



Austin City Council MINUTES

For JULY 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, Councilmember Deuser, Councilmember Urdy who arrived at 1:05, 1:08, 1:10 and 1:14 respectively; and Councilmember Goodman who was absent for the day.

INVOCATION

The Invocation was given by Reverend Bill Sparks, South Austin Baptist Church.

CONSENT RESOLUTIONS

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Goodman absent)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tracts of land for the Webberville Road Street and Drainage Improvements Project:

- a. 0.3059 acres of the J.C. Tannehill League No. 29.
(Richard White, owner)
- b. Two tracts of land containing 6,580 square feet and 1,045 square feet of the J.C. Tannehill League No. 29.
(Theodore R. Moore, owner)

Release of Easements

Authorized release of the following easements:

- a. A portion of a temporary drainage easement recorded in Volume 799, Page 354 of the Williamson County Deed Records, Research and Spicewood Springs Road. (Requested by Jerry Hart, Engineers, Inc.)
- b. A portion of a temporary storm water detention and drainage easement recorded in Volume 799, Page 347, of the Williamson County Deed Records, Research and Spicewood Springs Road. (Requested by Jerry Hart Engineers, Inc.)
- c. A portion of a detention and drainage easement recorded in Volume 799 Page 342 of the Williamson County Deed Records, Research and Spicewood Springs Road. (Requested by Jerry Hart Engineers, Inc.)
- d. A .78 acre and 1.46 acres out of the William Bell Survey #244 from an electric and telephone easement recorded in Volume 613, Page 190 of the Travis County Deed Records, 11162 Old Jollyville Road. (Requested by the Electric Department)
- e. Lot 2, J.V. Walden Addition from an electric and telephone easement recorded in Vol. 589, Page 483 of the Travis County Deed Records, 8104 MoPac. (Requested by McGinnis, Lockridge & Kilgore)

License Agreement

Authorized issuance of a License Agreement to allow the encroachment of sign into the right-of-way adjoining Lot 1, Steck Office Park, Steck Avenue & Raintree Place. (Requested by Jones & Norris)

Sale of Surplus Land

Approved bids for the sale of two parcels of surplus real property.

Mr. Albert DeLaRosa, City Attorney, stated: "I would like the record to reflect that those two parcels will be sold to the highest bidder which is:

Margaret Englebrecht

Frances Stephanian

Karl H. Moeller, Trustee"

July 1, 1982

Capital Improvements Program (Property Purchase)

Approved purchase of 3.48 acres of land for the West Bouldin Creek Greenbelt. C.I.P. No. 81/86-02: Lots 1 through 10, Lots 27 through 52, Block 13; and Lot 1 and an excess strip of land 11' x 125' which lies north of and adjacent to Lot 1, and Lots 2 through 12, Block 12, South Heights, a subdivision out of the Isaac Decker League, Austin, Travis County, Texas, according to the map or plat of record in Volume 1, Page 121, Plat Records, Travis County, Texas.

Authorized the acquisition of 8.444 acres for the Barton Creek Greenbelt. C.I.P. No. 75/86-13.

8.444 acres out of the Charles H. Riddle Survey, Travis County, Texas, being more particularly described by field notes.

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Paving & Drainage Improvements
to Eberhart and Cooper Lane,
Phase I; Public Works Department
\$245,109.16. C.I.P. No. 78/62-31 |
| b. DICTAPHONE CORPORATION
7600 West Tidwell, Suite 200
Houston, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
20-Channel Voice Communication
Recording System, Urban
Transportation Department -
\$16,083.00 C.I.P. No. 81/90-03 |
| c. DALMARK, INC.
4415 Brandt Lane
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
City of Austin share for installation
of Underground Electric, Telephone
and Cable TV Distribution Facilities
for Milwood Section Nine, Electric
Utility Department - \$22,581.00
C.I.P. No. 82/15-01 |
| d. MICROBUS CORPORATION
16804 Gridley Place
Cerritos, California | - CAPITAL IMPROVEMENTS PROGRAM -
Municipal Buses and Support
Vehicles, Vehicle and Equipment
Services Department
Item 1, 3 ea. - \$126,129.00
C.I.P. No. 81/90-02 |
| e. MCGRAW-EDISON COMPANY
Power System Division
2821 Randal Mill Road
Arlington, Texas | - Transformer Load Tap Changer
Repair Parts, Electric Utility
Department
Item 1 - 1 Lot - \$8,054.00 |

CONTRACTS APPROVED - (Continued)

- f. SULLAIR SOUTH TEXAS
11106 Osgood Road
San Antonio, Texas
- g. SOUTHWESTERN PIPE
6307 Toledo Street
Houston, Texas
- h. MCKESSON CHEMICAL COMPANY
4351 Director Drive
San Antonio, Texas
- i. DATASCOPE CORPORATION
580 Winters Avenue
Paramus, New Jersey
- j. FORMCRAFT, INC.
4211 Southwest Freeway #104
Houston, Texas
- k. FORMCRAFT, INC.
4211 Southwest Freeway #104
Houston, Texas
- l. Bid award:
- (1) CALDWELL ELECTRIC
201 South Industrial Drive
Waco, Texas
- (2) CAPITOL BOLT & SUPPLY, INC.
East 3rd & Neches
Austin, Texas
- (3) GENERAL ELECTRIC SUPPLY COMPANY
7521 North Lamar Boulevard
Austin, Texas
- Air Compressors, Electric
Utility Department
Items 1 & 2 - \$10,437.00
- Traffic Sign Posts, Urban
Transportation Department
Twelve (12) Month Supply Agreement
Items 1 thru 4 - \$24,222.00
- Hydrogen Peroxide for Walnut
Creek Lift Station, Water and
Wastewater Department
Twelve (12) Month Supply Agreement
Item 1 - Estimated total \$9,850.00
- Six (6) Portable Battery Operated
Defibrillator/Cardioscope
Recorders, Emergency Medical
Services Department - \$31,620.00
- Printing of Statement of
Account, Brackenridge Hospital
Item 1 - \$12,509.00
- Printing of Hospital Patient
Bill for Brackenridge Hospital
Item 1 - \$13,468.00
- Electric Standard Building
Maintenance Material for
various City departments
Six (6) Month Supply Agreement
To be awarded by Multiple
progressive award procedure from
low to high bidder - Estimated
total \$35,000.00
- Items 207-209
- Items 39, 40, 47, 49
- Items 1, 3-14, 25-37, 41-46, 48,
50, 52-53, 56-61, 63-109, 112-132,
134-137, 139-142, 144-151, 153-169,
172, 173, 175-192, 196-206, 210-268

CONTRACTS APPROVED - (Continued)

- (4) GRAYBAR ELECTRIC COMPANY - Items 2, 15, 38, 51, 55, 62, 110,
7434 North Lamar Boulevard 111, 133, 138, 143, 152, 170, 171,
Austin, Texas 193-195, 269-276

Traffic Signals at Loop 1

Approved entering into an agreement with the State Department of Highways and Public Transportation to permit the City to assume operation and maintenance of traffic signals at Loop 1 Frontage Road and Far West Boulevard.

Temporary Street Closing

Approved temporary closing of Riverside Drive from South Lamar to South First Street on Sunday, July 4, 1982, from 3:00 p.m. to 12:00 p.m., as requested by Mr. Leonard Ehrler Jr., Director of Parks and Recreation Department for the Annual 4th of July Symphony Concert and Fireworks Display.

Technical Studies Grant

Authorized submission of an application to the Urban Mass Transportation Administration for Technical Studies Grant, TX-09-0188, in the amount of \$82,600.00.

CDBG Funds

Authorized \$28,000.00 of CDBG funds for two Standard Rehabilitation Loans and authorized staff to enter in the appropriate contract as follows: Margot Rutt, \$14,000; and Janie Rivera, \$14,000.

Public Hearing - Norman School Park Property

Set a public hearing for August 5, 1982 at 2:30 p.m. in connection with the proposed use of Norman School Park Property for street easement purposes.

Item Pulled from Agenda

The following item was pulled from the agenda because it was acted upon June 17: Consider setting a hearing in connection with an appeal by Cornerstone Development Corporation of a denial for a site development permit. (Hearing was set for July 8, 1982 at 6:00 p.m.) (There were two appeals filed on the same site development permit.)

July 1, 1982

Wastewater System Improvements

Approved entering into a modified version of the contracts to construct the Montopolis Lift Station and Govalle Inverted Siphon Improvements to the wastewater system.

Release of Acreage

Approved release of 80.48 acres of land from the Austin ETJ to Round Rock. Mayor McClellan noted for the record that this is contingent upon their owing Austin the same amount of land.

Public Utility Easement

Approved dedication of a tract of land as a Public Utility Easement on City-owned property at Steck Avenue and MoPac.

Public Hearing Set

Set a public hearing on Southern Union Gas Company's application for a rate increase for July 8, 1982 at 6:30 p.m.

Approval of Contract

Approved the following contracts:

Bid Award:

Tires & Tubes, Vehicle and Equipment
Services Department
Twelve Month Supply Agreement
Total - \$205,600.00

- a. B. F. Goodrich
116 Congress Avenue
Austin, Texas
Bid Items: 1 thru 29 less 5; 35, 36, 38 thru 49, 58, 85, 91, 107 thru 113,
115 thru 117, 124, 125, 129, 137, 142 thru 146, 155, 161, 188,
193 thru 195, 197
Estimated Total Amount: \$93,594
Net 30, F.O.B., Destination, Freight Prepaid
Delivery: One day
- b. Walker Tire Company
7107 N. Lamar Blvd.
Austin, Texas
Bid Items: 5, 86, 92 thru 94, 98, 118 thru 121, 123; 126, 128, 130 thru
135, 141, 147, 149, 176, 178 thru 184 186, 187, 190, 191, 198 thru 200
and 202 thru 206
Estimated Total Amount: \$27,121
Net 30, F.O.B., Destination, Freight Prepaid
Delivery: One day

APPROVAL OF CONTRACTS- (Continued)

- c. Youngblood General Tire
 506 N. Lamar Blvd.
 Austin, Texas
 Bid Items: 30 thru 33, 52 thru 54, 56 thru 80 less 58, 90, 95, 99 thru 106;
 148, 150 thru 152, 156, 158, 159, 163 thru 169, 173 174
 Estimated Total Amount: \$84,885
 Net 30, F.O.B., Destination, Freight
 Prepaid Delivery: One day

Public Hearing Set

Set a public hearing for August 5, 1982 at 2:45 p.m. on the route selection for the Treemont Wastewater Approach Main through Zilker Park

Appliance Efficiency Program

Approved adoption of additional components of the Electric Utility Department's Appliance Efficiency Program as recommended by the Electric Utility Commission.

Solar - Qualifying solar units must have laboratory testing results on file at Electric Department; qualifying units must have at least a one year warranty provided by the contractor; payments will be made for glazed collector systems only and will be made according to the following schedule:

<u>Collector Size</u>	<u>Payment</u>
Up to 15 square feet	\$50
16-35 square feet	\$90
36 square feet and above	\$125 (maximum allowable payment per installation)

Heat Pumps and Heat Recovery - Payments will be made according to the following schedules:

Heat Pump Water Heater	\$45/unit
Heat Recovery Water Heater	\$50/unit

ZONING HEARING

Mayor McClellan announced the applicant for the zoning case scheduled for 1:15 had requested to withdraw.

Motion

The Council, on Councilmember Deuser's motion, Mayor McClellan's second granted withdrawal of the following zoning case: (6-0 Vote, Councilmember Goodman absent) C14-82-056 Albert Vanderlee, by Melvin E. Dorley, 6014 & 6016 Fairway, From A 1st H&A to BB 2nd H&A. NOT RECOMMENDED GRANTED WITHDRAWAL

CONSENT ORDINANCES

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

Operating Budget Amendment

Approved amending the 1981-82 Operating Budget by:

- a. Accepting and appropriating \$74,534.00 of Community Services Block Grant for Community Action Division.
- b. Transferring \$16,141.00 from the 7th year CDBG funded Housing Counseling Project to the 7th year CDBG funded Housing Improvement Project which will increase the number of units receiving emergency home repairs.

Corrections to Ordinance

Approved amending Ordinance No. 820415-K, Zoning Case No. C14r-81-180 to correct the Use and Height and Area designations and legal description.

Cable Television Franchise

Passed through FIRST READING of an ordinance amending Cable Television Franchise to reflect changes in the channel lineup and the wording used by the cable company on its monthly statement.

Zoning Ordinances

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

WAYNE LAYMON
By Tom Crider
C14-80-152

11844 Research Boulevard
& 11907 Bell Avenue

From Interim "AA" 1st H&A
to "GR" & "O" 1st H&A

RICHARD D. HARDIN,
TRUSTEE
By W.M. Faust
C14r-82-016

8710 MoPac Boulevard

From "GR" 1st H&A to
"O-1" 2nd H&A

PASSED ON EMERGENCY BASIS

THE PARK AT LAKEWOOD 7100-7231 Lakewood Drive
CONDOMINIUMS
By Jim Spence
C814-74-013.01

From "PUD" Commercial
to "PUD" 55 unit
condominium

July 1, 1982

Limited Annexation - Shepherd's Mountain

Passed through THIRD AND FINAL reading of an ordinance on limited purpose annexation of 332 acres of land out of the James Jett Survey No. 1, excluding the Jones/Dwyer Tract. (Shepherd's Mountain Area)

Robertson Hill

Approved amendment to the 1981-82 Operating Budget as follows: (Stated by Councilmember Urdy)

Transfer funds from the Robertson Hill Contingency Fund to the Robertson Hill Fund/Phase I -

\$100,000 Meter Relocation
15,000 Easement Acquisition
\$115,000 Utility Relocation

and

Postpone for consideration funds for parking facility construction until after the proposed Urban Design Study and Market Survey for this area in order to guarantee consistency.

ATOC RECOMMENDATION

Councilmember Deuser introduced to Council a discussion and possible action on ATOC recommendation on C.I.P. Bond Election. He said there are two specific items to be considered for action from the ATOC recommendation. "I basically wanted to make sure we have the format and language of the bond package that would be both clear and un-ambiguous and I particularly wanted to make sure we didn't inadvertently lump projects together which are not legal and able to be lumped together due to the fact that they would not be described in the questionnaire. My other recommendation was to look at setting up a committee to look at the ballot design, the selection and grouping of the items and in particular that there be some time spent deciding that prior actual setting. I prefer we look at forming such committees in about a week or so when we narrow down the type of question that will be on the bond election." Mayor McClellan stated that a commission for wording the ballot does not need to be created, she said that is what the Council is for.

LOUIE'S ON THE LAKE

Councilmember Deuser introduced discussion to Council concerning consideration of permit to add filling into Lake Austin granted to Louie's on the Lake Restaurant including possible action on rescission of permit.

Mayor McClellan pointed out that the City Attorney has stated "we cannot rescind because they already have their permit." Councilmember Deuser said no action will be taken. City Manager Meiszer told Council that there will probably be

LOUIE'S - (Continued)

more of these requests which should not be handled through Citizen's Communications but should be put through the process, beginning with the Parks Board. Council gave their approval to the process.

HEIGHT LIMITATIONS

Ms. Debbie Darden, member of Texans to Save the Capitol View, presented a slide show depicting height limitations of downtown buildings. They favor scaling the buildings so a clear view of the Capitol may be seen.

PITCH & PUTT GOLF COURSE LEASE

Mr. Meiszer, City Manager, introduced a report on Pitch and Putt Golf Course Lease. Mr. Joe Morahan, Director of Building Inspection, discussed the present lease which is based on revenue. He said sale of the land or a long term lease could generate substantial revenue depending on how it is done. Two factors presently exist. (1) Because of the lack of water and wastewater service, the land could not be utilized for any other purpose at this time. (2) The Public Event Facility Department would like any conversion of the land delayed until a decision is made on the location of the facility. Mr. Morahan stated he will be happy to develop a new lease with Mr. Kinser, or, he will put this through the sales process.

Councilmember Duncan recommended a long term lease be prepared. Councilmember Mullen asked for more information concerning the value, etc. Mayor Pro Tem Trevino agreed. Councilmember Mullen said he would prefer to wait until after October 1, 1982 to decide. Councilmember Deuser said Mr. Kinser would like a calendar year lease.

MONTHLY FINANCIAL REPORT FOR MAY, 1982

Mr. Jorge Carrasco, Assistant City Manager, presented the Monthly Financial Report for May, 1982. Mr. Carrasco said the first part of the report concerns the savings plan update which was instituted by the City Manager on June 2 to restore the General Fund Ending Balance. The second part of the report will be a presentation by the Finance Director on the financial activities of the City the first 8 months.

Mr. Carrasco discussed the savings plan by saying, "With the help of all City Departments within the General Fund the City has identified savings in departments totalling \$3.6-million. These savings, if achieved, will enable the General Fund ending balance to end the year in excess of \$6-million. It essentially breaks up into two components....savings realized by expenditure totally \$2.4 million and the remainder from additional revenue that totals \$1.2-million. Of the total expenditure savings, approximately 21%, or \$775,000.00 would be forthcoming from personnel savings and vacancy savings that have been identified by City departments. On June 29 we distributed a report to Council that discussed the savings measures that had been identified as well as the impact at this time.

REPORT - (Continued)

We've done that for the major departments affected by the savings plan. ... We are grateful to all the City departments for their help with identifying these savings and are looking forward to making this target during the remainder of the fiscal year."

Mr. Phil Scheps, Finance Director, said only a couple of things have changed since the last report. One is the General Government CIP has been pretty distorted because yesterday the \$23,000,000 G.O. bonds were delivered. "These balances (referring to the report) look bad in here but they have now been pumped up by the delivery of the bonds. Two things are going on at the hospital. The operations look better basically because of a renegotiation of the Medicare report, we are now getting 88% retroactive to October 1, 1981 so that reduces the bad debt allowances in the hospital by an amount of about \$600,000 which goes right to net income. Secondly with the settlement of last year's it's kind of like a withholding deal. They give you a tentative date and a tentative amount and you go back and settle up later on. We also received about a million seven which was a settlement from last year with a tentative pending audit. Of that the judgement was made to take \$900,000 in revenue and book the remaining as a deferred liability (\$800,000). It hit the balance sheet because we are not sure whether or not we are going to have to pay that back. Should audit reveal that is an acceptable revenue that would be returned to revenue next year. The hospital is fairly close to a break even posture for the year and presuming we don't make the nearly \$2,000,000 General Fund, transfer, which is not being counted in the projected fund. The other thing on the hospital is the lease purchase agreement that we have asked for proposals on. G.O. Bonds were sold for Phase 3-B in the amount of \$17,000,000 in 1979. That did include amounts for furnishings for the hospital which basically were spent on the building itself. When you let the bid last year there was less remaining for furnishings in there so in essence you consider the G.O. Bonds appropriation to be taken up with the building and only a small amount in the furnishings. That leaves us with the question of how to come up with about \$1.3-million on some equipment. Radiology equipment, laundry equipment, etc. What we have done and I'd like to bring it to you for action next week or the week after, we asked for proposals from leasing firms on a lease-purchase agreement for \$1.3-million worth of leaseable equipment in the hospital. A lease purchase is closely akin to bond finance with the exception that it involves a non appropriation clause. That is to say we are not obligated to make these payments. The lessor expects us to make these payments, obviously but it is subject to appropriation by the Council every year. Other than that it plays in our finances a lot like a bond. That is we pay on an amortization schedule, they pay us an interest rate and we pay principle and interest on a schedule. And to be leasable our lawyers tell us it cannot be real property and that is a problem we have had when we have tried to figure how bigger projects can be done on a lease purchase arrangement.In the grants area the only other one where there has been a major change and that is we have been officially informed that our \$177,000 of questioned costs has been disallowed. This has been no surprise to us whatsoever. These were the CETA employees that remained on the payroll beyond their eligibility and we did expect this would be disallowed and that we probably would have to pay this back. This is work that was done for the City but it should have been General Fund work and not charged to the CETA grant. That has also been discounted in the \$6 million ending balance. We have reserved about \$150,000 to repay should that come to pass. We have an RFP ready to go for the

REPORT - (Continued)

grant audit for the two years single audit.

STREET VENDING ORDINANCE

Chief of Police Frank Dyson reported on the Street Vending Ordinance. He referred to the material Council had received concerning the amendments to the Ordinance passed on May 13, 1982. "One of the changes was that it did eliminate the exception for food vendors and the amendment prohibited solicitation of motorists on public streets which was a new provision. It did retain the provision for a license to be granted by Council and it still contains an exception to newspapers or periodicals, which is an exception under the amendment. The Police Department, as a result of this ordinance being passed by the Council on June 1 established a policy which created a 30 day warning period. Our policy indicated that on July 1 of this year the enforcement would commence. When the Assistant City Manager called me and said the Council might want an overview of what this amounted to, we did change our enforcement policy and it is now to continue with the warnings until further notice and that is our status at this time. Urban Transportation has been working with the Legal Department to provide a licensing procedure and process to follow in case that is the action of the Council."

Mayor McClellan asked what procedures have been followed in the past concerning licensing. Mr. Terry Irion, Assistant City Attorney, said we have not had a procedure or an application form for making application for a license agreement. To achieve an exemption from the requirement for the ordinance, the impact on non food vendors has not changed in over ten years. The food vendors exception was removed in May and with that change in mind the Police Department came up with the policy statement issued on June 1 that they would only issue warning citations. Mr. Irion said an application form is ready and departments are ready to accept applications if Council directs.

Councilmember Duncan said he has some concerns and he does favor curb side vendors but not on major arterials. He said the Flower People are an example of vendors who do not disturb the traffic. Mr. Irion said he can find out from the traffic engineers whether selling is feasible on any roadway. The Flower People are not able to exchange money on the street, but can on private property. Councilmember Deuser said he thought the chief concern and reason for amending the ordinance had to do with people soliciting in the traffic lanes for charity, etc. He wondered how street corner sales had entered into the discussion and amendment. Mr. Irion said the City has to be concerned with creating liability.

Mayor McClellan said some vendors had signed to speak under Citizen Communications but since the subject was open now, they could speak at the present time.

John Howard, representing Flower People, said they do not operate in a hazardous way. They always get the buyer to pull out of the street to exchange money and flowers.

Mayor McClellan said the ordinance amendment is more for solicitation in

VENDING - (Continued)

the street. Chief Dyson said there are some primary arteries in the City that will create a problem. Mayor McClellan said she wants staff recommendation before Council decides. Mr. Howard said he would like a clarification of the license agreement. He said the applicants need to know what would be required in the License Agreement before they paid to make an application. As is proposed now, they only would know what is prohibited. He offered to work with Mr. Irion to try to work this out. City Attorney DeLaRosa told Council he will bring an example of a license agreement in two weeks.

Mr. Bill Brown, Tyler Roses, told Council many types of vendors are affected. He said they sit by a parking lot and 100% of their sales are from people pulling over and getting out of the car. Mr. Brown thinks a lot of problems will be solved by having a permit requirement. He asked it be \$5.00 not \$30.00.

Robert Mash, owner of Down to Earth Sandwiches, asked about sidewalk vendors. He said they have a license from the Health Department. Dr. Randall, Director of the Health Department, told him the food vendor's have a \$25.00 license for the year.

Dynese French, flower seller, said she is concerned because the customers are in the high traffic areas. Ms. French said they have self imposed regulations to protect themselves and the customers.

Councilmember Mullen said an option would be to let someone other than the Council issue the license agreements. The City Manager agreed. Mayor McClellan requested a report in two weeks on the concerns of the people who have spoken.

CITIZENS DID NOT APPEAR

Ms. Nancy McDonald, who had requested to discuss Nuclear Disarmament Issue, did not appear.

Ms. Wendall Corrigan, who had requested to discuss zoning of property located at 1306 East 7th Street, did not appear. The zoning will be brought to Council on August 12, 1982, which is 5 weeks earlier than if it came at the regularly scheduled time.

RETAINING WALL ON LAKE AUSTIN

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request of Mrs. Eva M. Wheeler for construction of a retaining wall consisting of fill material and limestone rock along the shoreline of Lake Austin at 2609 Westlake Drive. (Recommended by Parks Board) (5-0 Vote, Councilmember Deuser abstained, Councilmember Goodman absent.)

POWER BOAT DEMONSTRATION

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request of Mr. Robert R. Hammond for approval for the operation of three or four powerboats on Town Lake July 14 & 15, 1982 in the vicinity of the Hyatt Regency Hotel, for Seventh Annual Dealer Meeting. (5-1-0 Vote, Councilmember Deuser voted No, Councilmember Goodman absent.)

DEMONSTRATION - (Continued)

Councilmembers Duncan and Deuser said they did not favor this because power boats were denied for the Aqua Fest. Mr. Ehrler, Director of Parks and Recreation, explained this will be a show of short duration as a demonstration of boats.

JUNIOR SECTIONALS OF TEXAS

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request of Mr. Ben Ball, president of Texas Tennis Association, for permission to use City courts for the Junior Sectionals of Texas, July 6-12, 1983. (6-0 Vote, Councilmember Goodman absent)

DAVENPORT RANCH GOLF COURSE

Mr. Gerald J. Goff appeared before Council to discuss denial of a building permit from the Building Inspection Department for construction of a retaining wall along the shoreline of Lake Austin at the Davenport Ranch Golf Course. Mr. Goff, who is with Westview Development Company, said they want to build a 2500' or 3000' retaining wall for erosion control in order to make the shoreline stable.

Mr. Ehrler, Parks Board Director, said the Parks Board did not deny but postponed a decision because of a communique they received from the Corps of Engineers. "They supplied us with a notification that they had not approved the relocation of an outlet channel which is just north of the area which they wish to improve. The comment period for the Corps of Engineers does not expire until July 13th and the Parks Board postponed any motion until the comment period had expired.There was some question as to the re-channeling of a slough near Loop 360 and at the time there was some concern because they built a new channel and I think the Corp felt there should be some citizen input and time for comment to be received before they could make final determination."

Mr. Goff said they have received permission to cut the new channel from the Parks Board "and it is at our own risk that we might have to fill it in and open up the old channel. At the time we were going to take that risk and we were also going to take the risk of putting bulkhead in there because we are not talking about removing more than 20 to 30 linear feet of bulkhead out of the 3,000 feet to replace the old channel. The timing is real critical. In order to do the construction we need to know now and we cannot wait."

Mayor McClellan said, if you are willing to assume that risk I would read it into the record and let it go. Mr. Goff affirmed that they are willing to take the risk.

Councilmember Deuser expressed concern that a permit was not obtained before work was begun and wants them to wait to begin construction until after July 13. Mr. Goff asked about building the bulkhead because that does not have anything to do with the Corps decision. Their question is the channel. Mr. Ehrler said he has no problem, because it will not change the shoreline.

DAVENPORT - (Continued)

Loretta Fry, who lives on Channel Road, said she thinks the proposal would change the shore line and the flow of water. Mayor McClellan pointed out to her it would help prevent erosion.

Motion

Mayor Pro Tem Trevino made a motion, seconded by Mayor McClellan to approve a building permit from the Building Inspection Department for construction of a retaining wall along the shoreline of Lake Austin at the Davenport Ranch Golf Course.

Substitute Motion

Councilmember Deuser offered a substitute motion to delay approval until recommendation is received from the Parks Board on the part not under "comment" period. The substitute motion was seconded by Councilmember Duncan. Discussion followed concerning erosion, the slough, etc.

Second to Substitute Motion Withdrawn

Councilmember Duncan withdrew his second.

Friendly Amendment

Councilmember Duncan offered a friendly amendment to exclude the slough and come back with that later. Mayor Pro Tem Trevino accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

5-1 Vote, Councilmember Deuser voted No, and Councilmember Goodman absent

REQUEST TO REMOVE A RESTRICTIVE COVENANT

Mr. John M. Joseph appeared before Council with a request for removal of a restrictive covenant with respect to Lots 12, 13, 14 and 15, Block F, Burnet Heights, Travis County, Texas. City Attorney Albert DeLaRosa told him Council needs to hold a public hearing and send this to the Planning Commission. Discussion followed concerning the holding of a hearing. Mr. Joseph said the restrictive covenant is void and he wants to remove the cloud on the title.

Motion

Councilmember Deuser made a motion to remove the restrictive covenant. Mayor Pro Tem Trevino seconded the motion.

More discussion ensued. Mr. Albert DeLaRosa said, "If you were to give us a restrictive covenant that was signed by the proper owners, then what you would

REQUEST - (Continued)

be doing is having the Council then authorize the removal of that document that is now currently filed but signed by the wrong owners and substitute a document signed by the true owners. Then I don't think there would be a need to go through a public hearing process because you are not changing anything. " Mr. Joseph said that would be no problem.

Motion Withdrawn

The motion and second were withdrawn.

DENIAL OF PERMIT DISCUSSED

Ms. Cicily Sims appeared before Council to discuss the denial of a Building Permit. She represents the Zilker Neighborhood Association and they are complaining about the Wong apartment complex, which, she says, is a big fiasco. If the apartments, which originally were begun without a building permit, are built, the neighborhood will suffer a sewer back up because of the lack of water and wastewater service. She requested a public hearing on the issue of whether or not there is water and wastewater available.

Mayor McClellan and Mr. Lonnie Davis both said the water and wastewater system can handle the needs of the apartments.

Mr. Schwing, Director of Water and Wastewater, said a 2" water tap will handle 170 fixtures, which is the number projected, and the wastewater tap sold will not be connected to the line on Kinney. Mr. Meiszer, City Manager, said that before the Building Permit was issued there was adequate discussion.

Mayor McClellan asked for a report next week as to whether the correct information was provided to staff and if the usual procedures were followed.

REQUEST FOR GAS LINE APPROVAL

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved the request of Mr. Alan Johnson, District Operations Manager, Southern Union Gas Company, for installation of a 12" gas line across Lake Austin at Loop 360. (6-0 Vote, Councilmember Goodman absent.)

SALE OF BEER FOR BENEFITS APPROVED

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved the following requests: (6-0 Vote, Councilmember Goodman absent)

Sale of beer at Givens Park on July 3 & 4, 1982 from 8:00 p.m. to 6:00 p.m. as requested by Mr. Gerald Taylor.

Sale of beer at Auditorium Shores, July 11, 1982 from 12:00 noon to 8:00 p.m. for fund raising purposes to benefit the Muscular Dystrophy Association, as requested by Ms. Judy Edwards.

REQUEST FOR WATER

Ms. Janis Hamil appeared before Council to request information concerning the inability to provide taps and wastewater service to 825-903 Taulbee Lane (off N. Lamar and Anderson Lane). Ms. Hamil said Mr. Charles Hughes, owner of the property, has a buyer for it but he cannot obtain the water and wastewater necessary to accomodate dwellings on the lots. She said Mr. Hughes is a farmer who mows the grass and bales the hay at Bergstrom Air Force Base. He was unable to mow during the heavy rains a year ago and got several months behind in the payment of his mowing equipment. If he cannot sell the lots on Taulbee, the finance company will repossess his mowing equipment on July 2, 1982 and Mr. Hughes will then be without means of a livelihood.

Council discussed and asked for time to consider this further.

LATER IN THE DAY, Council resumed discussion. Ms. Sharlene Neibauer Assistant City Attorney, said that Mr. Hughes can obtain a 1 5/8' tap per lot but that is not as much as is needed if fourplexes are built.

Councilmember Duncan suggested Council may want to write a statement for Mr. Hughes banker stating that the water and wastewater situation is being researched. Ms. Hamil said that might help. Mr. Albert DeLaRosa, City Attorney, said that such a letter can be written.

Councilmember Mullen asked if the policy is changed from capacity to build out if the area in question will be eligible for water. Mr. Schwing, Director of Water and Wastewater, said the Little Walnut Creek capacity is full. If the bonds are approved it will take 4-5 years before the water is available.

Mr. Jeryl Hart, engineer, who was sitting in the audience asked to be recognized. He told Council he does not know the specifics but he would like to look at the property. He said he has been able to make connections and has seen several where lines have been utilized by making diversions.

Councilmember Duncan said it disturbs him that developers have LUE's in reserve and one man who will lose everything he owns if he cannot get water service, cannot get a tap.

Katheryn Bach, who was in the audience, asked to be recognized. She said she is a real estate broker and suggested tha the developer who buys the property can pay for a lift station or approve a holding tank waiting for a lift station.

Council agreed to write a letter to be deliverd to Mr. Hughes concerning investigation of his problem.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17 Texas Revised Civil Statutes annotated; and after such closed or executive session any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary. Mayor McClellan announced the Storm Tract will be discussed.

RECESS

Council recessed for executive session at 5:00 p.m. and resumed the recessed meeting at 5:26 p.m.

AUSTIN CABLE COMMISSION

Ms. Brenda Trainor, Austin Cable Commission reported on funding ACTV access management and additional editing equipment in the amount of \$5,826. She stated they are acting as a utility commission. The work was an extension of the commission and they are doing a lot of staff work. She said the administration of a franchise is more than one person can do. Councilmember Urdy concurred with the expansion of the Cable Officer. Councilmember Deuser stated \$26,415 would be reimbursed to the general fund.

NUCLEAR WEAPONS FREEZE

Council had before it for consideration an ordinance to consider an election relating to proposal for a bilateral nuclear weapons freeze.

Councilmember Duncan stated the Secretary of State has ruled that the issue cannot be included on the September 11 ballot. (Bond Election) Councilmember Duncan said there are other options. There might possibly be a mock election with tables set up 100' from the ballot boxes on September 11.

Mr. Tony Switzer, who had proposed the election and is the coordinator for Nuclear Freeze Campaign, thanked the Council for their efforts.

ZONING HEARING

Mayor McClellan opened the public hearing set for 4:00 p.m. on the following zoning case. Council heard, closed the public hearing, granted and directed the City Attorney to draw up the necessary papers.

C14r-81 151	BUFORD & ROBERTA V. GODWIN By Thomas B. Watts	4704 S. Lamar Blvd. (U.S. 290)	From Interim "AA" 1st H&A To "GR" 1st H&A RECOMMENDED (as amended) <u>GRANTED AS RECOMMENDED WITH SITE PLAN</u>
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Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, closed the public hearing and granted as recommended with site plan. (6-0 Vote, Councilmember Goodman absent)

PUBLIC HEARING - BLIGHTED AREA

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. on designation of an area located at 3309-3421 IH-35 South as a blighted area for Industrial Revenue Bond purposes.

Mr. Tom Curtis said it is proposed to build a Howard Johnson Motel at the site. It will take a year to build and employ 60 people working a day. There will be a commitment in writing that 15% of contracts let will be to minorities and of the 200 people employed full time upon completion, not less than 40% will be from minority groups, subject to their applying and being qualified. This

This does not include women, it would be 70-75% if they are included. Mayor Pro Tem Trevino said this is the first time an applicant has committed himself publicly to minority contractors and employees. There was discussion and the following motion was made:

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There was discussion and the following motion was made:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, closed the public hearing and approved the designation of an area located at 3309-3421 IH-35 South as a blighted area for Industrial Revenue Bond purposes. (4-2-0 Vote, Councilmembers Deuser and Duncan voted No, Councilmember Goodman absent)

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DECISION

Mayor McClellan opened the public hearing set for 5:30 p.m. on an appeal from Mr. Tom Curtis of the Planning Commission's decision regarding a Special Permit for F.N. Bolding Jr., 5209 - 5211 Wasson Road. (C14p-82-049)

Mr. Lillie reviewed and said the Planning Commission vote was 4-4 to deny. They cited traffic, flood plain and the street width as not being compatible with the 217 units proposed.

Mr. Tom Curtis, representing the applicant, said he had three good meetings with the neighborhood and they have everything worked out. They have moved all buildings out of the 100 year flood plain, there will be 3.86 acres dedicated to the public for a park, the swimming pool is moved to the center, there will be a conservation easement 150' from Williamson County and there will be 27 units per acre and Wasson Road and Mockingbird will be widened.

Ms. Sharon Gillespie, Battle Bend Springs Neighborhood Assn., said the neighborhood does not object since the changes have been made. There will be no building on the conservation easement, no trees disturbed, right of way easement for maintenance, roll back to "B" at such time as they are granted a building permit, the special permit will be tied to site plans and roll back.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, closed the public hearing and granted the Special Permit for F.N. Bolding Jr. 5209-5211 Wasson Road as set out by the representatives of the applicant and the neighborhood association. (C14p-82-049) (6-0 Vote, Councilmember Goodman absent)

RECESS

Council recessed its meeting at 6:30 p.m. and resumed its recessed meeting at 6:55 p.m.

PUBLIC HEARING - SANITARY SEWER EASEMENT

Mayor McClellan opened the public hearing set for 6:00 p.m. on the proposed sanitary sewer easement in Walnut Creek District Park.

Mr. Ridings, Director of Public Works, told Council everything is in order for approval and recommends Alternate I, (Reach A, B, C, and D) Upper Walnut Creek Phase III.

Mayor McClellan asked Mr. Ridings, "Is there no feasible and prudent alternative to use of land within Walnut Creek District Park for a sanitary sewer easement?" Mr. Ridings answered No. Mayor McClellan asked, "In your opinion has all reasonable planning been undertaken to minimize any harm to the park?" Mr. Ridings answered that planning has taken place.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, closed the public hearing and adopted a resolution dedicating a tract of land as a Sanitary Sewer Easement in Walnut Creek Metropolitan Park, following Alternate I. (6-0 Vote, Councilmember Goodman absent)

WATER TREATMENT CAPACITY

Mr. Schwing, Director of Water and Wastewater, presented the City Manager report on recommendation on Criteria for Water Treatment Capacity (Build-out vs. Commitment) He said at the present time the majority of the system is overloaded and an evaluation is being made. Mr. Schwing said he will be asking Council for funds to find out the capacity on each line. He said the overload is so bad in some areas that it is a threat to the health and welfare of the citizens.

Councilmember Duncan wondered if a moratorium should be declared on taps. Mayor McClellan stated that informally one is already in effect. Ed Wendler Sr. spoke about water capacity.

Mayor McClellan requested a report of the specific areas, conditions and capacities where there is a health and safety problem.

ITEMS POSTPONED

Consideration of the following is postponed until July 8, 1982:

- a. Consider amending the Approach Main Ordinance No. 810514-D to allow Service Commitments based on build-out capacity.
- b. Consider adopting policy directing Water & Wastewater Department to

POSTPONED - (Continued)

commit capacity in non-approach main service request based upon build-out capacity.

- c. Consider repealing the Water and Wastewater Service Area Boundary Ordinance.

MEDICAL ASSISTANCE PROGRAM BUDGET

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance transferring \$56,000.00 from the Medical Assistance Program Budget to fund the Health Department Family Planning Program for the balance of the 1981-82 fiscal year. (6-0 Vote, Councilmember Goodman absent)

ITEM POSTPONED

Consideration of entering into an agreement with the owners of Storm Tract concerning possible acquisition is postponed to July 8, 1982.

Ms. Lena Stewart's request for permission for use of Clarksville Playground and Health Clinic for Saturday, July 10, 1982 to celebrate Clarksville Day will be considered July 8, 1982. Also to be considered is the sale of food and beer at that time.

MINUTES APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, approved Minutes for Regular Meetings May 6, 20, 27 and June 2, 3, 10, 17, 1982 and Special Meeting of May 26, 1982. (6-0 Vote, Councilmember Goodman absent) (Corrections were noted by Mayor McClellan for the May 6 & 17 meetings.)

CIP MEETINGS SET

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, adopted a resolution approving a revised schedule to achieve completion of the CIP review process and the setting of a bond ballot for the September Bond Election as follows: (6-0 Vote, Councilmember Goodman absent)

July 7, Work Session, Council Chambers; July 7, Meeting, Northwest Recreation Center; July 8, Meeting, Council Chambers, 7:00 p.m.; July 12, Meeting at Porter Junior High, 7:00 p.m.; July 13, Meeting, Reagan Jr. High, 7:00 p.m.; July 14, Rosewood-Zaragosa, 7:00 p.m.; July 22, adopt C.I.P.

EXECUTIVE SESSION

Mayor McClellan announced Council would go into Executive Session pursuant to Article 6252-17 V.T.C.S. (The Texas Open Meetings Act) to discuss STP - pending litigation and real estate matters Section 2, paragraph e & f. If any action is to be taken as a result, it will be done in open meeting.

RECESS

Council recessed its meeting for executive session at 7:50 p.m.

ADJOURNMENT

Council adjourned its meeting at 8:45 p.m.