



# Austin City Council MINUTES

For

APRIL 22, 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 at 1:00 P.M., noting the absence of Councilmembers Urdy and Deuser, Mayor Pro Tem Treviño and Councilmember Goodman who arrived at 1:20, 1:20, 1:26 and 1:32 respectively.

### RESOLUTION FOR BRACKENRIDGE AUXILIARY

Mayor McClellan read a resolution, signed by all Councilmembers designating Sunday, April 25, 1982 as Brackenridge Hospital Auxiliary Day in honor of the 30th anniversary of the founding of the Auxiliary.

### RESOLUTION FOR FRED A. GOTTESMAN

Mayor McClellan read a resolution, signed by all Councilmembers, recognizing the gift of 84.3 acres of park land from Fred A. Gottesman. The land is located near South Lamar and Ben White Boulevards and will be a major addition to the Barton Creek Greenbelts.

### INVOCATION

The Invocation was given by Reverend Tom Martin, First Baptist Church.

### APPROVAL OF MINUTES POSTPONED

Approval of Minutes for Regular Meetings of March, 18, 25, April 1, 1982 and Special Meetings of April 14, 1982 at 3:00 p.m. and 5:00 p.m., was postponed.

**BOARDS AND COMMISSIONS**

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, 1; 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; Renewable Energy Resources Commission, 2; Wrecker Standards Commission, 1; Private Industry Council, 3; MH/MR Public Responsibility Committee, 1; Neighborhood Revitalization Commission, 1.

**CONSENT RESOLUTIONS**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Correction Deed

Authorized execution of a correction deed which corrects errors found in the December 21, 1979 MoPac Boulevard Special Warranty Deed executed by the City of Austin to the State of Texas (Loop 1 from Northland Drive to near R.M. 2244)

Release of Easements

Authorized release of the following easements:

- a. A portion of a 7.5' Public Utility Easement on Lot 22, Block A, Bello Vista, 2504 Velasquez Drive. (Requested by Mrs. John Bellquist)
- b. A portion of a drainage easement on Lot 12, The Meadows, 9100 Mountain Ridge Drive. (Requested by Espey, Huston & Assoc., Inc.)

License Agreement

Authorized the issuance of a License Agreement to allow the encroachment of a grease trap into the East 5th Street Alley right-of-way adjoining Lot 2, Block 60, Original City of Austin, 504 East 5th Street. (Requested by Mr. John Zapp and Mr. Michael Young)

Contracts Approved

Approved the following contracts:

- |  |   |
|--|---|
| a. AUSTIN CRUSHED STONE COMPANY<br>1814 Howard Lane<br>Austin, Texas | - Crushed Limestone Aggregate, Public Works Department<br>Twelve (12) month Supply Agreement<br>Items 1.1-1.5, 2.1-2.5 & 3.1-3.5 -<br>Estimated total \$10,083.00 |
|--|---|

## CONTRACTS - (Continued)

- b. WHITE'S MINES, INC.  
112 Travis Street  
San Antonio, Texas
- Cold Mix Limestone Rock Asphalt,  
Public Works Department  
Twelve (12) month Supply Agreement  
Items 1 & 2 - Estimated total  
\$29,600.00
- c. RIVER CITY MACHINERY COMPANY  
10411 N. Lamar  
Austin, Texas
- Front End Loader, Vehicle and  
Equipment Services Department  
Items 1 & 2, 1 ea. - \$117,296.00
- d. DACO/DAVE ALLERT COMPANY OF DALLAS,  
INC.  
P. O. Box 5508  
Irving, Texas
- Molytek 2700 Temperature Chart  
Recorder, Electric Department  
Items 1 & 2, 1 ea. - \$6,600.00
- e. HALPRIN SUPPLY COMPANY  
4845 Homestead, Suite 504  
Houston, Texas
- Multi-purpose Nozzles, Fire  
Department  
Item 1 - \$5,600.00
- f. GENERAL OFFICE EQUIPMENT COMPANY  
4108 North Lamar  
Austin, Texas
- Furniture for Brackenridge Hospital  
Items 2 thru 6 - \$5,583.62
- g. GOLDTHWAITES OF TEXAS  
10751 Sentinel  
San Antonio, Texas
- Weed/Grass Trimmer, Parks  
and Recreation Department  
Item 2 - \$7,498.50
- h. OFFICE FURNITURE LIQUIDATORS  
5310 Burnet Road  
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Furniture for Health Department  
Items 7 thru 12 - \$12,293.75  
C.I.P. No. 76/91-03
- i. Bid Award:
- (1) AUSTIN SCAFFOLDING  
& SHORING COMPANY  
833 Prairie Trail  
Austin, Texas
- Item 1, 281 units - \$9,264.55
- (2) TEXAS SCENIC COMPANY  
5423 Jackwood Drive  
Austin, Texas
- Item 2, 163 units - \$11,413.50

Capital Improvements Program

Approved Change Order No. 1 in the amount of \$6,250.00 to John R. Hughes Construction Company for Williamson Creek Wastewater Interceptor, Phase II. (Change order is 0.8% of original contract amount of \$746,820.00) CAPITAL IMPROVEMENTS PROGRAM

South First Street Corridor Project

Authorized the allocation of the unobligated balance of \$151,657 for the South First Street Corridor Project for sidewalks and alley improvements.

Grant Application

Authorized submission of a grant application to the Texas Commission on Alcoholism in the amount of \$49,906.00 to operate an Alcoholism Awareness and Intervention Project in Austin and Travis County from July 1, 1982 to June 30, 1983.

Koenig Lane Guidelines

Amended the Koenig Lane Guidelines regarding driveway requirements.

Temporary Street Closing

Approved temporarily closing Pearl Street from 24th Street to 25th Street on April 23, 1982 from 2:00 p.m. to 7:00 p.m. as requested by Whit Perryman, representing the Inter Fraternity Council.

Austin History Center

Approved a contract between the Austin History Center Guild and the City of Austin for the collection and disposition of private sector funds to be used for the renovation of the Austin History Center (formerly the Old Main Library).

Payment Authorized

Authorized payment to the following:

JAGGER & ASSOCIATES, INC.

- CAPITAL IMPROVEMENTS PROGRAM -  
The cost difference due developer for installation of 24/8" and 12/8" water transmission main to serve Countryside Section One.  
C.I.P. No. 75/22-07

Service Plan for Annexation

Directed the Planning Department to prepare the service plan for the annexation of a 500 foot strip of land along Highway 290 to its intersection with Highway 71 near Oak Hill.

Item Postponed

Postponed until April 29, 1982 consideration of creating a Citizens Task Force to encourage citizen and community support of Olympic athletes, and appoint members thereto.

Hearing Rescheduled

Rescheduled the previously scheduled public hearing on the scopes of work for Specific Request for Proposals (RFPs) Activities - (1982-83 Community Development Block Grant Program) to May 20, 1982 at 6:00 p.m.

Public Hearings Set

Set public hearings on the following:

- a. Annexation of a 500 foot strip of land along Highway 290 to its intersection with Highway 71 near Oak Hill for Wednesday May 26, 1982 at 7:00 p.m. at the site; and Thursday May 27, 1982 at 7:00 p.m. in the Council Chambers.
- b. Proposed modifications to major transit routes and schedules and the implementation of the Southwest Park and Ride Service: May 27, 1982 at 6:00 p.m.
- c. An appeal from Ms. Charlotte Lowrance and Ms. Dolores Mangrum of the Planning Commission's decision regarding a Special Permit for a Day Care Center located at 5614 Clay Avenue. (C14p-82-007): May 13, 1982 at 5:30 p.m.
- d. An appeal from Dr. Mitchel Wong of the Planning Commission's denial of a Special Permit. (C14p-82-006): May 20, 1982 at 7:00 p.m.

Sale of Property

Approved sale of property (house and lot) located at 1001 Comal Street to Clarence Jackson in the amount of \$21,100.

Temporary Street Closing

Approved temporarily closing Woodlawn Boulevard from Windsor Road to Poquonock Road, on April 23 from 5 p.m. to 11 p.m. as requested by Ms. Patricia McHargue representing the Hospice Austin and waived requirement for licensed guards.

**STREET CLOSING - (Continued)**

Request to waive fees was not granted.

**CONSENT ORDINANCES**

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion. (7-0 Vote)

**Error Corrected**

Amended Ordinance No. 820106-P (Zoning Case No. C14-81-039) to correct an error relating to the legal description.

**Zoning Ordinance**

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

- |  |                                    |   |
|--|------------------------------------|---|
| a. GEORGE ARREDONDO/CASITA<br>JORGE'S, INC.<br>By Willerd Perkins, Jr.<br>C14-81-173 | 5004 Lynwood                       | From "A" & "B" 1st H&A<br>to "O" & "GR" 1st H&A |
| b. JOHN C. WOOLEY, TRUSTEE<br>C14r-81-230  | 214 North Capitol<br>of Texas Hwy. | From Interim "AA" 1st H&A<br>to "O-1" 1st H&A   |

**PASSED ON EMERGENCY BASIS**

**Springwood MUD**

Amended Ordinance No. 820318-K relating to the issuance of bonds by the Springwood Municipal Utility District by reducing the amount of bonds to be issued by the District, and amending the Utility System contract.

**Item Postponed**

Council, during the consent motion, postponed until April 29, 1982, consideration of an ordinance amending the 1981-82 Electric Capital Improvements Program by appropriating \$8,997,000 from proceeds made available by the refunding of utility debt and from "Contributions in Aid of Construction" to be collected during the remainder of the fiscal year.

## ANNEXATION

Council had before it for consideration the annexation of 585 acres of land along IH-35 south and along FM 1327 east of IH-35.

Mr. Lillie, Director, Planning Department, showed a map of the right of way and what different amounts (100' & 200') annexation would look like.

Councilmember Deuser said he thinks there is another way of getting control without annexation.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, directed the City Manager to direct staff to draw up an ordinance annexing land along IH 35 South, 200' from the right-of-way on either side and along FM 1327 east of IH-35, 250' from center line; action to be taken May 13, 1982 at 1:15 p.m. (4-3 Vote, Mayor McClellan, Councilmembers Deuser and Mullen voted No.)

Mr. Nichols, representing Mr. Heep, reminded Council that Mr. Heep owns property along IH-35. He said they have their own fire fighting system so he does not know why they are taxed for it if annexed. Mayor McClellan told him the first reading of the ordinance will be May 13th and she suggested Mr. Nichols direct his questions to the Legal Department before then.

## PUBLIC HEARING - THE WESTFIELD

Mayor McClellan opened the public hearing scheduled for 1:30 p.m. on an appeal from Lannis A. Kircus, of the Planning Commission's decision on a Special Permit for a 10-unit townhouse called "The Westfield". (Case No. C14p-82-001)

Mr. Lillie, Director of Planning, reviewed the Special Permit. He said the land is located in a residential area on the northwest corner of MoPac and Winsted Lane. He said Mr. Kircus plans to build townhomes on the land. He can get either four duplex's or eight townhome units in the area. Access will be on Winsted Lane or east Quarry on the south. Mr. Lillie informed Council the Planning Commission voted 5-3 not to approve the Special Permit for ten townhomes.

Lannis A. Kircus, owner of the property, said the townhomes he plans to build will maintain the neighborhood atmosphere and pointed out he can build duplexes without any further consent.

After discussion of subdividing the lot, Jim Nias, Assistant City Attorney, stated any property can be subdivided but the question is who is going to approve it.

Luther Thompson, who has lived on Enfield for 40 years, said he thinks the development will be a credit to the neighborhood.

Tim Herman, who represents the neighborhood, said the units will sell for \$150-\$200,000 so they will not provide medium priced housing. He asked Council to deny to protect their neighborhood.

Debbie Howe, 1401 Elton Lane, showed slides of the area, and said she objects to ten townhomes.

## APPEAL - (Continued)

Sally Wittliff showed a map of the area. She lives at 1301 Elton Lane and does not want the townhouses at the site.

Mary Grill, 1311 Elton Lane, showed slides of the traffic.

Bill Taylor, 2205 Quarry Road, said more traffic would inhibit fire protection because fire trucks could not enter the area with cars parked on both sides of the street.

Mayor Pro Tem Trevino pointed out that because of the narrow streets there is a serious problem. It has been pointed out students park their cars in the neighborhood and take a bus to campus. This compounds the situation. Mayor McClellan asked that the Urban Transportation Department look at the area.

Mr. Miranda said he is in favor of clean air and no parking on streets.

Aileen Taylor, who lives on Quarry Road, showed a map of the trees and discussed which ones will be cut down for construction of townhomes.

Ernest Smith, 1400 Winsted Lane, told Council the site plan is not designed for flood control. There have been problems in the area with flooding and water damage.

Janics Bursner, 1301 Winsted Lane, showed slides of the heavy traffic.

Paula Smith, 1400 Winsted Lane, reviewed the history of zoning in the neighborhood and asked Council to deny.

Charlotte London, 1306 Winsted Lane, said this would be high density development in a low density neighborhood and she is against the development. She pointed out that a petition signed by the neighborhood is on file in the City Clerk's office stating their opposition.

Sylvia Stern, corner of Quarry and Meridian, is against the Special Permit.

Jackie Bloch, vice president, West Austin Neighborhood Group, is opposed. They think it would set a precedent.

Lannis Kircus, applicant, summed up his presentation by saying he appreciates the neighbors concern for his property and his trees. He said the traffic would not be greatly increased and the access road can be on Winsted Lane. He said only two neighbors will be impacted. Mr. Kircus said the tract was not flooded in last Memorial Day's floods. He feels the neighbors appeals are emotional but not valid. Mr. Kircus also said he will be giving ten more feet of street to the community.

Councilmember Duncan said "In my opinion, based on the fact we have unusually narrow streets in the area and steep slopes involved, and because of the density of the lot....." (he made the following motion)



Motion

Councilmember Duncan made a motion, seconded by Mayor McClellan, to uphold the Planning Commission and deny the Special Permit based on factors 1, 6 and 9.

Mayor McClellan made the following statement: "I think that the issue before us today is not subdivision issue, not deed restriction issues nor is it zoning. The issue is the Special Permit request and I wanted to read into the record several comments. There has been a lot of interesting testimony presented. I really could not agree that this proposal would buffer this area from MoPac. It is a matter of fact that a part of this area, the buffer for MoPac is the greenbelt area that has been provided and that has been spoken to. When you drive or walk that area it is a pocket neighborhood, basically residential area, the site is wooded and you feel as if you are in a single family residential area. I have been there at different times during the day and did not notice MoPac that much. I wanted to broaden your motion a little bit if I could, Roger, I want us to deny it on the basis of:

Friendly Amendment

- (1) There is strong evidence on the safety of the motoring public and of the pedestrians using facilities in the area immediately surrounding the site;
- (2) There is some evidence on the issue of safety from fire hazard and for fire control;
- (3) I think there is strong evidence on the protection of the adjacent property from flood and water damage. I think it is important to point out that this area was not flooded at the last go-around, the Memorial Day flood was a very unusual one and places that were not usually flooded were and some of the usual ones weren't. If that makes sense. It was kind of the unusual configuration in which that storm gathered and came in, but I certainly think it is an area susceptible to flooding and I think the testimony by Ernest Smith was very relevant.
- (6) I also believe there is some evidence on number 6 on the street size and adequacy of the pavement.
- (9) I think in addressing what the Mayor Pro Tem said earlier, I would like to point out which is such other measures as will secure and protect the public health, safety, morals and general welfare....that is particularly under that point that I believe the testimony is relevant as far as it being inconsistent with the Westfield area of the neighborhood development.

On that basis I would second your motion."

Councilmember Duncan said, "I accept your friendly amendment on the basis of (2) and (3)."

APPEAL - (Continued)

Roll Call on Motion

(Close public hearing and deny on finding of fact (1), (2), (3), (6) and (9).)

7-0 Vote

## PUBLIC HEARING - ELECTRIC SUBSTATION

Mayor McClellan opened the public hearing set for 2:30 p.m. on an appeal from the City of Austin Electric 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)

Jim Thompson, City Engineer, told Council, "This is an appeal by the Electric Department of the Planning Commission's decision regarding a variance request for the Williamson Creek Development Ordinance. The Public Works Department identified a violation of the Williamson Creek Ordinance on March 5th which involved the preliminary work being started for the construction of an electric substation on Joe Channer right next to Williamson Creek. The construction work had not been preceded by the acquisition of the site development permit as required under the Williamson Creek Ordinance. Once the Electric Department and the contractor were notified of the violation, work immediately ceased and the Electric Department proceeded to develop the plans necessary for compliance with the Williamson Creek Ordinance. That has been done. There was a need for a variance because the entire tract falls within the critical water quality zone. The Electric Department proceeded to request a variance of the Planning Commission on April 13 for the variance to allow them to construct the substation. The Planning Commission voted 4-3 against the granting of the variance and the Electric Department is appealing that decision to the Council today. The property was purchased in 1979 by the Electric Department after going through the CIP process, the approval by the Council and the boards and commissions including the Planning Commission, Environmental Board. Subsequent to the purchase of the property for that site the Williamson Creek Ordinance was adopted. The entire tract is in the 100 year flood plain but all the facilities that will be constructed on the site will be above the 100 year flood plain so there should not be any damage to any of the electric facilities at all."

Mr. Peterson, Acting Director, Electric Utility, told Council construction of the sub-station was delayed due to failure of a bond election. The Williamson Creek Ordinance was adopted prior to construction of the substation. The Electric Department was unaware of a need for a permit, however, as soon as they were notified of the need for a permit, construction was ceased. They have since submitted plans and reports and are in compliance with the ordinance, with the exception of the provisions for development in the critical water quality zone. Mr. Peterson then showed slides.

Phillip Blackerby, Save Barton Creek Association, stated the Association opposes the variance request because the Electric Utility Commission has not

## ELECTRIC SUBSTATION - (Continued)

reviewed this proposal. This tract is located upstream from the aquifer of the Edwards Recharge Zone. There is land not within the critical water quality zone that could be considered as alternatives. Granting the variance will set a precedent and he feels the City of Austin should be treated like any other developer.

Gary Bradley appeared before Council to say this shows responsiveness to the needs of the City and should be granted.

Mr. Maranda favors.

Motion

Councilmember Goodman made a motion, seconded by Mayor McClellan to close the public hearing and grant the variance.

Councilmember Deuser said he would like to study further and asked for a one week delay. He wanted more information about run off and a detailed layout of the topography. Councilmember Goodman withdrew his motion.

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, closed the public hearing and scheduled for action on April 29, 1982. (7-0 Vote)

Mayor McClellan stated for the record that a,b,c is "yes"; d is "no" and e is "n.a.". She said this would be held for next week but this reflects the Council's feelings.

## REPORT ON MOPAC

Neil Graham, chairman, Environmental Board, told Council they request official recognition so when they appear before the County Commissioner's Court they will have more credence than if they were private citizens.

Discussion among Council ensued and it was decided to bring this back on April 29, 1982 at 1:30 p.m.

## URBAN TRANSPORTATION COMMISSION

Urban Transportation Commission asked Council to consider amending Chapter IV of the Austin Transit System Policy Manual to permit newspaper racks on City buses. Mayor McClellan said this should go back to the Urban Transportation Department with publicity about when it will be discussed. Hüberg Gill of the Press Association, asked for a public hearing. Councilmember Duncan asked Dr. Benson, Director of Urban Transportation, if they have space for four or five papers. He said no. Mr. Meiszer, City Manager, recommended the policy be left as it is. A motion was made by Councilmember Duncan and seconded by Councilmember Deuser to deny the request and not send back to Urban Transportation Department. It was decided no motion was needed and no action was taken.

## MINIPARKS

Mr. R.J. Maranda Jr. appeared before Council to discuss establishment of miniparks to improve the quality of life in Austin.

## CITIZEN DID NOT APPEAR

Mr. Victor von zur Muehlen had requested to speak on a Farmers Market proposal. He did not appear.

## 4th ANNUAL SPRING FAIRE

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved the request of Mr. Harold R. Simon, for permission to hold the 4th Annual Spring Faire Arts & Crafts Fair in Waterloo Park on April 24 & 25, 1982. (7-0 Vote)

## EYORE'S BIRTHDAY

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. John Gibbs, representing the University YMCA, for 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). (7-0 Vote)

## ZONING CASE WITHDRAWN

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, approved the request of Mr. Phil Mockford to withdraw Zoning Case No. C14-82-046, William T. Dugger, scheduled for April 29, 1982 zoning hearings. (7-0 Vote)

## INFANT-PARENT PROGRAM

Colonel Don F. Rettberg, USAF (Ret), appeared before Council to give update on funding under infant intervention legislation (Senate Bill 630) of the 67th Legislature and update on status of permanent facility project for the Infant-Parent Program. He reported the law did pass, effective Sept. 1 and they received \$131,000 new money. He said they wanted to get a new permanent facility and they made a proposal to HUD but they did not make their goal this year. They had worked with staff but had opposition from the neighborhood associations. He commended Mr. Joe Morahan. The Mayor thanked him for the update.

## MUNICIPAL AIRPORT

Mayor McClellan referred to her April 16, 1982 memorandum to Council and asked the City Manager to direct staff to review and address the matters related to Mueller Municipal Airport. Mr. Bayless, Director of the Airport, said the consultant, Boyay, will be asked to develop a report on the full scope of work and bring to Council in 30 days. The Mayor asked for a report on the cost.

## DEMOCRATIC PARTY PRIMARY

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, adopted a resolution to approve an Elections Services Agreement with the Travis County Democratic Party for reimbursement of expenses associated with the May 1, 1982 Democratic Party Primary. (7-0 Vote)

## CITY SPACE NEEDS

Mr. Joe Morahan, Property Management, reported to Council concerning space needs for City of Austin offices. (REPORT ON FILE IN CITY CLERK'S OFFICE) He asked for the authority to proceed with specific plans and bring them back to Council with details. He said Council will approve any construction work and leases before they are begun or signed.

Mayor McClellan said it makes sense to look at what to do in the long run and she thinks the Downtown Revitalization Commission and the Planning Commission should study the needs of the City. Mayor Pro Tem Trevino said in light of the current and expected needs it will behoove us to move quickly. He made a motion to refer this to the boards and commissions that need to have input, but it was determined the motion was not needed. Councilmember Deuser asked that the debt service in capital investment be checked to give figures on bounds and parameters and a report be made on the cost.

## PUBLIC HEARING - SPECIAL PERMIT FOR EAST 6TH STREET

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. on an appeal from Arthur E. Hamilton of the Planning Commission's decision on a Special Permit for 407 East 6th Street. (Case No. C14p-82-005)

Mr. Lillie, Director of Planning, reviewed the application for a lounge on East 6th Street.

John Simmons, who owns the building at 407 East 6th, said restoration was begun prior to a commitment with tenants. The second floor will be offices and the first floor will have a restaurant with alcohol being incidental to the sale of food. A special permit is needed as a fail safe if it is ascertained food is incidental to alcohol. Mr. Simmons said no office or retail establishment has asked to lease the property.

Arthur Hamilton, representing East 6th Street, said there have been many problems in the area in recent years because of catering to college age drunks. He is opposed to a 400 seat bar and asked Council to not vote today but to go to East 6th Street after 10 p.m. this weekend and see if they think the street can handle additional bars.

Mr. Maranda said a few words.

Parking was discussed, Councilmember Deuser requested one week delay, and Councilmember Urdy said if there is a delay in the vote, the parking problems should be studied.

## 6TH STREET - (Continued)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing and approved the request for a Special Permit for 407 East 6th Street. (7-0 Vote)

Councilmember Goodman said he is concerned with the behavior of the clients in the East 6th Street bars and said there should be proper police patrol when crowds get rowdy. He asked the City Manager to request Chief Dyson to have foot patrols. Mayor McClellan said that during the 1982-83 budget more dollars should be allotted to maintain more police officers. She asked for a full report on the situation from the City Manager.

PUBLIC HEARING - LAKE AUSTIN SHORELAND ZONING  
CLASSIFICATION

Mayor McClellan opened the public hearing scheduled for 5:15 p.m. to consider amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to create a Lake Austin Shoreland zoning classification.

Jim Nias, Assistant City Attorney, said the Planning Commission did not give a recommendation.

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to create a Lake Austin Shoreland zoning classification. (7-0 Vote)

PUBLIC HEARING - INTERIM ZONING CLASSIFICATION  
LAKE AUSTIN SHORELAND

Mayor McClellan opened the public hearing scheduled for 5:15 p.m. to consider an amendment to Section 13-3-23(d) of the Austin City Code pertaining to the interim zoning classification of land annexed along the shoreland of Lake Austin.

No one appeared to be heard.

Councilmember Mullen stated he will vote yes but disapproves of the roll back philosophy.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Section 13-3-23(d) of the Austin City Code re the interim zoning classification of land annexed along the shoreland of Lake Austin. (7-0 Vote)

## ENERGY

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, adopted the following resolution concerning the proposed FY '83 Federal Budget regarding energy: 4-1 Vote, Mayor McClellan voted No, Councilmembers Goodman and Mullen were not present in the Council Chamber.)

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

WHEREAS, the City of Austin has embarked on an ambitious energy program to provide for our citizens and electric customers an optimistic outlook for an adequate supply of affordable energy for the future;

WHEREAS, the key elements of the Austin program include:

- 1) No participation in the South Texas Nuclear Project, and
- 2) The implementation of an electric rate structure which decreases the average cost per unit of electricity as a consumer decreases usage, and
- 3) The encouragement and assistance in improved energy efficiency in dwelling units (weatherization, etc.) and businesses to reduce energy and peak power demands, and
- 4) The application of solar and renewable energy resources whenever possible in both the public and the private sectors, and
- 5) The purchase of lignite holdings as a backup fossil fueled energy source that, if necessary, could be brought on-line in less than six years;

WHEREAS, the President has proposed a 1983 Federal Budget that will adversely affect the Austin energy program in the following ways:

1) the elimination of the business tax credits for energy efficiency (conservation) investments will slow down the rate at which business reduce their energy and peak power demands, and

2) the reduction of state and local energy conservation programs will affect the rate of implementation of energy efficiency in the residential sector, and

3) the almost total elimination of alternative energy source medium scale demonstration projects will hurt the ability of Austin to rely on these sources for future energy grid applications, and

4) the reduction in funding for solar programs will retard Austin's application of these technologies, and

5) the decreased funding for fossil and synthetic fuels research while retaining the funding level for nuclear power ignores the nation-wide trends of Austin and other utilities, and

WHEREAS, the proposed Federal Budget contains a 90% reduction in allocations for energy efficiency (conservation), a 70% reduction in the allocations for renewable energy resources, only a 2% reduction in allocation for nuclear power and increases tax credits for investments in oil and gas;



BE IT THEREFORE RESOLVED THAT THE CITY COUNCIL OF AUSTIN opposes the drastic cuts in selective programs vital to the energy future in Austin and lends its support to Congressional efforts to restore a balanced energy budget and calls on the President of the United States to review the proposed 1983 Federal Budget priorities.

Mayor McClellan stated for the record: "I will vote no on your resolution because I would re-write it several different ways. .... I want the record to reflect that I certainly consider energy a major concern...having an adequate energy supply at a price we can afford in Austin but I would have to re-write your whole paper before I could support it so for that reason I simply will vote No."

RECESS

Council recessed its meeting at 6:00 p.m. and resumed its recessed meeting at 7:05 p.m.

PUBLIC HEARINGS - NORTH CENTRAL AUSTIN GROWTH CORRIDOR  
MUNICIPAL UTILITY DISTRICT NO. 1

Mayor McClellan opened the public hearing, scheduled for 7:00 p.m. to consider the following:

- a. Subsequent user fee for water and wastewater customers connecting to certain portions of the North Lamar Water Approach Main and the Big Walnut Creek Wastewater Interceptor.
- b. 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.

Albert DeLaRosa, City Attorney; Phil Scheps, Finance Director; Rodger White, Acting Director of Water and Wastewater; all discussed the proposal.

Marc Bailes, representing Nash Phillips Copus, stated a lot of work has been put in the project and the MUD meets all City requirements.

## HEARING - (Continued)

Smoot Carl-Mitchell, president, Austin Neighborhood Council spoke against the MUD. Grant Kinsly, real estate agent, said the City would be committed to too much with the North Central MUD. Palmer Wright also spoke against. T. Paul Robbins spoke against. Mayor McClellan asked where he is from as she wanted his reply for the record. His reply was that he is from Houston. Mayor McClellan told Mr. Robbins she wanted to put on the record that he is not a native of Austin. Mr. Maranda said air pollution is coming from Houston. Roger Baker spoke against the MUD.

Mr. Jim Curlee, Financial Advisor from First Southwest, stated for the record at Mayor McClellan's request: "If the City ends up doing all of its financing continually over a period of time in this manner I think it's going to do damage to the credit. I think the Council understands that. A lot of time has been spent here tonight and I think it is encouraging to see the Council and perhaps the populace out here will understand that you don't have to vote revenue bonds and it will be my hope that somewhere in here you will get back on the normal method of financing City improvements. I think the Council has come to the conclusion and this is their business, my responsibility is only to point out my feeling about this type of financing. The City must make the decision whether this particular proposal is good in their opinion, taking what risks there are, there may not be any, for the good of the City. And that's its responsibility. About all I can say is that I was asked by the City that if we decide to do this, will you support us? Go with us to the rating services and explain this situation? And my answer was yes and therefore I recommend, after considering this for months, along with the staff, that the City should go ahead and enter into this contract. I do hope they will not continually finance everything from this point forward through other parties. I think that the people at NPC would understand that."

Councilmember Deuser asked, "As our financial advisor does the open ended aspect of this proposal bother you? Because when you say from this point forward I assume you are referencing something like a \$60,000,000.00 issue as opposed to other numbers we have heard." Mr. Curlee answered, "I would not want you to misunderstand what I am saying. The answer is, no it doesn't because the same Council or some future Council is going to have to face that decision to expand this contract. If the contract doesn't have a word in it about this subject you could enter into a new one next week, or another Council could. So from a technical standpoint, not really." Mr. Curlee warned Council to not overdo because if they continue for years it will do damage to the financial standing. At present the City of Austin is in excellent shape financially. Mayor McClellan commented that Austin will be in bad shape financially if "we shut down and have no growth".

Sophie Donn appeared before Council and said she is afraid this will set a precedent. Ms. Ruby Goodwin discussed the pressures Council can be under. Shudde Fath spoke to the five Councilmembers she voted for and had some words to say about former City Manager Dan Davidson. She spoke to Council unanimity for a bond package.

Mayor McClellan stated, "I for one did not support the last bond package because it did not have what we need to meet all of our electric needs in this community. I hope we can, with unanimity, put together the next bond package but I also want to say that I think the comments that you said, after your time was up

## HEARING - (Continued)

and after Mr. Goodman asked you to pursue, were some of the most irrelevant and very politicized rhetoric that I have heard stated up here in a long time and I did not think they were pertinent and pertained to the issue before us this evening."

Mike Saunders commended the staff, Council, and private industry for trying to put their system together. Fred Brown told Council the proposed project will provide housing for the young.

Jim Bowman, representing Cameron Park Neighborhood Association, and Ari Wright, as well as Jackie Jacobson, a resident of West Lake Hills, spoke against the MUD.

After more discussion the following motions were made:

Motion

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

Motion

Councilmember Deuser made a motion, seconded by Councilmember Duncan to consent to the creation of NPC MUD and follow the staff recommendation Alternative 2.

Councilmembers Mullen and Duncan both responded to the discussion of "pressure" put on them and said that they did not have anyone pressure them into a decision.

Substitute Motion

Councilmember Mullen made a substitute motion, seconded by Councilmember Goodman to pass through 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 authorized agreements with the District; direct the City Manager to direct the City Attorney to prepare contracts for execution and include that annexation may take place anytime after five years; remove 90% provision and charge a sewer fee to NPC after annexation.

Friendly Amendment

Councilmember Goodman offered a friendly amendment to retain an option to annex after four years rather than five. Councilmember Mullen accepted the amendment.

Friendly Amendment Made & Withdrawn

Councilmember Goodman offered a friendly amendment that the Planning Commission review all site plans. City Attorney Albert DeLaRosa advised against this, so the amendment was withdrawn.

Friendly Amendment - Not Accepted

Councilmember Deuser offered a friendly amendment that everything outside of the City be submitted to the electorate in a bond election and if approved be substituted revenue bonds of contract bonds. The amendment was not accepted.

Councilmember Duncan said he will vote no on the motion because there are dire needs in our utility system, and a large portion of money is being pledged.

Mayor McClellan requested staff to continue to look at and address areas inside the City.

Councilmember Urdy said Council approved the limited purpose annexation of Shepherd Mountain last week with wastewater service and no one opposed. He said this MUD is the same thing.

Mayor McClellan stated for the record, that in answer to pressure, the only pressure there has been on the Council has been for delay, not from NPC. She feels the proposal is viable, legitimate, legal, and an ethical vehicle in the preferred growth corridor.

Councilmember Goodman requested the City Manager circulate the documents concerning the MUD to the Council before he signs them.

Friendly Amendment

Councilmember Goodman offered a friendly amendment to prevent NPC from purchasing taps to stockpile them. Councilmember Mullen accepted the amendment.

Roll Call on Motion

(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; direct City Manager to direct City Attorney to prepare contracts for execution and include that annexation may take place any time after 4 years; no stockpile of taps; remove 90% provision and charge sub-user fee to NPC after annexation.)

5-2 Vote, Councilmembers Deuser and Duncan voted No.

Recess

Council recessed its meeting at 10:20 and resumed its recessed meeting at 10:45 p.m.

## ITEM TO BE BROUGHT BACK

Council will consider an ordinance on April 29, 1982 to amend the 1981-82 Operating Budget by transferring \$59,268 with five FTE's from the Human Service Department to the Finance Department.

## WASTEWATER APPROACH MAIN

Council had before it for consideration approval of the following wastewater approach main:

URBAN CONSTRUCTORS, INC.

- Wastewater approach main to serve Coronado Place Subdivision. Estimated cost \$165,000. No City cost participation.

Mr. Rodger White, Acting Director, Water and Wastewater, told Council the request for the approach main is to serve Coronado Hills area where 24 duplex units are going to be built.

Ray Spies, member of Coronado Hills Homeowners Association, discussed the planned project and what has happened at previous Council meetings. He said there are already problems with water service in the area. Mr. White said he has checked out the areas records of calls and found there was one call concerning low pressure in 1980 from the Pebble Hill area and one call in 1979 in the Coronado Hill area. Mr. Spies said their concern is with the future of the area.

Al Golden, representing the contractor for the Coronado Hills HUD project, told Council the consulting engineer has worked closely with staff. He said the City needs the units for the elderly, physically impaired and the poor.

Leda Rozelle, chairperson, Water and Wastewater Commission, said their vote was 3-3 so there is no recommendation from them.

After some discussion the following motion was made:

Motion

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, approved the wastewater approach main to serve Coronado Place Subdivision with no City cost participation and requested HUD to fund the wastewater approach main. (6-1 Vote, Councilmember Deuser voted No.)

ITEMS POSTPONED

Consideration of canceling one Thursday meeting each month in June, July and August is postponed until April 29, 1982.

Consideration of authorizing a contract for professional services in relation to the sale of Austin's 16% interest in the South Texas Project is postponed until April 29, 1982.

**EXECUTIVE SESSION**

Mayor McClellan announced that Council will convene in a closed or executive session and asked Mr. Albert DeLaRosa to read the notice into the record. Mr. DeLaRosa stated: "Council is going to go into Executive Session pursuant to Article 6252-17, Texas Open Meetings Act to discuss the following matters: McGinnis v. City of Austin pending litigation, Proposal 7 hearing pending litigation and personnel matters, 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 & ADJOURNMENT**

Council recessed its meeting at 11:40 p.m. and adjourned the meeting at 11:50 p.m.