

Responding to Councilmember Cooke's question, Mr. DeLaRosa stated that if the moratorium were invoked, the developer could still file a preliminary plat. The Planning Commission had to take action within 30 days; otherwise, the subdivider could go to the Courthouse with his plat. If the Planning Commission disapproved the plat, then the subdivision process would stop at that point until the moratorium ended. Certain exceptions would allow the developer to proceed, such as the developer's being able to provide the needed utilities or where replatting could occur without the need for additional water and wastewater services.

Mr. Butler asked if there was anything in the ordinance which would restrict a developer from working with City staff to get a subdivision in position to move through the process quickly after the moratorium ended.

Mr. DeLaRosa replied "No".

Mr. Lillie asked that a preliminary plat currently had a life of 6 months. If a final plat was not submitted within that time period, then the process had to start over. He suggested that the 6-month time period be extended or deleted during the moratorium period.

There was discussion regarding having the developer put in the facilities. Mr. Butler stated that developers could put in and dedicate to the City such facilities as the Davis pump station and the Southwest Distribution Main. Councilmember Goodman pointed out that the Southwest Distribution Main could be covered under the Approach Main Policy.

Motion

Councilmember Cooke moved that the Council establish a 90-day moratorium on the processing of subdivision plat applications covering land within water service areas and disapproval by the Planning Commission with certain exceptions. Mayor McClellan seconded the motion with the following statement:

"I think that we are operating at a deficit now, that we cannot provide the quality service we should be providing now. And so it becomes a moot issue to me to the discrepancy in the figures. If you overload it already, it really doesn't matter that much to me how much you are going to build up or not build up in the next few months. We are at an overload point right now. I think that we have a first commitment to give quality service to what we already have, and until we can be assured that we can do that I think we'd be remiss not to put in this moratorium. So I will second that motion."

In response to questions, Mr. Johnson stated that there were no problems with other service areas of the City other than the ones he addressed.

After further discussion among the Council, the following vote was taken:

Roll Call on Motion FAILED

Roll Call on the motion failed to carry by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Trevino

Noes: Mayor Pro Tem Mullen, Councilmembers Goodman, Snell

Abstain: Councilmember Himmelblau

Mayor McClellan instructed the City Clerk to add the preceding item to the March 20, 1980 Agenda as an emergency posting.

Motion

Councilmember Goodman moved that the Council instruct the City Manager to develop options for a new Water and Wastewater Service Plan. Mayor McClellan seconded the motion.

In making his motion, Councilmember Goodman stated that he assumed that the City Manager would come back with cost figures, where money would come from to pay for the study and how long it would take.

Mayor McClellan stated that she had specified that it be a firm qualified to do the reassessment, but did not specify as to a local or non-local firm, to delineate a procedure for interested boards and citizens groups to advise on the request for proposals and to present the options to Council as to how the study should be financed.

Roll Call on Motion

Roll Call on Motion showed the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen
Noes: None

WATER AND WASTEWATER CIP REPORT

Daron Butler reviewed the Report which had been given to the Council, and stated that it covered engineering aspects only through the next 6 months. No projects were included which were to have been funded through the 1980 program.

Councilmember Himmelblau asked if some Community Development Block Grant (CDBG) money could be used to free up other money.

Mr. Butler stated that he would have to look at the list of projects in detail and if CDBG money was applicable such projects would be identified to the Council as they came through for approval.

Councilmember Goodman asked Mr. Butler to delineate the difference between the 6, 12 and 18 month programs and whether or not the staff had a single recommendation.

Mr. Butler responded that the difference between the programs was primarily in the areas of the number of paving projects which could be done in association with the Public Works Department street paving program and increased funding for such recurring projects as cost differences and subdivision engineering and inspection. At a minimum staff recommended that the Council

adopt the 6-month program, which would carry the process forward to the next CIP adoption, and might possibly give the Council some options at that point to do a 12-month program. Tied down firmly would be funding for the West Austin Transmission Main, Southwest Austin Transmission Main and any improvements in water treatment. There would be some flexibility in the balance of the recommendations.

Councilmember Himmelblau inquired about improvements to the Govalle Wastewater Treatment Plant which would be pushed back.

Mr. Johnson stated that the projects certainly were needed, but it was a question of how to try to exist with the monies in hand for the various periods of time. The project involved the complete renovation of the facility as well as additional needs addressing odor control. Funding was being recommended for the engineering portion only, not construction. If the City proceeded into a Step II grant for engineering, about 18 months would be required for that work.

Councilmember Snell wondered whether it would be wise to tie CDBG money with the budget now due to the uncertainty in Washington.

Mr. Butler said that the City would be hard pressed to fund utility relocations in certain CDBG projects from City utility money. Staff would have to be looking at options for the Council in such instances.

The Council postponed action on the item until March 21, 1980

CAPITAL INCREMENT FEE

The Council took no action on repealing Capital Increment Fees for out-of-the-City water and wastewater customers.

ADJOURNMENT

The Council adjourned its meeting at 9:30 p.m.

APPROVED

Carde Keeton McEllell

ATTEST:

Grae Monroe
City Clerk