



**Austin City Council
MINUTES
For**

JULY 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 Councilmember Urdy, who entered the Council Chamber at 1:06 p.m.; Councilmember Mullen who entered at 1:20 p.m.; Councilmember Goodman who entered at 1:25 p.m.; Mayor Pro Tem Treviño who entered at 2:15 p.m.; and Councilmember Deuser who entered at 3:38 p.m.

INVOCATION

The Invocation was given by Reverend B.E. Moore, United Pentacostal Church of Jesus Christ.

CONSENT RESOLUTIONS

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Pro Tem Treviño, Councilmember Deuser absent)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tracts of land for the Onion Creek Park and Greenbelt Project: (Austin Police Association)

- a. 2.361 acres out of the Santiago Del Valle Grant.
- b. 1.134 acres out of the Santiago Del Valle Grant, SAVE AND EXCEPT 1,530 sq. ft. required for street purposes.

EMINENT DOMAIN PROCEEDINGS - (Continued)

Authorized eminent domain proceedings to acquire the following tract of land for a drainage easement for the Webberville Road Street and Drainage Project:

- a. 380 sq. ft. out of a 49.18 acre tract out of the J.C. Tannehill League No. 29. (James R. Ross, et al, owners)

Authorized eminent domain proceedings to acquire the following tracts of land for a sanitary sewer easement and temporary workspace for the Little Walnut Creek Wastewater Relief Main Project:

- a. 4,898 sq. ft. out of the James P. Wallace Survey, and temporary working space easements 25' and 15' in width adjacent and parallel thereto. (Odus S. Crumley, et al)

Release of Easements

Authorized release of the following easements:

- a. A 15' Public Utility Easement as recorded in Volume 799, Page 76 of the Travis County Deed Records and located on Lot 1, Glenora Addition, 8503 North IH 35. (Requested by Mr. Brent Williamson)
- b. An Electric and Telephone Easement recorded in Volume 5147, Page 417 of the Travis County Deed Records. (Requested by the Electric Department)
- c. A portion of a 10' Public Utility Easement on Lots 4, 5, and 6, White Plains, Section 4, Phase I and Lot 7, White Plains, Section 4, Phase II, locally known as 818 Wagon Trail. (Requested by Ms. Dorothy A. Johnson)
- d. A Sanitary Sewer Easement recorded in Volume 6658, Page 2366 of the Travis County Deed Records. (Requested by the Water and Wastewater Department)
- e. A portion of an Electric and Telephone Easement recorded in Volume 1344, Page 48 of the Travis County Deed Records and located on Lot 7, Block A, Bello Vista Subdivision. (Requested by Mr. Thomas O. Barton)

License Agreements

Authorized issuance of the following License Agreements:

LICENSE AGREEMENTS - (Continued)

- a. To allow the encroachment of a canopy into the right-of-way adjoining Block 83 OCA, Colorado Street 700 Block. (Requested by Bill F. Priest Surveyors, Inc. representing Rust Properties)
- b. To allow the encroachment of an underground parking facility into the right-of-way adjoining Lot 6, Block 111, OCA, Congress Avenue and East 10th Street. (Requested by Mr. William Bingham of McGinnis, Lockridge and Kilgore)
- c. To allow the installation and maintenance of landscaping in the Medians on Director's Boulevard from Fredrich Lane to I.H. 35. (Requested by the Trammell Crow Company)
- d. To allow the installation and maintenance of landscaping in the Medians on Governors Row from Director's Boulevard to Ben White Boulevard. (Requested by the Trammell Crow Company)
- e. To allow the encroachment of a stairway into the public right-of-way adjoining Lot 1, Block 67, OCA locally known as 300 A - East 6th Street. (Requested by Cesar Jimenez)

Wastewater Approach Mains

Approved the following Wastewater Approach Mains:

- a. STEVE BARTLETT - Wastewater Approach Main to serve Ben White at Riverside Tract. (No City cost participation)
- b. STEVE BARTLETT - Wastewater Approach Main to serve Pecan Place Subdivision. (No City cost participation)
- c. JIM WALKER - Wastewater Approach Main to serve Townlake Riverside Venture Subdivision. Estimated cost \$3,000 (No City cost participation)
- d. CHARLES TEEPLE - Wastewater Approach Main to serve Teeple Properties. Estimated cost \$83,000 (No City cost participation)

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Water and Wastewater for Middle School Site

Approved a contract between the Northwest Travis County Municipal Utility District No. 1 and Round Rock Independent School District to provide water and wastewater service to the proposed Middle School site on Spicewood Springs Road as an out-of-district customer of the district.

Rehabilitation Loans

Authorized \$50,200.00 of CDBG funds for four (4) Standard Rehabilitation Loans and authorize staff to enter into appropriate contract:

Juanita Cordova	2617 East 4th Street	\$8,200.00
J.D. Winn	1214 Deloney	\$14,000.00
Ben Belandran	1809 Holly	\$14,000.00
Angelita Hernandez	2908 Prado	\$14,000.00

Submission of Application

Authorized submission of an application for funding in the amount of \$445,280 (Title III-C Older Americans Act Funds) from the Capital Area Planning Council, Texas Department on Aging, for the Austin/Travis County Senior Luncheon Program Nutrition Grant - 1982-1983.

Polling Places Approved

Authorized the City Manager to approve the use of City facilities as polling places as requested by the County and School Districts.

Office Space Leased

Approved leasing office space for Purchases and Stores (Materials Control Division).

Public Hearing Re-Set

Rescheduled the public hearing on route selection for the Treemont Wastewater Approach Main through Zilker Park (currently scheduled for 2:45 p.m. on August 5, 1982) for August 26, 1982 at 2:00 p.m.

CONSENT ORDINANCES

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

Operating Budget Amendments

Amended the 1981-82 Operating Budget by:

- a. Appropriating \$78,875,000 from the Electric Utility Fund for power production fuel and Fayette operation and maintenance expenses.
- b. Appropriating \$6,730.00 from the General Fund ending balance to pay start up costs of the Austin Minority Economic Development Corporation for services rendered in connection with the Austin Industrial Development Corporation.
- c. Accepting \$20,000 from the National Endowment for the Arts for allocation during fiscal year 1982-83, to neighborhood based and minority art organizations through the City's Cultural Contract Program.

Zoning Ordinance Amendments

Amended the following Zoning Ordinances to correct various errors relating to field notes, legal descriptions, use designations or height and area designations.

- a. Ordinance No. 800612-H - Case No. C14-80-054
- b. Ordinance No. 771110-F - Case No. C14-77-136
- c. Ordinance No. 820210-K - Case No. C14-81-157
- d. Ordinance No. 790426-B - Case No. C14-78-083
- e. Ordinance No. 811029-D - Case No. C14-70-001 (part)

Zoning Ordinance

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

MYERS K. PARSONS
C14-81-144

2720-2802 Lyons Road

From "A" & "C" 1st H&A
to "A" & "LR" 1st H&A

Approach Main Ordinance

Amended the Approach Main Ordinance (as approved on July 8, 1982).

Building Height Moratorium

Approved extension of the building height moratorium in the downtown area to August 27, 1982.

Budget Amendment for CETA and CDBG

Amended the 1981-82 Operating Budget to appropriate the following amounts for repayment of disallowed costs in the CETA and CDBG grant programs:

<u>Affected City Funds</u>	<u>Grant Disallowed Costs</u>		
	<u>CETA</u>	<u>CDBG</u>	<u>TOTAL</u>
General Fund	\$157,060	\$21,239	\$178,299
Electric Fund	8,175		8,175
Water and Wastewater Fund	6,893		6,893
Hospital Fund	3,882		3,882
Sanitation Fund	962		962
	<u>\$176,972</u>	<u>\$21,239</u>	<u>\$198,211</u>

MTA TASK FORCE REPORT

Mr. Bill Davidson, chairman, Metropolitan Transit Authority Task Force, presented a report to Council. Mayor McClellan and Councilmember Duncan had requested this under Items from Council. The report is as follows: "We are making this report as a progress report and a request to the Council. Since the beginning of our meetings in April we have spent a number of hours looking at the educational aspects of studying the metropolitan Transit System and the present systems available along with investigating and trying to study transit in general throughout the country. The City of Austin Urban Transportation Department has been helpful to us and spent a lot of time and energies making available to the task force both personnel and information. We have uncovered more issues than we have found answers and we are coming to you asking for some direction and guidance.... We feel some of the important issues are (1) the need for public transportation which will provide a service beyond transporting those who have no other form of transportation in the City of Austin. We realize Austin is presently in a tight financial situation with regard to transit especially viewing the problems that have arisen as a result of Federal cut backs. The present system of transit is really a basic one today and we want to know if you want to continue a basic system or do you feel a need for a larger and more usable transit system. If we have a different system, what kind of governmental units should govern the public transportation system. If we go to a Metropolitan Transit Authority, as we all know, this is a matter that would have to be passed by the voters of the City because it would create a new authority and that authority would have tax authority. There are a number of items to consider and they are listed in the report. (CITY CLERK DID NOT RECEIVE COPY OF REPORT) Another item we considered was whether or not there is a need for alternate legislation from the Metropolitan Transit Authority. We want to be assured that we will present a package to the people that they will accept and put into effect. We feel this deserves and merits some preparatory steps. One thing that really needs to be studied is what is the expense to the people of the City of Austin in real terms, the cost of building highways, the cost of gasoline, maintaining private automobiles, etc. and not having a public transportation system. If the Council wants us to continue we have also presented

REPORT - (Continued)

a small budget we feel would be necessary for us to carry forth the work proposed if you desire for us to continue. We ask that the amount of \$20,000 be set aside in your budget."

Councilmember Goodman said he supports the \$20,000. Mayor McClellan said this is a necessity to be plugged into the new budget. Council requested another report in December.

DOWNTOWN REVITALIZATION - CITY FACILITY

Council was scheduled to take action on a resolution to authorize the City Manager to implement the recommendations of the Downtown Revitalization Task Force as presented to Council on July 15, 1982 to obtain RFP.

Mr. Meiszer, City Manager, told Council there were two recommendations that the City request proposals (1) to explore the location of a City facility and how it would be financed and separate from that to request a proposal for the design of such a facility so the two do not get mixed up. These will be brought back to the Task Force for their participation and then they will go back to Council for their consideration so there would be no commitment of any kind at that point. The recommendation will be given then.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, adopted a resolution authorizing the City Manager to implement the recommendation of the Downtown Revitalization Task Force as presented to Council on July 15, 1982 to obtain RFP. (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Deuser absent.)

DEMOLITION ORDER - HASKELL STREET

Mr. Lonnie Davis, Director of Building Inspection, presented the City Manager Report on the Demolition Order - 2211 Haskell Street. He said the owner of the substandard structure located at 2211 Haskell Street, Mr. Andrew Castillo, requested a variance to occupy the structure himself and repair the structure to minimum standards. Mr. Davis told Council the staff recommends placing the demolition order in abeyance until the Building Standards Commission holds a public hearing on Mr. Castillo's request. If the Commission should deny the owner's request for a variance to occupy the structure himself, the case will be placed back on the City Council agenda for action.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, approved placing demolition order action in abeyance for 2211 Haskell Street. (4-0 Vote, Councilmember Goodman was out of the room, Mayor Pro Tem Trevino and Councilmember Deuser absent.)

DISTINGUISHED SERVICE AWARD & RESOLUTION
FOR MIKE WOLVERTON

Mayor McClellan read a resolution and presented a Distinguished Service Award to Mike Wolverton citing his broadcasts of the Council Meetings over radio station KUT, the public radio service of the University of Texas at Austin. Mr. Wolverton, who was accompanied by his wife Ruth, son David, and daughter Melissa, thanked the Mayor and Council for the resolution and Distinguished Service Award.

Mr. Wolverton introduced to the Mayor and Council Roger Allen, who will replace Mr. Wolverton for the KUT broadcasts of the City Council meetings.

HONORARY CITIZEN

Mayor McClellan and members of the Council presented an Honorary Citizen Plaque to Edwin Kotelo, Deputy Secretary of the Interior, from Maseru Lesotho who was in Austin in connection with the Sister City Program. Mr. Kotelo thanked the Mayor and Council for the honor bestowed.

PUBLIC HEARING - PROPOSED USE OF GENERAL REVENUE SHARING FUNDS

Mayor McClellan opened the public hearing set for 2:00 p.m. on the Proposed Use of General Revenue Sharing Funds. Mr. Nicholas Meiszer, City Manager, stated, "This hearing is a requirement of the General Revenue Sharing Program of which the city is a beneficiary and it is an opportunity for any citizen to suggest uses for the funds. We have a representative from the Budget Office who will take note of any comment."

Peter Fears, representing the American Federation of State, County and Municipal Employees. "We are asking you to use the Revenue Sharing money but not to spend it. Our concern is that in the past the money has been placed in the General Fund. When this happens certain guarantees come to City employees. City employees gain the benefit of Section 504 of the Rehabilitation Act of 1973. These guarantees do not come to City employees if the money is not co-mingled into personnel accounts. The Courts have held that the only way Section 504, the 1973 Rehabilitation Act, the act that guarantees that handicapped employees will not be discriminated against.....The Courts have held that the only way Section 504 can apply to City employees is if City employees are in some way funded by General Revenue Sharing Funds. So our purpose is not to ask you to spend Revenue Sharing money on any particular project. Our only request is that the City Council deem it appropriate to place General Revenue Sharing money in General Fund Account so that all City employees funded by the General Fund are guaranteed the Civil Rights protection and the affirmative action protection and protection for the handicapped employees ."

Zeke Romo of East Austin asked for money for social services and housing for the poor. Paul Hernandez reiterated the need for housing. He said that is the number one problem in East Austin.

REVENUE SHARING - (Continued)

Ernie Howard, Allandale Neighborhood Association, appealed to Council to do something about Shoal Creek flooding. He said the residents property has been made unsafe and unsalable. He asked for the removal of box culverts and water routed to the lake.

Councilmember Duncan said it is absolutely necessary to co-mingle the General Revenue Sharing Funds with the General Fund accounts as has been done in the past. The Mayor agreed.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, closed the public hearing on proposed use of General Revenue Sharing Funds. (6-0 Vote, Councilmember Deuser absent.)

RESOLUTION FOR ERLINDA RUIZ

Mayor Pro Tem Trevino read a resolution for Erlinda Ruiz, Austin Sister Cities Association beauty contestant to the International U.S./Mexico Sister Cities Association Conference. Ms. Ruiz thanked the Council for the resolution, which was signed by all Councilmembers.

PUBLIC HEARING - LEVYING OF PAVING ASSESSMENTS

Mayor McClellan opened the public hearing set for 2:30 p.m. to consider levying of paving assessments on the following; and passage of ordinance:

- a. Friendswood Drive & Vernon Avenue, covering approximately 2½ blocks, CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01
- b. Barge Street, covering approximately 1 block, CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01.

Mr. Richard Ridings, Director of Public Works, stated this hearing is required by State law for property owners to appeal assessments they feel are too large. He referred to a map and said Friendswood Drive and Vernon Avenue and Barge Street are currently sub-standard. The streets are graveled with no curb and gutter except for Parcels 1 and 5. "The improvements we propose are 35' asphalt paving on Friendswood and 30' on Vernon with curb and guttering complete and extensive drainage corrections to enhance this area. The Public Works Department sent out notices to all property owners on the streets who are affected by the proposed assessments and advised them of the amount of the assessments based on the City's Paving Assessment Policy. There are 27 parcels and 19 property owners involved. The assessment rates are calculated on a cost to City for front foot basis. These vary based on the type of development, the zoning on the property, and upon whether it is the front of a lot, side or rear. The City cannot levy an assessment greater than the enhancement value caused by the street and drainage improvements. To determine the enhancement Public Works employees and an independent

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PAVING - (Continued)

appraiser looks at at the property and give a professional value of the effects of the improvements. In this case Mr. Herbert Sladek Jr. has performed this review and has presented his findings in a report you have in your agenda material. We recommend the lower enhanced value be set as an assessment on Friendswood Drive on certain tracts and also on Verson Avenue. All other parcels should remain as originally recommended.Barge Street improvements include new asphalt pavement to a width of 30', curb and guttering complete and certain drainage improvements across parcels 2, 3 and 11. Total contract cost for Barge is \$77,350.75. The assessments total \$18,169.00 or 23½% of the total cost. The work date will proceed rapidly and be completed in three months. The total contract cost for Friendswood Drive and Vernon Avenue is \$94,950 and the assessments total \$21,015.13 or 22.1% of the total cost. Work will begin July 26 and will take about 4 months to complete."

Mr. James Riggs, Assistant City Attorney, questioned Mr. Sladek concerning his appraisal as follows:

Members of Council, as to the Barge Street, Friendswood and Vernon Streets Paving Assessments, all public City streets, now in hearing before you, all notices of assessments and of the hearing, conformable to law, including Article 1105b, Texas Civil Statutes, have been given.

We will now present findings as to enhancement for assessment consideration for you from Mr. Herbert H. Sladek, Jr., of Austin.

You are Herbert H. Sladek, Jr. and your business office is 305 West 6th in Austin?

Yes.

What is your occupation, Mr. Sladek?

I am a real estate appraiser and deal in real estate.

Are you an Associate Member of the Society of Real Estate Appraisers?

Yes.

How long have you been appraising commercial, residential, and industrial properties in Austin?

17 years.

Were you retained by the City of Austin to accomplish a paving and drainage enhancement study of Barge Street, a public street in the City?

Yes.

Have you examined on the ground all eleven sites or parcels involved on Barge Street, ~~both before and after the City's improvements here?~~ *RR 7.22.82*

Yes.

When did you complete and submit your Barge Street enhancement study to the City?

July 8, 1982.

Do you have color photographs depicting the street and the properties abutting as they were before ~~and after~~ the improvements?

Yes

RR 7.22.82

PAVING - (Continued)

Pass those up to the Council, please.

Have you, in valuing these parcels for enhancement estimates, considered comparable lot sales or other market data in and around Barge Street?

Yes.

Tell the Council very briefly what data you used in aiding your study.

(Briefly go over page 7 of Report "Barge Street Market Data (Vacant Sites)" attached).

Have you considered other value factors, such as shape of lots, orientations to streets, zoning, platting, deed restrictions, easements, and other encumbrances, drainage, access, traffic, and amount of frontage?

Yes.

Have you, then, determined the value changes of these parcels as effected by the City Improvements?

Yes

Is this the original document entitled "Evaluation Analysis -- Assessments for Street Improvements, Barge Street, Friendswood/Vernon Streets", July 8, 1982, containing that written statement and your study, being placed in the hearing record here with the City Clerk?

Yes.

Do you have an opinion as to the enhanced values of these parcels?

Yes.

Do you know the assessments against these parcels recommended by the City staff?

Yes.

In your opinion, Mr. Sladek, will each and every one of the Barge Street parcels being considered be enhanced in value at least to the respective amounts of the City Staff's recommended assessments on them, as shown on pages 5 and 6 of your report?

Yes.

Now, with respect to Friendswood Street and Vernon Street, Mr. Sladek, which are also included in your report filed with the City Clerk, state whether or not the answers you have just given to all my questions about Barge Street are the same answers for those questions about Friendswood Street and Vernon Street, so far as what you have done in the enhancement study is concerned?

Yes.

Please pass your color photographs of Friendswood Street and Vernon Street to the Council.

Describe very briefly for Council the market data for unpaved streets used by you for these two streets, indicated on page 17 of your report.

(Briefly go over page 17 of the Report on unpaved streets data).

PAVING - (Continued)

Have you, then, determined the value changes of these parcels as effected by the City improvements?

Yes.

Do you have an opinion as to the enhanced values of these parcels?

Yes.

Do you know the assessments against these parcels recommended by the City staff?

Yes.

In your opinion, Mr. Sladek, will each and every one of the Friendswood Street parcels being considered be enhanced in value at least to the respective amounts of City Staff's recommended assessments on them, as shown on pages 13 through 16 of your report, of which each Council member has a copy, except as to Parcel No. 2, Carrington's University Hills, 6102 Friendswood, page 13; and Parcel No. 4, Carrington's University Hills, 6106 Friendswood, page 14; and Pete Machotka, 80-08(g), at 6109 Friendswood, and 80-09(e) on Vernon Avenue, page 14?

Yes.

Finally, in your opinion, Mr. Sladek, will each and every one of the Vernon Avenue parcels being considered be enhanced in value at least to the respective amounts of City staff's recommended assessments on them, as shown on pages 15 and 16 of your report, except as to Parcel No. 1, George Paul Burns, 2800 Vernon Avenue, page 15, and George Paul Burns, 2810 Vernon Avenue, page 15?

Yes.

Mr. Joe Martinez, 2811 Vernon, stated opposition to the \$1,700.00 he will have to pay for paving. Mr. Ridings told him that Vernon in its present state needs excessive maintenance. The paving of the street will make it safer for the traveling public and emergency vehicles.

Lottie Bohls, who lives next door to Mr. Martinez, said she is a senior citizen who finds the assessment coming at a most inopportune time. She asked for an agreement concerning the billing. Mr. Ridings said he will try to work out the paying of the bill with her.

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and

PAVING - (Continued)

finally passed an ordinance levying paving assessments on the Friendswood Drive & Vernon Avenue covering approximately 2½ blocks, CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01. (6-0 Vote, Councilmember Deuser absent.)

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance levying paving assessments on Barge Street, covering approximately 1 block, CAPITAL IMPROVEMENTS PROGRAM No. 75, 62-01. (6-0 Vote, Councilmember Deuser absent)

WATER & WASTEWATER COMMISSION REPORTS

Ms. Leda Roselle, chairperson, Water and Wastewater Commission, reported on Water and Wastewater Bond Propositions, and Approach Main Ordinance 810514-D. Ms. Roselle said the Commission recommends the water and wastewater bond propositions be put on the ballot as line items. This will afford the voter an opportunity to consider each project separately. They have taken care to ensure that "staged" projects and projects tied to other improvements be grouped as single propositions, thus eliminating the possibility of a series of dependent projects receiving only partial approval. The wording selected not only provides the voter with a description of the projects location, but also the general area to be served. Ms. Roselle said members of the Commission plan to meet with neighborhood groups to explain the current situation and needs of the Utility and answer questions they may have concerning the bond package.

Councilmember Goodman asked if the Commission is recommending 19 separate line items on the ballot for water and wastewater. Ms. Roselle said they realize this is a problem, but they could not come up with an answer as to how to do it otherwise so the voter will be informed. Mayor McClellan said she respectfully disagrees with having 19 different propositions on the ballot for water and wastewater alone. She said there are unknown emergencies and unknown costs on projects. Some priorities do change as an example, Williamson Creek this year, which became necessary to address a major public health, safety and welfare issue. The Mayor said that with line items you could end up with plants without lines and lines without plants and a system that could easily break down. Councilmember Goodman said he concurs because the ballot could turn out to be 20 pages and confuse the voters.

Council agreed the items should be grouped together. Mayor McClellan said the actual wording of the ballot is set for August 5, 1982.

Ms. Roselle then presented the report on the Approach Main Ordinance 810514-D. She referred to a memo from Mr. Schwing, Director of Water and Wastewater, and said they agree with the memo but thinks it needs some clarification. The recommendations are as follows:

REPORTS - (Continued)

A. Approach Mains in Service Area:

1. Plant capacity shall be defined as plant design capacity less actual plant flows and all taps purchased but not yet installed.
2. All new approach mains and capacity commitment requests be given a thirty day review period from time of application for staff and Water and Wastewater Commission to determine system capacity at the proposed point of connection to the existing system.
3. The Water and Wastewater Department and Water and Wastewater Commission will proceed to further define system demands by:
 - a. pressure monitoring and lift station evaluations
 - b. on-going study of the Metcalf and Eddy Technical report and future Water and Wastewater Master Plan studies.
 - c. selection of engineers to perform a detailed distribution system analysis in the future.
4. That the current approach main ordinance be amended as the Water and Wastewater Commission has recommended in the Ordinance attached requiring approach mains to be under contract within 18 months of final Council approval.

B. Existing Commitments:

1. Where a present commitment exists for water or sewer service in the service area by virtue of a final plat, an approved approach main or a legal lot and providing there are no other system restraints, parcels may be sold taps and meters of the size required for the needs of the parcel. Provided further that neither a water tap and meter nor a sewer tap and meter may be sold larger than 5/8" unless service is available and purchased for both. A map will be provided by staff indicating the general location of these areas.
2. Nothing herein shall effect the size or amount of legal commitments where quantity has been designated by contract or by written notation on plats, site plans or other final action by the City.

REPORTS - (Continued)

C. The Water and Wastewater Department shall submit to the Planning Commission the anticipated demands on the system by all proposed zoning changes and all annexations. The portion of the annexation service plan that provides the level of water and wastewater service to the new area be reviewed by the Water and Wastewater Commission prior to the submission to the Planning Commission and Council. The staff will report on Planning Commission and Council zoning actions that effect capacity commitments to the Water and Wastewater Commission at the first Regular meeting of each month.

E. The Water and Wastewater Department shall submit to the Water and Wastewater Commission, Planning Commission and Council on a semi-annual basis a summary of the system capacity evaluation to date.

Mr. Fred Dennick said there are some questions to be dealt with in order to make certain all issues are dealt with correctly. He discussed the 18 month time period for construction and thought it would be difficult. Mr. Meiszer said if more time is needed, all one has to do is request it.

Motion

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, accepted the report on approach main. (5-0 Vote, Councilmember Mullen and Mayor Pro Tem Trevino were out of the room.)

REPORT ON WATER AND WASTEWATER CAPACITY

Mr. Schwing, Water and Wastewater Department Director, told Council that the "detail necessary to clearly delineate between service areas without problems and those with problems" is taking longer than expected because they want to do a thorough job. Therefore, Mr. Schwing requested an additional two weeks. "We are continuing to pursue the evaluation of each lift station as far as running time capacities and this will be part of it. The 18 months which was referred to originally was intended to be a contract let and construction under way. We feel it is unreasonable to have a requirement that the approach main be completed in 18 months. This is not sufficient time for contracts. We have a problem of the interpretation of this with the Legal Department and this is one reason we requested again to be able to work some additional time with the Legal Department on this because it also does affect the Subdivision Ordinance."

City Attorney DeLaRosa told Council, "Let me briefly identify the problem that we have seen with the subdivision platting process that this 18 month rule will create. The way the current process works is that after a property owner receives approval to construct an approach main from the City Council, he can proceed to plat his property. He can have the final plat approved by the Planning Commission. One of the points the Planning Commission must consider before they grant final plat

REPORT - (Continued)

approval is the fact that water and wastewater services are available to the property. That is usually the case in an approach main situation by virtue of the fact that an approach main has been approved by the City Council. Consequently the the property owner, after receiving plat approval, records the plat in the County plat records and can begin the process of selling the lots within the subdivision to property owners. The concern we are having is that if the developer is not able to secure or have the approach main under contract in 18 months and subsequently the approval of the approach main is negated or terminated, then we may have the situation where people buy lots in the subdivision and the underlying condition for water and wastewater service is no longer present. You may have a situation of houses being built without the potential of water and wastewater service made available to the structures. That is the concern we have identified." Councilmember Duncan pointed out that Mr. DeLaRosa had always said if the commitment is made the City will provide water and wastewater if the capacity is available. Mr. DeLaRosa said, "I think I have said that the approval of the final plat is a legal commitment to supply those services. At some point in time there may be lawsuits against the City of Austin over the fact we have allowed that commitment to be there and we don't have the capacity because of the 18 month rule. And the 18 month rule is in jeopardy because the underlying commitment has just been evaporated by action of having this ordinance amendment that says after 18 months if you do not build your approach main or have it under construction that basic commitment expires.....One of the options the Council may like to review is to pass an amendment to the Subdivision Ordinance which requires that before the subdivision plat is approved that there be some showing that the approach main is going to be installed and that has to occur within an 18 month period of time and my concern is that the final subdivision plat doesn't get approved and subsequent to that final plat being recorded that the underlying commitment be negated. That is why we should look at the subdivision ordinance and review that situation to see if there is some mechanism for not allowing the subdivision plat to be approved because we know that line is either going to be installed and ultimately we want to be able to terminate general line commitment if there is not going to be a subdivision plat recorded."

Mr. Schwing said he will bring a detailed report to the next Council Meeting.

Mr. Ed Wendler discussed plant capacity and build out.

HORSE DRAWN CARRIAGE FOR AUSTIN

Council had before it for consideration an ordinance to consider regulating the operation of horse-drawn carriages for hire within the corporate limits of the City. Ms. Kim Rolls, owner of the Austin Horse & Carriage Co., spoke to Council and requested she be allowed to conduct pleasure tours through Historic Austin using a horse-drawn carriage. She has done this in Provincetown, Massachusetts, where according to documentation presented by the Board of Selectmen, Town of Provincetown, she ran the company in a "cooperative and respectful manner and complied with authoritative regulations." She said the horses will be properly shod for pavement, operating hours will begin at 6 p.m. and will not take away from parking. She objects to a 25% permit fee and asked Council to consider a 2% fee.

HORSE - (Continued)

Dr. Benson, Director of Urban Transportation, said they can look into this further.

Mr. Nordyke, Director of Humane Society, said the ordinance should contain something concerning the humane treatment of horses.

Mayor McClellan stated the ordinance will be brought back on August 5, 1982.

ELECTRIC GENERATION PLAN

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted a resolution to select the professional services of Insights West, Gibbs and Hall, and City staff recommendations, to review Electric Generation Plan. (7-0 Vote)

Prior to the vote, Councilmember Duncan asked that Mr. Riding, Director of Public Works, Mr. Lawson, Office of Renewable Energy Resources and Conservation receive reports, in addition to himself. Councilmember Mullen said the report should be given to all members of the Council, not just one member. Council agreed.

EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or executive session authorized by Section 2, of Article 6252-17, V.T.C.S. (The Texas Open Meetings Act) to discuss 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. (Related to agreement between City of Austin and Natural Science Foundation and Board and Commission Appointments.)

RECESS

Council recessed for the executive session at 4:15 p.m. and resumed its recessed meeting at 4:30 p.m.

BOARD & COMMISSION APPOINTMENTS

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, approved the following appointments: Elisabet Ney Museum Board of Directors, Joyce Scott; Planning Commission, Francis Schenkkan, term to expire 6/1/84. (7-0 Vote)

Mayor McClellan announced the following vacancies are due to be filled at the next Council meeting: Austin Tomorrow Ongoing Committee, 8; Environmental Board, 1; Electric Utility Commission, 4; EMS Quality Assurance Team, 1; Building Standards Commission, 2; Manpower Advisory Planning Council, 1; Community Development Commission, 1; Dental Health Advisory Committee, 1; Austin Community Education Consortium, 1; Ethics Review Commission, 1; Wrecker Standards Commission, 1; Hospital Board, 3; Vending Commission, 2.

NATIONAL SCIENCE FOUNDATION

Council had before it a resolution to enter into an Agreement between the City of Austin and the National Science Foundation.

Mr. Meiszer, City Manager, told Council, "I am happy to be able to announce the appointment of an Assistant City Manager who is Mr. Frank Hersman who will be coming to begin his duties in Austin about September 1, 1982. He will be coming from the National Science Foundation in Washington on a two year assignment under the provisions of the Intergovernmental Personnel Act. He will be filling the vacancy that was created by the resignation of Guymon Phillips some weeks ago. As a part of this program, his full salary and expenses and remuneration will be born by the National Science Foundation. That is quite a fringe benefit. It will be a financial advantage to the City of over \$100,000.00, but more importantly, we will have the services of a man who has had experience in Federal Government, State government and local government. As part of his background, he was Planning Director for the State of Colorado, he has worked in water and wastewater management in Florida. He is an attorney licensed to practice law in the State of New York, the State of Virginia, and the District of Columbia. He has degrees in chemistry and economics and has written a number of published materials...the type of person you would expect to find at the National Science Foundation but who you don't often expect to find in city or county government. I feel very proud that he will be here. There were several other cities in contention for this assignment along with Austin and after visiting here for 2½ days we sold him on coming to Austin for this assignment."

No action was taken on the resolution.

LEASH LAW DISCUSSED

Mr. Jack Heffington appeared before Council to discuss the leash law. He said dogs running loose are creating a problem and the rate of rabies is increasing. Councilmembers Mullen and Goodman agreed that this is a growing problem.

Dr. Randall, Director of the Health Department, said they are concerned and would like to increase the license fee to generate more money to enforce the leash law. He admitted enforcement is lax. Discussion followed concerning regulations and animal control. Mr. Nordyke, Executive Director, Humane Society, said the dog catchers can shift their schedule and not notify the people when they are going to change.

PARADE PERMIT

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, approved the request for a Parade Permit from Mr. Jimmy D. Earl, for Ringling Brothers & Barnum and Bailey Circus, from 11:00 a.m. to 12:00 p.m., Friday, July 30, 1982, beginning from East 5th Street to San Marcos (sail site) west on 6th Street to East Avenue, to 15th, west on 15th to Erwin Center Parking Lot 108.

BANNER APPROVED

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, approved the request of Ms. Melanie Pozez to hang a banner across South First Street at the entrance of Oak Knoll Condominiums.

BERGSTROM EXPANSION DISCUSSED

The following people spoke about their concerns connected with the expansion of Bergstrom Air Force Base: Ms. Roxanne Elder; Mr. Enrique G. Lopez Jr, who was the spokesman for Montopolis Neighborhood Association, submitted and read a petition requesting the Council to contact Bergstrom and that they plan a peaceful demonstration at the gates of Bergstrom on the day of the AeroFest; Ms. Mary Garza, Mr. Eugenio Hinojosa, and Mr. Todd Samusson.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, voted to contact officials at Bergstrom Air Force Base and request they meet with the Montopolis Neighborhood Association. (7-0 Vote)

CITIZEN DID NOT APPEAR

Mr. Tom Jones who had requested to discuss development of Bella Vista tract at 2222 amd Loop 360, did not appear. He called earlier and said he would not speak.

MOBILE VENDORS

Mr. John Johnson appeared before Council to request exemption status from a recent city ordinance regarding mobile vendors under Sec. 10-5-3 (g). Council requested a report at the August 5, 1982 meeting concerning the license agreement.

ZONING HEARING

Mayor McClellan opened the zoning hearing scheduled for 5:00 p.m. Council heard, closed the public hearing and referred the following back to the Planning Commission:

C14-82	EDWARD JOSEPH	8313-8419 Cameron Rd.	From "I-A", "I-AA" 1st H&A
005	DEVELOPMENTS, INC.	8401-8405 & 8400-8422	To "D" & "DL" 1st H&A
		Clear Creek Drive	NOT RECOMMENDED
			RECOMMENDED "A" 1st H&A on
			Tracts 1 & 2.

CLOSE PUBLIC HEARING; REFER BACK TO PLANNING COMMISSION

Mr. Mike Guerrero, as a representative for Edward Joseph, asked that the case be sent back to the Planning Commission for the following reasons: he had only recently been employed on this case and wants to start over at the Commission level and make necessary changes to satisfy the staff an commission; the applicant was not personally present at the Planning Commission when the case was heard

ZONING - (Continued)

because of a misunderstanding; they offer to pay one-half of the filing fee for renotification; they want to prepare a conceptual plan for the tract that would follow staff recommendations; and they want to meet with the neighborhood association prior to such reconsideration.

Mr. Joseph said he had two tracts. This the smaller of the two.

(On Mayor Pro Tem Trevino's motion, Mayor McClellan's second, 6-0 Vote, Councilmember Goodman was out of the room.)

MINUTES APPROVED

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, approved Minutes for Regular Meetings of July 1, 8, 1982 and May 13, 1982 and Special Meetings of July 6 & 7, 1982 and September 21, 1982. (6-0 Vote, Councilmember Mullen was out of the room.)

1982-88 CAPITAL IMPROVEMENTS PROGRAM

Council had before it for consideration the adoption of the 1982-88 Capital Improvements Program. Discussion was held among members of the Council; Mr. Meiszer, City Manager; Leda Roselle, chairperson, Water and Wastewater Commission; and others. At 8:30 p.m., Council recessed to allow Management and Budget to check the additions proposed and changes Council had in connection with the City Manager's recommended C.I.P. for 1982-88. Council resumed their meeting at 10:00 p.m. and made the following motion:

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, approved projects for the three year bond program, waived the requirement for three readings and finally passed an ordinance adopting the 1982-88 Capital Improvements Program as recommended by the City Manager, with the following additions: (6-0 Vote, Councilmember Mullen was out of the room.)

<u>CIP PAGE NUMBER</u>	<u>SERIAL NUMBER</u>	<u>PROJECT</u>
43	83/17-02	Major lighting, designated department to accomplish citizen participation projects.
67	73/22-05	East Austin Transmission Main (formerly Northeast Austin Transmission Main) moved \$3,700,000 from FY 83/84 to FY 84/85.

CIP - (Continued)

<u>CIP PAGE NUMBER</u>	<u>SERIAL NUMBER</u>	<u>PROJECT</u>
84	83/22-20	MoPac-Braker Transmission Main, moved 3rd year to 1st year.
127	73/62-03	Riverside Drive/Newning to IH 35, add \$2,080,000 to first year for right of way acquisition and engineering
173	83/62-18	McCarty Lane - Convict Hill Road/Brodie - City limits, moved from 4th year to 3rd year - \$450,000.
177	83/62-01	Community Development Districts - Paving and Drainage, use bond funds, not CDBG funds.
210	83/61-03	Sidewalk and sidewalk ramp construction, designated departments to do citizens requests.
223	76/60-09	Johnson Creek Improvements, added \$1,000,000 to 3rd year and \$3,500,000 to 4th year.
223	83/60-10	East 11th/12th Street Corridors Drainage Improvements, Phase II, bonds funds, not CDBG funds.
249	82/60-05	Upper Shoal Creek-Greenlawn Parkway to Northland Drive, added \$2.1-million to 2nd and 3rd year.
251	83/60-05	Tannehill Branch of Boggy Creek-Drainage Study and Improvements, added \$100,000 in 1st year and \$1,000,000 in 3rd year. (Same as Planning Commission recommendation.)
252	83/60-06	Fort Branch of Boggy Creek - Drainage Study and Improvements, added \$250,000 in 1st year, \$950,000 in 2nd year and \$500,000 in 3rd year. (Same as PC)
368	C82/61-03	Hancock Drive Overpass-Pedestrian Facilities, moved from 5th year to 1st year.
385	C82/62-07	Pedestrian Bridge Across Barton Creek, moved from 4th year to 1st year.
386	C82/62-08	Added Alley Paving & Improvements - Guadalupe Area
388	C82/62-11	Blue Meadow Drive/Bluff Springs to I.H. 35 Service Road, moved from 5th year to 3rd year.
290	83/83-02	Added Fire Station #28
291	83/91-01	South Austin Public Health Center Addition, moved funding from 4th year to 1st & 2nd year.

<u>CIP PAGE NUMBER</u>	<u>SERIAL NUMBER</u>	<u>PROJECT</u>	
306	73/85-09	Northwest Branch Library, moved from 4th year to 1st year.	
307	77/85-02	Northeast Branch Library, moved from 4th year to 2nd year.	
308	77/85-01	Southeast Branch Library, moved from 5th year to 2nd year.	
20	82/86-66	Added Lake Walter E. Long Improvements	
283	83/67-01	Nature Preserve/Development Rights Acquisition, put in Parks instead of Environmental Resource Management Dept.	
32	76/86-41	Senior Activity Center, added \$10,000 in 1st year and \$35,000 in 3rd year for room addition.	
37	75/86-21	Walsh Boat Landing - Lake Austin, moved from 4th to 2nd year.	
80	82/86-41	Reed Park Kiln , moved \$50,000 from 4th year to 1st year.	
111	83/86-50	Land Acquisition - Zone 7, moved from 3rd to 2nd year.	
114	83/86-48	Oak Springs Detention Pond, moved from 4th to 3rd.	
132	82/86-50	Added West Bouldin Creek	
327	83/90-02	Municipal Buses and Support Vehicles	20% City
330	83/90-03	Support Equipment	80% UMTA
331	83/90-04	Passenger Facilities	Bonds are
331A	83/90-05	Park and Ride Facilities	City's share.

Council approved the following project recommendations: Electric Utility, funding of \$1 million requirement for maintenance of Camp Swift lignite should be designated in 1982-83 operating budget; direct Parks Department to work with Office of Environmental Management to consider preservation of sensitive areas for Little Walnut Creek acquisition; Direct Public Works staff to designate \$153,000 for alley paving and sidewalk improvements for the Guadalupe neighborhood area at no cost participation by area residents; Construct new Austin Recreation Center outside of existing area occupied by tennis center; and direct Electric Department staff to designate funds from residential street lighting program for Pleasant Valley area.

ADJOURNMENT

Council adjourned its meeting at 10:25 p.m.