

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Special Called Meeting

November 13, 1980  
9:00 A.M.Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

## Roll Call:

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

Absent: Councilmembers Cooke, Goodman

Mayor McClellan stated that this was a Special Called Meeting for the purpose of hearing tax appeals. The Council then heard the following tax appeals:

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
John McPhaul	Land	\$ 0.00	\$ 4,000	\$ 4,000	\$ 2,395
2103 Lear Lane	Imps.	0.00	-0-	-0-	-0-
Lt 25 B1 A					
Southwest Oaks	Total	\$ 0.00	\$ 4,000	\$ 4,000	\$ 2,395
Phase II					
ID #4-1919-0138					

Mr. Jack Klitgaard, Tax Assessor-Collector, stated that the appeal was on one lot, but it covered an entire subdivision consisting of 189 lots. The same valuation applied to each lot, and if the Council changed the valuation, it would apply to the entire subdivision.

Mr. Klitgaard stated that the Board of Equalization had sustained the valuation placed on the property by the Tax Department. Determining the valuation of an uncompleted subdivision was a judgment call, but Mr. Klitgaard submitted that cost of development was not the main criterion of tax value.

MR. JOHN McPHAUL appeared before the Council to protest the valuation and method of calculation of the values on the subject property. He stated that on January 1, 1979, the City appraised the property at \$199,020. He bought the property on April 5, 1979 for \$358,987.15 and on January 1, 1980 had a total of \$435,171.47 invested in the property. He asked the City Council to value the property at \$1,984/lot for a total valuation of \$375,000.

Mr. Jack Klitgaard stated that Mr. McPhaul's property had been treated the same as other subdivisions in the process of being developed on the assessment date. He did not think that owner's cost was a criterion to be considered in valuing property based on what it would market for if exposed to the market on the assessment date. Any effort expended to make the property move valuable contributed to its market value.

Motion

Councilmember Mullen moved that the Council assess the property at \$2,645 per lot for a total valuation of \$500,000. Councilmember Himmelblau seconded the motion.

After a brief discussion, Councilmember Mullen withdrew his motion.

Motion

Councilmember Snell moved that the Council assess the property at \$2,302 per lot for a total valuation of \$435,078. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan  
Noes: Councilmembers Himmelblau, Mullen  
Absent: Councilmembers Goodman, Cooke

Motion

Councilmember Mullen moved that the Council assess the property at \$2,500 per lot for a total valuation of \$472,000. The motion, seconded by Councilmember Himmelblau, failed to carry by the following vote:

Ayes: Councilmembers Himmelblau, Mullen  
Noes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan  
Absent: Councilmembers Cooke, Goodman

Motion

Councilmembers Mullen moved that the Council assess the property at \$2,400 per lot. After a brief discussion, Councilmember Mullen amended his motion to assess the property at \$2,395 per lot for a total valuation of \$452,655. The motion, seconded by Councilmember Snell, carried by the following vote:

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

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Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Balcones Associates, Ltd. By Jim Moritz 3301 Northland Drive ID #1-3002-0606	Land Imps.  Total	\$ 552,123 <u>1,166,614</u> \$1,718,737	\$ 355,233 <u>2,582,537</u> \$2,937,770	\$ 355,233 <u>2,472,965</u> \$2,828,198	\$ 355,233 <u>2,180,577</u> \$2,535,810
Balcones Associates, Ltd. By Jim Moritz MoPac Expressway Lt 4-B Balcones Associates, Ltd. Addition	Land Imps.  Total	\$ 96,704 <u>18,116</u> \$114,820	\$524,681 <u>24,048</u> \$548,729	\$524,681 <u>17,635</u> \$542,316	\$524,681 <u>-0-</u> \$524,681

Mr. Klitgaard stated that the appeal was on two buildings, and was based on the owner's cost of construction. The buildings had been put into a classification system comparable to similar office buildings through the taxing district. The purpose of using the classification system was to achieve some degree of equalization. He did not think that cost was the only criterion to be considered.

With regard to the second property, Mr. Klitgaard said that in his opinion the old house on the property contributed nothing to the value of the property. The Department had no objection to any adjustment the City Council might make relative to the improvements. He recommended removing the improvement value.

MR. JIM MORITZ said that in his appeal to the Board of Equalization he did not base the cost of the buildings on what they cost at the time of construction. Cost was based on a contract for the new building under construction. He distributed to the Council figures which he had presented to the Board of Equalization regarding the valuation of three Balcones Associates, Ltd. buildings. (see following page). Mr. Moritz stated that the total difference between Board of Equalization figures and Balcones Associates, Ltd. was \$418,491.76. The Board of Equalization adjustment was for \$34,845.00.

Mr. Klitgaard closed by stating that their cost was not the only elements of value which should be considered in the valuation.

In summation, Mr. Moritz said that the City's records showed replacement value new as \$1,736,954, while the figures he had presented to Council represented what he felt were the correct figures.

#### Motion

Councilmember Mullen moved that the Council place the valuation on the properties at \$418,491.76 below the valuation of the Tax Department. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Himmelblau, Mullen

Noes: None

Absent: Councilmembers Cooke, Goodman

"BOARD OF EQUALIZATIONBALCONES ASSOCIATES LTD.Republic Bank Building

Replacement      \$1,736,954.00  
                              X.92  
                              \$1,597,998.00

Difference:      \$269,773.39

Contract          \$1,501,038.70  
                              Our Cost          \$1,443,722.40  
    X.92  
    \$1,328,224.61

USLife Title Building

Replacement      \$1,004,632.00  
                              X.98  
                              \$ 984,539.36

Difference:      \$129,520.72

Contract          \$ 905,768.00  
                              Our Cost          \$ 872,468.00  
    X.98  
    \$ 855,018.64

Balcones Building III

Contract          \$1,671,631.59  
                              (\$27.76/sq. ft.)  
                              Our Cost          - 64,226.00  
    \$1,607,405.59  
    (\$26.70/sq. ft.)

Residence, 5307 Balcones

Appraised Value:      \$24,048.00

Sold March, 1980 @ \$3,850.00

Difference:      \$20,198.00

TOTAL DIFFERENCE BETWEEN BOARD OF EQUALIZATION AND BALCONES ASSOCIATES, LTD.

Republic Bank Building      \$269,773.39  
 USLife Title Building:      129,520.36  
 5307 Balcones:              20,198.00

Total Difference      \$418,491.76

BOARD OF EQUALIZATION ADJUSTMENT:      \$34,845.00"

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Willis R. Bodine	Land	\$ 11,366	\$ 18,944	\$ 18,944	\$ 18,944
3809 Duval St.	Imps.	13,914	50,134	49,796	44,263
ID #2-1806-0705					
	Total	\$ 25,280	\$ 69,078	\$ 68,740	\$ 63,207

Mr. Klitgaard stated that in 1980 the same factors that were incorporated into depreciation tables for single-family dwellings were changed to be applicable to duplexes, resulting in a significant increase in the property. It was felt that the property had been treated no differently than comparable property elsewhere and certainly no differently than other duplexes in the community.

MR. WILLIS R. BODINE stated that the house was 55 years old, but was rated as 90% as good as new. There had been a 170% increase in overall valuation from 1979 to 1980. Improvements had increased from \$13,914 in 1979 to \$50,134 in 1980. The increase wiped out the over 65 exemption. He asked that the valuation be held to 41% good instead of 90% good.

Mr. Klitgaard reiterated that the value of the property was measured in the marketplace. People were willing to pay almost as much for an older house as a new one. He did not feel that it was fair to have the older houses on the tax rolls at lower rates.

Mr. Bodine replied that in regard to an older house, market value meant nothing to people who used one as a home.

In response to Mayor McClellan's question, Mr. Klitgaard stated that if the property were valued at 40% good, then there would be a difference of \$27,650 on the improvements as opposed to a 90% good valuation.

#### Motion

Councilmember Himmelblau moved that the Council uphold the Board of Equalization. The motion, seconded by Councilmember Snell, failed to carry by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Himmelblau, Snell  
Noes: Mayor McClellan, Councilmember Mullen  
Absent: Councilmembers Cooke, Goodman

Later in the meeting, there was the following motion and amendment:

#### Motion

Councilmember Himmelblau moved that the Council reduce the valuation by \$5,000. Mayor Pro Tem Trevino seconded the motion.

#### Amendment

At the recommendation of Mr. Klitgaard, Councilmember Himmelblau amended her motion and Mayor Pro Tem Trevino amended his second to reduce the valuation by 10% (\$5,533). The motion carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino  
 Noes: Mayor McClellan  
 Absent: Councilmembers Goodman, Cooke

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Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Hays Haffelder	Land	\$ 6,343	\$ 10,733	\$ 10,733	\$ 10,733
7103 Guadalupe St.	Imps.	<u>24,397</u>	<u>35,477</u>	<u>35,477</u>	<u>31,304</u>
ID #2-3111-0130					
	Total	\$ 30,740	\$ 46,210	\$ 46,210	\$ 42,037

Mr. Klitgaard presented details of the appraisal. The property had been updated in value using the new unit schedules applied to the classification of this property in the same manner applied uniformly throughout the city. He believed that the value placed on the property was a reasonable reflection of what the property would market for. The house was graded at a G-grade at 85% good.

MR. HAYS HAFFELDER stated that he could not find any other property within the city which was comparable in a comparable neighborhood. The primary value of the property was in land value. Houses in the area were being torn down and apartments built in their place. Mr. Haffelder felt that the valuation on the house was too high.

Mr. Klitgaard stated that it was difficult to find comparables in the area. There were only three houses left on the street where Mr. Haffelder's property was located, and the land probably was under used. He had no problem if the Council felt that the grading factor was too high.

#### Motion

Councilmember Snell moved that the Council reduce the grading factor on the property to "A", making the valuation on the house \$31,304. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Himmelblau, Snell, Mayor  
 Pro Tem Trevino  
 Noes: None  
 Absent: Councilmembers Cooke, Goodman  
 Not in Council Chamber when roll was called: Councilmember Mullen

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## TAX APPEAL HEARING RESET

The Council reset the following tax appeal hearing for December 4, 1980 at 3:00 p.m.

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Robert F. Hughes	Land	\$ 3,627	\$ 5,802	\$ 5,802	
801 Floradale Dr.	Imps.	<u>41,918</u>	<u>64,434</u>	<u>64,434</u>	
ID #9-2-4122-0401					
	Total	\$ 45,545	\$ 70,236	\$ 70,236	

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Robert Carr	Land	\$133,106	\$221,843	\$208,532	\$199,658
9100 Burnet Road	Imps.	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
ID #2-4507-0611					
	Total	\$133,106	\$221,843	\$208,532	\$199,658

Mr. Klitgaard introduced Mr. Weldon Nabors, Supervisor of Land Appraisal, who presented details of the appraisal. Mr. Nabors recommended that valuation of the property be reduced by 10 cents a square foot to \$2.25 a square foot so that it would be comparable to other property in the area.

Motion

Councilmember Mullen moved that the Council reduce the valuation on the property to \$2.25 a square foot for a valuation of \$199,658. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,  
Mayor McClellan

Noes: None

Absent: Councilmembers Cooke, Goodman

Not in Council Chamber when roll was called: Councilmember Snell

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L. G. Schroeder	Land	\$ 6,140	\$ 12,340	\$ 12,340	\$ 12,340
706 Texas Ave.	Imps.	<u>22,526</u>	<u>32,980</u>	<u>32,980</u>	<u>25,220</u>
ID #2-1607-0411					
	Total	\$ 28,666	\$ 45,320	\$ 45,320	\$ 37,560

Mr. Klitgaard presented details of the appraisal and stated that he did not believe that there was any reason why the property would not easily market for the value placed on it by the Tax Department.

MR. L. G. SCHROEDER felt that the increased valuation was excessive and asked the Council to limit it to no more than 25%.

Mr. Klitgaard responded that he understood the plight of people on a fixed income, but was obligated to follow the statutes relative to administration of the ad valorem tax. He was also obligated to follow the market in determining the valuation of Mr. Schroeder's property. There had been a great deal of market activity in the area. Valuation on the house had been lowered to a G-factor, which made it 85% good.

In response to Councilmember Himmelblau's question, Mr. Klitgaard stated that a 10% to 20% reduction could be taken for the condition of the house, based on a replacement value of \$38,800.

#### Motion

Councilmember Himmelblau moved that the Council reduce the valuation on the house by 20% (\$7,760) for a valuation of \$25,220. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Mayor Pro Tem Trevino,  
Mayor McClellan

Noes: Councilmember Mullen

Absent: Councilmembers Cooke, Goodman

Ownership and Description	Property	1979	1980	Disposition by Board	Disposition by City Council
		Appraised Value 100%	Appraised Value 100%		
Merle L. Moden	Land	\$ 4,579	\$ 4,579	\$ 4,579	\$ 4,579
6506 Bridgewater Cove	Imps.	<u>31,022</u>	<u>40,647</u>	<u>40,647</u>	<u>40,647</u>
ID #2-2027-0330	Total	\$ 35,601	\$ 45,226	\$ 45,226	\$ 45,226

Mr. Klitgaard explained the ratio study conducted by the Tax Department on about 3,000 properties in the District and said that there was a limit to the accuracy of such studies. He felt that the 4% deviation for Mr. Moden's area was about as accurate as one could get. He believed that the value placed on Mr. Moden's property was a reasonable representation of what the property could sell for and was not greatly out of line with property generally in the community.

MR. MODEN commented on the ratio studies and stated that there was no justification for taxing someone more because they owned a newer home rather than an older one.

#### Motion

Councilmember Mullen moved that the Council uphold the Board of Equalization. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino, Mayor  
McClellan, Councilmember Himmelblau

Noes: None

Absent: Councilmembers Cooke, Goodman

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Dinner Theatres	Land	\$ 35,000	\$ 40,000	No appeal	\$ 40,000
A Texas Corpo- ration	Imps.	480,853	313,280		253,796
Owned by John A. Bird, et al By Phillip Joseph 12173 FM Road 1325 ID #9-2-6212-0609	Total	\$515,853	\$353,280		\$293,796

Mr. Klitgaard stated that the appeal was based on the argument that the appraised value in 1980 of \$353,280 plus the personal property assessment still exceeded the purchase price of \$355,000. Mr. Klitgaard felt that all possible adjustments had been made which could be sustained in the real estate.

MR. JOHN BIRD, owner of the property, stated that the original assessment set out before he bought the property was land valuation of \$40,000; building \$465,000; fixtures \$10,000 and liquor inventory of \$15,000. Since he had paid \$355,000 for the property, he thought that the valuation was excessive. The Tax Department had revalued the property at \$458,000, which still exceeded the purchase price by over \$100,000. He felt that at most the valuation should be his purchase price of 2-1/2 months ago of \$355,000.

Mr. Klitgaard responded that the sale of the property took place in mid-year and that it was hard to tell what personal property had been disposed of since the first of the year. No confidential personal property return had been filed by the previous owner. He questioned the \$145,000 figure offered for personal property and felt that valuing the building at \$170,000 or about \$13/square foot was too low.

After further consultation between Mr. Klitgaard and Mr. Bird regarding the valuation, the following motion was offered:

#### Motion

Councilmember Mullen moved that the Council set the valuation on the property at \$293,796. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Himmelblau, Mullen

Noes: None

Absent: Councilmembers Cooke, Goodman

Not in Council Chamber when roll was called: Councilmember Snell

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## RECESSED MEETING

The Council recessed its meeting at 11:40 a.m. and resumed its meeting at 1:00 p.m., with Councilmember Goodman present, and Councilmembers Cooke and Snell absent.

The Council then heard the following tax appeals:

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
C. L. Reeves 206 E. St. Johns Avenue ID #2-3114-0809	Land Imps.  Total	\$ 17,940 <u>47,642</u> \$ 65,582	\$ 23,920 <u>65,987</u> \$ 89,907	No appeal	\$ 23,920 <u>53,916</u> \$ 77,836
C. L. Reeves 6.83 Acres on Burnet Road James P. Wallace Survey ID #2-4901-0130	Land Imps.  Total	\$136,600 <u>-0-</u> \$136,600	\$223,136 <u>-0-</u> \$223,136	No appeal	
C. L. Reeves .14 acre US Hwy 183 N ID #2-5002-0102	Land Imps.  Total	\$ 6,098 <u>-0-</u> \$ 6,098	\$ 10,672 <u>-0-</u> \$ 10,672	No appeal	
Parker Heights, Inc. By C. L. Reeves 2209 E Riverside Drive ID #3-0407-0806	Land Imps.  Total	\$167,463 <u>-0-</u> \$167,463	\$191,386 <u>-0-</u> \$191,386	No appeal	\$191,386 <u>-0-</u> \$191,386
Parker Heights, Inc. By C. L. Reeves Burton Drive Lt 2 Burton Terrace Sec 1-A ID #3-0407-0809	Land Imps.  Total	\$ 44,145 <u>-0-</u> \$ 44,145	\$ 56,408 <u>-0-</u> \$ 56,408	No appeal	\$ 35,000 <u>-0-</u> \$ 35,000
Parker Heights, Inc. By C. L. Reeves E. Riverside Drive 5.42 acres of Lt 1 Burton Terrace Sec 1-A ID #3-0407-0811	Land Imps.  Total	\$ -0- <u>-0-</u> -0-	\$354,284 <u>-0-</u> \$354,284	No appeal	\$141,872 <u>-0-</u> \$141,872

Ownership and Description	Property	Appraised Value 100%	Appraised Value 100%	Disposition by Board	Disposition by City Council
Parker Heights, Inc.	Land	\$ 40,545	\$ 50,681	No appeal	\$ 45,613
	Imps.	-0-	-0-		-0-
By C. L. Reeves Burton Drive Lt 3 Resub of Lt 3 & Lt B Burton Terrace Sec 2 ID #3-0506-0369	Total	\$40,545	\$ 50,681		\$ 45,613
Parker Heights, Inc.	Land	\$ 96,802	\$121,002	No appeal	\$108,902
	Imps.	-0-	-0-		-0-
By C. L. Reeves Burton Drive Lt 2 Resub of Lt 3 & Lt B Burton Terrace Section 2 ID #3-0506-0371	Total	\$ 96,802	\$121,002		\$108,902
Parker Heights, Inc.	Land	\$ 21,642	\$ 86,568	No appeal	\$ 77,911
	Imps.	-0-	-0-		-0-
By C. L. Reeves 1925 E. Oltorf St ID #3-0705-0812	Total	\$ 21,642	\$ 86,568		\$ 77,911

Mr. C. L. Reeves first read the following statement for the record:

"Dear City Council:

I regret having to have this appeal that should have been handled by the Board of Equalization rather than the City Council taking up your valuable time; however, so that there may be no misunderstanding or misinformation, the reason that it was referred to the City Council rather than the Board of Equalization handling the appeals was because I was told by Mr. Dusty Thames over the telephone that my appointment was for 10 a.m. on August 26, 1980, to appeal some sixty-one (61) pieces of property evaluations. At this particular time, Mr. Rogan Giles, my attorney, was also informed of the appointment being at 10 o'clock on the 26th day of August by Mr. Thames. Upon learning of the time and date of the appointment, Mr. Giles informed me that he would be unavailable on that day and that because it was the last day of the Board of Equalization's meetings, it was not possible to be put off where he could attend. Therefore, I was forced to contact another attorney, Mr. James R. Sloan, who went to the Tax office and talked to Mr. Dusty Thames and was given the same time, 10 a.m., on the 26th day of August as the appointment time. He also had a conflict and asked if it were possible to be put off and was given the same answer that Mr. Giles was; therefore, I was left to handle the appeals on my own, which I proceeded to prepare for. On August 26, myself and Mr. S. R. Sheppard, a long-time broker and resident of Austin, appeared at

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10 o'clock a.m. for the hearing and were informed that the hearing had been held at 9 a.m. Mr. Dusty Thames was not present; however, Mr. Klitgaard and at least two other tax people were there. At the time, the Board was recessing and scheduled to reconvene shortly after 10 o'clock. We waited and talked to the Chairman of the Board to see if it were possible to have the hearing later in the day or at another time. I think the gentleman's name was 'Wood.' Mr. Wood was very abrupt, almost to the point of rudeness in stating to me that I should have been there at 9 o'clock and upon my insistence that we had been notified that the hearing was at 10 a.m., he emphasized that that was no excuse inasmuch as the notice had been posted outside the door of the Board of Equalization preceding the meeting. He refused to hear our appeal and informed me that the only other avenue that I had was to have the City Council to hear the appeal.

"Attached you will find an affidavit from each of the attorneys along with my statement in this letter that the appointment was given to each of us by Mr. Dusty Thames as 10 o'clock on August 26, 1980.

"I do not think that we were given the wrong appointment intentionally. I think it was simply an honest mistake on Mr. Thames' part. I do not believe he or any of the tax people have any unethical intent or malice of any kind; however, the events as I have outlined in this letter are the true events as they happened and the reason we are before the Council now.

"Along with this letter, you have several exhibits keyed numerically to each explanation along with a map that is also key numbered so that you might be able to more easily understand my position on each of the properties. As you can see, it is quite a lot of information even though I have eliminated all of the sixty-one (61) cases except for fifteen (15). Again, I regret having to take the Council's time in this matter but because of the events outlined above I was left no other recourse other than the Courts, and that, of course, is the last resort.

"It is my understanding that the law requires the Tax Assessor to administer fair and equal taxation to all of the citizens and further it is my understanding that in order to do this that the law requires the Tax Assessor to work with appraised values. It is also my understanding that the responsibility to be accurate in his appraisal of the properties would dictate using proven and accepted appraisal techniques and procedures and that the value for taxation must be at 100% value and must be established as of the first day of the year. That is to say, that the value of each property must be ascertained as of the first day of the year in its existing condition, not allowing any judgment of value to be influenced by what might happen to the property after the first day of the year inasmuch as any improvements, etc., thereon that would happen after the first day of the year would be taken into consideration on the next appraisal and taxing cycle. It is with this understanding of the law and the interpretation of same that I have appealed these particular properties.

"The properties have been arranged by myself in the order of ownership and in the order that I would like to present the appeals. The first properties are those that are owned by C. L. Reeves.

"Again, let me emphasize how I regret having to bring these problems to the attention of the Council and I do wish I could have handled them in another way. I know this is a long and involved process, but I assure you I have tried every way I can to make this as brief as possible and still convey enough information in order to get fair treatment. I would appreciate being asked about the process of short-form subdividing some of these properties and the horrendous expense and time involved and a possible solution to a dilemma caused by Attorney General John Hill's opinion whereby re-subdividing could not be accomplished unless everyone in the subdivision agreed to it. The City could give some relief in this area if they so chose and I would appreciate discussing this matter with you. I will be available at the meeting to discuss any questions."

Mr. Reeves stated that in the appeals today he had eliminated all but 16 of the properties. He then introduced Mr. S. R. Sheppard, a real estate broker, who had lived in Austin since 1945. Mr. Sheppard stated that he had examined the cases under consideration and was familiar with them in considerable detail.

Mr. Reeves first discussed Case No. 2-3114-0809. The property was located in the St. Johns Addition and was in a deteriorating neighborhood. It was his opinion that the value of the land was effected by its improvements. He and his appraiser thought that the improvements on the property were worth \$42,500 and the land \$15,000. They both felt that the 1979 appraisals, which were not appealed, were too high at that time.

Mr. Klitgaard described the property and stated that the increases in valuation were not unrealistic over a two-year period. The city-wide increase had averaged between 35% to 40%, and the increase on the subject property was 37%.

Discussion followed between Mr. Klitgaard and Mr. Reeves over the description of the property and its effect on valuation.

#### Motion

Councilmember Mullen moved that the Council decrease the valuation on improvements to the property to \$53,916 for a total valuation of \$77,836. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmembers Cooke, Snell

Not in Council Chamber when roll was called: Councilmember Himmelblau

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Mr. Reeves next discussed Case No. 2-4901-0130 and 2-5002-0102 since they were really one piece of land contiguous with one another and comprising 6.97 acres and located on the Old Jollyville Road just east of the intersection of Loop 360. The property was annexed in 1973 over the protest of the owner and later was zoned for apartments on the larger tract and Local Retail on the smaller tract. There was no sewer line to the property. Mr. Reeves presented tax statements on three pieces of property totalling 11 acres and located three blocks from his property. The property had all utilities, was zoned for apartments and was valued at \$60,860, which was a little over 12¢ per square foot. Based on that figure, Mr. Reeves felt that his property should be valued at \$38,558. Mr. Sheppard stated that he thought that the property was worth \$40,000, based on the non-availability of sewer.

Mr. Klitgaard called on Mr. Weldon Nabors, who quoted sales prices on some properties in the area, all of which were higher than the 75¢/square foot value placed on Mr. Reeves' property by the Tax Department.

Mr. Reeves disputed the information presented by Mr. Nabors. After further discussion, the Council delayed action on the two cases until November 20, 1980.

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Motion

Councilmember Mullen moved that all properties not appealed by Mr. Reeves today would be considered as no appeal. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro  
Tem Trevino

Noes: None

Absent: Councilmembers Cooke, Snell

Not in Council Chamber when roll was called: Mayor McClellan  
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Mr. Reeves next discussed Case No. 3-0407-0806, located at 2209 East Riverside Drive. He stated that on January 1, 1980, the property was no more than a part of the parking lot adjacent to the H.E.B. Food Store property and that over one-half of the property could be used for nothing but a parking lot as a result of a common area reciprocal operating and management agreement that had a 50-year effect on the value of the property. In speaking to the City tax appraisers, he had learned that they used a figure of \$1.50 per square foot as the value of the property inasmuch as they were told that H.E.B. had paid \$1.50 per square foot for the land their store was on next door. Since the property was not sold on January 1, 1980, was not built upon and had been for sale for 10 years at \$1.50 per square foot with no takers, Mr. Reeves felt that no increase in value was warranted. It was his opinion that the property should be valued at \$150,000. Mr. Sheppard thought that the property was worth \$155,000.

Mr. Klitgaard quoted sales figures for the area and stated that the \$2.00 per square foot valuation placed on the property was treated the same as adjoining property that had the same value influences. He did not feel that Mr. Reeves' property should be treated any differently.

Motion

Councilmember Mullen moved that the Council uphold the Tax Department in their valuation of \$191,386. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino

Noes: None

Abstain: Mayor McClellan

Absent: Councilmembers Snell, Cooke

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Mr. Reeves next discussed Case No. 3-0407-0809, located on Burton Drive. The property was a narrow strip of land overlooking the rear of the H.E.B. Food Store and had a grade separation from front to back of over 30 feet. The lot was shallow, rough and difficult to build upon. There was no sewer to the property and would have to be short-form subdivided to use the property properly. Mr. Reeves felt that the value of the tract should not exceed \$35,000. Mr. Sheppard felt that the property was worth only \$30,000 because of the terrain.

Mr. Weldon Nabors of the Tax Department agreed that the situation was basically as Mr. Reeves stated. He believed that the value placed on the property by the Tax Department was too high.

Motion

Councilmember Mullen moved that the Council place the valuation on the property at \$35,000. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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Mr. Reeves next discussed Case No. 3-0407-0811, located on East Riverside Drive. The tract contained 5.42 acres, about 60,000 feet of which abutted Riverside Drive and was paved as part of the parking lot for the H.E.B. Food Store. He thought that portion of the property might be worth \$1.50 per square foot, but that the balance of the property, consisting of about 146,000 square feet was worth far less. To short-form subdivide the larger portion of the tract would cost about \$70,000 to meet City requirements. It was his opinion that the property was worth no more than \$171,000 as of January 1, 1980. Mr. Sheppard thought that the property was worth \$175,000.

Mr. Klitgaard stated that the entire tract had a valuation of \$1.50 per square foot. He recommended keeping the valuation on the parking lot area at \$1.50 and \$1.25 per square foot on the 3.255-acre portion which was zoned "LR" Local Retail since the property across the street.

Mr. Reeves felt that the "LR" tract valuation should be lower because it did not have sewer.

#### Motion

Councilmember Mullen moved that the Council pace the valuation on the 3.255-acre portion at \$1.00 per square foot for a total valuation of \$141,872 and \$1.50 per square foot on the upper portion (parking lot area). The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor  
McClellan, Councilmember Himmelblau  
Noes: None  
Absent: Councilmembers Snell, Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

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Mr. Reeves next discussed Case No. 3-0506-0369, located on Burton Drive. He stated that the property had been for sale for over 10 years and he had not had one offer. He had sold property across the street in both tracts for less than 70¢ per square foot. It was his opinion that the property was worth no more than \$40,545 and did not justify a 25% increase in value. Mr. Sheppard thought that the property was worth \$41,000.

Mr. Klitgaard stated that the Tax Department called Mr. Reeves' office to ask what the property was for sale for and was told \$2.35 per square foot.

Motion

Councilmember Mullen moved that the Council reduce the valuation on the property by 10% for a total valuation of \$45,613. The motion, seconded by Councilmember Goodman, carried by unanimous consent, Councilmembers Cooke and Snell absent; Mayor Pro Tem Trevino was not in the Council Chambers when roll was called.

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The Council next considered Case No. 3-0506-0371, located on Burton Drive.

Motion

Councilmember Mullen moved that the Council reduce the valuation on the property by 10% for a total valuation of \$108,902. The motion, seconded by Councilmember Goodman, carried by unanimous consent, Councilmembers Cooke and Goodman absent; Mayor Pro Tem Trevino not in Council Chambers when roll was called.

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Mr. Reeves next discussed Case No. 3-0705-0812, located at 1925 East Oltorf Street. He stated that it was an irregularly shaped piece of property with a portion of it having no useable surface that fronts on any street; the land fell off to a drainage basin behind the Whataburger hamburger stand and adjacent to dumpsters. If it was used for the same purpose as the property across the street, which was more likely than any other use, then it was Mr. Reeves' opinion that the property as of January 1, 1980 could not be worth more than \$42,000 and certainly not the 300% increase as suggested by the Tax Department. He questioned the use of vendor's liens as a means of determining the value of a piece of property. Mr. Sheppard thought that the property was worth \$40,000.

Mr. Klitgaard defended the use of vendor's liens to determine value of property. He referred to sales in the area, each of which exceeded the \$2.00 per square foot valuation placed on the property by the Tax Department. The Tax Department had called Mr. Reeves' office to ask what the selling price was and was quoted \$3.14 per square foot. He believed that the property was worth at least \$2.00 per square foot.

Mr. Reeves denied that the \$3.14 per square foot was obtained from his office. He questioned the values of the comparables quoted by Mr. Klitgaard and stated that he had sold all of the pieces of property. He did not believe that the properties quoted as comparables were actually comparables.

Motion

Councilmember Goodman moved that the Council reduce the valuation on the property by 10% for a total valuation of \$77,911. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen  
 Noes: None  
 Absent: Councilmembers Cooke, Snell  
 Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

## TAX APPEALS RESCHEDULED

The Council rescheduled the following tax appeals for 12:30 p.m., on November 20, 1980:

Case No. 2-2203-0611  
 Case No. 3-1702-0710  
 Case No. 3-0705-0317  
 Case No. 3-0705-0810  
 Case No. 3-0804-1301  
 Case No. 3-0804-1501  
 Case No. 3-0804-1518

Councilmember Mullen suggested that Mr. Sheppard give his opinion of valuations now on the preceding cases so that he would not have to return. Mr. Sheppard presented his valuations as follows:

Case No. 2-2203-0611	Land	\$ 6,000
4310 Bellvue Avenue	Imps.	12,000
Lt 11 Less SW 15 x 26 ft	Total	\$18,000
B1 6 Alta Vista		
Case No. 3-1702-0710	Land	\$ 2,500
S Pleasant Valley Road	Imps.	-0-
.672 Acre	Total	\$ 2,500
Santiago Del Valle Grant		
Case No. 3-0705-0317	Land	\$65,000
1900 East Oltorf Street	Imps.	-0-
Lt 2-A Resub of Lts 2-A	Total	\$65,000
of the Resub of Lts 1-2		
Parker Heights Sec 2-A		
Case No. 3-0705-0810	Land	\$ 7,500
1945 East Oltorf Street	Imps.	-0-
Lt 27 Less E 76 ft av	Total	\$ 7,500
Parker Heights Sec 4		
Case No. 3-0804-1301	Land	\$44,000
Burleson Road	Imps.	-0-
Tract A Resub of	Total	\$44,000
Parker Heights Sec 1A		
Case No. 3- 0804-1501	Land	\$16,000
2427 Burleson Court	Imps.	-0-
Lot 1	Total	\$16,000
Parker Heights Sec 4		

November 13, 1980

Case No. 3-0804-1518  
2420 Burleson Court  
Lot 25  
Parker Heights Sec 4

Land	\$ 7,500
Imps.	-0-
Total	\$ 7,500

## ADJOURNMENT

The Council adjourned at 12:35 p.m.

APPROVED:

*Carol Keeton McClintock*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 13, 1980  
3:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: Councilmember Cooke

The Invocation was delivered by Rabbi Louis Firestein, Temple Beth Israel.

CHRISTMAS SEAL MONTH

Christmas Seal Month will be observed during the month of December, 1980, according to a proclamation read by the Mayor. Ms. Gwen Spain, Public Relations Director, American Lung Association of Texas; Joe Wells, Treasurer, American Lung Association of Texas, were in the Council Chamber to receive the proclamation with their thanks and appreciation.

COMMUNITY COLLEGE WEEK

The week of November 16-22, 1980 is Community College Week according to a proclamation read by Mayor McClellan. The following representatives of Community College were in the Council Chamber to receive the proclamation: Dr. Cecil Groves, President; Nan Clayton, Board member; Dr. Mel Ross, Executive Vice President; Dr. Gwen Rippey, Executive Dean, Rio Grande campus; Dr. Paul Meacham, Executive Dean, Ridgeview campus; Ramon Dovalina, Executive Dean, Community campus; Cora Briggs, Special Assistant to the President; Mary Parker,

representative, ACC Faculty Association; Cheryl Brown, representative, ACC Part Time Faculty Association; Mike Jackson, Associate Dean, Reagan Center; Dr. Leonardo de la Garza, Vice-President, Academic Affairs; and Jim Brader, Executive Dean, Planning and Development. Ms. Clayton and Dr. Groves thanked the Mayor and Councilmembers for the proclamation.

#### MINUTES APPROVED

Councilmember Mullen moved that the Council approve the Minutes of Special Called Meeting on September 24, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Himmelblau, Mullen, Snell,  
Mayor Pro Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

Councilmember Mullen moved that the Council approve the Minutes of November 6, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Mullen, Snell, Mayor Pro  
Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Abstain: Councilmember Himmelblau  
Not in Council Chamber when roll was called: Councilmember Goodman

#### ARCHITECTURAL SERVICES AND CONTRACT APPROVAL

Councilmember Trevino moved that the Council select the architectural services of Bell, Klein, Hoffman in connection with Old Main Library Renovations, and adopt a resolution approving a contract in connection with the Old Main Library Renovations, CAPITAL IMPROVEMENTS PROGRAM No. 75/85-02. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### CONTRACT POSTPONED

Councilmember Trevino moved that the Council postpone until a full Council is present the selection of architectural services and approval of a contract in connection with St. John's Public Health Center. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### PROFESSIONAL ENGINEERING SERVICES

Mayor Pro Tem Trevino moved that the Council adopt a resolution selecting the firm of Turner, Collie & Braden, Inc. for professional structural engineering services and approved a contract in connection with Center Street Water Storage Reservoir for Water and Wastewater Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### CHANGE ORDERS

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

Belco Construction Company in the amount of \$14,488.85 in connection with the sludge handling facilities improvements for Walnut Creek Wastewater Treatment Plant. CAPITAL IMPROVEMENTS PROGRAM No. 73/23-81.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

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

NPC Realty Company in the amount of \$10,919.12 for Kramer Lane and Pecusa Drive (Parkfield Drive) paving and drainage improvements. CAPITAL IMPROVEMENTS PROGRAM No. 76/62-16.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

## LICENSE AGREEMENT

Mayor Pro Tem Trevino moved that the Council adopt a resolution entering into a license agreement with the Missouri Pacific Railroad Company for the purpose of installing an 8-inch sanitary sewer main beneath said railroad's right-of-way at Mile Post 168.79, Engineer's Chainage Station 8911+73, Travis County, Texas. CAPITAL IMPROVEMENTS PROGRAM No. 73/23-04. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

## CONTRACTS APPROVED

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

J. V. BROWN COMPANY, INC.  
555 I.H. 10  
Seguin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Sidewalk Ramp Program Phase II -  
\$24,745.50 C.I.P. No. 73/61-01

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

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

KANETZKY ELECTRIC, INC.  
3111 East First Street  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Lighting for Dottie Jordan Tennis  
Courts - \$10,630.00 C.I.P. No.  
80/86-08

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

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

Bid Award:

- Standard Water & Wastewater Utility Materials, Central Stores Division Six (6) Month Supply Agreement Multiple progressive award, Item 1 - 550 awarded by line item to appropriate suppliers based on 1st, 2nd and 3rd low bidder, etc. Estimated total: \$250,000.00

AMERICAN UTILITY SUPPLY  
Route 1, Georgetown Industrial Park North  
Georgetown, Texas

AUSTIN PIPE AND SUPPLY COMPANY  
300 Medina  
Austin, Texas

MECHANICAL INDUSTRIAL SUPPLY  
4704 East 1st Street  
Austin, Texas

ROHAN COMPANY  
440 East St. Elmo Road  
Austin, Texas

TRANS-TEX SUPPLY COMPANY  
4618 East 7th Street  
Austin, Texas

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

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

DUNCAN INDUSTRIES  
751 Pratt Boulevard  
Elk Grove Village, Illinois

- Parking Meter Parts, Urban Transportation Department  
Items 1 through 15 - \$22,620.50

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Trevino

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

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

Bid Award:	- Porcelain Insulators and Galvanized Hardware Assemblies, Electric Utility Department - Total \$31,926.90
BETHEA NATIONAL CORPORATION 1212 Main Street Birmingham, Alabama	- All Hardware Assembly Only - \$10,394.70
JOSLYN MANUFACTURE & SUPPLY CO. 7574 East Main Road Lima, New York	- All Insulators Only - \$21,532.20

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

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

AMERICAN LIGHTING STANDARDS CORP.. 304 Oak Hill Drive Brenham, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Holman Substation Transmission Line Structures, Electric Utility Department - \$358,814.00 C.I.P. No. 77/13-05
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

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

SOUTHWAY ELECTRIC UTILITY SERVICE 9507 Beck Circle Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Holman Substation Stockbridge Vibration Transmission Line Dampers, Electric Utility Department - \$9,442.20 C.I.P. No. 77/13-05
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### PLANERGY, INC.

Mayor Pro Tem Trevino moved that the Council adopt a resolution entering into a contract for professional services with Planergy, Inc. in the amount of \$16,266 for assistance with PURPA Grant to study the feasibility of time-of-day rates. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### AUTHORIZATION OF CERTAIN CONTRACTS

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing the City Manager to execute any Council authorized contract or grant between the City and the U.S. Department of Housing and Urban Development, the Community Services Administration, or the U.S. Department of Energy Administration by the Human Services Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### AMERICAN INSTITUTE FOR LEARNING

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing the Capital Area Manpower Consortium to enter into a Non-financial Agreement with the American Institute for Learning (AIL) to provide eligibility certification services for a National Demonstration project under the CETA Title IV Youth Employment and Training Program. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

## PROSPECTUS FOR BOND SALE

Mayor Pro Tem Trevino moved that the Council approve prospectus for the sale of \$45,000,000 Utility System Revenue Bonds and \$17,000,000 General Obligation Bonds on January 8, 1981. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Absent: Councilmember Cooke

PUBLIC HEARINGS SET

Mayor Pro Tem Trevino moved that the Council set a public hearing for the consideration of including the Electrical Inspection Division in the "Multiple Inspection Program" for December 11, 1980 at 6:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

Mayor Pro Tem Trevino moved that the Council set a public hearing on amendments to Chapter 12 relating to food establishments for December 18, 1980, at 6:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

## FIELD NOTES CORRECTED

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing the filing of a correction contract to correct erroneous field notes in contract from John H. Krueger, Trustee, to and for the benefit of the City of Austin, dated September 28, 1972, in connection with Zoning Case No. C14-72-124. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

## BUDGET AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY ACCEPTING AND APPROPRIATING \$18,266 FOR THE PURPOSE OF FUNDING A STUDY OF TIME-OF-DAY ELECTRIC RATES; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY APPROPRIATING \$241,803.00 FROM THE AUSTIN PUBLIC LIBRARY'S AUTOMATED CIRCULATION CONTRACT ACCOUNT; APPROPRIATING \$241,803.00 FROM THE OPERATING BUDGET FOR THE PURPOSE OF FUNDING AN AUTOMATED CIRCULATION SYSTEM FOR THE PUBLIC LIBRARY IN THE DATA SYSTEMS DEPARTMENT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## LIBRARY FEE SCHEDULE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 17, SECTION 1.1 OF THE CODE OF THE CITY OF AUSTIN, 1967 AND ORDINANCE NO. 800925-LL; AMENDING THE FEES AND CHARGES FOR CERTAIN LIBRARY SERVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## SPICEWOOD SPRINGS ROAD PAVING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF SPICEWOOD SPRINGS ROAD, PHASE 1-A IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY ROBERT C. GRAY CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES TO THE CITY IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCE ERRORS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 690130-A, ENACTED BY THE CITY COUNCIL ON JANUARY 30, 1969, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-68-288)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 720706-E, ENACTED BY THE CITY COUNCIL ON JULY 6, 1972, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-70-036)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770609-B, ENACTED BY THE CITY COUNCIL ON JUNE 9, 1977, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-75-006)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780511-B, ENACTED BY THE CITY COUNCIL ON MAY 11, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS. (C14-77-174)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 800626-M, ENACTED BY THE CITY COUNCIL ON JUNE 26, 1980, BY CORRECTING THE CLASSIFICATION DESIGNATION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-80-057)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## SUBDIVISION AND ZONING APPLICATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN (SUBDIVISION ORDINANCE); PROVIDING NEW FEES FOR THE PROCESSING OF PRELIMINARY PLANS; PROVIDING FOR NEW FEES FOR THE FILING OF PLATS; PROVIDING NEW FEES FOR THE PROCESSING OF SHORT FORM SUBDIVISIONS; PROVIDING NEW FEES FOR PLAT VACATIONS, PLAT CORRECTIONS AND MULTI-SERVICE CONTRACTS; PROVIDING FOR A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE (ZONING ORDINANCE); PROVIDING NEW FEES FOR THE PROCESSING OF ZONING APPLICATIONS; PROVIDING NEW FEES FOR THE PROCESSING OF APPLICATIONS FOR SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## ANNEXATION ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 22.86 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES HOWLETT SURVEY NO. 30 AND PARTLY OUT OF AND A PART OF THE JAMES IRVINE SURVEY NUMBER 122 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan

Noes: None

Abstain: Mayor Pro Tem Trevino

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been passed through its first reading only.

## BOND SALE SET FOR JANUARY 8, 1981

Mayor McClellan introduced the following ordinance:

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

341113-K  
H.7.

## Issuance of bonds authorized as follows:

\$45,000,000 City of Austin, Texas Utility System Revenue Bonds, Series 8:

\$ 6,565,000	Water Improvements	Auth. 11-20-76
4,000,000	Sewer Improvements	Auth. 11-20-76
4,435,000	Electric System Improvements	Auth. 1-20-79
30,000,000	Electric System Nuclear	Auth. 4-07-79
<u>\$45,000,000</u>		

\$17,000,000 City of Austin, Texas General Obligation Bonds, Various Purpose Series 261:

\$ 400,000	Public Health	Auth. 12-06-75
4,605,000	Parks and Recreation	Auth. 1-20-79
1,500,000	Hospital	Auth. 1-20-79
500,000	Fire Stations	Auth. 1-20-79
800,000	Airport	Auth. 1-20-79
4,200,000	Street Improvements	Auth. 1-20-79
400,000	Drainage	Auth. 1-20-79
145,000	Emergency Medical Services Bldg.	Auth. 1-20-79
3,200,000	Police Building	Auth. 1-20-79
280,000	Traffic Signals	Auth. 1-20-79
800,000	Parks and Recreation	Auth. 2-23-80
170,000	Neighborhood Centers	Auth. 2-23-80
<u>\$17,000,000</u>		

## ZONING ORDINANCE

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:

TRACT 1: A 6.95 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT, SAVE AND EXCEPT FOR TRACTS 2, 3, AND 4 BELOW:

TRACT 2: A 15,761 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT;

TRACT 3: A 41,821 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; AND,

TRACT 4: A 56,599 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; ALL OF ABOVE PROPERTY BEING LOCALLY KNOWN AS 3801-3943 SOUTH LAMAR AND 3800-3940 VICTORY DRIVE, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Lynn Storm, C14-79-217)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed as an emergency measure.

#### BARTON CREEK WATERSHED DEVELOPMENT ORDINANCE

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING SECTION 41A-123.2 OF CHAPTER 41A (SPECIAL REQUIREMENTS FOR SUBDIVISIONS IN ENVIRONMENTALLY SENSITIVE AREAS) OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR AN ADDITIONAL 90 DAYS FOR THE CITY COUNCIL TO DESIGN AND IMPLEMENT A WATER QUALITY MONITORING PROGRAM FOR THE BARTON CREEK WATERSHED AND EDWARDS AQUIFER RECHARGING BARTON SPRINGS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Mullen moved that the Council waive the requirement for third reading, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### PARKING METER ZONES

Councilmember Mullen moved that the Council adopt a resolution adding the following Parking Meter Zones:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
60 Minute	West 10th Street	600	South
120 Minute	West 10th Street	600	North and South
120 Minute	West 10th Street	600	North and South
120 Minute	Nueces Street	1000	East and West

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

#### OPERATING BUDGET AMENDMENT FOR RELIEF JUDGES

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY TRANSFERRING \$270.00 FROM THE GENERAL FUND BALANCE TO THE BUDGET OF THE MUNICIPAL DEPARTMENT OPERATING BALANCE FOR THE PURPOSE OF FUNDING RELIEF JUDGES FOR THE CITY OF AUSTIN MUNICIPAL COURT; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read for the second time, and Councilmember Mullen moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

(Councilmember Himmelblau noted she was absent during the hearing of these cases but is familiar with them, therefore voted in favor in order for them to be able to pass as an ordinance today, on an emergency basis.)

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 1,632 SQAURE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6929-A MANCHACA ROAD, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, 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 DECLARING AN EMERGENCY. (Allied Development Company, C14-80-178)

The ordinance was read the second time, and Councilmember Mullen moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan brought up the following ordinance for its second reading:

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 2, 3, 4, AND 5, BLOCK 4, BUDDINGTON SUBDIVISION, LOCALLY KNOWN AS 3707-3721 KING STREET, 3702-3708 RONSON AND 625-635 WEST 38TH STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND 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 DECLARING AN EMERGENCY. (Medical Science Parking, Inc., C14-80-176)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor ProTem  
Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Cooke  
Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan brought up the following ordinance for its second reading:

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 7.365 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1200 EAST ANDERSON LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, 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 DECLARING AN EMERGENCY. (Edward Joseph, Trustee, C14-80-153)

The ordinance was read the second time, and Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed as an emergency measure.

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Mayor McClellan brought up the following ordinance for its second reading:

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 13,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1304 WEST AVENUE, FROM "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. (Mr. and Mrs. H. F. Voss, C14-80-015)

The ordinance was read the second time, and Councilmember Mullen moved that it be passed to its third reading. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Abstain: Councilmember Mullen

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been passed through its second reading only.

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Mayor McClellan brought up the following ordinance for its second reading:

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:

AN APPROXIMATE 5.28 ACRES OF LAND, LOCALLY KNOWN AS 7700-7722 OLD CAMERON ROAD, 1500-1508 U.S. HIGHWAY 183 (EAST ANDERSON LANE), ALSO BOUNDED BY CAMERON ROAD, FROM INTERIM "A" RESIDENCE, INTERIM 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 READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Don McElwreath, C14-77-133)

The ordinance was read the second time, and Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance as an emergency measure. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan brought up the following ordinance for its second reading:

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:

THE EAST 62 FEET AND THE SOUTH 6 FEET OF THE WEST 88 FEET OF LOT 3, BLOCK F, OUTLOT 2, DIVISION Z, RAYMOND SUBDIVISION, LOCALLY KNOWN AS 709 HENDERSON (REAR), FROM "B" RESIDENCE, SECOND 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 DECLARING AN EMERGENCY. (Minor Esty Wilson & Goerge Hume Cofer, C14-80-179)

The ordinance was read the second time, and Councilmember Mullen moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance as an emergency measure. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### URBAN DEVELOPMENT ACTION GRANT FUNDING

Mr. Carlos Herrera, Director of Human Services, presented the following City Manager Report on Urban Development Action Grant Funding: "Our purpose for being here today is to provide you with an update on the Urban Development Action Grant otherwise known as UDAG. Since July we have provided an intense informational process to attempt to generate activity in this program. Following that, we also during the months of September and October, reviewed several of the concepts that came forward identifying several that were more active as far as participation and wanting to be a part of the UDAG program in the City of Austin. Of those proposals that initially came forward there is one we would like to provide more information to you on. It is intended to pursue that project further to see if there are more concrete items of information we can obtain to try to firm this application up. I want to point out that from this point on, it is also our intent to come back to you at the time we have a very concrete plan. There are also representatives in the audience representing the private development companies that would be participating in this

project, should it be able to be put together.

"Mr. Mike Bridges is in the audience. He is with Henderson-Bridges, Inc., working in close affiliation with East Austin Chicano Economic Development Corporation. One of the companies we have also been in contact with have their representatives from Rome Industries, which would like to undertake an expanded version of what they intend to bring to the City of Austin. That expansion would be contingent upon the availability of UDAG, therefore it would be eligible. We are in very preliminary stages of discussion with them, and following any firmer discussion with them and more information, we will return to provide it to you. I want to go directly into the East Austin Chicano Development Corporation proposal. It is a housing proposal with various activities as far as generation of new homes. They are single detached dwellings anticipated in the amount of 500. I have forwarded to you, under separate cover, information regarding these projects and made you aware of Rome."

WATER AND WASTEWATER SERVICE TO  
NORTHWEST PRESSURE AREA A & B

Mr. Bill Bulloch, Director of Water and Wastewater, presented the City Manager Report on "Water and Wastewater Service to Northwest Pressure Area A and B." He told the Council:

"The increasing demand and associated water and wastewater service delivery problems in the northwest area have necessitated a detailed study of system capability, both now and in the future, in the northwest area of the City and urban fringe. The attached study contains this analysis, with the following recommendations:

1. Based upon existing capacity, financial capability and legal commitments, establish a water service area and wastewater service area.
2. Require any new major development within the service area to make necessary improvements to the water and wastewater system to insure adequate levels of service.
3. Fund immediately \$261,000 of water improvements to address capacity deficiencies to existing customers and respond to existing commitments as detailed in the study and on the attached sheet.

"Any policy decisions relating to additional service outside the proposed service areas will necessitate major water and wastewater improvements to the area. Also, the \$261,000 of proposed line improvements inside the city limits and in Growth Management Area IV are imperative to meet minimum levels of services to existing customers and to properly manage legal commitments within the proposed service area."

Mr. Bulloch then referred to maps and discussed the service areas, which he said will not extend beyond 620 and 183.

Councilmember Himmelblau asked, "Where do we hit the Cedar Park ETJ (Extraterritorial Jurisdiction)?" Mr. Lillie told her that it was about one fourth of a mile.

Later, Councilmember Himmelblau asked, "When we get the policy statements that were requested back in April will you be addressing the extension of City utilities into incorporated municipalities?" Mr. Bulloch said, "We have not addressed that in the work we have done today." Councilmember Himmelblau said she has been waiting patiently for it and would like to have it addressed. Mr. Bulloch said it will be.

#### FOOD ESTABLISHMENTS

Dr. Randall, Director of Public Health, reported on Revisions to Chapter 12 relating to food establishments. "This afternoon I just want to briefly walk through the highlights and purposes of the revisions. When I took over this position we had had a study ongoing since the early part of 1979 relative to changing our food handlers cards to a food handlers certification program. We had that prepared and ready for submission and then there was also discussion about looking at Chapter 2 which had been utilizing since 1978 the state regulations for food inspection which was more restrictive than those in our ordinance, therefore we had to comply with those. I asked them at that time to look at the total of Chapter 12 because there was so much inter-relation of that. ... I will touch on the various articles in Chapter 12 and go through as to what changes are being proposed. ... We have been working with representatives of about 30 groups and as you know in anything like this there is always somebody who doesn't get all of the information, therefore we felt it would be better to have a public hearing which you have set for December 18. In Article 1, which is the general section, it provides the general provisions which will provide to all food businesses provisions such as those prohibiting the supply of adulterated or misbranded food requiring planned review of construction, inspection and permit procedures and other general food provisions. The Article contains two major changes. These are the replacement of the current health card requirement with the training and certification of food managers and the provision regarding microwave ovens used in food establishments.

"Article 2, which is for food service establishments, applies to the establishment such as restaurants, cafeterias and taverns, and the provisions here are simply to formally adopt the Texas Department of Health rules for food service sanitation which has been in effect since March 1, 1978. We have been applying these rules to our enforcement since that date. Our ordinance requirements, as I said, were less restrictive and by law could not be. Therefore, to these provisions we have only added for a minimum number of restaurant facilities and prohibition against the use of tobacco in certain areas of food establishments. This is repeated from an Ordinance which was passed by the Council on April 7, 1977.

"Under Article 3, this Article would apply to establishments such as grocery stores, convenience stores and bakeries, and these new provisions are sorely needed to take care of the requirements which are a part of the 1954 Code which was amended only slightly in 1955, 1972 and 1973. In order to address the public health aspect of this rapidly growing and changing category

of food establishments, we have revised these requirements using as our guide the Federal recommended code which is being developed. To these provisions we have again added requirements for a minimum number of restrooms and prohibition of the use of tobacco in certain areas.

"Under Article 4, the mobile food vendors, this article would apply to mobile units such as push carts and catering trucks. In the current Code, which is also part of the 1954 Code, there are a few provisions which address sanitary requirements and I might say that the City of Austin is one of the few cities which, as far as I am concerned, has been a little far-sighted in reaching this group in this community. We have gained a good deal of experience. In fact we have had quite a few requests from other cities as to the health requirements of mobile food vendors. Based on that and our good experience and knowledge of public health practices, we have developed these provisions to provide protection to the consumer. An ordinance is being prepared by the Building Inspection Department for Council consideration in the near future which would restrict the sale of all items in the public right-of-way, so that would in effect make this ordinance more restrictive than the provisions we are proposing to you at this point in time.

"Article 5 is food product establishment and this would apply to manufacturing plants and warehouses. Again, the current requirements were also part of the 1954 Code and need a revision. What we are recommending is replacement of these revisions with the current food manufacturing practice and processing and holding of human food. These requirements, which are very general, are intended to apply to a lot of processing and distributing establishments without addressing details of equipment or processing. They are not any more restrictive than current State or Federal requirements. To these provisions we have added the requirement for the minimum number of restrooms and the prohibition of the use of tobacco.

"Article 6 applies to the operating of a food vending machine and would adopt the 1978 Federal recommended ordinances entitled The Vending of Food and Beverages. We have been utilizing these requirements since January of 1979."

Mayor Pro Tem Trevino asked if Mr. Roland DeNois was involved in the discussions. Dr. Randall said he does not know how much Mr. DeNois has been involved in the study but that he has been sent copies of all prepared information. Mayor Pro Tem Trevino said Mr. DeNois told him he has not received materials and Dr. Randall said he will check this out as he was under the impression he had.

#### MOONLIGHT TOWERS

DR. SUZANNE SMITH SAULNIERS, member of the Historic Landmark Commission, appeared before Council to request Council's consent to explore the availability of matching funds for replacement of Moonlight Tower at West 6th and West Lynn. She introduced Council to two special guests who were present to assist her. They were Kenneth and Randy Wilhelm who are junior historians from Crockett High School and Bedichek Junior High. Kenneth Wilhelm directed the Council's attention to a class project they did which was a model of a moonlight tower and a schematic map which showed, when certain buttons were pressed, where the present moonlight towers are and what is happening to them.

Motion Withdrawn

Councilmember Mullen withdrew his motion and Councilmember Himmelblau withdrew her second.

Mr. Walters said Alamo Steel and Machine, which has been in existence since 1960, has constant drainage problems. He said the new pipe and curb and gutter will enhance the west side of his property but he questions whether it will be of any help on the east side. He asked MR. TOM GARDNER, a real estate appraiser, to speak to his problem. Mr. Gardner explained the drainage problem and affirmed the fact that in his opinion, there will be no enhancement on the east side. Mr. Riggs, Mr. Sladek, Mr. German and Councilmember Himmelblau all discussed the assessment.

Mayor Pro Tem Trevino introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.(CIP No. 73/62-21)

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen Snell, Mayor Pro Tem Trevino,  
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Mayor McClellan

The Mayor Pro Tem announced that the ordinance had been finally passed, assessed as set out by Mr. Sladek's Evaluation Analysis.

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Council next considered levying assessments for Avenue C, covering approximately 1 block. Mr. Riggs questioned Mr. Sladek concerning the proposed assessments. Mr. Sladek said the east and west side of Avenue C will be enhanced.

MR. CARL SHEPARD, 4609 Avenue C, appeared to question other assessments in the area. He said he agrees with his own assessment but felt that the rental property in the area is assessed two different ways.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (CIP No. 75/62-01)

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

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Himmelblau, Mullen

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

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Mr. German reviewed the paving assessments for Webberville Road, covering approximately 7 blocks, stating they were all enhanced as much as or more than the assessments. Mr. Riggs questioned Mr. Sladek about the assessments. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (CIP No. 73/62-32)

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

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Himmelblau, Mullen, Snell

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### EACEDC

DR. JANE HANEY, Research and Information Director, East Austin Chicano Economic Development Corporation (EACEDC), appeared before Council to present a request on behalf of EACEDC for City-owned properties. She read a letter of request, as follows:

"As you know, EACEDC has been working with City staff and a home builder. We have looked at available sites throughout East Austin and it has become apparent to us that the vacant lots in Blackshear and Glen Oaks neighborhoods are logical for the first building phase, because they are currently developed. These parcels are ready for construction and the planned UDAG would provide a long overdue realization of the housing desires of East Austin citizens. Moreover, the Urban Renewal areas in question would best be utilized in accordance with the original goal of the City Council for those areas. We have spoken and worked with Mr. Tom Knickerbocker, Executive Director of Austin Redevelopment Authority, who is in charge of the Urban Renewal lands in question. He is aware of our intentions and plans and seems to be in agreement with the benefits that might be derived from them. An important requirement we are trying to resolve making these so important is that construction must begin within six months of the actual grant award. Our intentions are for as many lots as possible in these areas to service Phase I of the East Austin scattered

site in-fill housing UDAG and we would like to work with you with that. In addition we would like to have you consider for a later phase in the same project the possibility of making the street and bridge yard on Rainey Street available for the same development."

Mayor McClellan asked Mr. Knickerbocker if procedurally EACEDC needs to get the approval of the ARA Board and then come back to Council. Mr. Knickerbocker said the process is the lots will have to be advertised and under State law, sealed bids are submitted. He said there are other people also interested in the sites and once the Board receives bids and evaluates them, then it prepares its recommendation and sends it to Council for them to accept the bid or not. If council does not accept the bid, it must be re-bid and basically once that occurs, then Urban Renewal powers provide that they must carry out the plan. There are architectural reviews for the Board, etc. There are a series of steps that have to be accomplished under the Urban Renewal process beginning with advertising, preparation of surveys, title policies, etc. Mr. Knickerbocker said there are no funds in their program to do any of that this year. In order to proceed, Mr. Knickerbocker said, they would need to receive some sort of funding or authorization to bill, whoever, for the preparation of the sites, then they would go through the process of disposition and bring it back to Council. He thought the process would take about three months.

Mayor McClellan said City staff needs to be directed to work with Mr. Knickerbocker and come back with a recommendation on how to proceed.

#### GUADALUPE NEIGHBORHOOD

SISTER AMALIA MARIE RIOS, representing Guadalupe Neighborhood Area Association, appeared before Council to present a request for activation of CDBG (Community Development Block Grant) funds allocated to the Guadalupe Neighborhood. She stated, "Last May, the Council agreed to set aside \$622,000.00 of Community Development Block Grant monies that were originally intended for the French Legation Park for use in our neighborhood. You asked then that we submit neighborhood plans detailing how these monies would be used to improve our neighborhood. Councilmember Trevino assigned staff from the Human Services Department to work with us on this project. We have spent the past month consulting, planning and working with architects and attorneys and neighborhood residents in addition to the City staff. Tonight you have before you our request for funds and statement of work. (City Clerk did not receive a copy) We would like for you to consider our request and would like action upon it as soon as possible. We are designating the East Austin Chicano Development Corporation to develop this money for us." She then stated they have a comprehensive plan for developing their neighborhood which they would like to present at next week's Council meeting. After some Council discussion it was decided Council will hear the presentation at the December 4, 1980 Council meeting at 9:30 a.m.

## ZONING HEARING RESCHEDULED

The Council agreed to honor the request of MR. DAVID FERGUSON, representing Allandale Baptist Church, and reschedule a public hearing on Zoning Case No. C14-80-181 (Allandale Baptist Church) from December 4, 1980 to December 18, 1980 at 7:00 p.m.

## ELECTRIC RATE PROPOSAL #7

MRS. SHUDDE FATH appeared before Council to discuss electric rate Proposal #7. She commended Councilmembers Goodman, Trevino and Snell for their support of #7 and urged one more Councilmember to rise and vote for it.

## RECESS

Council recessed its meeting at 5:55 p.m. and resumed its recessed meeting at 6:55 p.m.

## OLD PECAN STREET

Mayor McClellan opened the public hearing, scheduled for 5:30 p.m. on the co-naming of 6th Street from IH 35 to Congress Avenue as 6th Street/Old Pecan Street.

Mr. Riding, Assistant Director of Public Works, told Council that staff recommends the signs to read East 6/Old Pecan Street from IH 35 to Congress Avenue. He said the street name change proposal has been properly handled with letters sent to all owners of property effected and the Historic Landmark Commission has also approved the co-naming of the street.

MR. BLAKE ALEXANDER, Landmark Commission, appeared before Council and stated they recommend the co-naming of East 6th Street/East Pecan Street. City departments have been asked for their comments. Chief of Police Dyson said that there may be some question as to whether a call comes from Pecan Street downtown or from one of the other streets in Austin with Pecan in its name. Mr. Alexander indicated that the Fire Department and EMS could not anticipate any problem.

JERRY CREES, President, Old Pecan Street Association, told Council 70% of the representatives of East 6th Street support the name change and presented a petition to the City Clerk.

GERARD KINNEY, an architect from West 6th Street, said they they would also like West 6th named Pecan Street. He urged Council to co-name East 6th Street/Old Pecan Street.

MS. EMMA LOU LINN appeared and said she would like to see East 6th Street from IH 35 to Congress named Old Pecan Street.

Motion

Councilmember Mullen moved that the Council close the public hearing, and co-name 6th Street from IH 35 to Congress Avenue as 6th Street/Old Pecan Street, and take to Historic Landmark Commission for review of sign. The motion was seconded by Mayor McClellan.

Mayor McClellan said the signs should be appropriate. Jay Johnson, member of the Old Pecan Street Association, said they do not want green and white signs. Jerry Crees thought gray and white cast antique signs would be most suitable. Mr. Johnson said it would take about 60 days to get a sign designed and return to Council.

Roll Call on Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CO-NAMING THAT CERTAIN PORTION OF EAST 6TH STREET FROM CONGRESS AVENUE TO IH 35 AS EAST 6TH STREET/OLD PECAN STREET; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, 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 Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

APPEAL OF PLUMBING ADVISORY BOARD  
DECISION

Mayor McClellan opened the public hearing, scheduled at 5:45 p.m. on an appeal from MR. JAMES W. HAMMONDS regarding a decision by the Plumbing Advisory Board.

Mr. Lonnie Davis, Director of Building Inspection, said this appeal concerns the use of PVC pipe in Mr. Hammonds' residential structure. He said MR. JIMMY MIDDLETON, Chairman of the Plumbing Advisory Board, will present the department's position. Mr. Middleton reported as follows:

"Mr. Hammonds appeared before the Plumbing Advisory Board on October 16, 1980, for the purpose of appealing a decision by the Building Inspection staff, disapproving the use of Polyvinyl Chloride (PVC) schedule 40 plastic piping for use as both hot and cold domestic water piping used in the interior of a house. I would like to point out, however, this material is authorized for use outside a building.

"Briefly, here is a statement of fact as reported by the Chief Plumbing Inspector, Mr. Andy Anderson. Mr. Hammonds had obtained a building permit to perform remodeling at 610 Highland Avenue. As a result of this work, gas service had been discontinued, and therefore required a routine inspection prior to the restoration of service. However, during the compliance inspection, the plumbing inspector detected that existing water piping used in the structure's interior, was of PVC material. He therefore "red-tagged" the inspection as a code violation based on the provisions of Uniform Plumbing Code Amendments, Section 42-1004, which states:

'Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Asbestos-cement, PE, or P.V.C. water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the administrative authority.'

"However, upon appeal to the Building Inspection Department, this decision was later amended by Mr. Ed Stevens to allow connection of the meter on the condition that an appeal be brought before the Plumbing Advisory Board/the Council. Furthermore, that in the event the final appeal is denied, the PVC must be replaced in accordance with the code.

"When Mr. Hammonds appeared before the Board, he stated that while this house was built in 1914 and since his purchase of the structure this year, he has not experienced any problems with the plumbing system. Further, he indicated that his reason for appealing the decision was two-fold. First, he wanted to know the rationale for prohibiting the use of PVC for hot and cold water piping inside buildings; and, secondly, to seek a variance to allow him to retain the water piping as installed. Mr. Hammonds explained that it would be quite expensive if he was compelled to cut the walls up to replace the water piping.

"The paramount reason that the variance request was denied is that the material, (PVC) is not approved in the City of Austin Code. The primary reason for excluding the use of PVC in the interior of a building for hot and cold water systems is the lack of adaptability of such material for high temperatures. This is based on testing results, published by the American Society of Testing Material (ASTM).

"Therefore, the International Association of Plumbing and Mechanical Officials do not approve PVC water piping to be used inside a structure for either hot or cold water. The rationale being that the contraction and expansion of the piping will eventually cause damage resulting in fracture of piping and joints, causing leakage of cold/hot water. This can be hazardous to the occupants of the dwelling.

"It is for this reason the Board voted unanimously to disapprove Mr. Hammonds' request for a variance."

MR. RON SHORTES, representing Mr. Hammonds, said that his client did not know about the plastic pipe in the house at the time of purchase. He does not agree that this is not a comparable use and that Austin's Plumbing Code is the only one which prohibits the use of PVC pipe for hot water. He said PVC pipe is compatible and a safe usage.

Mr. Middleton returned to state PVC cannot be used as hot water piping. Its use from outside to the meter is all right but because of its great expansion and contraction, the use for hot water is never recommended. He told Council that even couplings made of PVC when used in a hot water connection, melt.

Councilmember Mullen commented on the fact this is the first time he remembers an appeal of the Plumbing Board's decision being brought to Council and commended Mr. Middleton on the good job done by the Board. Mr. Middleton stated they are now an advisory board only.

Mr. Shortes said there is a discrepancy in facts and said Mr. Hammonds has CPVC in his house, which is hot water plastic pipe. Mr. Middleton agreed that CPVC is hot water plastic pipe, but it is not included in Austin's plumbing code.

Mr. Middleton said the inspector found only one piece of CPVC in the lines and the rest is PVC. Mr. Shortes stated he will work with the staff to see what can be done so Mr. Hammond does not have to go to the expense of replacing all of his water pipe. Mr. Shortes stated, "If there is some way to solve this factual dispute and come again to the Council on a straightforward way in a week or two or three after we see what our situation is...we would be happy to work with staff in trying to see whether we are mistaken or whether they are mistaken." He agreed PVC is not for hot water.

Mr. Davis stated, "We have no problem with what Mr. Shortes is saying. He's agreed that PVC is not rated for hot water systems. Mr. Anderson, our chief plumbing inspector says there is one 18" piece of CPVC coming off the hot water heater. The rest of it is PVC. It's not difficult to determine what piping is there. If Mr. Shortes is agreeable to what he has indicated, we would certainly agree to that. Had it been presented to the board as CPVC, I don't think we would have been here this evening."

Councilmember Mullen moved that the Council close the public hearing and uphold the Plumbing Advisory Board's decision, unless there is a difference, then it will be brought back to Council. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Snell

PUBLIC HEARING ON APPEAL OF BUILDING STANDARDS  
COMMISSION DECISION

Mayor McClellan opened the public hearing scheduled for 6:00 p.m., which was the continued appeal from MR. WESLEY DAHL on the Building Standards Commission's denial of permit to relocate structure from 2203 West 35th to 8814 Laverty Place.

Mr. Lonnie Davis, Director of Building Inspection, refreshed Council's memory by stating this hearing was begun last week. Mr. Dahl contended that the building he wants to move is sound and will be compatible with the neighborhood into which he wants to move it. Mr. Davis opined the neighborhood is against the relocation of the structure because of "Mr. Dahl's previous track record." He had been running a house moving business from this neighborhood for several years and "I responded to him that we were in a position to agree with the neighborhood association. The bottom line, I suppose you would call it, was the Building Standards Commission, upon hearing this testimony, refused to approve Mr. Dahl's request to move this into the neighborhood because even though it was possible to make it compatible, from his previous actions, he may not make it compatible. So I think what the neighborhood was requesting was they would have the place inspected. Council's response last week was that myself and a member of the City Attorney's staff go out and visit the place and visit with Mr. Dahl and draw up a list of corrections that should be made to the site and if Mr. Dahl felt he would comply with these requirements, the City Attorney's office would then draw up an effective covenant to cover the list of violations and when they are complied with, if the Council saw fit, they would then approve the house to be moved into that neighborhood. The list was effectively covered with Mr. Dahl on his premises last Thursday."

Mr. Davis said he, Assistant Attorney Irion and City Attorney Harris have all visited the spot and are well acquainted with the location. Mr. Davis then read the list of violations which Mr. Dahl should correct. Mr. Davis said he knows the structure has to be moved off of state property, and he suggested Council approve it being moved immediately to a storage site outside of the city while Mr. Dahl is attempting to comply with the items listed.

Mr. Harris, City Attorney, stated, "The ordinance does say that one factor needed to be taken under consideration is whether the house cannot or will not be made to comply with this code and other applicable city ordinances in its proposed new location. Based on the existing continuing violations that exist on the property, probably the Building Standards Commission made a finding that it's not that the building cannot be made to comply but that based on past performance, they believe, in the face of prior violations, it will not be made to comply."

Mr. Dahl was not present in the Council Chamber.

MR. TOM COOK, representing the neighborhood association, showed Council a list of violations Mr. Dahl has already had and said he does not believe he will conform to the neighborhood with his new building.

Motion

Councilmember Snell moved that the Council uphold the Building Standards Commission and deny the permit, including the finding of the Building Standards Commission. The motion was seconded by Mayor Pro Tem Trevino.

Friendly Amendment - Not Accepted

Mayor Pro Tem Trevino offered a friendly amendment that the building be moved out of the city. Councilmember Snell did not accept the friendly amendment.

Roll Call on Motion

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

Motion

Mayor Pro Tem Trevino moved that the Council allow the applicant to move the building outside of the city limits. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Goodman, Himmelblau  
Noes: Councilmember Snell  
Absent: Councilmember Cooke

PUBLIC HEARING ON PLANNING COMMISSION'S  
DECISION

Mayor McClellan opened the public hearing, scheduled for 6:30 p.m. on an appeal from MR. STANLEY PARROTTE, President of Mesa Park Civic Association, on the Planning Commission's decision for a Special Permit, Case No. C14p-80-069.

Mr. Lillie reviewed the application and said an apartment complex is proposed.

MR. TERRY BRAY, representing the applicant, showed plans of the proposed 166 unit apartment complex on a 6-acre plus tract on Thunder Creek at Angus off of 183. He said they will be garden apartments so a Special Permit is needed to process. He said the applicant has met with the neighborhood and they are generally agreeable to the apartment design and major issues. He said the neighborhood did express concern about the runoff and increased traffic so the plan was redesigned to direct traffic down Thunderbird to 183. There will be one driveway on Angus and three on Thunderbird. He said the drainage has also been redesigned in order to not cause any problem to the neighbors. Councilmember Mullen asked what the maximum number of units is which can be put on the property with its current zoning. Mr. Bray told him 13-15 more than proposed. He also said "GR" General Retail zoning could create three times as much traffic.

MR. STAN PARROTTE, President, Mesa Park Civic Association, said they know apartments will be built, and he has talked to the developers who have a good attitude toward the neighborhood. However, the Association members are concerned with the traffic impact on 183 and Duval.

MR. WALDO BORN, neighborhood resident, spoke about the traffic problems which will occur with apartments in the neighborhood.

DR. JIM BENSON, Director of Urban Transportation, told Council there is no doubt the Special Permit to allow garden apartments will produce more traffic.

#### Motion

Councilmember Mullen moved that the Council uphold the Planning Commission's decision for a Special Permit Case No. C14p-80-069, and close the public hearing. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan,  
Councilmembers Goodman, Himmelblau, Mullen

Noes: None

Absent: Councilmember Cooke

#### PUBLIC HEARING - APPEAL ON BUILDING STANDARDS COMMISSION'S DECISION

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on an appeal from MS. MARY L. COLLINS on the Building Standards Commission's decision permitting the relocation of a structure from out of the city to 908 Olive Street.

Mr. Lonnie Davis showed slides of the house and the area to which it will be moved. He said the applicant plans to add to the house. Councilmember Snell asked if the applicant is aware of the Robertson Hill project and said the house may not be compatible with the project.

Mary Collins, representing the neighborhood, protested the moving in of the structure. She said it would not be compatible with the neighborhood.

Councilmember Himmelblau noted the 30-foot lot the structure will be moved to and wondered if it is standard size. Mr. Davis told her that prior to 1946, it met the qualifications of standard size. Mrs. Collins said she offered the owner another lot to move the house to so that it will not be in the middle of a revitalization project.

MR. WALLY SHROPSHIRE, representing the owner of the house and lot, Doris Shropshire, said she has owned the property since 1973 and maintained it according to City regulations. He said they do not propose to move a shack on the property. The structure is 432 square feet and a bedroom and screen porch will be added.

Councilmember Snell said he does not think the structure should be moved to an area where revitalization is taking place. He said that the neighborhood is being fixed up in an attempt to bring it back to life and this is not the time to move in a structure which does not fit with the rest of the area.

Councilmember Trevino asked how many lots there are in East Austin which are legal but undersized. Mr. Davis told him there are hundreds.

MS. DORIS SHROPSHIRE appeared and said she wants to put a livable, compatible structure on the lot because good rental units are needed in the community. She said the length of the lot will be used for the addition to the structure.

Mayor Pro Tem Trevino moved that the Council close the public hearing, uphold the Building Standards Commission, and deny the appeal of Ms. Mary L. Collins on the Building Standards Commission's decision; and approve relocation of a structure from out of the city to 908 Olive Street with the stipulation that the additions, as described, be made to the structure. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers  
Goodman, Himmelblau, Mullen  
Noes: Councilmember Snell  
Absent: Councilmember Cooke

#### WILLIAMSON CREEK WATERSHED

Mayor McClellan opened the public hearing, scheduled for 8:00 p.m. on Development Standards for the Williamson Creek Watershed.

MR. DAVID BODENMAN, Chairman of the Edwards Aquifer Task Force, reported as follows: "Essentially, what we have done in developing this Ordinance (Williamson Creek Watershed Ordinance - COPY ON FILE IN CITY CLERK'S OFFICE) we have taken a different approach than has been taken in the past. We have taken an approach based on engineering control strategy as opposed to strict density standards or a pure engineering approach. And that is, for every development that will occur in the watershed we are requiring a base level of control. Those base levels of control will be set backs from the critical water quality zone, the use of overland flow and natural drainage as opposed to concrete line channels. The use of grass line swells, not only to convey the water but to treat the water. The design standards for the grass line swells are there in an effort to use them to mitigate some of the pollutants that are in the run off. We are encouraging the use of alternative streets and where they are not used, due to density, then we are suggesting additional curb cuts be allowed so the water can flow off the streets immediately into grass line swells and on their way to detention sedimentation ponds if necessary. We have developed, with the help of staff, some special sewer standards for the area, some set backs from creek bottoms, and then we are working on and have made some preliminary recommendations about inspection monitoring and maintenance.

"This approach is an encompassing one and that is, each incremental piece depends on each other piece. They all work together. The exclusion of some of the pieces reduce the effect of other pieces. For example, the use of grass line swells can go a long way toward reducing the amount of pollutant that will run into detention sedimentation ponds. These ponds are designed to allow the pollution to settle to the bottom of the pond. If you exceed a certain per cent of impervious cover, our research showed that if pollutant loadings are very high, then you must, in addition, add a filtration system to release the water from the sedimentation pond.

"Part of taking a new approach is that it appears Austin may be on the cutting edge of implementing this kind of system. Some other cities around the U.S. are trying it; however, they are spending hundreds of thousands of Federal dollars and paying lots of engineers to develop their systems for them. I am aware of where a citizens' task force has gotten together and tried such an approach. The problem with the approach we're taking is that we are having to make some assumptions on the efficiency rate of each type of approach that we take. Thus we took the encompassing approach and built in safety margins by requiring at least seven specific pieces for every development. Thus if one does not work as effectively as the effectiveness range we identified, we have a safety margin built in.

"You will note in the ordinance we talk about maximum intensity impervious cover. There is a direct correlation and a very high correlation between the amount of impervious cover and the amount of pollutant loadings that occur in the runoff. Thus, one of the things we attempted to do is control the runoff pollutant loading into the Aquifer by requiring that the first half inch of runoff be detained and allowed to settle out in a pond if the impervious cover exceeded certain limits. In addition we did some studies and derived a correlation coefficient relating the intensity of impervious cover to the intensity of land use, i.e., the number of units per acre in residential development as related to impervious cover. Thus we found that in order to establish an additional safety factor beyond the construction standards we have promulgated here, there was a 40% impervious limitation placed on residential units. Our data indicates that this 40% figure allows four units per acre and that it is based on the preliminaries we have seen, and past development history in Austin. Thus, this safety factor of 40% was placed there because of the question associated with using only construction standards. There is a very high correlation between the amount of impervious cover and the pollutant loading. Even though this level was there, we feel that based on the data, this does not preclude some types of development for which preliminary plans are already submitted for the Williamson Creek Watersheds.

"When we take this kind of new approach to development control and water pollution control, we have new critical factors that we have not been faced with before. That is, in the past when you controlled water runoff and storm water runoff, you required extensive infrastructure costs on the front end in the form of storm sewers, gutters, concrete kinds of structures. In this approach we are attempting to use the natural overland flow and drainage swells and thus release developments from having to build the concrete structures. Consequently, in order to insure the effectiveness of these particular strategies the items of inspection, monitoring and maintenance becomes critical part of this ordinance. Thus, we as citizens in the City of Austin have to make a conscious

decision about whether or not this is the direction to take. If we do, it is incumbent and mandatory that we make some very difficult decisions about the kind of inspections we are going to require, the amount of money we are going to put into a monitoring system and who is going to pay for the maintenance of these facilities. Some of that is discussed in the report (CITY CLERK DID NOT RECEIVE COPY) I gave to you. Some of it we'll be addressing as we continue our work. We hope to get back to you very soon with recommendations on fee structures and ways to pay for this. We cannot emphasize enough that this approach is more of a back end approach in terms of more dependence on the inspection, maintenance and monitoring in the long run than it is on the design standards in the front end, although they are both critical."

MR. FRANK C. COOKSEY presented the following report:

"My name is Frank C. Cooksey. I am a member of the Edwards Aquifer Task Force, having been appointed to represent the views of environmental groups on the Task Force. I am currently serving as Vice-President of Save Barton Creek Association. Although I am a lawyer, I do not represent or receive remuneration from any environmental group. Neither do I represent any real estate development interests, banks, savings and loan association or large land owners interested in real estate development. I believe the views I offer are colored with bias only to the extent that I love Barton Springs, a natural feature without parallel as a clean, fresh water swimming pool and beautiful recreation area. I will admit to swimming there when I can get away from Task Force meetings to do so.

"This is my initial baptism of fire in the process of city planning, as far as regulation of development in a sizeable area of the City is concerned. I will confess that my experience with the West Austin Neighborhood Group Board of Directors did not prepare me for the revelations I have received in helping to develop an ordinance which is intended to protect the Edwards Aquifer in the Williamson Creek area. First, I have been saddened by what I perceive as the City's apparent neglect of the Master Plan and its intent for this area. Instead of promoting growth and intense development of moderate income housing in the growth corridor just to the west of IH 35 outside the Recharge Zone and annexing the territory necessary to accomplish that purpose, the City has instead allowed intense development in an area in which high intensity development was ostensibly to be discouraged, even after such development outstripped the availability of essential transportation and water services to residents in the area. One might be less sensitive to the lack of integrity given to the Master Plan if the Williamson Creek area had not been clearly recognized as an environmentally sensitive area due to the presence of the Edwards Aquifer Recharge Zone.

"In assessing what has already transpired in the Williamson Creek area, it is difficult to find anyone who will admit to intentional deviation from the intent of the Master Plan. The Council claims complete delegation to the Planning Commission and poor communication back to it concerning what was transpiring there. The Planning Commission claims a lack of tools furnished by the Council in the form of policy directions implementing the Master Plan. The Planning Commission claims a surprising lack of discretion to carry out the Master Plan's intent, even in the face of a state statute which allows them to enforce a general plan as they consider the approval of plats. The Planning Commission claims that legal advice they receive is responsible for this timidity, but the heavily weighted composition of the Planning Commission toward real estate development interests may be a better explanation. The fox always enjoys watching the chicken coop.

"In all of this one perceives City staff members here and there anxious to do the job contained in their written job descriptions but hesitant to buck what they evidently perceive to be signals from on high mitigating against implementation of the Master Plan. The lack of attention paid by the Planning Commission to staff injunctions concerning the lack of water and transportation facilities in the Williamson Creek area could lead only to low morale and lack of motivation toward thoroughness in planning.

"Of course, in this context, Williamson Creek development came to a great crescendo with the activities of developers during the last six months. The Council, much to its credit, adopted the moratorium which has allowed the Edwards Aquifer Task Force to do its work, in spite of the short time frame allowed to citizens serving "pro bono" to accomplish this complex task. The Task Force has developed an ordinance within this time frame, although it has not had time to vote approval or disapproval of the proposed Ordinance as a whole or to adopt the report of its Chairman, which was completed just today. I trust that you will grant us a few moments to collect our thoughts and completely review the Ordinance and the report before submitting our final views to you prior to your vote on the matter.

"I have scanned the Chairman's report and the Ordinance, and I believe that for the most part, the report is accurate, although I would reserve opportunity for further comment. To other members of the general public and the press, however, I offer condolences. How one can effectively communicate his or her views in a public hearing on such a matter or cover it without receiving copies of the material being considered is difficult to comprehend.

"One sentence in the Chairperson's report leaps out at me immediately--it reads, in part, 'This level (of impervious cover limitation) was specifically selected in order to be compatible with existing preliminaries...' This indicates what those filing dissenting views this evening consider to be the most glaring weakness of the Draft Ordinance. The so-called 'Maximum Development Intensity' section of the Ordinance which contains luke-warm and essentially meaningless land use controls, is tailored, not to accomplish the control of pollutant loading in a way which will regulate and reduce pollution, but to be compatible with the high intensity of development which has already occurred in Williamson Creek. Given the admission of the Chairperson that engineered run-off control strategies are relied upon in the Draft are the only meaningful method of deterring pollution in Williamson Creek, one wonders how such unproven and untested methods can be so heavily relied upon in the light of his further admission that inspection, monitoring and maintenance are essential to what unknown success may be achieved through them. Such monitoring and maintenance is expensive to the City, requiring additional staff and equipment, especially when the majority on the Task Force has managed to stick the City with the bill. (REFER TO DISSENTING VIEWS)

"Lest we conclude that these engineered control strategies are really necessary under this ordinance, take a look at the Technical Review Board and variance sections of the Ordinance, which offer suitable loopholes, without opportunity of appeal to the City Council. The Barton Creek Ordinance provides for appeal of the Planning Commission's variance ruling to the Council, which is where the power should finally lie to alter policy regulating environmentally sensitive areas. Such a scheme is appropriate here as well.

"In addition, the coverage of the Ordinance does not extend to disapproved final plats, which have no status meriting their exclusion. The coverage of this Ordinance should be as broad as possible, in order to correct the past excesses in development already allowed.

"The approval of this Ordinance, in its present or amended form, should not be considered a pattern for any other Watershed in the Edwards Aquifer Zone. This Ordinance is a compromise which recognizes a balance between those who wish to control pollutant loading at a reasonable level and the recognition of already existing patterns of development. To adopt such a scheme in any other area would add Austin's own POLLUTE-SCAM to ABSCAM as a sad chapter in rejection of the public interest in the face of narrow self-serving economic and political motivations.

"I urge your full consideration of the views I have expressed. They are, I believe, designed with the long range public interest in mind. I hope that you will agree."

MS. MARY LEE, Vice-Chairperson of the Environmental Board, appeared before Council and read the following letter from NEAL GRAHAM:

"At its meeting of November 13, 1980, the Environmental Board approved the following motion:

MOTION NO. EB-111280-8

The Board requests the City Council to consider the following statements regarding the proposed ordinance for the Williamson Creek watershed:

1. Lower Aquifer-Related Watersheds. The Board hopes that the intentions of the City Council and the Edwards Aquifer Task Force are to develop an ordinance for the lower aquifer-related watersheds based on different assumptions than those for the Williamson Creek watershed. Specifically, the commitments to development and infrastructure in the Williamson Creek watershed do not apply in the rest of the aquifer, and the need to protect the aquifer from urban stormwater runoff in these lower watersheds is all the more critical.
2. Boundaries of Aquifer Recharge Zone. There is substantial scientific evidence that the eastern boundary of the Edwards Aquifer Recharge Zone is broader than the area protected by the moratorium and controlled by the proposed ordinance.
3. Burdens and Risks implied by the Proposed Ordinance. Use of engineered stormwater runoff control measures such as those required in the proposed ordinance implies a significant burden of inspection, maintenance, and monitoring of performance on the City of Austin. Varying degrees of reliance of such control measures implies varying levels of risk of water quality degradation in the Aquifer. Stringent density related controls and complete containment of wastewater are the most reliable and risk-free alternatives.

4. Preliminary Approved and Disapproved Final Plats. The proposed ordinance is a negotiated, compromise instrument that does not preempt conventional subdivision development densities. The Board strongly recommends that all preliminary approved and disapproved final plats in the area effected by the ordinance be required to conform with the ordinance before final plat approval.
5. Water and Wastewater Service. The location and extent of water and wastewater service in the upper Williamson Creek watershed and in the lower aquifer-related watersheds remain as crucial issues. The Board hopes that the Task Force will be called upon to address these issues in the near future.
6. Role of the Environmental Board. In the future, the Board would appreciate being included in the review procedure for significant issues related to the Edwards Aquifer."

Ms. Lee stated that as a Task Force member and a member of the minority report, she supports the work of the Task Force in general but she feels the engineering of the detention ponds is negotiable and feels excessive impervious cover is provided for. She feels that 40% for residential and 60% for commercial is not needed. "The proposed ordinance makes a fundamental error in relying too heavily on engineered control measures while allowing excessive levels of impervious cover for both residential and commercial development. If you wish to be conservative in protecting the Aquifer and protecting a source of our drinking water and in protecting Barton Springs, you will not sanction the 40% and 60%, but will act to lower these high development intensities. If you gamble with the natural resources and risk incurring their degradation, then you will say yes to these inappropriate levels of developers to continue with business as usual in a sensitive recharge zone of the Aquifer.

"The second major problem of the ordinance is due to its total reliance on carefully maintained and monitored storm water control measures and its total lack of specificity in dealing with these concerns. It is written into the language of the proposed ordinance that there must be a comprehensive monitoring program if the intent of the ordinance to protect the Edwards Aquifer succeeds and yet there is no proposed program of monitoring and only a very sketchy proposal relating to maintenance. The portions of the Ordinance that relate to maintenance suggest that the burden of maintenance be handed over to the City of Austin at some unknown and possibly staggering cost. The answer to this problem is simple. Keep intensity of development in this sensitive Aquifer area low and the need for storm water control measures will also be low. ...

"Finally, I would urge you to apply the final ordinance to both approved preliminaries as a majority of the Task Force recommended and to disapprove finals as well. This action will be a clear signal to the citizens of Austin that you do intend to protect our Aquifer and our spring. Should you fail to take this action, much of what we are discussing here tonight will be moot."

MR. JOE RIDDELL, member of the Task Force, showed a map of the Aquifer area and said the area to be protected should be extended eastward. He said the sampling device charges should be included in the developers' fees. Mr. Riddell urged that whatever ordinance is adopted, it should be done on a

tentative basis and give the Task Force and staff time to do what needs to be done. Mr. Riddell discussed several points and then concluded by saying that (1) Subdividers should have the engineering report to see how much pollution their subdivision will create; (2) Overall development should be limited; and (3) Limit the acreage to be developed or a portion of each subdivision to be built out. With these limits the overall risk of undue pollution will be limited.

At this point, Councilmember Mullen expressed disagreement with statements which were presented by Mr. Cooksey.

PHILIP BLACKERBY, Save Barton Creek Association, felt the density question is most important and thought there should be 3-acre tracts in the recharge zones and one-acre tracts in the controlling zones. He opined that developers should be told what the City expects before they begin to build. Development, he said, should not pollute surface or ground water more than the natural state.

BUCKY COUCH, President, Westcreek Neighborhood Association, said they are concerned about the quality of the water provided and want to make sure the standards will keep the quality of the water at a high level.

Daron Butler addressed water service in Southwest A and said the Council has appropriated \$167,000 for interim improvements in the line. Mr. Couch asked about long range plans and Mr. Butler told him the Task Force has not addressed that yet.

MR. JOHN KNOLL appeared and asked Council to seriously consider in their deliberation over the subject ordinance the following three considerations:

1. The only comprehensive study of urban runoff in the Williamson Creek Watershed ever to be done was recently released by the Fort Worth District of the U.S. Army Corps of Engineers.
2. Although a study is currently underway which may provide some technical data, no evidence exists today which supports the notion that urban runoff from the Williamson Creek watershed will significantly degrade the quality of water at Barton Springs. According to experts who spoke at the recent Edwards Aquifer Symposium, the aquifer is supplied with organic material from the oil, bat droppings, dead animals and other "natural" resources.
3. The controls proposed in the ordinance are cumulatively more severe than the Lake Austin Standards. They will probably exclude the trend of moderately priced housing in the area and adversely impact needed growth in the Austin Independent School District.

DAVID ARMBRUST, representing Motorola, said the company would like to have 30 days in which to peruse the Ordinance.

NANCY McCANDLESS, Save Barton Creek Neighborhood Association, spoke to the preservation of pure water in the Aquifer area.

JERRY HART spoke about Western Oaks and said that built and planned into the project is proper drainage, a collective system and the restriction of two lots to the acre. He said if Barton Springs is not used as a water supply, it can be used as a recreation area for a long time.

CONNIE MOORE, Zilker Park Posse, asked Council to give careful consideration to the ordinance.

Mayor McClellan said it is the concensus that the public hearing needs to be continued.

Councilmember Mullen moved that the Council continue the public hearing on the Development Standards for the Williamson Creek Watershed on December 18, 1980 at 7:30 p.m. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Mayor McClellan, Councilmember Goodman

#### HISTORIC ZONING ORDINANCE

Councilmember Himmelblau introduced an item to Council amending the Historic Zoning Ordinance to require that structures meet minimum building codes before receiving historic zoning. Councilmember Himmelblau said she has visited with a member of the Landmark Commission and they already have the recommendation which will accomplish what she wants to accomplish. She said this, therefore, can be pulled this evening, but asked Legal when this amendment will be before Council and if it will apply to the abatement that will be certified by the Commission in the first quarter of 1981.

Mr. DeLaRosa, Assistant City Attorney, stated the Historic Landmark Commission currently has that ordinance before it and this needs to be processed through the normal process, going to the Historic Landmark Commission and the Planning Commission. He estimated it will be six weeks before the processing can be conducted through all the publication that is necessary by State statutes.

## RE-CONSIDERATION OF PROPOSAL #7

Councilmember Goodman had put an item on the Agenda for reconsideration of Proposal #7. He was not present in the Council Chamber so the discussion will be postponed until November 20, 1980.

## CAR ALLOWANCE

Councilmember Himmelblau moved that the Council took action so that Mayor and Council will receive no increase in car allowance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor Pro Tem  
Trevino

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember  
Goodman, Mayor McClellan

## ADJOURNMENT

Council adjourned its meeting at 10:25 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk