



Austin City Council MINUTES

For

AUGUST 12, 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 Councilmember Urdy, who arrived at 1:20 p.m.; Mayor Pro Tem Trevino, who arrived at 1:45 p.m.; and Councilmember Goodman, who arrived at 6:30 p.m.

INVOCATION

The Invocation was given by Rick Webb, Pastor of Fairview Church of Christ.

CONSENT RESOLUTIONS

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, adopted the following resolutions in one consent motion: (4-0 Vote, Mayor Pro Tem Trevino, Councilmember Urdy out of the room, Councilmember Goodman absent.)

Brown Building Lease

Approved lease amendment to extend lease in Brown Building for Management and Budget.

Sale of City-Owned Property

Rejected bids for sale of certain City-owned property, S-160, William Cannon Drive and Circle S Road; and P-103, West 25th Street east of North Lamar Boulevard.

Sale of Land

Approved a sale of one parcel of land to the Austin Independent School District: A sliver and a half of land at Circle S Road and Eberhard Lane.

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tract of land for a drainage easement for the Tillery, East 5th & Oak Springs Drainage Improvements Project:

0.6159 acre out of Outlot 52, Division A, Government Outlots. (William Dale Dodson, owner)

Release of Easements

Authorized release of the following easements:

- a. A 5.0' Public Utility Easement located on Lot 2, Nation and Jones Addition locally known as 1901 Fort View Road. (Requested by Mr. Jack Nation)
- b. A 5.0' Public Utility Easement on Lot 28, Ridgewood Village Section I locally known as 3004 George B. Hatley Drive. (Requested by Mr. Allan Williams)

Contracts Approved

Approved the following contracts:

- | | |
|--|---|
| a. BOULDER EXCAVATION COMPANY
P. O. Box 9802-644
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Community Development District
No. 6, Phase II, Public Works -
\$411,519.00 C.I.P. No. 75/62-20 |
| b. AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Congress Avenue Peninsula Plan
Improvements from 4th Street to
11th Street, Public Works
Department - \$2,678,247.11
C.I.P. Nos. 75/62-09, 79/86-15,
75/22-07 & 73/23-03 |
| c. AVS FOOD SERVICE
611 Neches
Austin, Texas | - Food Concession and Food Catering
to inmates at the City jail, Police
Department
Two (2) Year Contract - \$61,533.00
per year |

CONTRACTS APPROVED - (Continued)

- d. Bid award:
- Synflex hoses, fittings and accessories, Vehicle and Equipment Services Department
Twelve (12) Month Supply Agreement
Estimated \$25,000 to be awarded by multiple progressive award procedure from low to high bidder.
- (1) HOSE OF SOUTH TEXAS, INC.
4455 Baldwin
Corpus Christi, Texas
- Item 1
- (2) EATON CORPORATION
4555 Homestead Road
Houston, Texas
- Item 2
- e. FORMCRAFT, INC.
4211 Southwest Freeway #104
Houston, Texas
- Printing of Lab Forms for Brackenridge Hospital
Item 1 - \$5,787.60
- f. THE WEATHERFORD COMPANY, INC.
804 Shelby Lane
Austin, Texas
- Precision Swing Lathe, Water and Wastewater Utility Department
Item 1 - \$13,180
- g. EAGLE SIGNAL CONTROLS
8004 Cameron Road
Austin, Texas
- Traffic Signal Heads, Purchases and Stores Department
Items 1 & 2 - \$70,488.00
- h. CLARIN CORPORATION
% John F. Clark Company
6517 Hillcrest Avenue, Suite 401
Dallas, Texas
- Metal Folding Chairs and Stacking chair trucks for Public Events Facilities Department
Items 1 - 3 - \$40,302.00
- i. BELL & HOWELL-PHILLIPSBURG
400 East Anderson Lane, Suite 512
Austin, Texas
- Sale of Surplus Insert and Mailing Machine, Office Service Division
Item 1 - Revenue Producing - \$6,200.00

Wastewater Approach Main

Approved the wastewater approach mains for the following projects as participants in the Upper Shoal Creek Wastewater Approach Main:

JERRY L. HARRIS

- Burnet Road Commercial Park
Spicewood, Ltd.
Austin Center, Phase I, Ltd.
Northwest Hills, Section 15

(Continued)

APPROACH MAIN - (Continued)

JERRY L. HARRIS (Contd.)

The Echelon Subdivision
7800 MoPac Subdivision
Graystone Center III
Crossroads North

Upper Shoal Creek Wastewater Approach Main

Entered into a contractual agreement for the Upper Shoal Creek Wastewater Approach Main.

Modification Agreement

Entered into a modification agreement concerning consent to the creation of the South Austin Growth Corridor Municipal Utility District No. 1.

Title XX Family Planning Contract

Amended the Title XX Family Planning Contract (PS 061-07-P-00) to accept a \$6,100 increase from the Texas Department of Human Resources.

Supplemental Food Program

Authorized execution of a contract between the Health Department and the Texas Department of Health for the Women, Infants and Children (WIC) supplemental food program. (October 1, 1982 through September 30, 1983)

Temporary Street Closing

Approved temporary closing of Canadian Street between East 1st and East 2nd Streets on August 22, 1982 from 12:00 noon to 12:00 midnight as requested by Father Albert Ruiz, representing the Cristo Rey Catholic Church.

Hearing Set

Set a public hearing on an appeal from Mr. Kenneth Vaughn, representing Mr. Raymond G. Schindler, of the Parks and Recreation Board's decision to deny permission for a retaining wall at 1901 Westlake Drive for September 2, 1982 at 2:45 p.m.

Restrictive Covenant

Authorized execution of a restrictive covenant to be applicable to the following described property, to-wit: Lots One (1) through thirty-two (32), inclusive, of Block No. Two (2), said lots being all of the lots in said Block No.

COVENANT - (Continued)

Two (2) Hyde Park Addition to the City of Austin, and being locally known and recognized as Elizabet Ney Museum, CAPITAL IMPROVEMENTS PROGRAM No. 79/86-01.

Contract Approved

Approved the following contract:

THE METHODIST HOSPITAL HEALTH CARE SYSTEM, INC.
6560 Fannin Street, Suite 1824
Houston, Texas

- Consulting Services for Hospital Staffing Survey, Brackenridge Hospital
Not to exceed \$35,500

(Employees are to work with the consulting group.)

CONSENT ORDINANCES

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Goodman absent)

Encore Project

Amended Ordinance No. 811204-B by waiving balance of 90-day review for the Encore Project.

Operating Budget Amendment

Amended the 1981-82 Operating Budget by:

- a. Appropriating \$4,160,599 for Brackenridge Hospital's 1981-82 Operating Budget to fund expenditures through September 30, 1982 due to high utilization being experienced.

Zoning Ordinances

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

SOUTH AUSTIN PROPERTIES
By Holford & Carson
C14-82-053 (part)

629 Radam Lane,
4201-4205 James Casey
621 Radam Lane

From "A" 1st H&A
to "O-1" 1st H&A

CIP Corrections

Approved correcting the 1982-87 Capital Improvement Program relating to the East Bouldin Creek Development Project.

Election Officials

Approved an ordinance appointing election officials for the City election to be held on Saturday, September 11, 1982.

PERMIT REQUEST

Mayor McClellan opened the public hearing set for 1:15 p.m. on the Site Development Permit for Bella Vista Office Building (Shepherd Mountain Construction Project)

Mr. Richard Riding, Director of Public Works, stated the purpose of the public hearing is to discuss the request before the City Council to grant a variance on Bella Vista Office Building site development. "It was denied by the Department of Public Works and Engineering. The site is on FM 2222 west of Loop 360 on a one acre site. It is cut in half by a creek with a deep flow of 230 cubic feet per second. About half of the site is on a 0-15% slope category. The remaining half of the site is relatively flat with the upper portion having slopes with an excess of 15%. The applicant has requested to build a portion of his building over the creek by putting in a box culvert. His parking lot would access the building by means of a bridge spanning the waterway with the building; and providing a culvert for that distance does not maintain the natural and traditional character of the creek as well as portions of the parking and building are both on slopes of greater than 35%. The parking lot requires cuts of a maximum of 10' in this area and this is proposed to be contained within retaining walls. Cuts exceeding 4' require a variance as per City ordinance but this was denied by the Planning Commission. Both Environmental Management and the Public Works Department oppose the variance."

Mr. Jim Nias, Assistant City Attorney, stated this is an appeal from the denial from the Lake Austin Site Development Permit. "What this basically is is a difference of engineering opinion. What should happen here is that the applicant will tell you why, in their opinion, the permit should be issued and then the City engineers will tell you why, in their opinion it should not. It is basically an engineering matter and the Council is supposed to make a decision based on the preponderance of competent technical evidence about whether you think this development meets the Lake Austin site development ordinance."

Tom Jones, applicant, told Council their system will work. He said they have never had a rebuttal from an engineering standpoint that their system will not work. "I believe the City staff is in concurrence with us that this is engineeringly sound. We have a storm water detention facility designed that we feel is the state of the art system. The issue on the Lake Austin watershed is essentially the quality and quantity of the water leaving the site. We demonstrated

REQUEST - (Continued)

to the City departments that our water will be as good or better leaving our site as it would from an undeveloped state. The increase in the run-off from the developed area will be 2/10ths of one foot. It is an insignificant difference. The issue seems to be more from a legal standpoint." He then said he would like to have his engineers speak on the basic issue, "Will our system work?"

Steve Cook, engineer with Espey-Huston Associates, told Council he believes they have designed a facility so that the quality and quantity of water will be acceptable to the receiving spring. Mr. Jim Nias discussed the request for a variance. Mr. Jerry Harris, representing the applicant, said they can demonstrate satisfactorily that the system proposed will meet water and quality standards which are acceptable. Mr. Tom Joyce, Espey-Huston discussed the flow of water and the detention pond. He submitted his findings for the records.

Mr. Ridings and Mr. Harris discussed the engineering and construction and Mayor McClellan felt the permit should be granted. Councilmember Mullen agreed because he said the intent of the ordinance addresses the water quality and run-off. He said these will comply to the ordinance. Mr. Ridings asked what is the intent of the City Council concerning pollution. Mr. Meiszer, City Manager, said the City Council is the best judge of its own intent. Dr. Maureen McReynolds discussed the permit request. Council asked for an opinion from the City's engineers.

LATER IN THE DAY, Mr. Robert Gottsacker, Department of Engineering, appeared before Council to state that the water quality system proposed for the development of the Bella Vista Office Building will function properly.

Councilmember Mullen said, "Based on that, I will move approval."

Councilmember Deuser stated, "I will vote for the request on the basis of the information provided by the City Attorney as to what the requirements were for the treatment of water quality and water quantity and that the professional engineer involved said that indeed they will meet that and our own staff also feels that they have an adequate system for control."

Councilmember Duncan stated, "I will also vote for it because I think they are meeting the letter of the law and I disagreed with the way the law was written at the time it was written. But I'd like to again make the request that I made a year ago that that be reviewed by the Planning Commission and brought back to us with any recommended changes and would like to know the status of that."

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing and approved the Site Development Permit for Bella Vista Office Building (Shephard Mountain Construction Project) (6-0 Vote, Councilmember Goodman absent)

PUBLIC HEARINGS - STREET VACATIONS

Mayor McClellan opened the public hearings set for 2:30 p.m. on vacating the following:

- a. A portion of Old 19th Street right-of-way (1200 block)
(Requested by Metcalfe Engineering)

Mr. Ridings, Director of Public Works, told Council that this is in order and approved by departments involved.

Mr. Nick Klassen said he was present in the Council Chamber on behalf of his aunt if anyone had any questions.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Old 19th Street right-of-way (1200 block). (6-0 Vote, Councilmember Goodman was absent.)

Mayor McClellan announced the hearing to consider vacating the following:

- b. 6.0' of East Annie Street right-of-way (100 block) and 2.0' of Nickerson Street right-of-way (1700 block). Requested by Mr. Herman K. Jackson.

Mr. Ridings, Director of Public Works, told Council that this is in order and approved by the departments involved.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating 6.0' of East Annie Street right-of-way (100 block) and 2.0' of Nickerson Street right-of-way (1700 block). (6-0 Vote, Councilmember Goodman absent)

CONGRESS AVENUE IMPROVEMENTS

Council, earlier in the day, during the consent motion, approved a contract concerned with the Congress Avenue Peninsula Plan Improvements. This was a resolution concerning the Capital Improvements Program Nos. 75/62-09; 79/86-15; 75/22-07 and 73/23-03.

Mr. German, Assistant City Manager, presented a report to Council

CONGRESS AVENUE - (Continued)

reviewing the Congress Avenue Plan. He said there will be 45 degree angle parking, six lanes of traffic plus peninsulas. This will delete 152 parking spaces from Congress Avenue but changes to the side streets will add 53 spaces. Sidewalks will be reconstructed. Mr. German showed a plan of granite pavers and examples of the type of granite which will be used for the sidewalks and said they will be meeting with the merchants.

Robert Barnstone, member, Downtown Revitalization Task Force, spoke affirmatively about the improvements.

CABLE COMMISSION REPORT

Ms. Brenda Trainor, Austin Cable Commission, presented reports on (1) Application for franchise fee waiver to FCC and (2) Staffing assignments within the Office of Cable Communications. Ms. Trainor recommended the City apply for the waiver. She said that on July 13, 1982 the Cable Commission had requested adding 2½ staff positions in the cable office, but now that the Public Information Office answers the telephone questions from the public, the additional staff members may not be needed. Ms. Trainor then asked Council to consider expressing opposition to the proposed Cable Telecommunications Act of 1983 (S.B. 2172) pending before the U.S. Senate.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, adopted a resolution expressing opposition to the proposed Cable Telecommunications Act of 1983 (S.B. 2172) pending before the U.S. Senate. (6-0 Vote, Councilmember Goodman absent.)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, voted to send a letter to FCC to apply for a franchise fee waiver. (6-0 Vote, Councilmember Goodman absent)

PLANNING COMMISSION REPORTS

Mr. Richard Lillie, Director of Planning, presented a report on the Annexation Plan: 1982-87 with a slide show overview.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, set a public hearing for August 26, 1982 at 7:00 p.m. on the Annexation Plan: 1982-1987. (6-0 Vote, Councilmember Goodman absent)

PLANNING COMMISSION REPORTS - (Continued)

Mr. Lillie reported on the upgrading of Radam Lane. He said it has been recommended that the street be built to its ultimate width of 44'. The hospital has dedicated the land they own. Alex Fuller, representing the law firm of Davis and Davis, said the Hospital Corporation of America is concerned with a delay in paving. He said HCA should not be asked to buy land as well as pave the street; that there would be 19,670 square feet of right-of-way to be purchased with 12-15 owners to be dealt with and this would be time consuming. He asked that they proceed with 24' width as soon as possible. Mr. Richard Ridings, Director of Public Works, stated the Highway Department had turned down an entrance off of 290 and there would be a limitation of access. Bernard Snyder, vice-chairman, Planning Commission, said they would recommend Council approve the paving of 24' and let HCA pay the bill and be reimbursed. Mr. Ridings suggested some type of agreement or letter of credit. The Council, by consent, instructed the staff to proceed with 24' paving and set up procedure for 44' paving.

ZONING HEARING

Mayor McClellan announced the zoning application, set for hearing at 3:30 p.m. will be heard by Council. The Council heard, closed the public hearing, and scheduled for action on August 26, 1982 the following:

C14-82 111	WENDALL CORRIGAN, RALPH RAY WALLACE & RICKY MCDANIEL	1306 East 7th Street	From "A" 1st H&A To "C" 2nd H&A RECOMMENDED that applicant bring site plan for approval by the Planning Commission on 8-10-82 at 8:00 p.m., before going to Council.
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(Valid petition on file)

CLOSE HEARING; ACTION AUGUST 26, 1982

Mr. Lillie reviewed the application, which is in the Guadalupe area. He said there will be a restrictive covenant that there will be a roll back if the use changes. He also said there is a valid petition on file.

Wendall Corrigan appeared before Council and requested the vote be postponed until there is a full Council present because 6 votes are needed. She said she wants to use the two story structure for her law practice. She has applied for a Corridors loan and if she does not get "C" zoning she cannot get the loan. If she cannot get a loan she cannot afford to fix up the property, which has been condemned. If the property is demolished, she will lose her investment in the property. She said the Planning Commission recommends "C" zoning and that she did not receive notice of a hearing regarding re-zoning. The neighbors who did protest are still "C". Ms. Corrigan said she would accept "O" zoning because it would still allow her to get a commercial loan.

Sister Amelia Ruiz, Guadalupe Neighborhood Association, said they want Ms. Corrigan to live in the same building that she uses as her office. She asked Council to grant "A" zoning with a special permit for law offices on the condition she make her home on the premises. Mayor McClellan stated Council cannot do that.

ZONING - (Continued)

John Henneberger, representing Guadalupe Neighborhood, said they want assurance that a portion of the property will be residential. Mayor McClellan again stated that such a restriction concerning residence cannot be connected to the granting of zoning.

Opal Washington and Paul Hernandez both spoke against the zoning request.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, closed the public hearing and scheduled for action on August 26, 1982. (6-0 Vote, Councilmember Goodman absent)

CITIZEN DID NOT APPEAR

Mr. Bronson Dorsey of Metro Austin 2000, who requested to appear before Council to discuss the Austin Comprehensive Plan Update, did not appear. He had called earlier to withdraw his request to appear.

SERTOMA CLUB

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, approved the request of Mr. Norman G. Morris, representing the Northwest Sertoma Club of Austin, to operate food concession stands, including the sale of soft drinks and beer, on Auditorium Shores during the Sertoma Arts & Crafts Fair on September 25 & 26, 1982. (5-0 Vote, Councilmember Goodman absent, Councilmember Mullen out of the room.)

VOTERS FEST

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, approved the request of Mr. Ben Dukes for permission to sell beer and food at the Voter's Fest on Saturday, August 14, 1982 at Givens Park. (5-0 Vote, Councilmember Goodman absent, Councilmember Mullen was out of the room.)

BANNER APPROVED

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, approved the request of Mr. Rich Finney, representing Miller/Dryden, Inc. for permission to place a banner at 24th & Leon and Speedway and 31st Streets from August 17, 1982 to September 17, 1982. (5-0 Vote, Councilmember Goodman absent, Councilmember Mullen was out of the room.)

CONDITIONS ON EAST 6th STREET DISCUSSED

Mr. Arthur E. Hamilton appeared before Council to discuss the conditions on East 6th Street. He said the crowds at night are getting out of hand and asked that (1) there be no open containers of liquor allowed on East 6th, (2) urged a revision in Municipal Court proceedings whereby someone who is

6th STREET - (Continued)

arrested for drunken and/or unruly conduct can be back on 6th Street in four hours, (3) there be a public hearing concerning conditions on East 6th Street.

Mayor McClellan asked that staff find out as soon as possible the State law concerning open beverage containers and apprehension for disorderly conduct.

Donna Kristaponis, Assistant Director of Planning, told Council the 6th Street Neighborhood Association had voted 48-3 against spacing of bars on East 6th. Mr. Hamilton said the mood of the Association may be changed now.

Ron Kercheville, president, Old Pecan Street Association, said he does not think the Association feels any different now about the spacing of bars. He asked for more walking police patrols.

Councilmember Deuser wondered about the advisability of closing 6th Street and allowing vendors to be in the middle of the street. Mr. Hamilton said he would like to see this done on weekends...close East 6th at Red River and see if there is a change in the conduct of the crowd.

NO ACTION ON REQUEST

Mr. Meiszer, City Manager, told Council the Parks Board had asked for the denial of the request by Ms. Melita Abrego for permission to sell beer and commemorative items from 12:00 noon to 7:00 p.m., August 28 & 29, 1982 at Butler I & II Softball Fields. Ms. Abrego was not in the Council Chambers and Council took no action. She had sent word she wanted to withdraw her request.

M.U.D. DISCUSSED

Mr. John Noell appeared before Council to discuss the proposed Southwest Travis County M.U.D. No. 2. He asked Council to set a timetable for information they need in order to make basic decisions.

Ms. Leda Roselle, chairperson, Water and Wastewater Commission, stated the staff would have a report in two weeks concerning how this can come about without the passage of bonds.

PARADE PERMIT

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request for a Parade Permit from Mrs. D.L. Castillo for Pentacostal Holiness Church, of Austin, from 6:30 p.m. to 7:00 p.m., Saturday, August 21, 1982, beginning from Perdenales and 3rd Street to Broadway and East 3rd Street. (6-0 Vote, Councilmember Goodman absent)

TROLLEY SYSTEM IN DOWNTOWN AUSTIN

Mr. Ron Kercheville appeared before Council to request funds for a trolley system in Downtown Austin. He said four vehicles should be purchased for use. Four trolleys can be purchased for the price of two buses.

Mayor McClellan requested a recommendation from staff and asked that private sector contributions be explored.

STREET VENDING ORDINANCE DISCUSSED

Mr. Bruce Youngblood appeared before Council to discuss the Street Vending Ordinance. He said he wants to equip a Winnebago with computers and sell them in neighborhoods. He wanted his position clarified as language of the ordinance covers door to door and business to business.

ASSISTANCE WITH ELECTRIC BILL REQUESTED

Ms. Ruth H. Robinson had requested to discuss obtaining assistance from the City of Austin for her electric bill for the Community Crossroads Home, Inc.

Ms. Shiela Mathews, Customer Service Department, discussed the bill and said there is a history of postponements on the account. They have helped all they can. The Community Crossroads Home has had deferred payment since 1976.

Mr. Buddy Stueve, part time accountant for Community Crossroads, said Mrs. Robinson had to spend a considerable sum of money to repair her air conditioners. He asked for relief from the electric bill. Mayor Pro Tem Trevino said the City cannot write off the debt and that the City is not responsible for their program. He suggested they go to the County Commissioners. Ms. Mathews said she will help present Ms. Robinson before the County.

STREET VENDING ORDINANCE

Council had before them for consideration the amending of the Street Vending Ordinance.

Terry Irion, Assitant City Attorney, presented a City Manager Report on mobile vendors. He referred to a revised ordinance and discussed several points.

Mr. Johnson discussed his mobile vending business on East 6th Street.

After some discussion the following motion was made.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed an ordinance amending the Street Vending Ordinance; excluding three items previously in ordinance,

STREET VENDING - (Continued)

providing for the sale of fresh flowers; authorized license agreements and procedures; and provided for fees. (5-2 Vote, Councilmember Deuser voted No, Councilmember Goodman absent.)

WATER & WASTEWATER COMMISSION REPORT

Ms. Leda Roselle, Chairperson, Water and Wastewater Commission, reported on recommendations on the Proposed Capital Increment Fee. She said the Commission has agreed the fee is an obvious option that the City Council should consider as a part of comprehensive financial plan that addresses the Water and Wastewater Utility. The capital increment fee should not go into effect until a comprehensive financial program is developed. Such a plan is the only way to be fair to existing citizens, future citizens and the development industry. The proposed fees are as follows:

Proposed Capital Increment Fee Program

- 1) Fees: 500/LUE plus \$10.07/month within the City of Austin
1,000/LUE plus \$10.07/month outside the City but
inside the Utility Service Area
1,500/LUE plus \$10.07/month outside the Utility Service
Area
 - A) Rates are to be adjusted periodically to reflect current costs
 - B) Applicants outside the current service area would enter into a two-party agreement to pay the fee as a condition of their petition to be annexed into the service area
 - C) Capital fees would be payable at the time of purchase of water taps or wastewater connection
- 2) Offsets: Applicants shall be allowed to reduce their capital fees if they cost participate in the cost of constructing a CIP approved project or a project of regional benefit (approved by the Water and Wastewater Commission and City Council). Their capital fees would be reduced proportionately, according to the number of LUE's proposed to be served.
- 3) Exemptions: All new service in MUDs, WCIDs, other districts, and other incorporated entities which are presently exempted from the capital fees would no longer be exempted. The City Council should review the requirements for MUD members to keep paying their internal debt service after annexation, on a case by case basis.
- 4) Restrictions: The capital fees must be reserved for projects involving utility expansion; they shall not be used to pay the costs of rehabilitation or modernization. (Obviously, there will be a limited number of projects where this distinction will be very difficult to make.)

REPORT - (Continued)

- 5) Variations: All of the above provisions and other details must be subject to review and periodic revision. For example, applicants seeking only water service would probably be charged only a portion of the above fees. A possible breakdown of water/wastewater fees is 60% for water and 40% for wastewater (eg., \$1200 for water and/or \$800 for wastewater for projects outside the service area).
- 6) The Program should include a 15 month sunset provision to enable its review in the context of an updated comprehensive financial plan.

Ms. Roselle told Council the Commission recommends approval of the Water and Wastewater Department's proposed capital recovery charge structure with the following amendments:

- modify the department's proposed LUE fee and monthly fee to reflect the Commission's recommended levels (see Resolution 081182-A)
- substitute a one year time frame for the three month period included in the Department's recommendation No. 3
- substitute the Commission's recommendation on offsets (see Resolution 081182-A) for the Department's recommendation No. 4

MAYOR FROM LAPORTE INTRODUCED

Mayor McClellan introduced to the Council Chamber Mayor Virginia Klein who was visiting from LaPorte.

WATER AND WASTEWATER SYSTEM REPORT

Mr. Carl Schwing, Director of Water and Wastewater, reviewed his previous memos to Council concerning the water and wastewater system. He said 200 taps over capacity have been sold. He suggested a moratorium on the sale of taps or a 10% normal tap fee at time of sale.

Mayor McClellan stated the bond election, if approved, will re-establish availability of taps. She said that the fee would be unhealthy because blocks of taps will be purchased at one time. The Mayor feels that a tap moratorium sends out a negative signal about Austin. If the bonds don't pass, she said, the City will have to take immediate steps.

PUBLIC HEARING - CAPITAL RECOVERY FEES

Mayor McClellan opened the public hearing set for 5:30 p.m. on Capital Recovery Fees.

Mr. Schwing, Director of Water and Wastewater, reviewed the proposal for capital recovery fees: "We have to consider the costs involved in the system itself, the amount that is proportioned to supply, the amount to treatment, transmission, storage and distribution. We took the depreciated value of the system, \$324,000,000.00, divided by the number of existing services and determined how much it would take to amortize that for 20 years at 12%. We came up with a monthly fee of \$30.36. Other fees ranged from \$1,000 to over \$7,000 with proportional monthly fees anywhere from \$10-27.50 a month. We feel that there should be capital recovery in specific areas where there are special development needs. At this time I would like to recommend that a management fiscal consulting firm or rate firm such as Touche Ross or Peat Marwick be considered in studying a comprehensive rate structure and capital recovery fee."

Frances McIntyre, president, League of Women Voters, told Council they support the fees.

Frank Cooksey, Save Barton Creek Association, also favors the fees.

Johnny Street, representing Home Builders Association, proposed a front end fee which will be kept as low as possible and be paid at the time of issuance of certificate of occupancy.

Larry Jackson told Council another barrier to home ownership should not be created.

Doyle Wilson, president of Austin Association of Builders and Doyle Wilson Homes, told Council that the builders of Austin will support the bond package. He said he thinks the fee should be set according to the number of bathrooms and the square footage of the home rather than on a flat fee.

Mr. Gary Bradley appeared and said he agrees with Mr. Wilson.

John McPhaul expressed his concern for equity because he said what is fair for one is fair for all. The individuals choice of habitation makes us responsible for the City's debt.

Jim Butler wondered if higher use fees will help or hurt the bond rating.

Ed Wendler Jr. appeared before Council to say the tax that hurts the poor the most is a fee.

Dr. Kent S. Butler, member of the Water and Wastewater Commission, supports the bond package and said the capital recovery fee is needed now.

Palmer Wright said people coming in should not be subsidized...it is not the City's duty or responsibility.

CAPITAL RECOVERY FEES - (Continued)

Smoot Carl-Mitchell, president of Austin Neighborhood Council, discussed the fact of inflation making it impossible for people to buy homes. He said he does not know the answer.

Melinda Longpain said the responsibility should be accepted by all and is in favor of passing the bonds.

Shudde Fath said the citizens of Austin are tired of subsidizing growth and a different option should be given for doing the subsidizing.

John Noell cautioned Council to not put all their hopes on a fee. He said he is not in favor of a fee.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, closed the public hearing; action to be taken on August 26, 1982. (7-0 Vote)

ZONING DECISION

Council had scheduled for action the zoning of three tracts at the rear of Congress Avenue and undeveloped Tract to the South, City of Austin, Case No. C14-82-020.

Mr. Mike Guerrero presented letters for the record which were written by property owners who object to having their property permanently zoned, other than "C" commercial as proposed. The letters were from Mary Frances Roddie,, Fred A. Aspura, J.F. Kramer, H.J. Holt, and Abel J. Theriot.

Mayor McClellan referred to another letter from Mr. Phil Mockford, attorney of Charles M. Goodnight, who owns property at 4735-4953 South Congress Avenue. She said "that property fronts on Congress Avenue, is next to industrial. The intention is not to have the area go into the neighborhood. They ask to be zoned "O" office which is less intensive than what is around them, and then to have a buffer in the rear of the property which would buffer them from the neighborhood area and not have access into the neighborhood. If you do it the other way around you are actually putting more traffic flow into the neighborhood."

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, approved the following zoning change: (6-1 Vote, Mayor McClellan voted No.)

(Continued)

ZONING - (Continued)

C14-82
020CITY OF AUSTIN PLANNING DEPARTMENT
Liverpool Drive, Suburban Drive,
Manchester Circle, 4742 Suburban
and property west of the tributary.FROM: "A", "AA"
& "B"

UPHELD THE PLANNING COMMISSION AND GRANTED "A" RESIDENCE, 1st H&A ON 12 LOTS DEVELOPED WITH DUPLEXES LOCATED ON LIVERPOOL DRIVE, MANCHESTER CIRCLE AND 4742 SUBURBAN; "AA" RESIDENCE, 1st H&A ON REMAINDER OF SUB-DIVIDED LOTS DEVELOPED FOR SINGLE-FAMILY RESIDENTIAL. "BB" RESIDENCE, 1st H&A FOR PROPERTY WEST OF TRIBUTARY, WITH FOLLOWING EXCEPTION: "A" RESIDENCE, 1st H&A FOR TRIBUTARY INCLUDING 75 FEET WEST OF CENTER-LINE OF TRIBUTARY, THE 100-YEAR FLOOD PLAIN AND BALANCE OF TRACT.

WEED CUTTING FEES

Council had scheduled for action on an appeal from Ms. Harriet Samon Owen, from the Health Department, concerning a notice to cut weeds and remove rubbish on her property located at 1191 Airport Boulevard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, voted to collect fees. (6-1 Vote, Mayor McClellan voted No.)

WATER SERVICE AUTHORIZED

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, authorized 20 water taps for water service as requested by Mr. Homer Reed for Foster Lane Townhomes, C14p-81-096. (5-2 Vote, Councilmember Duncan and Deuser voted No.)

1982-83 OPERATING BUDGET WORK SESSIONS
AND MEETINGS

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, approved the following schedule of work sessions and public hearings for the 1982-83 Operating Budget: (7-0 Vote)

Work Sessions

August 23, 1982 - 4:00 P.M.	- Presentation of General Fund Department Budgets
August 25, 1982 - 4:00 P.M.	- Presentation of Enterprise Fund Department Budgets.
August 30, 1982 - 4:00 P.M.	- General Fund

(Continued)

BUDGET MEETINGS - (Continued)

September 1, 1982 - 1:00 P.M. - Enterprise

Public Hearings

September 14, 1982 - 9:00 A.M. - Arts Contracts
 1:00 P.M. - Social Contracts
 - General Revenue
 5:30 P.M. - Tax Rate
 September 16, 1982 - 5:30 P.M. - Public Hearing

Action on Budget

September 22, 1982 - 9:00 A.M. to 9:00 P.M. - Budget
 1st Reading of Ordinance
 September 23, 1982 - 4:00 P.M. - 2nd Reading of Ordinance
 September 24, 1982 - 4:00 P.M. - 3rd Reading of Ordinance

INTRODUCTION OF FINANCIAL PLAN

Mr. Meiszer, City Manager, presented the Proposed 1982-83 Financial Plan to the Council. He told Council, "The Plan includes projected revenue collections and planned expenditure levels for all City operating funds. The Financial Plan is balanced and meets all Charter requirements. Total requirements for all funds are \$682.4 million."

Mr. Meiszer then highlighted the Financial Plan. (COPY IS ON FILE IN THE CITY CLERK'S OFFICE.)

ACTION ON ZONINGS

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, GRANTED AS RECOMMENDED the following zoning application which was heard on August 5, 1982: (7-0 Vote)

C14 -81 ANNE COFRIN 601-603 W. 8th Street
 016 BALDESCHWILER 704-706 Nueces
 By Steven A.
 Fleckman

From "O-H" 2nd H&A
 To "GR-H" 2nd H&A
 RECOMMENDED subject to
 submitted restrictive
 covenant limiting uses.

GRANTED AS RECOMMENDED

ZONINGS - (Continued)

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, GRANTED AS RECOMMENDED the following zoning application which was heard on August 5, 1982: (7-0 Vote)

C14 -82 JASON PAVLOVIC 1802 Lakeshore Dr.
084 ET AL

From Interim "LA" 1st H&A
To "BB" 1st H&A
NOT RECOMMENDED
RECOMMENDED "AA" 1st H&A
GRANTED "AA" 1st H&A

HORSE-DRAWN CARRIAGES

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed an ordinance regulating the operation of horse-drawn carriages for hire. (6-0 Vote, Councilmember Goodman was out of the room.)

Prior to the vote, Ms. Kim Rollis, who will operate the horse drawn carriages spoke to the Councilmembers. Dr. Benson, Director of Urban Transportation, said everything is in order subject to Council approval.

GUIDELINES FOR ROLL BACK ZONING REQUESTS

The Council, on Councilmember Deuser's motion, Councilmember Urdy's second, adopted a resolution amending the City Council guidelines on neighborhood rollback zoning requests. (7-0 Vote)

SCHOOL SPEED ZONES

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 11-2 of the Code of the City of Austin pertaining to the decrease in the maximum speed limit, i.e., reduced school speed zones. (7-0 Vote)

ZONING ORDINANCE

The Council, on Councilmember Urdy's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed the following zoning ordinance: (5-2 Vote, Mayor McClellan and Mayor Pro Tem Trevino voted No. Councilmember Mullen stated for the record that although he voted "no" on February 11, 1982 on this zoning, he voted "yes" today so it will not have to be read three times.)

MICHAEL R. MCHONE
C14-81-211 &
C14H-81-017

608 & 612 W. 22nd St.

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

JONES/DWYER TRACT

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, passed through second and third readings of an ordinance on limited purpose annexation of the Jones/Dwyer Tract of land out of the James Jett Survey No. 1. (Shepherd's Mountain) (7-0 Vote)

EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or executive session authorized by Section 2, Paragraph (g) of Article 6252-17, Texas Revised Civil Statutes annotated to discuss the South Texas Project - pending litigation & sale of real estate; 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.

RECESS AND ADJOURNMENT

Council recessed its meeting at 9:00 p.m. for executive session and adjourned its meeting at 10:00 p.m.