



## Austin City Council MINUTES

For APRIL 1, 1982 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

### City Council

Carole Keeton McClellan  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

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

Nicholas M. Meiszer  
City Manager

Grace Monroe  
City Clerk

### Memorandum To:

Mayor McClellan called to order the Meeting of the Council scheduled for 1:00 p.m., noting the absence of Mayor Pro Tem Trevino, Councilmember Mullen and Councilmember Goodman who entered at 1:10 p.m., 1:12 p.m. and 2:10 p.m. respectively.

#### INVOCATION

The Invocation was given by Father James D. Kenna, St. Elias Eastern Orthodox Church.

#### APPROVAL OF MINUTES POSTPONED

Approval of Minutes for regular meetings of March 3, 4, 11, 18 1982 and Special Meetings of February 18 and March 2, 1982 was postponed.

#### VISITORS INTRODUCED

Mayor McClellan recognized the presence of students from Langford Elementary School who were present in the Council Chamber.

#### CONSENT RESOLUTIONS

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Goodman absent)

#### Capital Improvements Program

Approved acquisition of the following tract of land for the Shoal Creek Boulevard Flood Control Project. C.I.P. No. 82/60-05: All of Lot 2, Block H, Edgewood, Section 3, 6602 Shoal Creek Boulevard. (Owen A. Reischman)

April 1, 1982

Release of Easements

Authorized release of the following easements:

- a. A portion of a 20.0' Public Utility Easement recorded in Volume 3779, Page 1941 of the Travis County Deed Records and a portion of a Public Utility Easement dedicated in Laguna Loma Subdivision Lots 10 & 18, 709 Laguna Loma Cove and 3903 Laguna Vista Cove. (Requested by Carlson, Dippel and Marx Surveying Company)
- b. A 10.0' Street Light Easement on Lots 5 & 6 and a 10.0' overhead Electric Easement on Lots 9, 10, 11 & 12 of Northeast Commercial Business Park Section 2. (Requested by Ralph Harris Surveyor, Inc. )

Contracts Approved

Approved the following contracts:

- a. Bid award:
  - Standard Water & Wastewater Utility Materials, Water & Wastewater Department.  
Three (3) month Supply Agreement  
Estimated total \$11,500.00
  - (1) AUSTIN PIPE & SUPPLY  
300 Medina  
Austin, Texas
  - (2) BIG STATE UTILITY SUPPLY  
9324 Circle Drive  
Austin, Texas
  - (3) ROHAN COMPANY  
508-D East St. Elmo Road  
Austin, Texas
  - (4) TRANS TEX SUPPLY COMPANY  
4618 East 7th Street  
Austin, Texas
- b. JOSEPH G. POLLARD COMPANY, INC.  
New Hyde Park  
Long Island, New York
  - Drilling and tapping machines,  
Water and Wastewater Utility  
Department  
Items 1 - 8 \$5,145.00
- c. MOTOROLA COMMUNICATIONS & ELECTRONICS, INC.  
1140 Cyress Station  
Houston, Texas
  - Radio Communications and  
Telemetry Parts, Vehicle and  
Equipment Services Department  
Twelve (12) month Supply Agreement  
Item 1 - \$25,000.00

## CONTRACTS - (Continued)

- |  |  |
|--|--|
| d. ODETTE COMPANY<br>509 North Ann<br>Rockport, Texas                    | - Fabrication and installation of covers for Decker #1 Turbine, Electric Utility Department<br>Four (4) month Contract<br>Total cost \$12,666.00   |
| e. B & B LAND CLEARING COMPANY, INC.<br>1212 Old Hwy 71<br>Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -<br>Installation of underground electric distribution facilities for Davenport Ranch Phase I, Section I, Electric Utility Department - \$87,585.00 C.I.P. No. 81/15-01 |

Temporary Street Closing

Approved temporarily closing West 4th Street from Colorado Street to Lavaca Street on April 25, 1982 from 11:00 a.m. to 11:00 p.m., as requested by Mr. Michel Jaroschy, representing Capitol City Playhouse.

Mortgage Loans

Granted the consent of the City to the Capital Area Housing Finance Corporation to make or acquire mortgage loans for homes located within that portion of the City of Austin that lies within Williamson County.

CETA

Approved entering into contracts for the CETA Title IV C Summer Youth Employment Program contingent upon availability and receipt of funds from the U.S. Department of Labor and grant officer approval of items (b) and (c):

- (a) SER-JOBS for Progress, Inc. in the amount of \$832,287 for the period April 1, 1982 through September 30, 1982 to provide approximately 525 CETA eligible in-school youth with work experience and labor market information services (second year contract extension).
- (b) Huston-Tillotson College-Upward Bound in the amount of \$3,075 to supplement Department of Education funds for serving approximately 75 CETA eligible youth with remedial education services for the period April 1, 1982 through September 30, 1982. (sole-source contract)
- (c) Modify current Texas Employment Commission Allowance Payment Contract by increasing the total contract amount an additional \$60,300 to pay allowances for approximately 75 Upward Bound participants (Item (b)) for the period May 1, 1982 through August 31, 1982. (sole-source contract)

## CETA - (Continued)

- (d) Modify the current Williamson Burnet County Opportunities, Inc. Contract by increasing the total contract amount an additional \$350,636 for the period October 1, 1981 through September 30, 1982 to serve approximately 200 CETA eligible youth with comprehensive SYEP activities.

Items Postponed

Consideration of the following resolutions was postponed until April 8, 1982 at 5:15 p.m.:

Consider position and proposed FY '83 Federal Budget regarding energy.

Consider position on proposed FY '83 Federal Budget regarding environment protection.

(Both of these introduced by Councilmember Deuser)

Public Hearing Set

Set a public hearing on Policy Statement for Multi-Family Housing Program for April 15, 1982 at 6:30 p.m.

Parking Meter Zones

Amended the Austin City Code to add the following parking meter zones:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
60 minute	Rio Grande	1000 Block	East & West

CONSENT ORDINANCES

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Goodman absent)

School Reduced Speed Zone

Amended the Austin City Code to establish a School Reduced Speed Zone on the following:

SECTION 11-2-99

Addition: Subsection (d) - 20 mph, 7-9 a.m. and 2-4 p.m. school days

## SPEED ZONE - (Continued)

<u>ON</u>	<u>FROM</u>	<u>TO</u>
South 1st Street	290 feet north of north curb of Blue Valley Drive	200 feet south of south curb of Mario Street

Zoning Ordinance Corrections

Amended the following Zoning Ordinances to correct errors relating to legal description and use designation:

- a. Ordinance No. 820106-P - Case No. C14-81-039
- b. Ordinance No. 820210-I - Case No. C14-81-117

CDBG Ordinance

Passed through SECOND AND THIRD READINGS amendments to proposed CDBG Ordinance.

Election Precinct Boundaries

Established boundaries of the City of Austin Election Precincts.

## RESOURCE RECOVERY PROJECT

Mayor McClellan told Council the State Department of Health wants a model report on waste and the evaluation of Austin for resource recovery beyond the scope of this study. She asked Council's approval to direct the City Manager to coordinate all departments concerned to study the feasibility of a specific resource recovery project--converting waste to energy in the City of Austin (addressing waste, market and site); further direct that we work closely with the State Health Department's Resource Recovery Advisory Council for favorable legislation during the next legislative session and explore possibility of any available grants for a specific City of Austin project. Council agreed and directed the City Manager to so direct staff.

## ZILKER HILLSIDE THEATER &amp; CULTURAL ARTS POSITION

Mayor McClellan introduced to Council for discussion and possible Council action on Arts Commission's recommendation related to Bed Tax funding for Zilker Hillside Theater and Cultural Arts position. She said the Arts Commission is recommending the hiring of a senior clerk in the Parks and Recreation Department and repairs to the Zilker Hillside Theater. The floor is not safe and there is no dressing room. She said the senior clerk salary for the remainder of the year will be \$8,210 and renovations to Zilker Theater will be \$24,568.

Mr. Lesch, Parks and Recreation Department, explained the funding to

## ZILKER THEATER - (Continued)

Council. Mayor Pro Tem Trevino asked if any repairs are needed at Pan American and suggested that they be notified that they are eligible.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved the following use from Bed Tax Funds: Zilker Hillside Theater, \$27,518 and Cultural Arts clerk position, \$8,210. (6-0 Vote, Councilmember Goodman absent)

## INKS LANDING SUBDIVISION

Mr. Lillie, Director of Planning, presented the City Manager report on an ordinance appeal concerning the Inks Landing Subdivision. He told Council, "Land outside the City limits and within five miles from the City limits is the City's extraterritorial jurisdiction and within that area all land that is developed with subdivisions must pass through the Planning Commission for review, comment and action. Inks Landing Subdivision is a one lot subdivision that is on Lake Austin and the proposal was to serve it with a evapotranspiration system. The City/County Health Office enforces the City's septic tank ordinance and made a report on that proposal. Mr. Fred Rogers is here to discuss that report with you and the reason why they are recommending that the variance not be granted on the City's septic tank ordinance."

Mr. Rogers explained, "This was a one lot subdivision of just a little over a half acre. By the current regulation in force we cannot approve an evapotranspiration system on a piece of property less than one acre. This particular subdivision does not meet the criteria. Also the usable land for the lot development of an individual sewage disposal system has a drainage way through it into Lake Austin, which again causes the set back requirements, how close you can get to water, how close you can get to the property line. It reduces the amount of set back they have on the property, also. At this time under the ordinance it would not be possible to approve an individual sewage disposal system either the septic tank, drain fill design or the evapotranspiration drain fill design."

Caroline Howard, property owner, appeared before Council to state she has owned the lot for 20 years, her engineer has designed the evapotranspiration system and she wants to build on the lot.

Discussion was held until later in the meeting when her engineer, Mr. Charles D. Primeaux, P.E., appeared before Council. When Mr. Primeaux appeared he told Council that the system proposed is aerobic treatment and it will not pollute anything. It will be built uphill from the house and the homeowner will be the first one to be polluted. Everything is in accordance with design criteria, except the area is not one acre.

Councilmember Duncan asked how this ET system will be superior to other ET systems that were allowed to get by the provision for ET systems. He said they are superior to septic tanks and that is why they are allowed in the area next to the lake. Mr. Primeaux told him, "The system is designed in accordance with the criteria and the area of the lot should not affect the evaporation from a fixed bed.

## INKS LANDING - (Continued)

.....If the system failed the bed is concrete lined, the material can be removed from the bed, there are two beds so one can be taken out of service and the other bed being repaired can be totally repaired."

Councilmember Duncan said he does not agree that the second cell system is failure proof and there has been a 43% failure of ET systems. Mr. Primeaux and Councilmember Duncan then discussed construction of ET systems.

Mr. Lillie referred to his memo on this item and read the last paragraph: "If the variances are denied, (this is a variance to the health standards, Septic Tank Ordinance) the owner could then return to the Planning Commission and ask for a variance to the Subdivision Ordinance which has the lot minimum on it and if it is not practical for the owner to add on to that lot that it would result in confiscation, that the owner has the burden of proof to submit that information to the Commission and the Commission has the authority under the Subdivision Ordinance to grant a variance."

Councilmember Mullen said, "I don't think there is any way we can be fair and say if you own a half acre for 20 years and we pass an ordinance you no longer have a half acre, you just pay taxes.

Mrs. Howard said there is no property around her that she can add to her present property.

Motion

Councilmember Mullen made a motion, seconded by Councilmember Deuser to grant a variance under the Subdivision Ordinance.

Councilmember Deuser said the granting of this would open up Council to all sorts of requests.

Motion Withdrawn

Councilmember Mullen withdrew his                      and Councilmember Deuser withdrew his second.

Motion - DIED FOR LACK OF SECOND

Councilmember Mullen made a motion to deny and send to the Planning Commission. There was no second to the motion.

Councilmember Mullen then suggested the Council vote next week on a variance to one acre. Mayor McClellan asked the City Manager to include an item on next week's agenda for consideration an amendment to the septic tank ordinance to allow either an evapotranspiration or experimental system on a lot of less than one acre, so Mrs. Howard's problem can be solved.

## PROPOSED PARKLAND ACQUISITION

The City Manager Report on proposed parkland acquisition was given by Mr. Meiszer. The parkland under consideration is 215 acres which are a portion of a 432.38 acre tract of land out of the Phillip H. Cammons Survey #46, The Elkanah Brush Survey #403 and The B.B. Milan Survey #664, in Travis County, Texas, and being a portion of that certain tract of land conveyed to Robert B. Baldwin, by Deed Recorded in

Volume 1215, Page 313, Deed Records, Travis County, Texas, and also being a portion of Lots Fifty-four through Fifty-seven (54, 55, 56 and 57) and Lot Forty-four (44), and all of Lots Fifty-eight (58) and Fifty-nine of the Bruton Springs Subdivision as recorded in Volume 2, Page 238, Plat Records, Travis County, Texas.

Mr. Meiszer told Council he had distributed to them the information they had requested concerning the appraisal and the other information.

Mr. Morahan, Director, Property Management, reported as follows: "Last week you asked us to review five questions and report back. They had to do with the Law Department, Property Management, Parks and Recreation Department getting together to discuss concerns you have about the contract. It involved getting an independent real estate opinion which we have gotten. The bottom line is \$3,100,000.00 current value for 215 acres. It involved a review and comment by Mr. Ehrler on the other two Baldwin properties that were offered late last week. It involved a review of some of the access and road conditions by Mr. Benson and it involved a question of whether or not Mr. Bradley & Mr. Wooley would accept an option or contingency type provision which the Law Department will speak to. What we have done in this report is to summarize the key terms of the contract. Those are that Mr. Bradley & Mr. Wooley have a contract to acquire 315 acres from Robert Baldwin of Houston for \$1,030,000 down payment. The balance of \$2,060,000 to be paid in eight quarterly payments at prime interest rate for each quarter and additional cost obligation requirements as described in the contract. Mr. Bradley & Mr. Wooley propose to convey to the City of Austin 215 acres out of the 315 acres for the total cost of this purchase of 315 acre tract. The cost to the City for its 215 acres is unknown and it is without limitation. This means we can't get a handle on what the total cost will be. There are quite a number of costs involved that will pass through to the City and it's without limitation. We have calculated what we think will be a lot of the applicable costs and we believe the total cost could approach \$6,000,000 if we didn't purchase until the end of the two year period that we have provided for. Mr. Bradley & Mr. Wooley are, and thus the City of Austin, acquiring only the surface estate. Mr. Baldwin retains all the mineral rights and he retains the right to designate a five acre drilling site in the middle of the property. ....The contract contains restrictions based on the fact the 315 acre tract would be developed as a first class residential subdivision. Mr. Baldwin reserved to himself, two adjoining tracts and has imposed the requirement that Mr. Bradley & Mr. Wooley extend utilities to his tract and also that his tracts share in other benefits that would be created by the subdivision to be developed. If we did not subdivide it that creates a gray area and I am not sure what it would involve. Mr. Lillie has informed me that the sale by Mr. Baldwin of only part of his property and the retention of the rest of it and the sale of part of the Bradley-Wooley property to the City actually creates an illegal subdivision of at least four separate sites which would bring some subdivision regulations. I am not sure what the total cost of those subdivisions would be or what they would involve, however, it would appear that it would be a total



## PARKLAND - (Continued)

pass through to the City on the cost. Mr. Baldwin retains a five year paid up lease that includes the main house, the log cabin area and the marina area. It covers about nine acres of land for the exclusive use of Mr. Baldwin for that five year period. The cost pass through to the City on that lease includes the full five years of the cost of utilities, maintaining the improvements in first class condition, any taxes, insurance, repairs or replacements and the cost of two employees which include their salary, transportation, taxes, housing repairs and maintenance, utilities, telephone, medical allowance and salary increase. ....They are presently under employ of the Baldwin's but we would pick up continuing their employment."

Mr. Albert DeLaRosa, City Attorney, said Bradley-Wooley have agreed to limit these costs and have placed a cap of \$175,000.00. This would be in the contract.

Councilmembers then asked questions and discussed the tract.

Mr. Ed Wendler Sr. appeared before Council and reiterated the fact the cap on the cost to the City for the benefits for Mr. Baldwin will be \$175,000 for all accumulated pass through things for five years.

Mr. Leonard Ehrler, Director of Parks and Recreation, told Council, "You have a comparative statement from the Department. After meeting with Mrs. Baldwin and Robert Baldwin III and inspecting their property and then doing an analysis on the tracts as compared one to the other. You have that in front of you and you also have the relations of those one to the other on a map. I don't know that I could add anything to that. I think simply that the original tract offered to the City by Mr. Bradley & Wooley is much more attractive and much more developed and is more readily available for use than the other two and they pretty well follow that same line. The priorities are listed in the second page in that the Bradley-Wooley tract and the Dorothy Baldwin tract and the Robert Baldwin III tract fall in that order. There would have to be some improvements to the two tracts adjacent to the Bradley-Wooley tract but there would have to be an extensive road constructed into the area because they are linear and you would have to come off of Bee Cave Road to get into the areas that are adjacent to the lake." Mayor McClellan said that was fine, she just wanted him to read that into the record. The Mayor commented the area is all ready to use as parkland.

Steve Pierre, president, Panorama Ranch Homeowners Association, appeared before Council to state they are not opposed to the park but are concerned that their privacy and safety be protected. He said Common Ford Road Drive is dangerous and the lake is really the river which is too cold for swimming. He asked if the City can afford to maintain the area as a park and whether it will be a first class, safe park. Mr. Pierre said if Council buys the land they would like a voice in the development process and have deed restricted to park use, curfew rules, boat traffic control, natural areas preserved, authorized personnel, limit use of alcohol, limit retail sales and update the Commons Ford Road.

Wayne Williams, Seabar Property Owners Association, said he represents 2500 people who live in the area. They do not oppose but want a well planned and well maintained park.

## PARKLAND - (Continued)

Milan Johnson, Panorama Ranch Homeowners Association, said the City's normal practice is to require letters of credit to cover expenses. City pays interest rate based on tax exempt entity and it should be paid this way. Councilmember Goodman asked how the contract could be restructured to include. Johathon Davis, Assistant City Attorney, said it can be written that way. Discussion followed.

Sam Graham, representing Paul Holcum, said there are many unresolved issues. He particularly questioned the amenities to be used only by the Baldwins.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Urdy, stating that it is the intent of the Council to purchase the property and adopted a resolution authorizing an Earnest Money Contract with Gary Bradley & John C. Wooley, Trustees, for the purchase of 215 acres of parkland.

Friendly Amendment

Councilmember Duncan offered a friendly amendment to direct the City Manager to direct the Parks and Recreation Board, the Urban Transportation Commission, Planning Commission, Environmental Board and the Water and Wastewater Commission to provide the Panorama Ranch Association and other residents of this area opportunity to participate in the formulation of the policy and guidelines for the development of a park in this area; and further, that such boards and commissions give specific attention to the following concerns, times of operation of the park, boating and swimming safety on Lake Austin, the condition of Commons Ford Road and need for increase in size, traffic control, police, fire and medical protection and adequate park personnel.

Councilmember Goodman accepted the friendly amendment with the "clear understanding that there is no binding commitment on the part of the City to follow any recommendations from Panorama Ranch Association."

Mr. Pierre asked about the deed restriction to use as a park which the Panorama Homeowner's Association requested. Councilmember Goodman said, "I think that is the City's intention". Mayor McClellan stated, "I would say that would be an absolute, of course, with the understanding that you have got the restriction on the 5 acres...a potential restriction on the 5 acres." Councilmember Duncan said he would have no problem adding that.

Councilmember Deuser stated he would like to have "clarification from the maker of the motion that the intention is to commit the City of Austin to purchase the piece of property for parkland that has not been the subject of C.I.P. review, has not been put before the voters in any fashion and commit the City to within the next two years, whether we have bond authorization or not, to spend anywhere from the value of a little over 3 million dollars to at least, probably the best estimate, around 4½ million dollars over the next two years, without any voter authorization at all. Is that correct?" Councilmember Goodman told him, "We are trying to make some long term planning here. The voters will ultimately make the choice on final acquisition."

## PARKLAND - (Continued)

Mr. Davis, Assistant City Attorney, stated, "The proposal before you will bind the City to purchasing the property within two years, as it is presented. When the agreement is executed, the City is faced with coming up with 2 million, 3 million or 4 million dollars, whatever it turns out to be."

Councilmember Mullen suggested there is another alternative and that is that "we get another purchaser if the bonds aren't okayed, and sell the property to another purchaser. I think the property is worth the value. I think we can get the value out. I think we can turn right around and sell it to developers for a profit or at least break even on it and not have this liability." Councilmember Goodman said he agrees and continued by saying, "This is why I have a problem with Mr. Pierre's recommendation that we deed restrict it for a park, and I was going to respond to him that that is absolutely our intention; however, I think it would be unwise for the City to deed restrict it at this point for a park, because of various factors that you just introduced. So in response to your question, Larry, if the voters don't approve it and we have to end up selling it, well, perhaps you can tell the voters you got a 3 or 4 or 5 million dollar profit from land speculation."

Councilmember Urdy thought they should look at some of the other parcels along there. Councilmember Goodman said he and the Mayor both think the land adjacent should be looked at if they are truly going to incorporate some long term planning into their processes.

Friendly Amendment

Mayor McClellan offered a friendly amendment to tell staff to continue to evaluate and look at adjacent property to the Bradley-Wooley tract. Councilmember Goodman accepted the friendly amendment.

Councilmember Deuser asked, "What was the money supposed to come from? I understand we only have two sources of money, and one is borrowing and then paying back out of our general fund the debt, borrowing general obligation funds to pay for this, or the other is from our general fund, and the principle thing there of course is property taxes." Mayor referenced him to Mr. Scheps, Director of Finance, memorandum that Council received last week. Councilmember Mullen said, "I think the voters will either approve it or we will end up selling it back to somebody to develop and I think so that ultimately they will approve it, and we are making a hard decision to try and preserve it so they can make that decision." Councilmember Deuser said, "Maybe we will see if they will be happy if the taxes go up in order to pay for this decision. Whether or not they give approval to the bonds that authorize that tax increase. That's my concern. ...." Discussion followed.

Mayor McClellan said, "I just want to make one quick comment. I just think the real risk we run is we are not willing to take the steps today, is to have no public access, no public use of some beautiful lake property and unless you are part of the affluent few, you are not going to be able to enjoy the amenities that make Austin, Texas very special and I think we need to do some planning for the future before cost is prohibitive and repaying like we are to add acreage to our landlocked Zilker."

## PARKLAND - (Continued)

Councilmember Mullen asked, "The motion does include \$175,000 cap and all the things we discussed." Councilmember Goodman affirmed the fact.

Roll Call on Motion

(To approve purchase of property, adopt a resolution authorizing Earnest Money Contract; allow residents of the area to participate in the formulation of policy and guidelines for development of a park; continue to evaluate and look at adjacent property to the Bradley-Wooley Tract and include a \$175,000 cap on amenities to be provided for five years to the Baldwin's.)

6-1 Vote, Councilmember Deuser voted No.

ZONING ORDINANCE

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, passed through SECOND AND THIRD READINGS of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change: (6-1 Vote, Councilmember Deuser voted No.)

STEVE C. GRINNELL  
By Jerry L. Harris  
C14-81-218

1607 West Avenue

From "A" 1st H&A to  
"O-1" 1st H&A  
GRANTED AS RECOMMENDED

HOSPITAL AFFILIATION AGREEMENT

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, adopted a resolution to approve an affiliation agreement between Brackenridge Hospital and Methodist Hospital of Houston, Texas. (Recommended by Hospital Board) (7-0 Vote)

Mr. Bob Spurck, Director, Brackenridge Hospital, appeared before Council, prior to the vote and stated: "This is a unique opportunity for Brackenridge Hospital to join hands with one of the premiere hospitals in the country. Experts say by 1990 anywhere between 85% and 90% of all hospitals in the country will be part of a system. In our own health care community Seton Hospital and Holy Cross are already members of the Daughters of Charity System. Shoal Creek Hospital and the soon to open South Austin Hospital are members of the Hospital Corporation of America, an investor owned chain. St. David's is a private, not for profit facility. Methodist Hospital is a 1214 bed facility in the Texas Medical Center in Houston. Their affiliated programs encompass 9 other facilities at this point and another 1250 beds. The obvious benefits of the affiliation are many. I think the most important for Brackenridge is the ability to bulk purchase on approximately 3,000 beds versus the 356 we now enjoy at our facility. It will bring costs down not only for Brackenridge but also the system, or at least maintain costs at a current level. We will be able to share staff, share ideas, share techniques, share productivity information to determine if we are getting the most for our dollar. By the same token, Methodist

## AGREEMENT - (Continued)

Hospital will have access to the five departments at Brackenridge which at this time are considered state of the art. This affiliation by no shape or form will change the integrity of Brackenridge Hospital as a City owned and operated facility and it brings many things to our organization, especially in the areas of encouraging our long range plan which the City Council approved back in November of 1980 which hopefully encourages Brackenridge to have its own multi-institutional system with. Brackenridge is the hub and the ten county area is tied into it."

Mayor McClellan stated, "Mr. Spurck, I certainly concur with your conclusion that Methodist Hospital is a premium hospital. I had an inquiry to my office just today and I wanted to ask these questions for the record because a citizen was asking me for the record. I wonder if you could speak to...this has nothing to do with the present agreement which has been worked out which I think is excellent, but the questions directed to my office were the fact that Brackenridge authority has an affiliation with the University of Texas through Herman Hospital and why havn't we talked to Herman when we already are affiliated with Herman. Also, two years that Brack was dropped by Galveston Obstetrics and picked up by Herman, why now go outside this affiliation."

Mr. Spurck told her, "Those are two different arguments. That deals with the medical education program, the University of Texas at Houston, Herman program, provides obstetrical and gynecological services for indigent patients and private no preference in the emergency department. Herman Hospital does indeed have an affiliated arrangement. It is our opinion and the Hospital Board's opinion that our interests are better dealt with in the Methodist Program."

Mayor McClellan asked, "Was there any inquiry with Herman Hospital as far as any further affiliation?" Mr. Spurck answered, "No, Ma'am, we have talked casually with the Memorial system in Houston, but it was our feeling that the Methodist Hospital arrangement brought more advantages to our facility." Mayor McClellan stated, "And the medical education program will continue." Mr. Spurck answered, "Yes, ma'am..... I might add one other thing, at this point this is a no cost arrangement for the City. We have arranged to work on an in-kind program for time trade."

## PARADE PERMIT

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request for a Parade Permit from Deloise Vasquez Labrado, from 10:00 a.m. to 11:30 a.m., Saturday, April 24, 1982, beginning from Sanchez Elementary School parking lot northbound on San Marcos Street, eastbound on 1st Street, right on Anthony Street to Fiesta Gardens. (6-0 Vote, Councilmember Goodman was out of the room.)

## ZILKER PARK POSSE BENEFIT

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request of Ms. Connie Moore, president, Zilker Park Posse, for permission to use Auditorium Shores from 10:00 a.m. to 11:00 p.m., Sunday, June 6, 1982, also permission to sell beer, wine, food and T shirts for Zilker Park Posse benefit. (6-0 Vote, Councilmember Goodman out of the room.)

## SATURDAYFEST

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request of Mr. John W. Penaska, Campaign Coordinator, United Cerebral Palsy of Texas, to sell beer at Waterloo Park as part of fund raising event called Saturdayfest on April 17, 1982. (6-0 Vote, Councilmember Goodman was out of the room)

## AUSTIN FRIENDS OF TRADITIONAL MUSIC FESTIVAL

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, approved the request of Mr. Kirk Hunter, to sell beer, refreshments and mementoes at Waterloo Park on May 8 & 9, 1982, during Austin Friends of Traditional Music Festival. (6-0 Vote, Councilmember Goodman out of the room)

## CITIZEN DISCUSSED NORTH CENTRAL M.U.D.

Mr. Palmer Wright appeared before Council to ask them to reconsider their vote on the North Central M.U.D. contracts.

## FILL FOR LAKE AUSTIN INLET

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved the request of Mr. Jeff W. Autrey for approval of permit to deposit fill in the inlet on Lake Austin and to construct concrete block retaining wall at 2219-21 Westlake Drive (Louie's-on-the-Lake Restaurant. (5-1 Vote, Councilmember Deuser voted No, Councilmember Mullen was out of the room.)

Prior to the vote, Mr. Autrey said this is a request after the fact. He wanted to remove trash and debris in the area and build a wall. The Building Inspection Department had red tagged the project.

Mr. Charles B. Graves had also requested to speak concerning the same issue but did not do so when the request was approved.

## ALTERNATIVE TO NPC MUD DISCUSSED

Ms. Edith Buss appeared before Council to discuss alternatives to NPC MUD. (A transcript of her remarks are on file in the City Clerk's Office.)

## BARTON SPRINGS DISCUSSED

Ms. Dorothy Richter appeared before Council to discuss Barton Springs.

Ms. Anne C. McAfee appeared before Council to discuss MoPac's impact on Barton Springs.

## BARTON SPRINGS - (Continued)

Mr. Frank Harren appeared before Council to discuss MoPac and Barton Springs.

Ms. Melinda Longtain appeared before Council to discuss MoPac and Barton Springs.

## RECESS

Council recessed its meeting at 5:55 p.m. and resumed its recessed meeting at 6:28 p.m.

## ITEM POSTPONED

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, approved postponing consideration of granting the consent of the City to the creation of the North Central Austin Growth Corridor Municipal Utility District No. 1 and authorizing agreements with the District until April 7, 1982 at 2:00 p.m. and instruct the City Manager to notify the financial advisor to be present. (No vote was taken.)

## SOUTHERN UNION GAS COMPANY REQUEST FOR RATE INCREASE

Mayor McClellan opened the public hearing, scheduled for 5:00 p.m. on Southern Union Gas Company's request for a rate increase. Mr. Robert M. Laczko, District Vice President, Southern Union Gas Company, serving the Central Texas Area, appeared before Council. He told Council their net income is not high enough to cover their debt. The rate of return on previous increases has never been achieved because it takes so long to be in effect. Mr. Laczko showed graphs of expenses and maps of where the increase in feeder lines is needed. He said the total rate increase will be about \$2.00 per customer.

Guymon Phillips, Assistant City Manager, recommended the retaining of a consultant to work with Don Butler.

Edith Buss expressed concern because of the affect of a raise in rates to those on a fixed income. She asked if a lifeline consideration can be set up. Councilmember Deuser told her the consultant will be asked to consider it.

Frank Horsfal told Council to not grant an increase unless they deserve it.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing and requested Don Butler to recommend a consultant. (7-0 Vote)

## PUBLIC HEARING - SPECIAL PERMIT APPEAL

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on an appeal from Mr. Alvin J. Golden of the Planning Commission's decision on a Special Permit for construction of duplex units. (Case No. C14p-81-069)

Mr. Lillie reviewed the case for Council and said 48 units are planned, 12 one bedroom; 32 two bedroom; and 4 three bedroom. He said 22 units will be reserved for the elderly and handicapped. Mr. Lillie told Council an approach main will be required. The Planning Commission voted to deny the zoning request by a 5-3 vote because a government entity will disturb the census tract.

Mr. Alvin Golden, representing Urban Housing Construction, told Council the proposal is for a turn key job for the Housing Authority. He showed a map indicating where the Housing Authority projects are and showed a picture of what the proposed duplex units will look like. All traffic, he said, will be on Coronado Drive. Mr. Golden pointed out that tenants usually stay 4-5 years longer than most do in rental units.

Bill Petri, Chairman, Austin Housing Authority, told Council that they are committed to furnish adequate housing for low income families.

Dorothy Turner, Black Citizen's Task Force, said that the building and occupancy of the duplexes will not knock out the ethnic balance.

Malcolm Greenstein discussed CDBG funds.

Mayor McClellan asked about the number of children who will be living in the units. John Henneberger said the present waiting list of families requiring housing have 10 high school age, 27 junior high age and 17 elementary age for a total of 54 children on the waiting list.

Velma Roberts spoke in favor of what she said is badly needed housing.

Jim Piper, attorney, Black Citizen's Task Force, told Council that housing is sorely needed and a high percentage is planned for the elderly.

Larry Jackson, Black Voter's Housing, endorses the plan.

Mr. Weeks, attorney for Coronado Hills residents, said the areas across the street were rejected because it was the wrong census tract. He said the neighborhood has done a lot for social services and even campaigned to have a halfway house. Mr. Weeks said the neighborhood has done its share and asked Council to turn down the request.

John Clemmons, resident, said he is not against housing for the poor but the neighborhood is being choked with social services.

Carol Martin talked about the amount of traffic in their area already and said the intersection of 290 and Cameron Road is one of the most dangerous in the City.



## APPEAL - (Continued)

Mr. Flemmings discussed the number of social service dwellings already in the area.

Mel Craven, co-chairman, Reagan High School P.T.A., expressed opposition because three public projects in one area is too much.

Sharon Webb, Andrews P.T.A., said they are presently integrated and have made it work. She said they are a model neighborhood and cannot absorb any more.

Dorothy Conway, resident of Coronado Hills, said it is not fair to make this a racial issue. Her concern is about the quality of life for the children and the amount of traffic more development will bring to the neighborhood.

A woman who lives in Coronado Hills, said HUD had told her there would be 100 children living in the duplexes and that the Austin Police Department told her if the units were built in their area they would have the highest crime rate in Austin.

Bill Bulloch, representing Nash Phillis Copus, said when they first heard about the proposed development they were told it would be for elderly and would back up to the NPC houses built in the 1970's. Later they saw there would be a problem.

Jim Bowman, representing Cameron Park Neighborhood, said the neighborhood is fragile and objects to the encroachment by subsidized housing. He asked Council to not grant a Special Permit over the objection of the neighborhood.

Kenneth Tooley said the St. John's Neighborhood Association is with them in opposing the project. He is concerned with the maintenance of the property.

Councilmember Urdy discussed the waiting list. Bill Banks said that a waiting list is kept for six months and after that time the people must recertify. He also discussed other figures and regulations of the waiting list.

Al Golden returned to discuss the special designed homes for elderly and the handicapped.

Ray Speas, Coronado Hills Association, said he is not frightened by social housing as he grew up in Chicago. He wonders what the area will look like in two years.

Wanda Hatchburg discussed her disabled son.

A resident of the neighborhood wondered why HUD cannot find another location.

LaTeresa Hadly talked in favor of the project.

Greg Monroe who lives in University Hills, said they have had their share and are overburdened now with housing projects.

## APPEAL - (Continued)

Phyllis Hebner, resident of Coronado Hills, discussed the proposed housing for the handicapped.

Al Golden returned for the summation. He said they have been through all the City machinery and HUD has the right to reject the site.

Mr. Miles said the Austin Housing authority will own the units and will maintain them.

Councilmember Goodman questioned the utilities for the project. Mr. Golden told him the water and wastewater approach main will be considered on April 7, 1982. There was some discussion with Leda Roselle, chairman of Water and Wastewater, and other members of the Council.

Councilmember Mullen said that Council should either say yes or no to the project tonight. Councilmember Urdy stated that Housing projects are maintained. He said the zoning is there, site selection is good, and the 48 units have been pledged. Councilmember Deuser discussed the various points and said it would be difficult for him to find a reason to turn down the Special Permit.

Mayor McClellan commented on the many well meaning people in the Council Chamber. She said she appreciates what is being done in northeast Austin and applauds their integration. The Mayor told the residents of Coronado Hills the City will work with them on special issues of traffic and crime. There is a critical need for housing and the City needs the units. Councilmember Goodman said he concurs.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, closed the public hearing on an appeal from Mr. Alvin J. Golden of the Planning Commission's decision on a Special Permit for construction of duplex units (Case No. C14p-81-069) and approved the Special Permit tied to a site plan, for this application only, and not approved for anything else. (7-0 Vote)

## HEIGHT LIMITATIONS

Council had before them several items concerning height limitation:

1. Consider providing direction to staff concerning interpretation of Section 13-2-130(a) (1), Code of the City of Austin, 1981.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, referred to the Planning Commission interpretation of Section 13-2-130(a) (1), Code of the City of Austin, 1981 for processing and public hearing, and then send their recommendations back to Council. (7-0 Vote)

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## HEIGHT LIMITATIONS - (Continued)

2. Consider formulation of proposal regarding building height limitations for referral to Planning Commission for consideration and report;

and

3. Consider an ordinance establishing a temporary moratorium prohibiting the issuance of permits for buildings exceeding 200 feet in height.

Councilmember Goodman discussed grandfathering those already in the pipeline. Councilmember Deuser discussed Zoning Ordinance amendments. He said he would like for this to move along rapidly.

Councilmember Duncan said he does not know how to have the moratorium. Mr. Jim Nias, Assistant City Attorney, told him there would be a moratorium on building inspection. Councilmember Goodman said that is what should be done, put a lid on building permits. Councilmember Duncan agreed.

Mr. Frank Herron said that height limitation has nothing to do with the views of the Capitol and he is not sure the 200' limitation is good. He said the Planning Commission should articulate its reasons for recommending it.

Warren Beaman said the height of the building has nothing to do with the view of the Capitol. The place it matters is along the Congress Avenue corridor. At one time, the Planning Commission recommended set backs for tall buildings in the central business district. He said downtown should be given a voice in the future.

Councilmember Goodman said the Council is trying to do the things which are wanted and in an orderly fashion. He said he wants a grandfather clause and an adjustment before a real problem is created.

Misy Maueler, Save the Capitol, said they are not "no-growthers", they want to save the view of the Capitol. She said there should be more study.

### Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance establishing a temporary moratorium prohibiting the issuance of permits for buildings exceeding 200 feet in height for 60 days beginning April 1, 1982 and include a grandfather clause. (6-1 Vote, Mayor McClellan voted No.)

## ZONING HEARING

Mayor McClellan opened the Zoning Hearing, scheduled for 7:00 p.m. on the following. Council heard, granted and instructed the City Attorney to draw the necessary ordinances:

C14r-82 J.R. BEHRINGER  
015 By Morris Olguin

11855 U.S. 183

From "GR" 1st H&A  
To "C" 1st H&A  
NOT RECOMMENDED

GRANTED "C" ON FOOTPRINT OF BUILDING ONLY AND  
SUBJECT TO ALL CONDITIONS AGREED TO BY APPLICANT;  
IF NEW ORDINANCE CONTAINS PAWN SHOP IN "GR" THEN  
ROLL BACK TO "GR".

Mr. Lillie reviewed the application by use of slides. There is an invalid petition on file.

Mr. Ed Wendler Sr., representing the applicant, said his client wants to open a pawn shop because there is a market for such a business in the area. The applicant is willing to have the footprint of the building only changed to "C" zoning and has agreed to deed restrict to prohibit use by special permit of "C" with a roll back to "GR" if use for any other purpose. The remaining land will be rolled back to "LR". There will be one curb cut for two lots with a 25' strip of "A" zoning already there which will not be disturbed. A 6' privacy fence will be in the back. The planned landscaping exceeds the proposed Landscape Ordinance, and they will reach an agreement with the neighborhood regarding signs.

Janet Roset said the pawn shop is not the question but the "C" zoning is. She said there is no other "C" in the area except Cliff Peck.

Jerry Roset reiterated the above.

Coyle Viewer said 97% of the signers on the petition oppose the zoning change. He said many hours have been spent working out the 183 Plan and "GR" is a compromise and they do not want "C".

Shirley Eszell said she objects to the pawn shop because it contains electronic games and she has two boys who she does not want to catch Pac Man fever.

Councilmember Mullen said he has a problem with the request for a zoning change. He said it is not in keeping with the 183 study.

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, closed the public hearing, granted "C" on footprint of building only; zoning subject to all conditions agreed to by applicant. (4-3 Vote, Councilmembers Deuser, Duncan and Mullen voted No.)

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, approved the roll back to "LR" from "GR" on East 140' of Lot 2, J.D. Barrington Subdivision. (7-0 Vote)

## ZONING - (Continued)

Motion to Reconsider

Councilmember Goodman made a motion to reconsider, Council agreed unanimously.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, granted "C" on footprint of building only and subject to all conditions agreed to by applicant, with a friendly amendment by Councilmember Mullen there will be a roll back to "GR" if new zoning ordinance contains pawn shop in "GR". (4-2-1 Vote, Councilmember Mullen abstained, Councilmembers Deuser and Duncan voted No.)

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, closed the public hearing. (7-0 Vote)

## ENERGY MANAGEMENT PLAN

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, adopted a resolution approving the following contract: (5-2 Vote, Mayor McClellan and Councilmember Mullen voted No.)

ENERGY ENGINEERING ASSOCIATES, INC.  
3405 North IH 35  
Austin, Texas

- Implementation of the  
Comprehensive Community  
Energy Management Program's  
Energy Management Plan, Office  
of Energy Conservation and  
Renewable Resources - \$49,600.00

Prior to the vote, Councilmember Duncan stated Council should move as expeditiously as possible.

Councilmember Mullen had offered a substitute motion to award the contract to Planergy, Inc. SUBSTITUTE MOTION FAILED FOR LACK OF SECOND.

## PROPERTY INSURANCE COVERAGE

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, adopted a resolution to approve the following contract:

Bid Award:

- Property Insurance Coverage for  
City Property.  
Thirty-six (36) month contract -  
\$311,328.00

## INSURANCE COVERAGE - (Continued)

- (1) HARTFORD CASUALTY INSURANCE CO. - \$77,832.00/year  
c/o Neiman, Hanks Puryear  
910 Lavaca  
Austin, Texas 78701
- (2) AETNA INSURANCE COMPANY - \$77,832.00/year  
c/o Kinser & Shackelford  
707 West Avenue  
Austin, Texas
- (3) FIREMAN' FUND INSURANCE COMPANY - \$77,832.00/year  
c/o Glenn Garner & Associates  
P.O. Box 1772  
Austin, Texas
- (4) INSURANCE COMPANY OF NORTH AMERICA - \$77,832.00/year  
c/o McCall, Hibler & Allen, Inc.  
P.O. Box 1665  
Austin, Texas

## COUNTY REPRESENTATIVES ON M.T.A.

Mayor McClellan and Mayor Pro Tem Trevino introduced a discussion on possible action on number of County representatives on M.T.A. The County had requested they appoint four.

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, voted to hold at 3 the number of County representatives on M.T.A. (7-0 Vote)

## LANDSCAPING REQUIREMENTS

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, passed through SECOND READING ONLY, an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to provide for new landscaping requirements. (5-2 Vote, Mayor McClellan and Councilmember Mullen voted No.) Several amendments included as follows:

Councilmember Duncan, in making the motion, stated, "Move approval of the revised Planning Commission version that was passed last week with the additions that were made by the staff regarding 90-day implementation, CIP process and so forth, with the following changes; That tree description be amended to Councilmen Deuser's proposal of 8-inch trees or 6-inch and 15 foot trees to be included. Certification of plan to be allowed by either an architect or a landscape architect. Minimum requirements for street yard shall be 20%. For other land it shall be as in Councilman Deuser's proposal..a 10-15-20 gradation. 10% for the rest of this year. 15% for next year and 20% starting January 1, 1984. That under special credits, the only special

## LANDSCAPING - (Continued)

credit to be allowed is the dripline credit. All other credits eliminated. The alternative compliance section shall be as in Councilmember Deuser's proposal. And finally, the section dealing with the relationship of a hose outlet to trees be 200 feet, instead of 100 feet."

Councilmember Deuser asked, "Do we have in there the spotting of trees 15 inches in diameter throughout the tract?" Councilmember Duncan told him that should be in the original Planning Commission version that was passed last week."

Mayor McClellan said she still prefers the last time substitute motion which was for the Apartment Association version.

Councilmember Duncan said he would like the ordinance passed on second reading only so that all the new ordinances and amendments can be put into one draft form and Council can look at it and pass it on final reading next week. By passing the ordinance on second reading today, if anything has been left out or anything else that Council has all agreed upon, Councilmember Duncan said they will have a chance to correct it next week.

## STS ADVISORY COMMITTEE

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, adopted a resolution appointing Peg Nozick, a Special Transit Services (STS) User to serve on the STS Advisory Committee. (7-0 Vote) Mayor McClellan noted this is a substitute for Martha Arbuckle who has a conflict and cannot serve.

## OPERATING BUDGET AMENDMENT

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Operating Budget by appropriating \$34,182 for the Building Inspection Department to implement the proposed Landscape Ordinance. (6-1 Vote, Mayor McClellan voted No.)

## FEE ESTABLISHED

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed an ordinance establishing a fee of \$0.05 per square foot of required landscaping to provide for review of plans and inspection of installation. (6-1 Vote, Mayor McClellan voted No)

## ITEM TO BE BROUGHT BACK

The following ordinance will be brought back for consideration on April 8, 1982 at 1:15 p.m.: Consider amending Ordinance No. 700723-H (Charitable Solicitation Ordinance) to require public disclosure by solicitors of certain information.

## PUBLIC HEARINGS SET

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, set a public hearing on April 22, 1982 at 5:15 p.m. to amend Chapter 13-2 of the City Code (Zoning Ordinance) to create a Lake Austin Shoreland zoning classification. (7-0 Vote)

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, set a public hearing on April 22, 1982 at 5:15 p.m. to amend Section 13-2-23(d) of the Austin City Code pertaining to the interim zoning classification of land annexed along the shoreline of Lake Austin.

## NO ACTION TAKEN

Council took no action on following: Consider adopting subdivision (Chapter 13-3) and site development (Chapter 9-10) ordinances for the Lake Austin Shoreland Zone. Councilmember Deuser made a motion for approval but there was no second.

and

Consider establishing a subsequent user fee for Water and Wastewater customers connecting to certain portions of the North Lamar Water Approach Main and the Big Walnut Creek Wastewater Interceptor. (This will be on the April 8, 1982 Agenda.)

## ADJOURNMENT

Council adjourned its meeting at 12:30 a.m., April 2, 1982.