



Austin City Council MINUTES

For APRIL 15, 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. at 12:55 p.m. She noted the absence of Councilmembers Mullen, Duncan, Urdy and Deuser, who all entered the Council Chamber at 1:05. The business of the meeting began at 1:20 p.m. Councilmember Goodman was absent for the day.

RESOLUTION TO BEN SARGENT

Mayor McClellan read a resolution to Ben Sargent, which was signed by all Councilmembers. The resolution commended Mr. Sargent on his recognition as Pulitzer Prize Winning Cartoonist. Mr. Sargent thanked the Mayor for the resolution.

INVOCATION

The Invocation was given by Reverend John C. Towery, Congregational Church of Austin.

CONSENT RESOLUTIONS

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

Leases Amended

Amended leases with Junior Achievement of Central Texas, Inc. and the American Red Cross Centex Chapter to provide for additional option periods.

North Loop Branch Library

Approved lease for North Loop Branch Library.

Item Pulled

The following was pulled off the agenda during consent motion: Consider changing the Lease Agreement between the City of Austin and Doerring and Associates, Inc. regarding the Brackenridge Hospital Parking Garage.

Contracts Approved

Approved the following contracts:

- | | |
|---|---|
| a. SOUTHWESTERN PIPE, INC. 13 Hirsch Street Houston, Texas | - CAPITAL IMPROVEMENTS PROGRAM - Bus Stop Sign Posts, Urban Transportation Department Item 1 - \$34,616.25 C.I.P. No. 79/90-04 |
| b. THE OFFICE COMPANY 312 Congress Avenue Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM - Modular Furniture for East Austin Health Center, Health Department Items 1-15 - \$11,289.20 C.I.P. No. 76/91-03 |
| c. BALZER'S LANDSCAPING AND TRACTOR SERVICE COMPANY 8215 Rockwood Lane Austin, Texas | - Weed Lot Clearance Program, Health Department One (1) year contract Estimated cost: \$76,360.00 |
| d. LONGHORN INTERNATIONAL EQUIPMENT CO. 4711 East 7th Street Austin, Texas | - Truck Cab and Chassis, Vehicle and Equipment Services Dept. Items 1-5, consisting of 17 units - \$329,720.00 |
| e. INSTRUMENTATION LABORATORY, Inc. 15503 W. Hardy Road, Suite 102 Houston, Texas | - Atomic Absorption Spectrophotometer and Furnace, Water and Wastewater Department Item 1 & 2, consisting of 1 unit - \$25,506.00 |
| f. MAINTENANCE SERVICE COMPANY A Siemens-Allis Subsidiary 1233 West 34th Street Houston, Texas | - Emergency repair of Electric Rotor, Water and Wastewater Department Item 1 - \$5,450.00 |

CONTRACTS APPROVED - (Continued)

- g. Bid award:
- (1) TOM FAIREY COMPANY
5005 East 7th Street
Austin, Texas
 - Tractor-Loader Backhoes,
Various City Departments
 - Item 1, 6 each @ \$23,373.00
Total: \$140,238.00
 - (2) RIVER CITY MACHINERY COMPANY
10411 N. Lamar Boulevard
Austin, Texas
 - Item 2, 1 each @ \$40,333.00
 - Item 3, 1 each @ \$40,333.00
Total: \$80,666.00
- h. ACCRON CHEMICAL DISTRIBUTORS
3251 N. Pan Am Expressway
San Antonio, Texas
 - Soda Ash, Parks and Recreation
Department
Item 1 - \$6,776.00
- i. SUN MEDICAL
2500 East Randol Mill Road
Suite 139
Arlington, Texas
 - Transcutaneous Oxygen Monitor,
Brackenridge Hospital
1 each - \$6,715.00
- j. SUN MEDICAL
2500 East Randol Mill Road
Suite 139
Arlington, Texas
 - Transcutaneous Oxygen/Carbon
Dioxide Monitor, Brackenridge
Hospital
1 each - \$12,670.00

License Agreement

Approved entering into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing a 16-inch water main beneath Missouri Pacific's right-of-way at Mile post 185.48, Engineer's Chainage Station 9898 + 65, Travis County, Austin, Texas. No City cost participation.

CDBG Funds

Approved \$52,093.00 for CDBG Funds for four standard rehabilitation loans and authorized staff to enter into the appropriate contracts. (See Attachment "A")

Temporary Street Closing

Approved temporary closing of Longview Street from 25th Street to 24th Street on April 22, 1982 from 2:30 p.m. to 7:30 p.m. as requested by Mr. Donnie Merrill, Jr., representing Tau Kappa Epsilon Fraternity.

ATTACHMENT "A"

| NAME/PROPERTY | DEFERRED PAYMENT LOAN | LOW | | PERSONAL LOAN | CASH | TOTAL |
|---|--------------------------|------------------|--|------------------|------|--------------|
| | | INTEREST LOAN | | | | |
| A. Juan Fabian 6408 Porter ZIP: 78741 | \$ 18,931.00 | -0- | | \$ 969.00 | -0- | \$ 19,900.00 |
| B. Maria Alvarez 904 East 7th ZIP: 78702* | \$ 14,000.00 | -0- | | 0.00 | -0- | \$ 14,000.00 |
| C. Lee Adams 2713 Stacy ZIP: 78704 | \$ 9,212.00 | -0- | | 0.00 | -0- | \$ 9,212.00 |
| D. Angelo Millicia 1405 Canterbury ZIP: 78702** | \$ 9,950.00 | -0- | | 0.00 | -0- | \$ 9,950.00 |

*Guadalupe Neighborhood Area

**Neighborhood Strategy Area

Items Postponed

During the consent resolution Council approved postponement of the following resolution introduced by Councilmember Deuser, until April 22, 1982 at 5:15 p.m.: Consider position on proposed FY '83 Federal Budget regarding energy.

Setting of public hearings on the following postponed until April 22, 1982:

- a. Annexation proceedings for land along Highway 290 and 71, past Oak Hill. (Suggested dates: May 19 & 20, 1982)

Public Hearing Set

Set a public hearing for April 22, 1982 at 2:30 p.m. on an appeal from the City of Austin Electrical Department of the Planning Commission's decision on a variance from the Williamson Creek Site Development Ordinance for construction of an electric substation. (C3v-82-003)

CONSENT ORDINANCES

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

Operating Budget Amendment

Amended the 1981-82 Operating Budget by accepting and appropriating supplemental grant award of \$34,888.52 from the State Department of Highways and Public Transportation, Traffic Safety Program for continuation of the Selective Traffic Enforcement Program (STEP) for the program period May 1, 1982 through July 31, 1982.

Lake Austin Shoreline

Passed an ordinance exempting certain properties from the moratorium on subdivision platting along Lake Austin Shoreline. (Norman D. Jones property)

Public Hearings Set

Set the following for public hearing on April 22, 1982 at 7:00 p.m.:

- a. Consider establishing subsequent user fee for Water and Wastewater customers connecting to certain portions of the North Lamar Approach Main and the Big Walnut Creek Wastewater Interceptor.

HEARINGS SET - (Continued)

- b. Consider an ordinance relating to NPC North Central Austin Growth Corridor Municipal Utility District No. 1 Alternative No. 1 and Alternative No. 2.
- c. Second and third readings of an ordinance 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.

Zoning Ordinances

Amended Chapter 13-2 of the 1981 Austin City Code (Zoning Ordinance) to cover the following changes:

- a. WILLIAM C. MONTANDON, 5701 Johnnie Morris Rd. From Interim "A" 1st H&A
ET AL to "MH" 1st H&A
C14-82-002
- b. THOMAS H. BARNETT, 10108 N. IH-35 From Interim "AA" 1st H&A
ET AL to "DL" 1st H&A
C14r-82-007
- c. JOHN L. SHIVE 700-754 Bastrop Hwy. From Interim "A" 1st H&A
C14r-82-017 to "DL" 1st H&A
- d. CITY OF AUSTIN 9076-9094 Jollyville From "GR" 1st H&A
PLANNING DEPARTMENT Road to "O-1" 1st H&A
C14-82-019
- e. W. B. SMITH BUILDING 316-318 Congress From "C-2" 4th H&A
By Crow Simmons Avenue to "C-2-H" 4th H&A
Gottesman
C14h-81-024
- f. LEWIS-THOMAS HOUSE 1508 Newning From "A" 1st H&A
By Kathleen A. Ginn to "A-H" 1st H&A
C14h-82-003
- g. OPPENHEIMER-MONTGOMERY 105-111 West 8th Street From "C-2" 4th H&A
BUILDING to "C-2-H" 4th H&A
By Tom Shfelfelman
C14h-82-007

ZONING ORDINANCES - (Continued)

- h. ABRAHAM P. YUJA Rear of 9076-9094 From "B" 1st H&A
By Jeff Latimer Jollyville Road to "O-1" 1st H&A
C14-81-205

(5-0 Vote, Mayor Pro Tem Trevino abstained, Councilmember Goodman absent)

- i. KOGER PROPERTIES, INC. 3400-3528 Executive From "GR" & "LR" 1st H&A
by Tom Curtis Center Drive to "GR" 2nd H&A
C14r-81-180 7640-7740 MoPac Blvd.
- j. PLUMBERS & STEAMFITTERS 811-815 Shady Lane From "A" 1st H&A
LOCAL UNION 286 to "O-1" 1st H&A
By Bob Long
C14-81-203
- k. BUCKINGHAM RIDGE 6532-6536 South From "LR" 1st H&A
DEVELOPERS, A JOINT Congress "C" 1st H&A
VENTURE AND C. W.
HEATHERLY, JR.
C14-81-239

PASSED AS AN EMERGENCYHEARING TIMES FOR APRIL
ZONING CASES

Mayor McClellan introduced to Council for discussion hearing time for zonings set for April 29, 1982. She said forty cases have been set for hearing on the 29th and suggested half be heard on April 29 at 4:00 p.m. and half be heard on May 6, 1982 at 6:00 p.m. Council agreed with her.

HONORARY CITIZENS

Mayor McClellan introduced Jim Page to the Council Chamber and presented him with a Certificate of Honorary Citizenship and a Key to the City for his help as a consultant to Austin's new EMS facility. Mr. Page thanked the Mayor and Council.

Mayor McClellan next introduced John Naber, former Olympic swimmer who won one silver and three gold medals, to the Chamber audience. He was in Austin as a consultant to McDonald's U.S. National Junior Olympic Swim Meet. She presented him with a Certificate of Honorary Citizenship and a Key to the City. Mr. Nabers expressed his appreciation.

HONORARY CITIZENS - (Continued)

Mr. Donald I. Hovde, Undersecretary of HUD, was present in the Council Chamber. Mayor McClellan presented him with a Certificate of Honorary Citizenship and a Key to the City. Mr. Hovde thanked the Mayor and Council.

An Honorary Citizen Certificate and a Key to the City was presented, by Mayor McClellan to Chief Abudu Yesufu Eke, Ambassador of Nigeria, who was present in the Council Chamber. Chief Eke thanked the Mayor and expressed his appreciation.

APPEAL DENIED

Council was scheduled to take action on an appeal from Adrian Piperi of the Planning Commission's decision regarding denial of a variance (C8s-81-260 - Tumbleweed Place). Mr. Lillie explained to Council the land is a three lot subdivision several miles west of 360 on a rural road. One of the subdivision requirements says the road should be paved.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, upheld the Planning Commission and denied the appeal from Adrian Piperi of the Planning Commission's decision regarding denial of a variance (C8s-81-260 - Tumbleweed Place) (4-2 Vote, Councilmember Mullen, Mayor McClellan voted No, Councilmember Goodman was absent)

RECESS

Council recessed its meeting at 2:15 p.m. and resumed its recessed meeting at 2:45 p.m.

REPORT FROM PURPA HEARINGS OFFICER

Mr. Hector DeLeon, PURPA Officer, presented his report to Council. (COPY ON FILE IN CITY CLERK'S OFFICE.) Mr. DeLeon told Council that they should study the report and act. He said it will not be appropriate for the Electric Commission to review. He told the Council they should act on the recommendations as soon as possible as they are already past the deadline. (See Attachment "A" for recommendations)

Mayor McClellan asked, "All the prior staff testimony that was on the book and in conflict with the Council adopted Proposal 7, has that been stricken from the record?" Mr. DeLeon said, "It is not stricken from the record but you have to understand the weight that you give that testimony. The testimony was prefiled and to that extent it was part of the record. I read the testimony, however, in order for that testimony to be credible and a proper basis for recommendations, it would have to have been proven up. The person who wrote it would have to have been at the hearing and would have had to testify that he wrote it and those are my opinions, I am an expert and therefore it is part of the record." Mayor McClellan asked, "Is

ATTACHMENT "A"

Based upon the above Findings of Fact and Conclusions of Law the Hearings Examiner makes the following recommendations:

COST OF SERVICE:

1. The cost of service standard is a worthy goal toward which to strive, however parameters must be fixed in moving toward the standard;
2. The parameters to be fixed include the determination of a proper cost determining analysis;
3. Consideration should be given to the applicability of both the embedded cost and marginal cost approaches;
4. Any utilization of the cost of service standard should not be to the exclusion of other relevant factors;
5. The cost of service standard should not be implemented until the above review is made and a cost analysis model adopted.

DECLINING BLOCK RATES:

1. The declining block rate standard (which prohibits declining block rates) should be implemented;
2. Unless it can be shown that the cost to produce tail block energy units is lower than the cost to produce base block units then declining block rates should be abandoned;
3. Currently, it appears an inverted rate structure more accurately reflects economic realities and consideration should be given to maintaining such a structure.

TIME OF DAY RATES:

The time of day rates standard should not be implemented.

SEASONAL RATES:

The seasonal rates standard should be implemented.

INTERRUPTIBLE RATES:

1. Consideration should be given to the advisability of implementing the interruptible rates standard;
2. It is not advisable to adopt the interruptible rates standard without additional data;
3. The necessary data includes a survey of likely utilization and a study of likely impact on the peak demand.

LOAD MANAGEMENT TECHNIQUES:

1. Consideration should be given to the advisability of implementing the load management techniques standard;
2. It is not advisable to adopt the load management technique standard without additional data;
3. The additional data includes a survey of available load management techniques, a study of the applicability of those techniques to the utility, the cost of implementing the various techniques, the potential saving if a particular technique is implemented, and the likely impact on peak demand if any particular technique is implemented.

LIFELINE RATES:

The City Council of the City of Austin having adopted Ordinance No. 810326-C (Proposal 7) on June 11, 1981, a lifeline type rate has been implemented and no further action is required.

PURPA - (Continued)

that R.L. Hancock who would have had to testify?" Mr. DeLeon said it would have been Bill Avera and Bruce Fairchild and they were not present at the evidentiary hearings. The Mayor asked if they were not present because they were not invited. Mr. DeLeon said he did not know. Mayor McClellan asked if the testimony is part of the official record. Mr. DeLeon said yes but the credibility is very small. Mayor McClellan said, "We purged the staff testimony then". Mr. DeLeon said, "I want the Mayor to understand that the City Council did state on the record that they were abandoning that previously pre-filed testimony and for that reason I did not consider it at all." Mayor McClellan said, "I understand. I'm not putting that on you, I just understand that the testimony the staff had before was in conflict with Proposal 7 because there was testimony to the fact that it was not a cost of service base. I can understand your recommendations and until you define what those costs of service are you say we not adopt that standard, I think that prior to Proposal 7 with the Touche-Ross studies and the various steps that have been taken in prior years we were moving toward cost of service electric rates and were doing so in line with those types of recommendations. I reiterate, not to the surprise of my colleagues, that it is my strong feeling that Proposal 7 is very contrary to cost of service electric rates and flies in the face of cost of service based electric rates. I think there is some interesting testimony in the PURPA hearings. I assume that the testimony from Bergstrom went into your PURPA records, I found their testimony some of the most amusing of the conclusion which is kind of unusual coming from the military quoting Lewis Carroll's "Alice in Wonderland". They talk about the caucus race where you all run in circles, it doesn't matter where you start or begin, everyone gives out prizes at the end....ending up with the fact that they say only cost of service base rates can achieve the PURPA goals of conservation, efficiency and equity and how we need to stop this caucus race now and return to our previous cost based rates. I just want to repeat for the record by opposition to Proposal 7 not being cost of service rates and not to the surprise of my colleagues."

Councilmember Deuser said he would like to comment about the staff testimony because "that pre-filed testimony was from two experts engaged by the City Council and that was pre-filed testimony and did support the rate structure of the City Council that hired those experts and the rate structure that was in effect at that time in essence attempted to defend the later expert that was hired by this Council supported and defended the type of rate structure that the City Council adopted, therefore there should not be appropriately attached to either one of the testimony that this is the testimony of the staff because the staff is by nature supporting the actions of the City Council and therefore not in opposition to the rate structure that we have or to the testimony that was presented in the hearing." Mayor McClellan said she thinks staff, in a sense, was silenced on the matter after Councilmember Deuser's instructions in the Council Chamber.

Mr. DeLeon told Council that the official record is in Ms. Cathy Baumgardner's office. She was PURPA's coordinator. He then thanked Council for giving him the opportunity to serve the City. Mayor McClellan told Mr. DeLeon he has done an excellent job for the City and that "our disagreements on issues here have nothing to do with the kind of job you have done. I think you have performed your task extremely well and we appreciate that."

Steve Gardner appeared before Council to state: "The City Council hired

PURPA - (Continued)

me as a public counsel in this proceeding and as such I've represented the interest of consumers in this proceeding. I want to say that as public counsel I do endorse the recommendation which you have been given by Mr. DeLeon. I would also like to echo what he said about the cooperation from City staff. I also want to thank Mr. DeLeon and I appreciate what a great job he has done. I want to thank you for the opportunity to serve as public counsel."

PUBLIC HEARINGS - STREET & ALLEY VACATION

Mayor McClellan opened the public hearing scheduled for 2:45 p.m. on vacating the following and passage of ordinances:

- a. West 32nd Street Alley (1000 block). Requested by Metcalfe Engineering Company, Inc., representing the adjoining property owners. (C10v-82-006)
- b. West 33rd Street (1000 Block). Requested by Metcalfe Engineering Company, Inc., representing the adjoining property owners. (C10v-82-007)
- c. Shoal Creek Boulevard Alley (3200 Block). Requested by Metcalfe Engineering Company, Inc., representing the adjoining property owners. (C10c-82-005)
- d. West 33rd Street (1200 Block). Requested by Metcalfe Engineering Company, Inc., representing the adjoining property owners. (C10v-82-009)
- e. Bailey Lane (3200 Block) and a portion of West 32nd Street (1100). (Requested by Metcalfe Engineering Company, Inc., representing the adjoining property owners.

Mr. John German, Director of Public Works, told Council there is a total of one acre in exchange for dedication of the street right of way. The Planning Commission recommended the vacation on March 23, 1982.

Bill Faust, representing Richard Hardin, said he had met with the Heritage Homeowners Association and they questioned access to Bailey Park. Mr. Faust said it was agreed they would put the sidewalk along 32nd Street over to Wabash from Lamar to give them the access they are requiring at that point.

Mayor McClellan said, "I want to clarify for the record that on that portion of West 32nd (e above) that from the middle over that we not dedicate that as park land at this time so that it will be there for the school as they need it realizing of course that it is going to be used." Mr. German said it is near St. Andrew's School and would be considered surplus property.

HEARINGS - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing, waived the requirement for three readings and finally passed ordinances for vacating the following: (6-0 Vote, Councilmember Goodman absent)

West 32nd Street Alley (1000 Block)
West 33rd Street (1000 Block)
Shoal Creek Boulevard Alley (3200 Block)
West 33rd Street (1200 Block)
Bailey Lane (3200 Block) and a portion of West 32nd Street
(1100) portion of which will not be dedicated as park
land but will be excess land.

PUBLIC HEARING - LIMITED PURPOSE ANNEXATION OF
LAKE AUSTIN SHORELAND

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. to consider limited purpose annexation of 500 feet landward measured horizontally from and parallel to the 504.9 foot topographic contour line on either side of Lake Austin (Lake Austin Shoreland).

No one appeared to be heard. (There was a public hearing on April 14, 1982 at the site. Several people spoke at that time.)

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, closed the public hearing and directed the City Manager to direct the staff to proceed with limited purpose annexation of 500 feet landward measured horizontally from and parallel to the 504.9 foot topographic contour line on either side of Lake Austin (Lake Austin Shoreland). (6-0 Vote, Councilmember Goodman absent)

EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or executive session authorized by Section 2, of Article 6252-17, Texas Revised Civil Statutes annotated to consider board and commission appointments; 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

Council recessed its meeting for Executive Session at 3:15 p.m. and resumed its recessed meeting at 3:35 p.m.

BOARDS & COMMISSIONS

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, appointed Mr. Donald Damron to a term on the Community Development Commission which will expire on March 1, 1984. (6-0 Vote, Councilmember Goodman absent)

Mayor McClellan announced the following board and commission appointments are due to be made: Austin Tomorrow On-Going Committee, 5; Environmental Board, 1; Electric Utility Commission, 1; EMS Quality Assurance Team, 5; Urban Transportation Commission, 1; Elisabet Ney Museum Board of Directors, 5; Manpower Advisory Planning Council, 3; Community Development Commission, 5; Dental Health Advisory Committee, 9; Energy Conservation Commission, 1; Medical Assistance Program Advisory Board, 1; Austin Community Education Consortium, 1 group to replace the Urban League; Renewable Energy Resources Commission, 2; Wrecker Standards Commission, 1; Private Industry Council, 3; MH/MR Public Responsibility Committee, 1; Neighborhood Revitalization Commission, 1.

MINUTES APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved Minutes for Regular Meetings of February 24 & 25, 1982; March 3, 4, & 11, 1982 and Special Meetings of February 18, 1982, March 2, 1982, April 5, 1982 and April 7, 1982. (6-0 Vote, Councilmember Goodman absent)

PUBLIC HEARING - GRANT APPLICATION TO UMTA FOR OPERATING ASSISTANCE

Mayor McClellan opened the public hearing, scheduled for 3:30 P.M. to receive public comment on a grant application to UMTA for an Operating Assistance Grant, TX-05-OPR-2, for \$1,793,562.00. The Mayor asked if anyone was present to speak. No one appeared.

Motion

Councilmember Duncan moved to close the public hearing to receive public comment on a grant application to UMTA for an Operating Assistance Grant, TX-05-OPR-2, for \$1,793,562.00. The motion, seconded by Councilmember Deuser, carried by the following vote: (6-0, Councilmember Goodman absent)

RECESS

Council recessed its meeting at 3:35 p.m. and resumed its recessed meeting at 4:10 p.m.

SHEPHERD'S MOUNTAIN LIMITED PURPOSE
ANNEXATION

Mayor McClellan opened the public hearing scheduled for 4:00 p.m. to consider limited purpose annexation of 332 acres of land out of the James Jett Survey No. 1 (Shepherd's Mountain Area).

Mr. Lillie discussed the purpose of limited purpose annexation and referred to the hearing held on site in the Shepherd Mountain area.

ANNEXATION - (Continued)

Councilmember Duncan asked if Council is ready to take action on the development today as far as the density and so forth is concerned, or do we need to do that at a later time? I think the question of annexation and question of service, wastewater and water service, and the question of the type of development, the density and so forth, all need to be resolved at the same time. Mr. Lillie told him that if the Council proceeds with annexation proceedings the land will be zoned Interim "AA" for single family homes.

Doyle Wilson appeared before Council and said he would like to consider an approach main and annexation all at the same time. Mr. Nias, Assistant City Attorney, said this can be done. Mr. Wilson then showed slides of the property and the proposed development. He said 75% of the area will be green belt.

Roy Bechtol, architect, appeared before Council to say they can get figures soon on impervious cover. Some cursory studies have been done thus far.

Discussion then followed concerning density versus price of homes, etc. Mr. Wilson stated he wants to build affordable homes. He said his proposed development meets all ordinances and rules set out by the City of Austin.

Joan Lava, president, League of Women Voters, said the area is the least desirable for growth and asked Council to oppose treatment plant. They were concerned about density and run-off.

Josie Champion told Council they have land in the area which they do not want included in the annexation and asked that their property be removed for consideration. Councilmember Deuser stated orderly development along City Park Road would be best for the City.

Pete Dwyer told Council he has .95 acre of land on which he wants to build a small office. He asked that his land be excluded or be considered for full purpose annexation. Tom Jones, one of the owners of the tract, said in developing the land for office use they will be very aware of the environment.

Mr. Wilson said they will develop 5-6 acre plats at a time. Consumer demands change too much to plan too far ahead. He said they will build on top of the mountain and run off will be to the bottom of the mountain.

Mr. Sitra appeared before Council. He said he is president of Sitra Properties and a commercial land developer. He said he brokered the land from Mr. Shepherd to Mr. Wilson. At the time of the sale, Mr. Shepherd had five contracts before him and chose Mr. Wilson's because he approved of the concept of development.

Councilmember Duncan inquired if the 12" water approach main was arrived at under the assumption there will be 800 living units on the site of Shepherd Mountain. Mr. Rodger White, Acting Director of Water and Wastewater, told him that is correct. Discussion followed concerning size of the main and number of contemplated living units.

Mayor McClellan announced it would be in order to vote first on the resolution concerning the wastewater approach main. Councilmember Duncan said "to make a decision on whether to annex or not, what size approach main to service the tract without making a decision on the development of the project itself is inappropriate."

Councilmember Mullen asked Mr. Wilson, "Is it clear to you that in the event that this is approved there is no liability saying we are going to approve anything else?"

ANNEXATION - (Continued)

Mr. Wilson said that is very clear. Councilmember Mullen said, "O.K., I just wanted it for the record because I don't want them saying there is an assumption that because one was done, the Council by this discussion today, is apparently going to go on and approve zoning."

Councilmember Deuser requested a report on costs etc. to Mr. Wilson so he will be prepared for the zoning case which will come along. He said if we are going to hook this on to the City system we need an approach main that will handle a foreseeable possible development.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, adopted a resolution to approve the following wastewater approach main: (6-0 Vote, Councilmember Goodman absent)

DOYLE WILSON, INC.

- Twelve inch wastewater approach main to serve Shepherd Mountain Subdivision. No City cost participation.

Councilmember Deuser had offered a friendly amendment to the motion that the City of Austin vigorously oppose any wastewater permit for the area. He withdrew his amendment and made a motion instead.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, requested the City of Austin to vigorously oppose any wastewater permit for the area. (6-0 Vote, Councilmember Goodman absent)

Motion

Councilmember Duncan made a motion, seconded by Councilmember Deuser to close the public hearing and proceed with limited purpose annexation of 332 acres of land out of the James Jett Survey No. 1 (Shepherd's Mountain Area).

Friendly Amendment

Mayor McClellan offered a friendly amendment to delete the Champion tract which surrounds the Dwyer property.

Councilmember Duncan then said he would like to separate the motion. "Let's vote first just on the Shepherd Mountain tract and then we can vote on the others."

ANNEXATION - (Continued)

Motion Amended

Councilmember Duncan amended his motion to close the public hearing and proceed with limited purpose annexation on the Shepherd Mountain tract and the Boy Scout tract. Councilmember Deuser seconded the motion, which passed by a vote of 6-0 with Councilmember Goodman absent.

Motion

Councilmember Deuser made a motion, seconded by Mayor Pro Tem Trevino to approve limited purpose annexation for the remainder of the 332 acres with a proviso for zoning and subsequent service to that area.

Councilmember Urdy asked, "The service boundary was changed to include only Shepherd's Mountain tract itself, wasn't it?" Councilmember Duncan said that is correct and thinks it needs full discussion at a later date.

Roll Call on Motion

4-2 Vote, Councilmember Mullen and Mayor McClellan voted No.

(TRANSCRIPT OF THIS PUBLIC HEARING ON FILE IN CITY CLERK'S OFFICE.)

RECESS

Council recessed its meeting at 7:20 p.m. and resumed its recessed meeting at 7:35 p.m.

SAFARI '82

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, approved the request of Ms. Annabel Linscomb for permission for the sale of beer and wine during the 18th annual Austin Community SAFARI '82 in Zilker Park on April 24 & 25, 1982. (6-0 Vote, Councilmember Goodman absent)

PARADE PERMITS

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, approved the request for the following parade permits: (6-0 Vote, Councilmember Goodman absent)

- a. Mr. Lloyd Langsdord, for Cook Community School Advisory Council, (1st run) 8:30 a.m. to 9:15 a.m., (2nd run) 9:15 to 9:30 a.m., Saturday, May 1, 1982, beginning from Quail Valley out Mearns Meadow to Golden Meadow, to Rutland, to Metropolitan, Energy, Metric, Donley, Delta and Denton, back to Metric, to Mearns Meadow, to Quail Valley; and (2nd run) Quail Valley to Quail Ridge, left on Leaning Willow, right on Mearns Meadow, right on Robinwood, right on MacMora, right on Pine Knoll, right on Learning Willow, left on Quail Ridge to finish at Quail Valley.

PARADE PERMIT - (Continued)

- b. Ms. Pam Knierim, for Women's Art Guild of Laguna Gloria, from 9:00 a.m. to 11:00 a.m., Sunday, May 16, 1982, beginning from front of Old Fireman's Tower off Congress & West 1st Street, west on 1st, around Austin High School left to Lake Austin Blvd, to Enfield, right on Enfield to Exposition Blvd., right onto Exposition Boulevard, left on Lake Austin to West 1st Street, right on 1st Street back around Austin High School and finish at east end of track field (off 1st Street).
- c. Ms. Maria S. Limon, for La Fiesta del Barrio Organizing Committee, from 12:00 noon to 1:00 p.m., Sunday, April 18, 1982, beginning from 2900 East 4th, west on 4th Street to Pleasant Valley, south on 3rd Street, west on 3rd Street to Pedernales, north on Pedernales to Santa Rita, west to Canadian, south on Canadian to 3rd Street, west on 3rd to Waller, south on Waller to Holly, east on Holly to Chicon, south on Chicon to Bergman. Fiesta Gardens is final destination.

PUN-OFF

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, approved the request of Ms. Helen Handley for permission for the sale of beer at the O'Henry Museum's annual PUN-OFF, May 2, 1982, from 2:00 p.m. to 4:00 p.m. (6-0 Vote, Councilmember Goodman absent.)

EYORE'S BIRTHDAY

Mr. John Gibbs, representing the University YWCA, appeared before Council to request permission for the sale of beer and wine at Pease Park for Eeyore's Birthday Party on April 30, 1982, (rain date May 7, 1982).

Mr. Ehrler, Director of Parks and Recreation, stated Mr. Gibbs must complete the application and pay the fees before the permit will be approved.

ENERGY DISCUSSED

Mr. Bob Russell appeared before Council to discuss Council's energy policy direction. He said, "I think that if you are going to take the City in these new policy directions, that you ought to be willing to pay for new staff and for the kind of expertise that we really need in the Building Inspection Department and in the City Planning Department. So I come here today, to ask you to put the money in the budget, if it is necessary. And if it is necessary, make staff changes, so that we can take an energy policy that makes sense for the future of Austin and make it work."

LOCAL OLYMPIC SPORT COMMITTEE

Mr. Jay Stokes appeared before Council to request them to authorize the local Olympic Sport Committee to organize and designate members of a City Task Force to encourage citizen and community support of Olympic athletes.

Mayor McClellan told Mr. Stokes that Council will appoint a committee.

UTILITY SERVICE AREA DISCUSSED

Mr. Tom Jones appeared before Council to request inclusion of one acre office site on 2222 at 360 into the utility service area.

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, referred the request of Mr. Tom Jones to the Planning Commission and Environmental Board. (6-0 Vote, Councilmember Goodman was absent.)

ANNEXATION PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. to consider annexation of 585 acres of land along IH-35 south and along FM 1327 east of IH-35.

Mr. Lillie described the annexation procedure. (Council had conducted a public hearing on site on April 14, 1982.)

Charles Nickels, employed by Mr. Heep, said they raise cows along the highway and do not need fire protection. He requested limited annexation.

Dr. Tim McCloud said he owns 49 acres on the west side of IH 35 and wants to retire there. He asked if there is a way the City can take them in without taxing.

Mayor McClellan explained the necessity of assuring the protection of Austin so it is not surrounded by incorporated communities who have residents who work in Austin and live outside the City. This would cause a lowering of the tax base and a decrease in the strong structure of the City.

A man from Creedmore who did not identify himself told Council they are taking in good productive farmland and with taxes people will leave and stop farming.

Another man who did not identify himself asked Council to annex 100' from the right of way line rather than 200'. Mr. Lillie said this would not be feasible because 200' is not enough to control development. Council then discussed the amount of right of way, curb cuts, etc.

Councilmember Deuser contended there is a better option than annexation.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Deuser's second, closed the public hearing and instructed that an item be placed on the April 22, 1982 agenda for a vote to be taken at 1:15 p.m. (6-0 Vote, Councilmember Goodman absent)

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor McClellan opened the public hearing scheduled for 6:15 p.m. to consider proposed general topic areas - (1982-83 Community Development Block Grant Program). She said the purpose of the hearing is to hear comments from citizens regarding priority needs and funding allocations. Based on the comments this evening, along with recommendations from the joint committees, Community Development Commission, Planning Commission and the City Manager, the Council will decide on the general activities to be funded for the 8th year CDBG program at next week's Council meeting.

Carlos Herrera, Director of Human Services, appeared before Council. He said they would like to clear up one point on the Robertson Hill project. The issue came up during the Council's recent work session on CDBG. "We were discussing the trade off between the CIP and the CDBG funds. I want to point out that not all of the Robertson Hill Project is CIP. I also want to point out that HUD has advised the City that the entitlement for the succeeding year is \$4.9-million, representing an approximate 12% reduction from the prior year. This year we will be able to offset most of the reduction with money that will be forwarded from prior year grants that will be deobligated & moved to the 8th year program so that the total funding allocation for the 8 year program is \$6.3-million. We ask that all of these recommendations heard today be considered during the Council deliberations of next week."

Malcolm Greenstein, CDC Clarksville representative, discussed the City Manager recommendation. He said it is depressing. About \$1,000,000.00 goes through the RFP and the rest goes to the City. \$5,279,000.00 will be outside the RFP process. It will go to ONR, administrative costs, Robertson Hill, Maple Creek. Mr. Greenstein said it would be helpful to him as a member of the CDC if the City Manager and HSD decides not to follow a recommendation to tell them why. Why was the decision made not to fund Clarksville and several others?

Ray Dell Galloway said he attended a meeting at Rosewood where Maple Creek was discussed. He said the creek provides cool water for people who live near by who do not have air conditioning. Mr. Galloway said Maple Creek is always left out when it comes to improvements.

Robert Lee, Robertson Hill Steering Committee, said there are improvements that need to be done at IH 35.

Julius Saeger, member of the Vaughn House Board, stated the house needs more space for growth in order to expand the abilities of the handicapped.

Texanna Cohn told Council the multi-handicapped deaf people have been left out. They need CDBG funds.

Mrs. Perkins told Council the creek needs cleaning and she is afraid of drowning when it rains.

Pauline Brown, Clarksville Advisory Chairman, said they need low income housing.

Tommy Watt, National Business League, discussed the 11th and 12th Street corridor. He said he does not think the RFP process is beneficial.

CDBG - (Continued)

Kathy Tyler, Clarksville, said money is needed to build houses in the area.

John Henneberger, Clarksville, also asked for money for lots and low income houses in Clarksville.

Cheryl Robinson discussed Maple Creek and asked for improvements.

Melvin Collins asked for housing counseling.

Ben Serrett discussed the Vaughn House and its needs.

Ella Mae King, National Business League asked for funds for her business.

Reverend David Duke, representing people in the Green Valley area, asked that paving in CDD 8 be extended. He also asked for improvements to the Ford Branch Creek which has been giving them trouble for years.

Mr. Guzman stated CDD 8 was also included in CIP and money was included for each branch for study money.

Naydor Steward, Youth and Business Program under NBL, discussed the need for more money.

Frances Martinez, East Austin Chicano Economic Development Corporation, said they need more money.

Cass Kareen told Council the National Business League has helped him. They need more funds.

Margaret Chang told Council she has received help from the National Business League.

Tracy Brown, East Austin Chicano Economic Development Corporation, asked for funding.

Norman Keaton vouched for the Vaughn House workshop and spoke for architectural barrier removal.

Mr. Hevero Hernandez supports funding for EACEDC.

A woman from the East 1st Street Advisory Board supports EACEDC.

Rick Richa, representing United Cerebral Palsey, said they do a wonderful job of helping handicapped people live independently.

Pete Martinez, president, Rainey Street Neighborhood Association, asked for support of EACEDC.

Clyde McQueen, board of directors, NBL, told the merits of NBL.

Goerge Stone, Austin Tenant's Council, said they need funding.

CDBG - (Continued)

Brenda Carter, ACORN, asked for money for Comita Creek.

Paul Hernandez, EACEDC, spoke against the RFP process.

A man from Coronado Hills said they have problems which need to be solved.

Pat Pound spoke in favor of the proposal for architectural barrier removal and the Vaughn House.

Mr. Herrera told Council that since CDBG funds are federal funds there are rules which must be followed. If the RFP process is not followed it would not be looked upon favorably. HUD has criticized the City and wants the RFP process conducted.

A citizen discussed the Vaughn House and said they need to expand services to more people.

Mayor Pro Tem Trevino requested staff break out all money that can be funded by CIP. He said if the City has a successful bond election, the money can be reallocated.

Mr. Herrera told Council all HUD money has been cut 12% and said that when the Feds say their money is gone, the City will have to pick up the tab.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing and scheduled action to be taken April 29, 1982 at 1:15 p.m. (6-0 Vote, Councilmember Goodman absent)

PUBLIC HEARING - MULTI-FAMILY HOUSING PROGRAM

Mayor McClellan opened the public hearing scheduled for 6:30 p.m. on the policy statement for multi-family housing program.

Mr. Phil Scheps, Director of Finance, told Council "we have had several opportunities for public input. We have had meetings with lenders and developers before we developed these. We're sending out a questionnaire to lenders next week and Dr. Ron Luke has been retained by E.F. Hutton to do a feasibility study in the community. So before we take the public testimony tonight I'd like Dr. Luke to give a brief synopsis of the kind of information he will be asking for.

Dr. Luke told Council that the feasibility study is aimed at getting an overview of the multi-family housing market in Austin, the factors that are currently influencing the supply and estimate the change of rent levels and vacancy levels. They are looking at the entire market, not just the low and moderate income families. They are also looking at the sub market that will be serviced by the proposed program and in doing that they will be taking the program guidelines discussed and define which set of households it is attempting to serve. Then they will measure the effective

HEARING - (Continued)

purchasing power the people will have. They will also relate this group to the other subsidy and housing rehabilitation programs the City may be operating. He said they will then help the Corporation and the City staff evaluate the economic implications of policy guidance. Dr. Luke said they will try to make the program do what the City intends it to do and help discover at an early phase any unforeseen ramifications of what individually might appear to be very desirable policy parameters. A computer model will be developed for the City's use to do some sensitivity analysis on the various program parameters as it affects project economics. They will estimate the eligible effective demand for the program as a means of aiding the underwriter and the City as a Corporation and sizing the overall pool of the program.

Jim Cannon, representing Task Force for a Barrier Free Austin, told Council they support the adaptability concept in the guidelines and recommend that guidelines used for adaptable housing in addition to the present uniform City Building Code, they recommend all interior doors be 32" from casement to casement; restrict thresholds so easily accessed by wheelchair, bracing be in bathrooms in case hand rails needs to be installed for the resident; and change percentages from 5% of the dwellings from 3 to 50 units; 51 to 100 units they would like to recommend 10% units be adaptable and from 151 up that 15% of the units be adaptable.

Pat Pound, speaking for Austin Research Center for Independent Living, discussed the concept of adaptability of housing for the handicapped. She said the unit should be made so that anyone who wants to can live there so it does not look like a handicapped unit.

Ed Hammel, NPC, involved in development of multi-housing, also serves on task force for adaptability. He said the ordinance will not be hard to follow and asked Council to include the few things that are being asked for.

Zeke Rommel, EACEDC, asked for the majority of the units be in Priority Area 1; they want rent control or subsidies to allow low income to afford the rental units; they want to see the program integrated with the other programs. EACEDC offers its assistance in the outreach program and offer ongoing counseling to the low income tenants.

Ben Sarrett questioned whether or not the project really needs to be done in the form presented. He says it is designated for low income people when by definition 80% goes above the low & moderate income level and 60% in the other. He said it is structured to help people over the low and moderate income level. Mr. Sarrett said the program should be labeled for what it is.

Scott Robertson appeared before Council to say perhaps this should be a program to extend the rental stock of Austin. He feels priority area 1 and 2 should receive the housing.

Homer Reed said there is a need for the program because the rental stock is decreasing.

Jerry Slauthower, representing MIGHT, said Council should make certain the units designed can be used.

HEARING - (Continued)

Rich Elmer said the proposal is still not in the range of a lot of people. He said the idea needs to be spread throughout the City.

Larry Gaus said he works for Linney who develops apartments. They looked at property in the south of the City and cannot build because there is not a sewer line because of failure of the bond election. He said they want to build a project for lower income families.

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (5-0 Vote, Councilmember Goodman absent, Mayor McCellan out of the room.)

ENVIRONMENT PROTECTION RESOLUTION

Councilmember Deuser proposed the following resolution concerning Council's position on the proposed FY '83 Federal Budget regarding environment protection.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, adopted the following resolution: (4-0 Vote, Councilmember Mullen and Mayor McClellan were out of the room, Councilmember Goodman absent)

WHEREAS, Environmental Protection is one of the three big E's of major concern in Austin, Texas (the other two are Energy and Education); and

WHEREAS, the President has proposed a 1983 Federal Budget that will adversely affect the ability of the City of Austin to cope with the Environmental Impact of growth in a Sunbelt City in the following ways:

1) Reduced grants for wastewater treatment plant construction and improvements that are crucial for the Onion Creek and Govalle sites; and

2) Relaxation in hazardous waste handling requirements;
and

RESOLUTION - (Continued)

3) Decreased field personnel in the all important enforcement division; and

4) Less research results available and work to be performed here; and

WHEREAS, the City of Austin considers the proposed 30% reduction of funding for the EPA (Environmental Protection Agency) in real dollars, in spite of inflation, to be an excessive cut that will clearly affect the EPA ability to perform their mission by over 40%;

THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF AUSTIN opposes such extensive cuts by the Federal Government and lends its support to opposition by the Congress to this drastic reduction in environmental protection and furthermore, calls on the President of the United States to review the proposed 1983 Federal Budget priorities.

ADJOURNMENT

The Council adjourned at 10:21 p.m.