

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 5, 1981
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 Cooke, Himmelblau,
Mullen, Mayor Pro Tem Trevino

Absent: Councilmember Goodman

The Invocation was given by Dr. Stephen Kirtley, Central Christian Church.

AFRO-AMERICAN HISTORY MONTH

Afro-American History Month will be observed during the month of February, according to a Resolution signed by all Councilmembers and read by the Mayor. Ms. Mary Wadley accepted the Resolution with the thanks and appreciation of all Blacks of Austin.

SIGMA ALPHA MU DAY

Sigma Alpha Mu Day will be observed February 11, 1981 according to a Proclamation read by the Mayor and accepted with thanks by Barry Wilson, past President, Sigma Alpha Mu.

PLAYS FOR LIVING DAY 2

Councilmember Himmelblau read a proclamation designating February 10, 1981 as Plays for Living Day. J. B. Brannen, and Nancy Leff, Family Life Education Coordinator, accepted the proclamation with their thanks and appreciation.

AUSTIN ACTEEN DAY

Councilmember Cooke read a proclamation designating February 9, 1981 as Austin Acteen Day in Austin. Accepting the proclamation were Cheryl Felts, President, Austin Baptist Associational Acteen Council; Janey Akins, Vice President; and Carolyn Berry, Associational Women's Missionary Union Director.

VOCATIONAL EDUCATION WEEK

February 8-14, 1981 will be observed as Vocational Education Week in Austin. Ms. Kay Killough accepted the Proclamation read by the Mayor and the following people were introduced in the Council Chamber:

Career Development Staff

Louis Igo, Director	Margaret Lindsey
Wes Braden	Candice Logue Ayres
Ron Foy	Jean Nipper
Billie Franke	Woody Smallwood
Tommy Harbin	Perry Suter
Myrtle Johnson	Dennis Swanson

YOUTH ORGANIZATIONAL REPRESENTATIVES

Distributive Education Clubs of America

Pete Atha - Reagan MDE teacher
Carla Oakes - Reagan
Dale Martin - Reagan

Future Business Leaders of America

Elaine Peterson - Anderson business education teacher
Marcella Cullarf - Anderson
David Grimes - Anderson

Future Farmers of American

Richard Strong - Lanier Ag. teacher
Kevin Luckie - Lanier
Karen Witte - Lanier

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Future Homemakers of America/Home Economics Related Occupations

Kay Da Silva - Travis Home Eco. teacher
Terri Horton - Reagan FHA
Sherri Barr - Reagan FHA
Linda Labaj - Reagan FHA
Jerry Wolverton - Travis HERO

Health Occupations Students of America

Richard Paxton - McCallum HO teacher
Vickie Hardin - McCallum
Marty Carson - McCallum

Office Education Association

Jo Watts - Johnston VOE teacher
Kathy Nemir - Johnston
Lulu Salinas - McCallum

Texas Industrial Arts Students Association

Richard Wolf - Travis IA teacher
Jim Degelia - Travis
Larry Reeves - Travis

Vocational Industrial Clubs of America

Stella Bruns - Johnston Cosmetology teacher
Judi Edwards - Johnston
James Fedro - Reagan

Vocational Office Careers Clubs of Texas

Diane Wright - Reagan VOCCT teacher
Evon Banks - Reagan
Kala Ash - Dobie VOCCT teacher
Monica Rodriguez - Dobie

Vocational Opportunities Clubs of Texas

Marvin Molberg - Travis VOCT teacher
Randy Brannen - Travis
Terry Curb - Murchison VOCT teacher
Joe Villejo - Murchison

OFFICE EDUCATION ASSOCIATION WEEK

Office Education Association Week, February 8-14, 1981, was proclaimed in a proclamation read by the Mayor and accepted by the following participants:

Errlyndia Gayle, President, Crockett OEA Chapter
Mrs. Phyllis Jones, Coordinator, and Michelle Kershner, President,
Anderson High
Regina Welge - Coordinator, Crockett
Joe Watts, Coordinator and Kathy Nemir, President, Johnston High
Carol Sullivan, Coordinator and Angela Stalbaum, President, LBJ
Sherry Hartgrove, Coordinator and Elaine Carlson, President, Lanier
Georgia Lou West, Coordinator and Lulu Salinas, President, McCallum
Sue Ella Foster, Coordinator and Cindy Loper, President, Reagan
Wanda Insall, Corrdinator and Maggie Esquibel, President, Travis

FREE ENTERPRISE DAY 4

Mayor McClellan read a proclamation designating February 12, 1981 as Free Enterprise Day. Accepting with their thanks and appreciation were the following Marketing and Distributive Education students:

Charles Roberts, Crockett High
Arthur Gariby, Austin High
Carla Oakes, Reagan High
Dale Martin, Reagan High
Eddie Parker, Travis High
Madeline Carrington, LBJ High
Xavier Sosa, DECA sponsor at Austin High

MINUTES APPROVED

Councilmember Cooke moved that the Council approve the Minutes for January 29, 1981. The motion, seconded by Mayor McClellan, carried by unanimous vote, Councilmember Goodman absent.

EMINENT DOMAIN PROCEEDINGS

Councilmember Mullen moved that the Council adopt a resolution authorizing Eminent Domain proceedings to acquire the following tract of land for a Sanitary Sewer Easement for the Williamson Creek Wastewater Interceptor Project: (also a 15 foot temporary working easement)

0.70 acre strip of land of varying width out of the Isaac Decker and William Cannon Surveys. (Walter R. Carrington, owner)

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

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

TRAVIS BUILDING LEASE

Councilmember Mullen moved that the Council adopt a resolution exercising option to extend lease for space in the Travis Building for the Police Programmers from June 2, 1981 to June 1, 1982. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

RELEASE OF EASEMENTS 5

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following easement:

A 5.0 foot Public Utility Easement on Lot 5, Westenfeld I,
2902 Enfield Road. (Requested by Amelia Bullock Realtors)

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

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

Noes: None

Absent: Councilmember Goodman

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Mullen moved that the Council select Brytest Engineering for Soils Investigative and Engineering Testing Services and approve a contract in connection with construction of St. John's Public Health Center. CAPITAL IMPROVEMENTS NO. 76/91-05. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

WATER QUALITY SURVEYS

Councilmember Mullen moved that the Council adopt a resolution approving the United States Geological Survey to operate a motorboat on Town Lake for water quality surveys through September 30, 1981. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Councilmember Mullen moved that the Council adopt a resolution renewing the agreement between the United States Geological Survey of the Department of the Interior and the City of Austin for an investigation of the ground and surface water regimen (quality and quantity) in the Austin Metropolitan Area.

Total cost	\$265,930.00
City of Austin share	\$132,965.00
USGA share	\$132,965.00

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

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

Councilmember Mullen moved that the Council adopt a resolution approving the submittal of a pre-proposal for monitoring study to the U. S. Department of the Interior, Office of Water Research and Technology. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CONTRACTS APPROVED

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

MIRANDA CONSTRUCTION COMPANY
4703 B Sagebrush
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Reicher Drive, 1978-79 Safe School
Sidewalks - \$11,964.00 C.I.P. No.
78/61-02

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

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

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

ROCHESTER INSTRUMENTS SYSTEMS, INC.
255 North Union Street
Rochester, New York

- Sequential Events Recorder, Electric
Department
Total: \$28,613.00

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

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

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

ACCRON CHEMICAL DISTRIBUTORS
3251 North Pan Am Expressway
San Antonio, Texas

- Soda Ash, Parks and Recreation
Department
Item 1 - \$7,695.00

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

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

Noes: None

Absent: Councilmember Goodman

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

HBE LEASING, INC.
505 North Belt, Suite #140
Houston, Texas

- Heart Lung Machine, Angioscan Realtime
Doppler, Two Channel Chart Recorder
for use by Brackenridge Hospital
Items 1-3 - 36 months @ \$1,600.18/mo.
Total \$12,801.44 for this fiscal
year.

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

Ayes: Councilmember Cooke, Himmelblau, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Goodman

Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

LIQUID CARBONIC CORPORATION
450 North Belt East, Suite 190
Houston, Texas

- Medical Bulk Oxygen (liquid) for
Brackenridge Hospital
36 Month Supply Agreement
Estimated total \$96,100.00

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

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

Noes: None

Absent: Councilmember Goodman

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Councilmember Mullen moved that the Council adopt a resolution approving the following contract:

SPACELABS
20550 Prairie Street
Chatsworth, California

- ECG Blood Pressure Monitors,
Brackenridge Hospital
Two each @ \$5,700.00
Total \$11,400.00

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

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

Noes: None

Absent: Councilmember Goodman

OVERSIZE WATER MAIN

Councilmember Mullen moved that the Council adopt a resolution approving the following oversize water main:

BILL MILBURN, INC.

- For construction of a 16-inch water main within Milwood Section 10. Estimated cost participation by the City if annexed in one year will be \$21,120.00 based on a total cost of \$42,240.00.

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

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

Noes: None

Absent: Councilmember Goodman

ITEM PULLED FROM AGENDA

The following item was pulled from the Agenda:

Consider authorization to negotiate and contract with twenty-one public service agencies and organizations and two City of Austin Departments (Library and Public Works) for FY '81 Public Service Employment Program of CETA in the amount of \$1,394,043 from February 16, 1981 through September 30, 1981.

CONTRACT MODIFIED

Councilmember Mullen moved that the Council adopt a resolution modifying the original contract with Williamson-Burnet County Opportunities, Inc., increasing the original amount available for the Capital Area Manpower Consortium's rural CETA program to the following levels:

<u>PROGRAM</u>	<u>AMOUNT</u>
Title II-B, OJT	\$ 852,068
Title II-D, PSE	889,541
Title IV, YETP	191,903
Title IV, YCCIP	38,924
Title VI, PSE	145,261
Title VII, PSIP	121,451
Total	\$2,239,148

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

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

CETA

Councilmember Mullen moved that the Council adopt a resolution authorizing to negotiate and contract with the City of Austin, Parks and Recreation Department in the amount of \$120,545 under CETA (Comprehensive Employment and Training Act) Title IV for Youth Community City of Conservation and Improvement Project to provide general construction trades to approximately 17 youths for the period February 23, 1981 to September 30, 1981. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

HEALTH AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing execution of an annual agreement between the Austin-Travis County Health Department and the Texas Department of Health (October 1, 1980 through September 30, 1981). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

OIL AND GAS LEASE 10

Councilmember Mullen moved that the Council adopt a resolution authorizing the City of Austin to enter into an oil and gas lease for 1,758 acres at the Fayette Power Project. (Approved by the Fayette Project Management Committee and the Board of the Lower Colorado River Authority.) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

AGENDA ITEM PULLED

Councilmember Mullen moved that the Council pull from the agenda and reschedule for February 12, 1981, the following item:

Consider correcting a resolution adopted on October 30, 1980 concerning interim standards for Parmer Lane.

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

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

HIKE AND BIKE TRAIL PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution setting a public hearing for March 19, 1981 at 7:30 p.m. on the proposed extension of the Shoal Creek Hike and Bike Trail. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

AUSTIN INDUSTRIAL DEVELOPMENT PROGRAM

Councilmember Mullen moved that the Council adopt a resolution approving the Bylaws of the Austin Industrial Development Corporation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

NO ACTION TAKEN ON
RESOLUTION

No action was taken on the extension for thirty days of the suspension period for the implementation of rates charged by Southern Union Gas Company. Action not necessary because of passage of rate ordinance later in the day.

BUDGET AMENDMENT

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

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY TRANSFERRING \$27,700 FROM THE GENERAL FUND ENDING BALANCE TO THE 1980-1981 OPERATING BUDGET OF THE MUNICIPAL COURT FOR THE PURPOSES OF FUNDING POSITIONS FOR HANDLING THE DELINQUENT PARKING NOTICE SYSTEM AND PROVIDING FOR FUNDS FOR MERIT INCREASE FOR MUNICIPAL COURT JUDGES AND THE COUNTY CLERK; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

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

NEW WATER AND WASTEWATER CHARGES

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

AN ORDINANCE PRESCRIBING AND LEVYING NEW CHARGES FOR CERTAIN CONNECTIONS TO THE WATER SYSTEM AND WASTEWATER SYSTEM OF THE CITY OF AUSTIN; 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 Himmelblau moved that it be passed to its second reading. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

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

SOUTHERN UNION GAS COMPANY RATE SCHEDULE 12

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

AN ORDINANCE REVISING THE RATE SCHEDULES CONTAINED IN THE ORDER OF THE RAILROAD COMMISSION OF TEXAS IN GAS UTILITIES DOCKET NO. 1815 FOR NATURAL GAS SOLD BY SOUTHERN UNION GAS COMPANY WITHIN THE CITY OF AUSTIN; DECLARING THIS ORDINANCE TO BE A FINAL DETERMINATION OF RATES; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Himmelblau moved that it be finally passed. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: Councilmember Cooke

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

REPORT FROM LEGISLATIVE COUNSEL

MR. JOE LONGLEY, Legislative Counsel for the City of Austin, reported to Council that he has met with department heads regarding the legislation they are interested in and will follow through. He discussed bills which already have or will be, introduced in the Legislature.

Councilmember Himmelblau said, "I'd like you to talk to Mr. Jim Ray who represents the Council of Governments and look into a bill that is being introduced by one of the representatives from Ft. Worth that would exclude cities of over 200,000 population from belonging to the Council of Governments. That would be very detrimental to the COG efforts." Mr. Longley said he would.

Councilmember Cooke discussed the possibility of having staggered terms for Councilmembers and asked Mr. Longley if he could foresee any legal constraints. Mr. Longley said he could find no obstacle.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution supporting the passage of H.B. 310 so long as the required number of signatures concerning a cable franchise referendum does not exceed 10 percent of the qualified voters for the City. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

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Motion

Councilmember Himmelblau moved that the Council adopt a resolution directing Mr. Maxwell and Mr. Longley to concentrate their efforts on obtaining passage of Senate Bill 89 relating to the compensation for resident physicians. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

This resolution was included in the Agenda at the request of Councilmember Himmelblau.

POOR BOY ART FAIR

Councilmember Cooke moved that the Council approve the request of MR. JAMES KINCL, representing the Northwest Sertoma Club, for permission to use Auditorium Shores, Saturday, April 11, 1981 and Sunday April 12, 1981 (set up 9th and 10th) for Semi-annual Poor Boy Art Fair. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Mr. Kincl had also requested waiver of \$10.00 inspection fee for portable signs. Council did not grant waiver with above motion.

LATER IN THE MORNING:

Motion

Councilmember Himmelblau moved that the Council reconsider the request. It was approved unanimously.

Councilmember Himmelblau said she wanted reconsideration so the waiver of fee can be included as it has been waived in the past for the Sertoma Club.

James Kincl appeared before Council and said that this fee has been waived for three years. Councilmember Mullen wondered how this happened and Mayor Pro Tem Trevino remembered Council has turned down other similar requests. Mayor McClellan pointed out that some similar requests have been denied and some have not. Mr. Leonard Ehrler, Parks and Recreation Department, told Council the inspections are done through the Building Inspection Department, and he will find out about the past years. Mr. Kincl said the Sertoma Club will use 5 signs and the cost will be \$10.00 per sign.

LATER IN MORNING:

Motion

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Councilmember Himmelblau moved that the Council approve the request of Mr. James Kincl for the use of Auditorium Shores for Sertoma Club Poor Boy Art Fair, April 11 and 12, 1981. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Council agreed an amendment to the ordinance will be brought back to them February 12, 1981.

LESTER E. PALMER AUDITORIUM

MR. BILL YOUNGBLOOD, MR. DONALD THOMAS and MR. LOUIS SHANKS all appeared before Council on behalf of Friends and Associates of Former Mayor Lester Palmer, to request Council name a municipal facility in Mayor Palmer's honor. They all reviewed the history of the City under former Mayor Palmer's tenure and accomplishments which were done during his terms in office. Mayor McClellan stated the recognition is long past due. Several former Councilmembers were in the Chamber audience. Among them were Emma Long, Edgar Perry, Travis LaRue, Hub Bechtol and Louis Shanks.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to name Municipal Auditorium the "Lester E. Palmer Auditorium," effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

RECESS

Council recessed its meeting at 10:47 a.m. and resumed its recessed meeting at 11:00 a.m.

PARADE PERMITS

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Councilmember Cooke moved that the Council approve the following Parade Permits:

Inter-Fraternity Council 51st Annual Round-Up Parade from 3:00 p.m. to 4:00 p.m., Friday, April 10, 1981, beginning from 1900 block to the 2100 block of University on the south bound lane and the west bound lane of the 200 to 300 block of 21st Street.

Alpha Epsilon Pi Fraternity Olympiad for Muscular Dystrophy, from 4:00 p.m. to 4:30 p.m., Friday, February 20, 1981, beginning from San Pedro and 26th Street, left on Nueces, right on 27th back to 26th Street, right on 26th to San Jacinto to Nueces, right on Nueces to 22nd Street, 22nd to San Gabriel back to 26th Street.

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

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

Noes: None

Absent: Councilmember Goodman

DISCUSSION OF RESTRICTIVE COVENANT

MR. JIM AMIS and MR. TERRY BRAY requested clarification of a restrictive covenant to be submitted in connection with zoning case C14-80-158. MR. DAVID TISINGER requested clarification of the terms of a restrictive covenant to be submitted in connection with Zoning Case C14-80-158. (Both of these items were listed under Citizen Communications on agenda.)

TRANSCRIPT OF PROCEEDING FOLLOWS:

TERRY BRAY: Mayor and members of the Council, my name is Terry Bray. I represent Northcross Associates, Ltd., a Texas partnership of which Sam Dunnam and Jim Amis are members. We have been processing over the past several months. If I could review with you real quickly zoning application pertaining to land in the vicinity of Northcross Mall. When this property was originally acquired, it was anticipated that the Mall site would encompass most of the Northcross Associates property in the general location of the Mall. Northcross Drive, which runs in a generally west and north direction from Burnet Road to Anderson Lane, was originally scheduled to run around the border of this property. In fact the location of that street was approved for that purpose, but subsequently the plans for the regional mall were revised by reason of their being no major shopping center..no major retail tenant in the Mall of the size that was originally envisioned, and consequently, the road was placed where it is now. The result was that property was left on the south and west side of Northcross Drive, whereas, originally, it was anticipated that the bulk of the land would be on the north and east of Northcross Drive.

The zoning application that we processed involves a piece of land that is Mr. Amis' showing a plat of..that land was originally zoned General Retail with a buffer of "A" Residential around the perimeter, generally where the road was

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anticipated to go. As our plans evolved and it was determined that no retail mall development would occur, it appeared to us desirable to modify the use of this to back down from the General Retail development and instead go with an Office park. The proposal that came through the Planning Commission and to the Council was for "O" Office zoning on this tract, both in respect to the part that was zoned General Retail and with respect to the part that had been left "A" Residential. That request was processed through the Planning Commission and through the Council and was approved by both bodies. In the processing of it, Mr. Amis worked with the City staff and with various neighborhood representatives and attended the hearings at the Planning Commission and the City Council.

Our focus during that period of time was on the substantive concerns expressed by the neighborhoods on what we intended to do and how we were generally going to go about doing it. In connection with the Planning Commission hearing, several neighborhood representatives made presentations, one of who I think is here today, regarding concerns they had with respect to the "O" zoning and development. Out of that we had prepared and submitted to the Planning Department a site plan, a copy of which you see here, which outlined the anticipated development and which we agreed would be the basis for the development, as far as the zoning approval was concerned. The zoning approval would be based upon this site plan.

In addition to that, one neighborhood representative requested a restrictive covenant that imposed certain other conditions with respect to the development. Those conditions insofar as they dealt with substantive restrictions were entirely acceptable and consistent with our plans. The only part of the restriction that has now caused a concern and which brings us before you today, deals with the procedural aspects of it, and more specifically, who is going to enforce the covenant. In discussions with the City Attorney's office, a restrictive covenant was prepared and submitted to the landowner, and at that point in time, I became involved with the landowner to review what was being proposed, and it was discovered that the enforcement of the restrictive covenant would run in favor of generally members of the neighborhood in addition to the City of Austin.

In further visits with the staff members, both the City Attorney and the Planning Department, we confirmed that in general this is not done. In general restrictive covenants in zoning cases run in favor of the City or enforceable by the City, and may be amended only by the City, so it was our proposal to the City Attorney's office that the restrictive covenant be modified in that respect and in all other respects insofar as it dealt with the substantive aspects of development, it be precisely what was approved by the Planning Commission and by City Council. We are before you today to request clarification of City policy, and to request that the restrictive covenant be modified so that it would be in favor of and enforceable by the City of Austin and not by any private citizens.

MAYOR: Thank you, Mr. Bray. I think it would be appropriate to go ahead and hear our next citizen communication, too, and then Council would be prepared to act.

BRAY: Thank you.

E.8.

DAVID TISINGER: May it please your Honor and the Council, I assume that we are not here to discuss the site plan today, because this agenda on the Citizen Communications related only to clarification of something you had already done, and with that supposition, I won't take but a minute or two. But I wanted to preserve the record. I didn't want somebody six years from now, saying, well, you didn't say anything about it. So if we are just here to clarify what the Council did, all I need to say to you is, that the City Attorneys wrote a set of restrictions and I assume they are before you. If they are not, I will see that you get a copy, and my learned friend, Mr. Bray, says he has got no objection to the restrictions.

They are the same ones that I gave to the Planning Commission. They are the same ones that I gave to the Council, but in the draft that we had, we said which is as I think customary and contrary to Council's opinion, we have always got to have a statement about for who's benefit the covenants are.

Now, Mr. Bray has rewritten these proposed covenants, and has said that they may be enforced only by Mr. Amis, the landowner, and the City, and it leaves my wife out of the picture, and she's got frontage on the property, where our argument is, we have got that creek on there, we have got an 8-foot bluff. We haven't been able to get them to tell us with any accuracy the dimensions of what they are going to do on the ground. And she wants to be heard and the way the site plan is, as I have said before,...somebody is going to have some arguments in the future. I hate to say it, but I think it has come to that. And in any event, we are an adjoining land owner, my wife is. There are other people adjoining this property, and to have a restrictive covenant and say only that the City can do it just doesn't make a whole lot of sense to me.

Now I do think, that possibly, you might limit it..certainly, with good common sense..might limit the people who can protest or agree or not agree, to adjoining land owners, say. But to just say only Mr. Amis and his group and the City of Austin..they have got an absolute say so, while you might not have a restrictive covenant. Thank you very much.

MAYOR: Thank you, sir. In an attempt to clarify, and I am not..I will put in the disclaimer, up front, that I am not an attorney. But in all due respect, Mr. Tisinger, I believe that it was not the intent of the City Council to include within the restrictive covenant the right of property owners to enforce the restrictive covenant. To my knowledge and this is my knowledge, and I stand to be corrected if I am incorrect. The Council has never granted a request to allow other individuals to enforce a restrictive covenant. I believe that it is the City of Austin that should be allowed to enforce the restrict..as I have said, I am not an attorney, but just from those..we have had many similar requests, but in each instance, I believe what we have done is leave it to the City of Austin to enforce the restriction, and if that is incorrect, I would want someone to point that out to me, but I..

TISINGER: Your Honor, I was here that day, and I wrote your Honor a letter later in which I said that I was concerned myself about the text that the Council meant to adopt. So I am not here trying to take a hard position at all..

MAYOR: I know that.

TISINGER: ..and..but..I am saying what I'm saying from the heart, and what the Council may have done in the past on covenants, doesn't necessarily

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control us today..in this particular instance. That's the reason I said what I said, and I don't know how it is going to hurt anybody. If all that the landowners can do is go to Court and enforce the covenant as written by this Council, how will it hurt whether the plaintiff is me or somebody else, or the City.

MAYOR: Council, I think we need to clarify this.

MULLEN: Well, I don't think we have done this before either, and I think it really sets an interesting precedent that has changed the whole structure of what..we wouldn't had a mediator. People would just start suing from anywhere at any time, when anybody was developing anything. And that's why I think the City has always stood in between and said they are the mediator, and that's not a fair suit, or that is a fair suit. So..that's what I thought we voted on to begin with, and that's what I would make a motion that we clean up the contract so it will read properly.

COOKE: Second

MAYOR: With the intent that the City of Austin be the one to enforce it.

MULLEN: If anyone has a problem, they should go to the City. The City should then determine whether or not it is a substant to sue on.

MAYOR: All right, there is a motion and a second to that effect. Any further discussion? Call the roll, please.

MULLEN: Yes.

MAYOR PRO TEM TREVINO: Yes.

MAYOR: Yes.

COOKE: Yes.

HIMMELBLAU: Yes.

Passed 5:0, Goodman absent

MAYOR: Thank you, and thank you, Mr. Tisinger, please.

DISCUSSION OF ITEMS RELATED TO CITY

MR. BOB GARRETT, Kunte Kinte, appeared before Council to discuss 11th Street corridor, acquisition of land and Place 6 on the Council. He said the land on 11th Street and IH 35 should be developed for a children's playground, with a gymnasium.

SHOAL CREEK HIKE AND BIKE TRAIL STUDY

Mr. Leonard Ehrler, Director of Parks and Recreation Department, appeared before Council to report on Status of Shoal Creek Hike and Bike Trail Study. He showed slides of the route of the trail.

Councilmember Himmelblau expressed concern about the sidewalks on Shoal Creek encroaching the residences. He said the encroachment will only amount to six feet and no trees or foliage will be removed.

PROPOSED FOOD ORDINANCE

Dr. Albert G. Randall, Director, Austin-Travis County Health Department, reported on proposed amendments to Chapter 12 relating to food and food establishments. He said the staff has reviewed the concerns and questions expressed by industry representatives at the Public Hearing, December 18, 1980 regarding proposed amendments to Chapter 12 (Food and Food Establishments). Some questions simply involved misunderstanding and once clarified no change was made in the provision. On other discussion items an agreement was reached. On issues where agreement has not been reached, options for consideration are listed in a memo to Council with the recommendations of Dr. Randall and staff.

Mayor McClellan asked for a highlight of problems. Dr. Randall told her the question of recertification is a big problem. Councilmember Mullen pointed out that FDA is working on new recommendations and by the time this is in force, there may not be a problem. Councilmember Mullen then asked if there is anything in Dr. Randall's report concerning revocation of certification. Dr. Randall said he will check on that with Houston which has the model ordinance being recommended. Councilmember Mullen expressed concern that this be included.

Council agreed to set a public hearing on Proposed Amendments to Chapter 12 Relating to Food and Food Establishments on February 19, 1981. (Time certain was not set).

HEARING RESCHEDULED

Mayor Pro Tem Trevino moved that the Council reschedule the following for March 12, 1981 at 10:00 a.m.:

An appeal from Terrance Kendall, attorney for Steck Office Park, Ltd., on the Planning Commission's decision in requiring Steck Office Park Ltd., to be responsible for the cost of off-site water line grid pattern extension.

The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

Absent: Councilmember Goodman

STREET VACATION

Mayor McClellan opened the public hearing scheduled for 10:15 a.m. on Vacating the following and passage of ordinance: A portion of the San Jacinto Street right-of-way and a portion of the East 10th Street alley right-of-way adjoining Lot 12, Block 121, Original City of Austin, 1011 San Jacinto. (Requested by Mr. Forest D. Cooke, attorney for the Veterans of Foreign Wars of Texas.)

Mr. John German, Director of Public Works, appeared before Council to state everything is in order and if the building is ever torn down, the land will revert to the City. FOREST COOK, attorney for the applicant, was in the Council Chamber to answer any questions Council might have.

Since Councilmember Himmelblau was out of the Council Chamber until the afternoon session, Council decided to hold the vote on the Ordinance passage until the afternoon.

Motion

Councilmember Mullen moved that the Council close the public hearing. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Himmelblau

LATER IN THE DAY:

Motion to Reconsider

Councilmember Mullen moved that the Council reconsider the above motion. Mayor McClellan seconded the motion, and the Council agreed unanimously, Councilmember Goodman, absent.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF SAN JACINTO STREET AND EAST 10TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino 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 Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

CONTRACT APPROVED

The Council had before it for approval the following contract:

Bid Items:

- CAPITAL IMPROVEMENTS PROGRAM -
(only bid items 9 and 10)
Automobiles and Trucks, Vehicle and
Equipment Services for use by various
City departments
Total amount: \$1,190,472
C.I.P. amount: \$26,081.00
C.I.P. Nos. 73/90-02 and 81/90-02
- CENTEX DATSUN, INC.
1400 South Congress
Austin, Texas
 - Items 1-18ea., 9-4ea., 27-18ea.,
28-7ea., 29-7ea., 30-1ea., 31-3ea.,
and 32-2ea.
Total: \$331,800.00
- BILL HEIL CHRYSLER/PLYMOUTH
841 West 6th Street
Austin, Texas
 - Items 3-1ea., 4-58ea., 5-5ea.,
6-2ea., 7-2ea., 8-18ea., 10-1ea.,
and 11-4ea.
Total \$680,051.00
- MCMORRIS FORD
808 West 6th Street
Austin, Texas
 - Item 2-5 ea.
Total \$33,775.00
- LAMAR VW
1014 North Lamar
Austin, Texas
 - Item 13-4ea.
Total: \$29,184.00
- LEIF JOHNSON TRUCK CITY
502 East Ben White Boulevard
Austin, Texas
 - Items 22-1ea., 23-1ea., 26-1ea.,
34-4ea., 35-1ea., 36-3ea., 37-1ea.,
38-ea., and 42-2ea.
Total \$115,662.00

Councilmember Cooke questioned the contract because he wanted to find out more about the kind of automobiles that are being purchased. He wanted to know if the most economical type are planned for use by the City. He said that he was not comfortable with the purchase of intermediate cars and thought the City should purchase smaller and more economical cars.

CLIFFORD NIXON told Council that sub-compact cars are too small to carry the equipment needed for use and that this year's Chrysler LeBaron, which is one listed to purchase, is a compact car.

Council wanted more information so it was decided to recess for lunch²² and then continue discussion of the contract.

Recess

Council recessed its meeting at 12:05 p.m. and resumed its recessed meeting at 2:25 p.m.

Council then continued the contract discussion.

GLEN ASHBY, representing Leif Johnson Ford, answered questions about the pricing of cars being bid. He said it takes time for the City to make up its mind, and if you order the cars, you may not get the City bid and then are stuck with cars which they cannot sell. If you wait for the bid process, then when the bid is granted, the price of the car may be higher at purchase than it was at bid.

After more discussion with the Council; Albert DeLaRosa, Assistant City Attorney; and Mr. Solon Bennett, Director of Purchasing, the following motion was made:

Motion

Councilmember Cooke moved that the Council adopt a resolution approving the following contracts:

Bid Items:

- CAPITAL IMPROVEMENTS PROGRAM -
(only bid items 9 and 10)
Automobiles and Trucks, Vehicle
and Equipment Services for use by
various City departments
Total amount: \$1,190,472.00
C.I.P. amount: \$26,081.00
C.I.P. Nos. 73/90-02 and 81/90-02
- CENTEX DATSUN, INC. - \$312,396.00
1400 South Congress
Austin, Texas
- BILL HEIL CHRYSLER/PLYMOUTH - \$576,819.00
841 West 6th Street
Austin, Texas
- McMORRIS FORD - Item: 2-5 ea.
808 West 6th Street Total: \$33,775.00
Austin, Texas
- LAMAR VW - Item 13-4 ea.
1014 North Lamar Total: \$29,184.00
Austin, Texas

LEIF JOHNSON TRUCK CITY
502 East Ben White Boulevard
Austin, Texas

- Total: \$115,662.00

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LEIF JOHNSON FORD

- \$136,362.00

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

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

Noes: None

Absent: Councilmember Goodman

LICENSE AGREEMENT

Council had before it for consideration a request from MR. MANUEL TABOADA for the City of Austin to enter into a License Agreement for the use of public right-of-way for private parking, 1211 Baylor Street.

Councilmember Himmelblau stated, "I was afraid this would be a bad policy for us to use public right-of-way for public parking and will vote against it, but I wanted to give Dr. Benson a chance to express the Department views on it."

Dr. Benson told Council this would set a difficult precedent and he recommends against it.

MANUEL TABOADA, owner of the property, told Council that the parking which is approved by the City is not as good as what he needs. He has a variance from the Board of Adjustment and he can see no reason for the Urban Transportation Departments and Engineering Departments to deny his request. He showed slides to the Council of his proposal. Councilmember Himmelblau reminded him that Dr. Benson said the proposed parking change would create a hazard. Mr. German, Director of Public Works, told Council that in addition to being precedent setting, it would inhibit safety.

Councilmember Himmelblau suggested this be pulled off the Agenda for today and reconsidered on February 12, 1981.

OVERSIZE WATER MAINS

Councilmember Cooke moved that the Council approve the following Oversize Water Main:

BILL MILBURN, INC.

- For construction of a 16-inch water Main within Maple Run Section 3. Estimated cost participation by the City if annexed in one year will be \$40,880.00 based on a total cost of \$81,760.00

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen, 24
Mayor Pro Tem Trevino
Noes: None
Absent: Councilmember Goodman

Councilmember Cooke moved that the Council approve the following Oversize Water Main:

BILL MILBURN, INC.

- For construction of a 16-inch water main within Maple Run Section 4. Estimated cost participation by the City if annexed in one year will be \$21,120.00 based on a total cost of \$56,640.00

The motion, seconded by Mayor McClellan, carried by the following vote:

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

Prior to the votes, JOE RIDDELL appeared before Council and said, in his opinion, this is a piecemeal water line that does not fit into the scheme of development and would pollute the water.

BOND ELECTIONS

Councilmember Cooke moved that the Council adopt a resolution to schedule activities to develop, review and approve propositions for a General Obligation and Revenue Bond election. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Prior to the vote, JOE RIDDELL appeared and said the Capital Improvement Program has not been printed yet and the proposal is based on last year's priorities. He said the public should be given the chance to vote on line items.

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CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the 1980-85 Capital Improvements Program through approval of the December 15, 1980 Capital Improvements Program Bond Requirements Report and its related rearrangement of funding amounts and priorities. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1980-85 CAPITAL IMPROVEMENTS PROGRAM BY APPROPRIATING \$750,000 FROM THE 1980 REPROGRAM AVAILABLE FUNDS AND TRANSFERRING SUCH SUM TO THE ACCOUNT FOR COST DIFFERENCES-WATER; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance:

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

The Mayor announced that the ordinance had been finally passed.

Prio to the vote, JOE RIDDELL appeared before Council and asked them not to approve. He said there are several subdivisions on the Edwards Aquifer and he does not like to see the continual pumping in of funds.

Councilmember Himmelblau asked when the City will have new policies. Mr. Bulloch told her that hopefully in the next two to three weeks. Councilmember Himmelblau said, "This is something I've been asking for and feel very strongly

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that we will have some policies in place, but I think we need to have funding available." Mr. Bulloch said the Council has two options. There are subdivisions that are final platted which we do have a commitment to on payment. If Council feels uncomfortable with putting money into the account in preparation for what's going to happen right now through the subdivision process the Planning Commission is responsible for, that's their option. He said this can be discussed by Council at a later date. By policy, all 16" lines and over comes to Council. Twelve-inch lines are approved and recommended by the staff and reviewed by the Planning Commission so they are not seen by Council as they are seen routinely as part of the subdivision process. Councilmember Himmelblau said, "I think we have a commitment for those that are in the final stage, but I hope before we get much further along, and I hope while I am still in office, we have a change in water and sewer oversize policy."

WILLIAMSON CREEK WATERSHED
DEVELOPMENT STANDARDS ORDINANCE

Mayor McClellan opened the public hearing, scheduled for 3:00 p.m., to consider amendments to the Williamson Creek Watershed Development Standards Ordinance.

DAVID BODENMAN, Edwards Aquifer Task Force, spoke as follows: "Today you are considering Williamson Creek standard modifications as they relate to multi-family units. The draft which you have relates to the maximum impervious cover of 65% on multi-family units. As a task force we negotiated a long time on that and I feel it is consistent with what the Task Force would recommend. Therefore, we support that amendment. I appreciate Councilmember Mullen bringing that up. It sort of got lost in the shuffle.

"I'd also like to speak to maintenance monitoring and contractor's permit. I think it is clear that for maintenance we are suggesting a front end fee be used to maintain filtration facilities only that are in drainage easements or in the right-of-way along roadways and that the fees from the developers be used to maintain those facilities. We did not recommend that all drainage facilities be maintained by the City, rather, only the water quality facilities.

"We also did an analysis on what a reasonable cost for monitoring would be whereby the monitoring stations could be moved around the watershed to gather the information necessary to test whether or not the various methodology is effective. In both cases, if either of the fees were excessive or inadequate, then we would ask City staff to monitor those and report back to Council for any changes that could be recommended. Finally, on the contractor's permit, you will note that it is not a contractor's license, it is a permit. There is not a fee attached. We feel it can be very helpful for insuring compliance with the rather extensive requirements that are in the Williamson Creek Ordinance."

BILL SCUDDER, architect and planner, spoke to 65% impervious cover on multi-family. "If we were going to have an impervious cover number, I think that one is fair. If you build garden apartments, it really is hard to get over 65%. What I am opposed to is now bringing this up as a part of the Williamson Creek Ordinance. We all enjoy a marathon hearing on it. The hearing was about water quality and not about green space and not about density. We may need a hearing on those issues, but let's call it a hearing on those issues, and not a water quality hearing. I'm satisfied, and I think the Council is, that the

methodology of the ponding, the first flush technology, and most important, the protection of the critical water zones do protect the water quality in the Williamson Creek area. I don't think the 65% cover requirement adds anything to the water quality." He said he hopes they all work toward performance standards to protect the environment and the hill country beauty, etc. Mr. Scudder requested Council to not include the 65% impervious cover in the Williamson Creek Ordinance.

Councilmember Mullen said there was a lot of compromising and changing around on the ordinance and one of the trade-offs was 100% impervious cover of flat land for commercial property. It was not interpreted to mean multi-family housing and "that is where we are now, that you can completely cover flat land with multi-family housing and that is not good. So the ordinance needs to be modified."

JOHN NOLES appeared before Council and said the ordinance as written has strict restrictions concerning run-off. He said 65% impervious cover may be reasonable, but the rents of apartments will be governed by what Council does and felt certain areas should receive special consideration.

ED WENDLER, a member of the Task Force, discussed what they have done and felt it is a mistake to set a fee just on Williamson Creek.

JOE RIDDELL, Task Force member, feels the proposed \$100.00 per lot fee is minimal and is needed now. He feels subdivisions should not be allowed in Williamson Creek because no one knows what the ultimate outcome of pollution will be. He also is of the opinion that no contractor should be allowed a permit if he has one violation. Mr. Riddell concluded his remarks by stating he supports limits on impervious cover.

David Bodenman reappeared to say that impervious cover and control strategies go together.

Motion

Councilmember Mullen moved that the Council close the public hearing on consideration of amendments to the Williamson Creek Watershed Development Standards Ordinance and take action on the amendments February 12, 1981. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmember Cooke

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Himmelblau

WASTEWATER AND MUD ITEMS

Scheduled on the Agenda for action were the following:

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1. The allocation of Wastewater Service capacity in the Bull Creek Lateral A Wastewater line to the Northwest Travis County MUD (Municipal Utility District) No. 1 and the Springwoods MUD.
 2. The consent of the City of Austin to the annexation of land to the Springwoods Municipal Utility District.
 3. Consider establishing a wastewater approach main fee and a subsequent user fee for the Northwest Wastewater Service Area.

Mayor McClellan stated, "Our Planning Commission and Northwest Area Subcommittee, will come out with a study in two to three weeks. Tell me if you have any problems, but I think we should allocate the wastewater service 40% to Northwest MUD No. 1, 60% to Springwoods MUD for engineering purposes, and specify that none of that capacity should be allocated to specific subdivision parcel properties and the Council has acted to delineate that service area and approve the annexation of the land to Springwoods MUD so they can proceed with their financing and establish the wastewater approach main fee and subsequent user fee as developed in the resolution." Councilmember Mullen added, "I add the agreement that we talked about.....changing the contract on Springwoods from a five to ten year pay out to the life of the bonds."

MR. BERT HOOPER, attorney, stated, "What we seek is the allocation be resolved and the annexation issue be resolved and then we know the numbers from which we can work to do the necessary contracting. ...Until we know the size the line will be which the Council will set, then we do the engineering design and then we have the numbers. It's not possible to prepare the contract unless we know exactly what we are dealing with." Councilmember Mullen said he is concerned with the pay out on the bonds, and Mr. Hooper said they are agreeable to change the contract accordingly.

M. Albert DeLaRosa, Assistant City Attorney, said the question has been raised on what basis could the MUD refuse services to any persons requesting that service. "If capacity is available through the system, then the City cannot arbitrarily refuse to supply that service. ...It is my feeling the MUD would be under the same obligation because that rule is articulated in case law because of the fact a City is in no different situation than a private company for the supply of water." Mr. Hooper concurred.

Motion

Councilmember Mullen moved that the Council approve allocation of Wastewater Service capacity in the Bull Creek Lateral A Wastewater line to the Northwest Travis County MUD No. 1 and the Springwoods MUD in concept for engineering service only. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Motion

Councilmember Mullen moved that the Council adopt a resolution approving the annexation of land to the Springwoods Municipal Utility District by the City of Austin. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Motion

Councilmember Mullen moved that the Council adopt a resolution approving the establishment of a wastewater approach main fee and a subsequent user fee for the Northwest Wastewater Service Area. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

PUBLIC HEARING RESCHEDULED

Mayor Pro Tem Trevino moved that the Council reschedule the public hearing set for February 12, 1981, on the City Manager's Report on the Cable Television Franchise negotiations and the results of the Ascertainment Study, to March 12, 1981 at 7:00 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

ZONING ORDINANCES

No Action

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass an ordinance amending the Austin City Code of 1967 (Zoning Ordinance) to cover the following change:

T. C. SCOTT
FRANCIS
By Robert Francis
C14-80-117

1917 Cullen

From Interim "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area

The motion, seconded by Councilmember Mullen, did not pass by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Councilmember Cooke

Noes: Mayor Pro Tem Trevino

Abstain: Councilmember Himmelblau

Absent: Councilmember Goodman

The Mayor announced that no action was taken, and the ordinance will be brought back on the February 12, 1981 Agenda.

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: TRACT 1, PENICK SUBDIVISION, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: AN 8,860 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 3409 WILLOW SPRINGS ROAD AND 425 EAST WOODWARD STREET; 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.
(Dr. and Mrs. Herbert R. Nassour and Mrs. Hoda Nassour, C14-80-231)

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 Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

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

TEMPORARY VEHICLE IMPOUNDMENT FACILITIES

Councilmember Himmelblau introduced an item to Council to consider requesting a status report concerning the City's search for temporary vehicle impoundment facilities. She said she had asked the City Manager for this report on September 18, 1980 and had not yet received it. Deputy City Manager Thomas Muehlenbeck told her it is scheduled for a City Manager report next week.

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PROPOSED ELECTRIC RATES
FOR ELDERLY AND NEEDY

Mayor McClellan asked for a discussion of a proposal to:

1. Delete declining block rates from the rate structure; and
2. Provide direct assistance to elderly and needy person for water, wastewater and electric bills.

Mayor McClellan stated, "I would like Council's concurrence on getting detailed information on this proposal. Before I felt I could request that much of staff's time, I wanted your concurrence to do so."

Mr. Hancock, Director of Electric Utility, reported on declining block rates from the rate structure, as follows:

"Any changes should be accepted and ready for implementation by May 1, 1981. This date is achievable. Detailed information relating to the exact impact on the rate payer and detail rate design can be completed and provided to the Council on February 12, 1981.

"Austin City Council and Electric Utility Commission action and policy adoption in conjunction with the 1978 rate changes eliminated all but the one declining block in each of 11 classification rate structures and set the policy for long term elimination of declining blocks.

"The Austin City Council and Electric Utility Commission rate action in 1980 continued that policy and reduced the difference between the rate blocks to one-half of the 1978 difference anticipating the ultimate elimination of the declining blocks at the next rate action.

"This proposed action will conclude that policy direction.

"Under the proposed change, all rate classifications retain their previous cost of service basis, recover the same revenue by class, and retain their original rate of return.

"Electric rates for the 11 customer classifications that will be effected by the proposed rate revision are composed of the following elements:

1. Customer charge
2. Energy charge
3. Capacity charge
4. Fuel charge

The proposed change applied only to the summer portion of the capacity charge for the six month period May-October.

"The proposed change will reduce charges for the first block in the capacity charge, and increase charges in the last block, resulting in a constant charge for the capacity charge element of the billing, thus eliminating the older declining block concept.

"In general terms, this change will reduce cost very slightly for the smaller consumer in each classification and increases cost very slightly for the larger consumers in each classification. The balance point will occur somewhere around 1,000 and 1,500 KWH per summer month for the residential consumer; the exact point depending on the finalized rate design. 32

"The proposed schedule for rate design Council and Commission consideration, public hearing, final adoption and implementation is tabulated below:

TASK	ELAPSED TIME	DATES
Rate Design and Test	2 weeks	Feb 2 - Feb 12
Presentation to Council	1 day	Feb 12
Review by Electric Utility Commission	2 weeks	Feb 16 - Mar 2
Council Public Hearing	1 day	Week of Mar 2
Council Adoption	1 day	Mar 12
Utility Customer Service and Date of Processing Testing	4 weeks	Mar 12 - Apr 9
Billing Implementation	N/A	First billings after May 1 and thereafter

"If it is the Council's desire to proceed, the rate design and testing could be completed and presented to the Council on February 12, 1981. Subsequently, the proposed rate revision could be referred by the Council to the Electric Utility Commission for review and recommendation. Following the review by the Electric Utility Commission, a Council public hearing on the proposed rate revision could be scheduled, followed by Council action, billing system changes, and final testing with implementation anticipated for the May billing period.

Councilmember Cooke wanted to know, if there is reconsideration to restore an all-electric class, would this impact the study. Mr. Hancock said no.

Sheila Matthews, Director, Utility Customer Service Office, discussed the Proposed Utility Assistance Plan, which she had provided to Councilmembers. Mayor McClellan asked how long it will take to figure out details. Ms. Matthews said it will take about four weeks. Councilmember Himmelblau asked if the plan will speak to the number of kilowatts used, or if the plan is just on an income basis. Ms. Matthews said the methods outlined speak to three different forms. One a flat amount per month on a one-time basis. Under an on-going program a flat percentage of the bill each month. Also addressed is a fixed assistance amount which would be individually determined on customer essential needs. Mayor McClellan told Council a lot more detail is needed and asked Council to join her in asking for information from staff. Councilmember Himmelblau pointed out we have minimum water and wastewater bill and she does not want water and wastewater in this package. She said she feels uncomfortable in putting the elderly in a position to ask for assistance. That's why she went with 14A in the summer hearings.

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Motion

Councilmember Mullen moved that the Council approve asking the City Manager to ask staff for information only on (a) Deletion of declining block rates from the rate structure; and (b) Provision of direct assistance to elderly and needy persons for water, wastewater and electric bills; with the understanding this is not an endorsement of proposals. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Abstain: Councilmember Himmelblau

Absent: Councilmember Goodman

ZONING ROLLBACK

Councilmember Mullen moved that the Council initiate a zoning rollback on property located at 5517-5603 Montview. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Goodman

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on February 26, 1981:

SHERRARD J. HUBBARD, SR. By Ben B. King C14-81-001	4701-B (Rear) Burnet Road	From "A" Residence 1st Height and Area and "C" Commercial, 2nd Height and Area To "O" Office 1st Height and Area
GEORGE L. BRISTOL and VALARIE BRISTOL C14-81-002	813 West 11th	From "B" Residence 1st Height and Area To "O" Office 1st Height and Area
WILLIAM C. PETRI and CHARLES H. PETRI, JR. By Gerald Griesbach C14-81-003	700-718 Airport Boulevard	From "A" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area

RICHARD L. MATZ
By John Meinrath
C14-81-004

3410-3414 Woodleigh
201-203 Braeswood

From "O" Office
1st Height and Area
To "DL" Light Industrial
1st Height and Area

ELZIE R. POLVADO
C14-81-005

3808 South First Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

WILSON FOREMAN
C14-81-006

3416-3418 Duval Road

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

CITY OF AUSTIN
By Bill Richardson
C14-81-007

1014 West Lynn

From "C" Commercial
1st Height and Area
To "GR" General Retail
1st Height and Area

MINOR ESTY WILSON
and GEORGE HUME
COFER, JR.
C14-81-008

622 Wood Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area

THE SOUTHLAND
CORPORATION
By David Look
C14-81-009

2320 South Lamar (Rear)

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

LEON HOWARD, CHARLES
HOWARD, JAMES K.
EICHLEBERGER, JR.
and LEE BLOCKER
By James Eichle-
berger, Jr.
C14-81-012

7115 Burnet Road

From "GR" General Retail
6th Height and Area
To "C-2" Commercial
1st Height and Area

DWIGHT DAVID and
CYNTHIA SLOAN and
HUDSON PROPERTIES
By Robert S. Norris
C14-81-013

6603 Circle S Road
200-306 East William
Cannon Drive

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
2nd Height and Area

J. LEROY and SALLY
BUSH
By Larry A. Sands
C14-81-014

1502 Hether

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

CORNERSTONE DEVELOP-
MENT CORP.
By Don Walden
C14r-81-015

6907 Capital of Texas
Highway North

From "AA" Residence
1st Height and Area
To "O" Office
2nd Height and Area

ANNE COFRIN BAL-
DESCHWILER
By Steven Fleckman
C14-81-016

601-603 West 8th Street
704-706 Nueces

From "O-H" Office-Historic
2nd Height and Area
To "GR-H" General Retail-
Historic, 2nd Height and
Area

CAROL ANN AULT
By
Don P. Groody
C14-81-017

2706 South First Street

From "A" Residence
1st Height and Area
To "O-1" Office
1st Height and Area

BEE CAVE WOODS
DEVELOPMENT
COMPANY
By Thomas Watts,
Jack Dempsey and
Ralph Harris
C14r-81-019

1800-1907 Doris Ann
Boulevard
1936, 1938, 1939 Holly
Hill Drive

From Interim "AA" Residence
1st Height and Area
To "BB" Residence, "O"
Office, and "LR" Local
Retail, 1st Height and Area

CITY OF AUSTIN
PLANNING DEPART-
MENT
C14-81-020

Loop 360 and FM 2222

From Interim "AA" Residence
1st Height and Area
To "AA" Residence
1st Height and Area

CITY OF AUSTIN
PLANNING DEPART-
MENT
C14-81-021

Loop 360 and Lakewood
Drive

From Interim "AA" and Interim
"A" Residence, 1st Height
and Area
To "AA" Residence
1st Height and Area

JEANNE S. ATKIN-
SON, ET AL
By William Carson
C14r-80-226

7531 North Capital of
Texas Highway (temporary)

From Interim "AA" Residence
1st Height and Area
To "O-1" Office
1st Height and Area

ADJOURNMENT

Council adjourned its meeting at 4:20 p.m.

APPROVED:

Cecile Keeton McCluskey
Mayor

ATTEST:

Grace Monroe
City Clerk