



Austin City Council MINUTES

For JUNE 17, 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 at 1:00 p.m. the scheduled meeting of the Council, noting the absence of Mayor Pro Tem Trevino, who arrived at 1:03 p.m.; Councilmember Deuser, who arrived at 1:05 p.m.; Councilmember Duncan, who arrived at 1:15 p.m.; Councilmember Goodman, who arrived at 1:20 p.m. and Councilmember Urdy, who arrived at 1:25 p.m.

INVOCATION

The Invocation was given by Rabbi Garon Wolf, Congregation Agudas Achim.

APPROVAL OF MINUTES POSTPONED

Approval of the Minutes for the Regular Meetings of May 20 and 27, 1982 and Special Meeting of May 26, 1982 was postponed.

RESOLUTION FOR NELDA SERRANO

Mayor McClellan read a resolution for Ms. Nelda Serrano, lifeguard at Martin Pool, and presented her with a Distinguished Service Award for saving the life of a three year old child at the pool. Ms. Serrano thanked the Mayor and Council for the resolution, which was signed by all Councilmembers, and for the Distinguished Service Award.

MARIACHI REBELDES DEL SUR DAY

Mayor Pro Tem Trevino read a proclamation designating June 17, 1982 as Mariachi Rebeldes Del Sur Day in honor of the Travis High School Mariachi band who have been invited to participate in the National Independence Day Parade on July 4, 1982 in Washington, D.C.

The band, directed by Mr. Zeke Castro, thanked the Councilmembers by playing several numbers.

CONSENT RESOLUTIONS

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easements

Authorized release of the following easements:

- a. The Public Utility Easement which centers the common line of Lots 1 & 2 of the Resubdivision of Grumbles Addition. (Requested by Holford and Carson)
- b. An Electric and Telephone Easement located on Lots 50 & 51, Bee Cave Woods Section 4 and recorded in Volume 7383, Page 144 of the Travis County Deed Records. (Requested by the Electric Department)
- c. The Corners Subdivision from Electric and Telephone Easements recorded in Volume 652, Page 273 and Volume 652, Page 276 of the Travis County Deed Records. (Requested by Graves, Dougherty, Hearon and Moody)
- d. The Public Utility Easements on Lots 10 & 11, Woodward Industrial District. (Requested by Billy F. Priest Surveyors, Inc., representing Broyhill Furniture Industries)

License Agreement

Authorized the issuance of a License Agreement to allow sidewalk extensions on East 6th Street (100 block). (Requested by Mr. Richard W. Duggan III, Project Manager for the Littlefield Building)

Lease

Approved a one year lease to Austin Presort, Inc. for 1000 square feet of space in the Office of Neighborhood Revitalization Building at 311 East 14th Street.

Transmission Line

Authorized acquisition of right-of-way for Circuit 942 Electric Transmission Line, CAPITAL IMPROVEMENTS PROGRAM No. 75/13-06.

Contracts Approved

Approved the following contracts:

- a. OLMOS CONSTRUCTION COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 13172 Construction of the Robert
Austin, Texas Mueller Municipal Airport
1982-83 Interim Air and Landside
Improvements - \$2,357,064.33
C.I.P. Nos. 78/81-08, 81/81-05,
79/81-19 & 79/81-08
- b. AUSTIN ENGINEERING COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
6304 W. Bee Caves Road Friendswood Vernon Avenue Paving
Austin, Texas and Drainage Improvements,
Public Works Department -
\$94,950.00 C.I.P. No. 82/62-08
- c. MAUFRAIS BROTHERS, INC. - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 2144 Construction of Police Parking
Austin, Texas Garage, Public Works Department -
\$874,300.00 C.I.P. No. 80/87-02

Contract to be Considered July 1

During the consent motion, Council agreed to consider the following contract on July 1, 1982:

- FLY ASSOCIATES IN JOINT VENTURE - Market Study and Urban Design
WITH THE CALI GROUP for the Austin Commercial
605 West 18th Street Corridors Project, Human Services
Austin, Texas Department
Thirteen Week Contract
Not to exceed \$69,060.00

Change Order

Approved a change order in the amount of \$25,056.00 to Leif Johnson Ford Truck City to increase quantities of utility vans. (14.87% of original order)

Water and Wastewater Mains

Approved the following water and wastewater approach mains:

- a. DAVID ARMBRUST - Wastewater Approach Main to
serve the Storm Tract
Subdivision - \$2,400.00
(No City cost participation)

APPROACH MAINS APPROVED - (Continued)

- b. HARWAY-DEERING AND ASSOCIATES - Wastewater Approach main to serve South First Street Place Subdivision. (No City Cost Participation)
- c. JOHN SIMMONS - Wastewater approach main to serve Barton Springs Tract - \$3,000.00 (No City cost participation)
- d. EVERITT OWEN - Wastewater approach main to serve The Crossing Subdivision. (No City cost participation)
- e. ELLAN PROPERTIES - Wastewater approach main to serve Treemont Subdivision - \$658,740 (No City cost participation)

Development Assistance for Rehabilitation

Authorized the continued release of Social Services Contract Funds to Development Assistance for Rehabilitation (DAR).

Cablevision

Approved the site at 42nd and Guadalupe Streets for Austin Cable Vison's Central Control and Playback Facility. (Recommended by Cable Commission)

CDBG Rehabilitation Loans

Approved two CDBG Standard Rehabilitation Loans in the amount of \$17,285.00 and authorized staff to enter into appropriate contracts:

Marcellina DeLeon \$5,485 and Frank Jones \$11,800

Parking Meter Zones

Approved addition of the following parking meter zones:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
300 Minute	Colorado Street	100-300 blocks	East and West
120 Minute	West 8th Street	600-700 blocks	North and South

Auction of Surplus

Approved disposing of by auction method on June 26, 1982, surplus vehicles and equipment.

Members of Wastewater Task Force

Approved for appointment the following members to a Wastewater Task Force:

Dave Gurss, Dennis Crowley, Judy Ford, Kent Butler, Joe Lucas, Dianne DeBois and David Preble.

(6-0 Vote, Mayor Pro Tem Trevino abstained on appointment of Judy Ford)

Temporary Closing of Streets

Approved temporarily closing the following streets for the 1982 Austin Aqua Festival as requested by Mr. Art Keller, representing the Austin Aqua Festival:

RIVERSIDE DRIVE Drive from South First Street to Bouldin Avenue from 6:30 p.m. to 2:30 a.m. on August 6-14, 1982.

RIVERSIDE DRIVE from South First Street to Lamar Blvd. from 6:00 a.m. to 6:00 p.m. on August 7, 1982.

BOULDIN from Riverside Drive to Barton Springs Road from 6:00 a.m. to 6:00 p.m. on August 8, 1982.

DAWSON from Riverside Drive to Barton Springs from 6:00 a.m. to 6:00 p.m. on August 7, 1982.

RIVERSIDE DRIVE from South First Street to Lamar Boulevard, from 6:00 a.m. to 6:00 p.m. on August 8, 1982.

BOULDIN from Riverside Drive to Barton Springs Road from 6:00 a.m. to 6:00 p.m. on August 8, 1982.

Request to close the following streets was withdrawn:

RIVERSIDE DRIVE from South First Street to Lamar Blvd., from 6:30 p.m. to 2:00 a.m. on August 5, 1982.

BOULDIN from Riverside Drive to Barton Springs Road from 6:30 p.m. to 2:00 a.m. on August 5, 1982.

DAWSON from Riverside Drive to Barton Springs Road from 6:30 p.m. to 6:00 p.m. on August 7, 1982.

Public Hearing Set

Set hearing on an amendment to the Austin Metropolitan Area Roadway Plan on the following for July 8, 1982 at 4:00 p.m."

- (1) Realignment and Redesignation of Stassney Lane, Burleson Road, Arterial #5 and Montopolis Drive.
 - (2) Deletion of bike lanes on M.L.K. Jr. Boulevard
-

Set hearing on an appeal from the denial of a Lake Austin Watershed Site Development Permit from the Lakewood at Loop 360 Office Project for July 8, 1982 at 6:00 p.m.

CONSENT ORDINANCES

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

CIP Budget

Amended the Capital Improvement Program Budget by appropriating \$5,345,000 to cover capital requirements for July - September 1982.

Item to be Brought Back

Council agreed to consider on July 1, 1982 an ordinance amending the Operating Budget by reallocating \$37,060.00 from the Capital Improvements Business Loan Program to the Urban Design/Market Study line items of the Commercial Corridors Program Budget (CDBG)

CIP - Paving

Received and accepted work of paving Bell Avenue and Tweed Court, consisting of approximately 3 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 79/62-04

CIP

Declared the necessity for and ordered improvements to Cooper/Eberhart Lane, consisting of 1 unit covering approximately 9 blocks.

Electrical Code

Amended Chapter 13-6 of the Austin City Code, rewording Article 13-6-90.31 of the Electrical Code, Ordinance No. 820520-A to provide for signs to be affixed to vehicles of Master Licensed Electrical Contractors.

Zoning Ordinances

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

MOUNTAIN CLIMB VENTURE	3832 Dry Creek Drive	From "LR" & "A" 1st H&A
JAMES M. CADDEN	3824 & 3828 Dry Creek	to "A-2" 1st H&A
By J. David Holmes	5905 Mountain Climb Dr.	
C14-81-068		

(6-0 Vote, Councilmember Goodman abstained)

THE GREENS P.U.D.	Rain Creek Parkway	From "AA" 1st H&A
GREAT HILLS, INC.	at Lost Horizon	to P.U.D. 1st H&A
By Espey Huston		
C14-81-008		

PASSED AS AN EMERGENCY

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

JIM & BERTHA E. NATIONS	1906 West 35th St.	From "A" 1st H&A
By William J. Scudder		to "O-1" 1st H&A
C14-81-147	(7-0 Vote)	

Youth Employment Services Vehicle

Authorized amendment of the FY 81-82 Social Services Contracts (to include increasing Youth Employment Services by \$3,000 for purchase of requested vehicle)

Vacation of Right-Of-Way

Approved vacating the following:

- a. EXCESS RIGHT-OF-WAY on Scenic Drive near Mathews Lane adjoining Lots 2, 3, 4, and 5 of Scenic Cove. (Requested by adjoining property owners)
- b. SCENIC DRIVE RIGHT-OF-WAY adjoining Lots 38 and 39, Tarrytown River Oaks Section 2 and Lots 1, 6 and 7, Scenic Cove. (Requested by adjoining property owners)

Appliance Efficiency Program

Amended the Electric Department Operating Budget by appropriating \$200,000 from the projected ending balance to fund the fiscal year portion of an Appliance Efficiency Program for air conditioners only with an EER of 8.4 with no incentive for persons changing from gas to electric. The rest of the program will be considered in two weeks.

School Reduced Speed Zone

Passed an ordinance establishing a school reduced speed zone on Tillery Street as indicated below:

Section 11-2-99

Addition: Subsection e - 20 mph

<u>On</u>	<u>From</u>	<u>To</u>
Tillery Street	280' north of E. 5th Street	212' south of 4th Street

FILL INTO LAKE AUSTIN

Councilmember Deuser introduced a discussion of the approval of Council on April 1, 1982 of the request of Mr. Jeff W. Autrey for approval of a permit to fill in the inlet on Lake Austin and to construct a concrete block retaining wall at 2219-21 Westlake Drive, Louie's-on-the-Lake Restaurant. Councilmember Deuser pointed out that Mr. Autry had come in under Citizen's Communication and he feels Council rushed their judgement. Councilmember Duncan said he has concern about filling of the lake and wonders if Council can reconsider their action.

Jeff Autry, representing the owner, said at the time of the request the work was already done, but they had been red tagged by the Building Inspection Department. The wall has been approved by the neighbors.

Mr. Ehrler, Director of Parks and Recreation, said this had come before the Parks and Recreation Board who had asked that the fill be removed.

Mr. Albert DeLaRosa said he would research this and report back to Council at the July 1 meeting. Mayor McClellan said she is against rescinding but if the action is rescinded she wants a full report sent to everyone concerned.

AISD CABLE REQUEST

Mayor McClellan introduced an item to Council concerning the approval of AISD cable request for appropriation of \$159,878 from either public access funds and/or cable company equipment funds. The Mayor pointed out that service to the schools is public access. Mr. Meiszer, City Manager, said the Cable Commission will meet June 29 to define the meaning of public access.

REQUEST -(Continued)

Ms. Brenda Trainor, Cable Commission vice-chairperson, discussed the van that would have priority use for the schools. Ms. Jean Nippur, the AISD appointment to the Cable Commission, said their proposal is still before Council. Discussion followed.

Mayor McClellan said Council should go on record that an educational channel is a public access channel.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, defined an educational channel as a public access channel. (7-0 Vote)

Motion

Councilmember Mullen made a motion, seconded by Mayor McClellan to waive the requirement for three readings and finally pass an ordinance appropriating \$159,878 to purchase a cable television head end facility and mobile unit equipment for AISD use from public access funds.

Substitute Motion - Died for Lack of Second

Councilmember Deuser made a substitute motion to appropriate \$159,878 out of the Cable Company equipment fund. There was not second to the motion.

Roll Call on Motion

7-0 Vote

Mr. Ruiz, AISD Board Trustee, thanked the Council for their support.

SUMMER INTERNS INTRODUCED

Summer interns who are working with the Parks and Recreation Department were introduced, by the Mayor, to Council and chamber audience. They are Minnie Jones, Janie Ray, Kim Atkins, Jim Reeves and Joan Anutski.

ZONING ORDINANCE

Council had before them the third reading of an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes.

(See next page)

(At this point Councilmember Goodman left the Council Chamber for the day.)

CITY OF AUSTIN
 PLANNING DEPARTMENT
 C14-81-112

800-906 West 29th St.
 610-624 & 611-625 W.
 29 1/2 St., 614-908 W.
 611-913 West 30th St.,
 800-904 & 801-905 W.
 30 1/2, 614-904 & 615-
 905 W. 31st St., 612-
 626 & 615-629 W. 31 1/2
 St., 612-902 & 613-905
 W. 32nd Street, 612-618
 & 613-627 W. 33rd Street
 627-641 W. 34th Street
 2910-2922 & 2909-2923
 Rio Grande Street,
 2908-2922 & 2911-2923
 Salado Street, 3100-3300
 & 3101-3309 King Street,
 3000-3014 & 3001-3015
 Washington Square, 2900-
 3204 & 2907-3207 West
 Avenue, 2900-2918 &
 2901-2919 Pearl Street
 3100-3304 & 3101-3201
 Grandview Street, 3101-
 3117 Owen Avenue

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

Motions Made and Withdrawn

Councilmember Deuser made a motion to approve as listed on the Agenda. Councilmember Duncan seconded the motion. Motion was withdrawn.

Councilmember Deuser made a motion to approve all but the four pieces of property where the owner objected. Motion was withdrawn.

Councilmember Deuser again moved to roll back as listed. Motion was seconded by Councilmember Duncan and was again withdrawn.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, approved the roll back for all except the following, and passed the ordinance through the THIRD READING. (6-0 Vote, Councilmember Goodman absent)

- | | | |
|---------------------------|-----------------------|-------------------------|
| 1. Jerry Frank Jones, Tr. | 2908 Pearl Street | BB 1st (current zoning) |
| 2. David G. Krause | 904 West 30th Street | BB 1st " " |
| 3. Robert E. Willenzik | 900-906 West 29th St. | BB 1st " " |
| 4. Marguerite S. Harrell | 3205 West Avenue | BB 1st " " |

Motion - DID NOT PASS

Councilmember Deuser made a motion, seconded by Councilmember Duncan to roll back 1, 2, 3 (above) and eliminate Mrs. Harrell's property. (4-2 Vote, Councilmember Mullen and Mayor McClellan voted No, Councilmember Goodman absent) Motion did not pass because there is a valid objection by the owners.

ZONING - (Continued)

Prior to the vote Mr. Lillie told Council that since the public hearing there were some people who objected to the zoning roll back and Council requested they discuss their reasons.

Mr. Jerry Frank Jones said he has a contract for sale on his property and was told that if the property was rolled back the sale would not go through.

David Krausse asked Council to reverse the zoning roll back because he wants his property to remain "BB" 1st.

Marguerite Harrell said she would prefer "A-2" because it would be more in keeping with the neighborhood. Mr. Lillie told her that she can be exempt today and then she can come back with a site plan and request "A-2".

Smoot Carl-Mitchell, Austin Neighborhood Council, said he is against excluding properties from the roll back. Natalie Floy Dubois, member of the neighborhood, agreed. Mayor McClellan informed them that the even though this has gotten to the third reading of the ordinance, according to the City Attorney, people have the right at any time to object to a zoning roll back.

Sophie Donn appeared before Council to say people should not be allowed to do what they want to with their own property unless they have neighborhood approval.

Councilmember Duncan questioned the change nine months after the hearing and the idea that staff tells people they can change at the last minute. Mayor McClellan said there needs to be a very strong overriding concern to override the property owners rights.

WATER AND WASTEWATER MASTER PLAN

Mr. Carl Schwing, Director of Water and Wastewater, appeared before Council and stated: "In December 1980 the City selected the firm of Metcalf and Eddy to prepare a water and wastewater master plan consistent with the Austin Tomorrow Comprehensive Plan. In March 1981 the Phase I report was presented to the City and in May of this year the Phase II technical memorandum report concerning the concept plan policy development was prepared. (CITY CLERK DOES NOT HAVE COPY) We have two more phases of the master plan and the implementation of this plan. Phase I took into consideration the project approach to public participation, detailed tasks and budget and the project management. Phase II which we are discussing now takes into the legal and institutional framework, the existing financial framework, existing water facilities, existing wastewater facilities, existing water and wastewater policies and the planning base.We can go over the report in more detail after you have formulated your questions. I want to call your attention to various

ZONING - (Continued)

sections." Mr. Schwing then outlined various parts of the report. He said ..."every person in Austin continues to increase their daily per capita consumption. In 1960 we had a consumption of 155 gallons per capita per day and in 1980 this had increased to 190. So for every person an additional 35 gallons per day is used of water. This costs us money because we have to meet those peak days year around.In the mid part of August a consultant will be here to go over in detail and have the Water and Wastewater Commission study the report and bring up some salient features.I find the report to be thorough but there are some things we want to evaluate more thoroughly in detail."

BUILD-OUT VS COMMITMENT

Mr. Rodger White, Assistant Director of Water and Wastewater, reported on the criteria for water treatment capacity, build-out vs commitment. Mr. White said, "For quite some time our department has been bringing before the Council our limited capacity based on paper commitments. Actually, the department projects that the water treatment plant capacity we are all right until about 1984-85. If the Council chooses to go on a projected build-out basis you might enter into some kind of a risk mode but I believe the Council can come back and has the authority to fund plant capacity if we get into a public health situation. Also you can look at the MUD down the line to handle the Davis Plant, so really I think it is whatever the Council chooses."

PLANNING COMMISSION REPORT

Mr. Ken Manning, Planning Commission, reported on the recommendation of the Planning Commission regarding repealing the Water and Wastewater Service Area Boundary Ordinance. (Ordinance No. 810820-B) He said, "Last night the Planning Commission met and considered three definitions of water and wastewater capacity as well as the question of repealing the service area boundaries. The question of treatment plant capacity is No. 2 (he referred to Planning Commission Minutes which stated No. 2, A specific methodology would be developed to determine the capacity remaining in the system under the new definition. A running total of remaining capacity should be provided with each additional commitment made to avoid unexpectedly being caught short.) The Planning Commission concluded that it was advisable for the City to move forward, however there are a number of things which we feel like have not been fully addressed so far and we wanted to point out to Council additional items or conditions that we feel are appropriate in being imposed if this decision is made to redefine the capacity of the water and wastewater treatment plant. No. 1 the Planning Commission desires to see the bulk of that capacity made available by this redefinition, be allocated to the service areas and Growth Management Areas I, II and III. It has been our experience in the last couple of years that the rather substantial portion of the water and wastewater treatment plant capacity has been going to areas IV and V and it is our desire to be sure that development in the Growth Corridor is not inhibited by limitations of treatment plant capacity. There are going to be limitations on additional development and we want them to follow in Area IV and V rather than in the Growth Corridor. The Legal Department raised questions as to the adequacy of the current policies and ordinances to implement this kind of an allocation. I agree that there are questions about whether we currently

REPORT - (Continued)

have the mechanism in place to accomplish that allocation. I would request that the Council instruct the Legal Department to investigate and report back with alternative methods to accomplish a more refined allocation than we currently have available. In other words, that the further refinement of the service area boundary concept.

"The second point that the Commission wants to make is that it appears desirable to develop a specific methodology that will know how much additional capacity is remaining at any given point in time based on additional commitments being made. We feel like we are not really fully apprised when we were going to run out of capacity in the current definition and want to be sure that does not happen again.

"Thirdly, the Commission concluded that a tap moratorium will automatically go into effect if our build out projections reached the peak treatment plant capacity. I think at that point we need to know before that occurs what the future liability the City might be incurring with respect to customers that now have legal commitment out against the City. But we are allocating some of that capacity to customers that don't have legal commitment at this time. I will feel more comfortable if we get the legal limitations in writing.

"The fourth item is the willingness on the part of the Council to fund future plant expansion. There should be a clear understanding of what our alternatives are and be in a position so we won't be scrambling to come up with a solution.

"Number 5, this policy change should be reviewed in six months to evaluate its effectiveness and continued appropriateness." Mr. Manning asked the City Manager to address the time frame in which responses to these questions can be answered. Mr. Meiszer said he thought this can be accomplished within a reasonable short period of time.

WATER & WASTEWATER COMMISSION REPORT

Ms. Leda Roselle, chairperson, Water and Wastewater Commission told Council, "We unanimously approved the Council changing the policy based on projected build-out rather than current commitment. The only stipulation we put on it was that you do this immediately to change policy but to re-evaluate it in six months. In the interim we can have an on-going evaluation of this and have a little better understanding of the suggested build-out. Six months would not be that crucial to explain it as far as the build out. Last night we had a motion that passed that we do not consider any more approach mains under the current policy. I think that is an automatic moratorium there. We also endorsed maintaining the service area boundaries like it is. If we do open up some plant capacity we would have much better control if we had a service area. You can amend the service area but without a service area people outside that area have just as much right to that plant capacity as those inside the service area. We feel like it is important to maintain the control of the service area boundary, especially if you open up some plant capacity."

Councilmember Deuser asked if the Commission had discussed if anything other than the service area would be the limiting factor of where this would be.

REPORT - (Continued)

Ms. Charlene Niebar, Assistant City Attorney, replied to Councilmember Deuser's question as well as another question of his, how do you go about determining the build-out capacity? Ms. Niebar said, "The concern the City Attorney's office has had is with cutting out from this release capacity an area within surrounding areas of Austin that already have service from our utility. State law and the case law requires that once you do undertake to serve an area you may not discriminate between your customers without a rational reason. If we haven't undertaken to serve an area we can certainly say we are not going to extend our service. But if we have a person right in the middle surrounded by everyone else who has service, even if they are in area IV, I think we are going to have problems if we say, no you may not get in line to get capacity. The reason for this is because utilities by their very nature are monopolies. Once a utility undertakes to serve an area it is very unlikely that any other utility is going to come in and start building that area, so when you tell someone, no, we won't serve you you basically tell them you are not going to get any service any where because no other utility will start to serve them. But in the areas where we haven't begun to serve I think we can exclude them at this time." Mayor McClellan said many people inside the City limits have been denied service. Discussion of capacity followed. Mr. Meiszer asked if we have exceeded peak capacity on any plants. Mr. White said no, but we are coming close. Ed Wendler Jr. appeared before Council and discussed plant capacity. Councilmember Duncan said he wants a list of who we have commitments to and the priority of same.

Listed on the Agenda were the following items for action as related to the City Manager's Report on Criteria for Water Treatment Capacity (Build-out vs. Commitment)

1. Consider amending the Approach Main Ordinance No. 810514-D to allow service commitments based upon build-out capacity.
2. Consider adopting a policy directing the Water and Wastewater Department to commit capacity in non-approach main service requests based on build-out expectancy.

Action TakenMotion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, voted to move toward changing the methodology to allow water and wastewater service based on build-out versus paper commitment. (6-0 Vote, Councilmember Goodman absent.)

PARADE PERMIT

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the following parade permits:

PARADE PERMIT - (Continued)

- a. Mr. Byron Sandford, for University Hills Homeowner's Association, from 10:00 a.m. to 11:00 a.m., Saturday, July 3, 1982, beginning from corner of U.S. 183 & Langston to Loyola, Loyola to Dottie Jordan Park.
- b. Mr. Daniel R. (Dan) Brainard, for N/W Hills July 4th Parade Committee, from 9:30 a.m. to 10:30 a.m., Sunday, July 4, 1982, beginning east on Far West Boulevard from Waterline Road, to Doss School.
- c. Mr. Douglas Tabony, for Allandale Neighborhood Association, from 9:00 a.m. to 12:00 noon, Saturday, July 3, 1982, beginning at intersection of White Rock and Bullard Drive, south on Bullard Drive to FM 2222, turn around and begin north on Bullard to White Rock and end.

AQUA FEST

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Bill Holford, president, and Mr. Rusty Tally, Commodore of the 1982 Austin Aqua Festival (AAF) for permission and assistance for the 1982 Austin Aqua Festival as follows:

a. Texas Championship Canoe Race	July 17-18, 1982	8:00 a.m. - 4:00 p.m.
Novice Water Ski Tournament	July 17-18, 1982	9:00 a.m. - 8:00 p.m.
Frisbee Championship	July 17-18, 1982	11:00 a.m. - 6:00 p.m.
Texas Water Ski Championship	July 24-25, 1982	8:00 a.m. - 8:00 p.m.
Boy Scout Canoe Race	July 31, 1982	8:00 a.m. - 6:00 p.m.
Austin Aqua Festival/Mr. Gatti's Jet Ski Tournament	July 31, 1982 - August 1, 1982	10:00 a.m. - 6:00 p.m.
River City Road Races	August 5, 1982	6:30 p.m. - 2:00 a.m.
Austin Aqua Festival Fest Nights	August 6-14, 1982	6:30 p.m. - 2:00 a.m.
Twilight Land Parade and Pet Parade	August 6, 1982	6:30 p.m. - 9:00 p.m.
Go Kart Races	August 7, 1982	12:00 noon - 5:00 p.m.
K-98/Budweiser River Raft Races	August 7, 1982	9:00 a.m. - 8:00 p.m.
Nature Center Canoe Race	August 7, 1982	9:00 a.m. - 4:00 p.m.
Small Fry Fishing Derby	August 7, 1982	9:00 a.m. - 4:00 p.m.
Motorcycle Races	August 8, 1982	10:00 a.m. - 5:00 p.m.
Celebrity Canoe Race	August 13, 1982	7:00 p.m. - 9:00 p.m.
Austin Lighted Water Parade	August 13, 1982	8:00 p.m. - 11:00 p.m.
Austin Aqua Festival Quarter Midget Races	August 14, 1982	2:00 p.m. - 8:00 p.m.
Hill Country Road Rally	August 14, 1982	11:00 a.m. - 7:00 p.m.
Austin Aqua Festival/Michelob	August 14, 1982	10:00 a.m. - 6:00 p.m.
Light Cash Award Ski Tournament	August 15, 1982	12:00 a.m. - 6:00 p.m.
Austin Aqua Festival Nite Autocross	August 28, 1982	6:30 p.m. - 12:00 p.m.

AQUA FEST - (Continued)

- (1) Use of Town Lake, Auditorium Shores and East and West Shoal Beach (north shore of Town Lake) as an event and spectator area.
 - (2) Permission to close the hike and bike trail along Auditorium Shores from 4:30 p.m. until 2:00 a.m. during Fest Nights, and from 6:00 a.m. to 8:00 p.m. on July 24-25, 1982, during the Texas Water Ski Championship, and 6:00 a.m. to 6:00 p.m. on July 31 - August 1, 1982, during the Austin Aqua Festival/ Mr. Gatti's Jet Ski Tournament, and 8:00 a.m. to 6:00 p.m., on August 14, 1982 and 10:00 a.m. to 6:00 p.m. on August 15, 1982, during the Austin Aqua Festival/Michelob Light Cash Award Ski Tournament. (Signs will be provided to alert trail users)
 - (3) Use of inboard and outboard motorboats in promoting, staging and conducting events.
 - (4) Request that excursion boat operators and other boat operators not be allowed to operate in the event areas for safety reasons. (Including July 30, August 12-13, 1982)
 - (5) Request to set ski courses and practice towing barges before date of events.
 - (6) Permission to sell beer and food on Auditorium Shores and East and West Shoal Beach.
 - (7) Request to use Auditorium and Coliseum parking lots for parking.
 - (8) Permission to hold aerial fireworks display at Auditorium Shores area on the south bank of Town Lake on August 13, 1982.
 - (9) Permission to operate motor boats on Town Lake in conjunction with a crewing regatta from 7:00 a.m. to 8:00 p.m. on Sunday, August 8, 1982.
- b. Twilight Land Parade August 6, 1982 6:30 p.m. - 9:00 p.m.
and Pet Parade
1. Approval of Parade Permit

CITIZENS DID NOT APPEAR

The following people had requested to appear before Council to discuss the nuclear issue but did not appear: Richard H. Kraemer, Patty Kennedy, Brady Coleman, as they were ill, in New York, in Amarillo, respectively.

NUCLEAR ISSUE

Mr. Tony Switzer discussed the nuclear issue. He said that he wants a nuclear weapons freeze. He showed Council a stack of petitions which he stated had signatures of people who favor the freeze. Mr. Switzer requested the issue be put on a city-wide ballot.

Ms. Helen Hardley discussed the nuclear freeze. She said the people of Austin care about the issue.

Ms. Diane Shisk asked Council to put the nuclear issue on the bond election ballot September 11.

Ms. Cookie Smith, speaking for Austin Gray Panthers, asked that the nuclear issue be on the bond ballot. She said arms money should be spent for things needed not nuclear weapons.

Mr. David B. Slavsby, an astronomer at University of Texas, told Council nuclear weapons will be devastating for weeks after they are detonated and will disturb the atmosphere of the earth.

Don Gardner, coordinator, Austin Peace and Justice Coalition, asked that the nuclear weapons issue be included on the ballot.

Councilmember Duncan requested an item be on the July 1 Agenda concerning inclusion of the nuclear issue on the September 11 ballot. Mayor McClellan stated the Council can schedule a resolution at any time concerning this matter but it is not likely that it can be included on the bond issue election. She said it depends on a ruling that has been requested from the Secretary of State. The City Attorney was also to request a ruling if the Bond Election would be invalid if the "nuclear freeze" issue was placed on the ballot.

REQUEST WITHDRAWN

Mr. Barry Gannaway who had requested to appear before Council to ask for approval for a 1 1/2" water tap at Lot 46, Block 1, Barton Hollow, Section 4 (1307 Hollow Creek) did not appear because he withdrew his request as it had been taken care of.

REMOVAL OF DOGS FROM RADAM LANE REQUESTED

Ms. Darlene Butler, who lives on Radam Lane, appeared before Council to discuss the problem she and her neighbors have with the dogs at 608 Radam Lane. She said the dogs are vicious, disturb the peace, and have no proof of vaccination. The dogs have bitten people, including Ms. Butler's daughter.

DOGS - (Continued)

Mr. Albert DeLaRosa said a court order is needed and testimony from the neighbors in order to do something about the dogs. Mr. Meiszer advised Ms. Butler that there is no action Council can take. This has to go through legal channels and Mr. Meiszer requested Mr. DeLaRosa to speak with her.

ITEM POSTPONED

Council postponed until July 1, 1982 consideration of an ordinance to amend the 1981-82 Operating Budget by transferring \$165,000 from the Robertson Hill Contingency Fund (CDBG) to complete Robertson Hill Fund/Phase I Activities.

CONTRACT POSTPONED

Council had before it for consideration a contract as follows:

- d. Bid award:
- Tires & Tubes, Vehicle and Equipment Services Department
Twelve (12) Month Supply Agreement
Total - \$208,325.00
 - (1) B. F. GOODRICH
116 Congress Avenue
Austin, Texas
 - Items 1 thru 34, 35, 36, 38 thru 49, 107 thru 113, 115 thru 117, 137, 142 thru 146, 155, 161, 188, 193 thru 195, 197.
Estimated total: \$89,772.00
 - (2) WALKER TIRE COMPANY
7107 N. Lamar Boulevard
Austin, Texas
 - Items 85, 86, 91 thru 94, 98, 118 thru 121, 123 thru 126, 128 thru 135, 141, 147, 149, 176, 178 thru 184, 186, 187, 190, 191, 198 thru 200 and 202 thru 206 -
Estimated total: \$31,904.00
 - (3) YOUNGBLOOD GENERAL TIRE
506 N. Lamar Boulevard
Austin, Texas
 - Items 52 thru 54, 56 thru 80, 90, 95, 99 thru 106, 148, 150 thru 152, 156, 158, 159, 163 thru 169, 173, 174.
Estimated total: \$86,649.00

Councilmember Mullen was concerned with the the way it was bid. He said by not going with the low bid, but rather grouping, there will be an additional cost to the City of \$2,500. Mr. Bennett said the tires are grouped according to size and the bulk of the items are low bid and the total is low. Councilmember Mullen asked about changing the bid to line item. Mr. Bennett said the suppliers know that the

CONTRACT - (Continued)

award us being made on a group basis and the City would be questioned if the award was now done line for line. Mayor McClellan stated if there is a question, these bids should be rejected and rebidding done, but the process should not be changed mid-stream.

Further study will be done and the contract will be brought back on the July 1, 1982 agenda.

WATER AND WASTEWATER APPROACH MAIN

Council had before it for consideration approval of the following water and wastewater approach main: ELLAN Properties, wastewater approach main to serve Treemont Subdivision- \$658,740 (Non City cost participation)

The need is for a line to be built parallel to the present one. Councilmember Duncan said a public hearing should be set as soon as possible since this concerns a route selection for the Treemont Wastewater Approach Main through Zilker Park. An item will be on the July 1, 1982 Agenda to set a public hearing.

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, adopted a resolution to approve the following water and wastewater approach main contingent on approval of easement in the park after the public hearing: (6-0 Vote, Councilmember Goodman absent)

ELLAN PROPERTIES

- Wastewater approach main to serve Treemont Subdivision - \$658,740 (No City cost participation)

PUBLIC HEARING - PUBLIC UTILITY EASEMENT

Mayor McClellan opened the public hearing scheduled for 5:30 p.m. on a proposed public utility easement in Walnut Creek Metropolitan Park.

No one appeared to be heard.

Mayor McClellan asked Mr. Joe Morahan, Director of Property Management, "Is there no feasible and prudent alternative to the use of the land within Walnut Creek Metropolitan Park for public utility easement?" Mr. Joe Morahan, Director of Property Management answered "No". Mayor McClellan asked, "In your opinion has all reasonable planning been undertaken to minimize any harm to the park as a result of this use?" Mr. Morahan answered that the planning has taken place.

Motion

The Council, on Mayor Pro Tem Trevino's motion, closed the public hearing, and finding there is no feasible and prudent alternative to the installation of

EASEMENT - (Continued)

a proposed public utility easement in Walnut Creek Metropolitan Park, adopted a resolution approving dedication of a tract of land as a public utility easement in Walnut Creek Metropolitan Park. (6-0 Vote, Councilmember Goodman absent)

LITTER CONTROL TASK FORCE

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, adopted a resolution appointing the following to a Citizen's Advisory Task Force on Litter Control: Lionel Aguirre, Reverend Norman Bacon, Joan Bell, Mary Beth Bennett, Dr. Leonardo De La Garza, Reverend E.M. Franklin, Jim Gregory, Ben Greider, Sally Heinze, John Henneberger, Reverend Claudia Highbough, Mary Bell Lockhar, Mike McClosky, Ellie Rucker, Beverly Tucker, Kermit E. Voelkel, Edward Rendon, Gwen Sederholm, Woody Rains. (6-0 Vote, Councilmember Goodman absent)

ITEM: TO BE BROUGHT BACK

The following item will be brought back for consideration on the July 1, 1982 agenda:

Consider entering into an agreement with the owners of Storm Tract concerning possible acquisition.

PUBLIC HEARING SET

The Council, on-Councilmember Duncan's motion, Mayor McClellan's second, set a public hearing on July 8, 1982 at 2:00 p.m. to amend the Water and Wastewater Service Area Boundary (Ordinance No. 810820-B) to include Mt. Larson South Subdivision. (6-0 Vote, Councilmember Goodman absent)

ITEMS TO BE BROUGHT BACK

The following were pulled from the agenda and will be brought back to be considered with the full annexation package:

- Setting a public hearing on annexing for limited purposes and full purposes an area southwest of the City bounded by MoPac, Loop 360, F.M. 2244, and the West Lake Hills ETJ.
- Consider directing the Planning Department to prepare the service plan for the proposed annexation of an area southwest of the City bounded by MoPac, Loop 360, F.M. 2244 and West Lake Hills E.T.J.

ANNEXATION

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution granting the consent of the City of Austin to the annexation of land by the Williamson County Municipal Utility District No. 2 (5-0 Vote, Councilmember Goodman absent; Councilmember Mullen out of the room.)

ZONING ORDINANCE

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Goodman absent)

LYNN STORM	911-1109 E. Oltorf St.	From "A" 1st H&A
By David Armbrust	908-1298 St. Edwards	to "A-2" 1st H&A
C14-82-041	Drive	

ACTION ON APPEAL POSTPONED

Council will take action on an appeal from Mr. Homer D. Reed of the Planning Commission's decision on a Special Permit (C14p-81-096) on July 8, 1982 at 5:15 p.m.

TRANSIT ROUTES

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved proposed modifications to major transit routes and schedules and implementation of Southwest Park and Ride Service. (6-0 Vote; Councilmember Goodman absent)

Councilmember Deuser requested an update on the statistics of the route to Baron Square. Mayor McClellan requested an accounting of all of the routes.

CITIZEN COMMUNICATION

Ms. Elda Presara appeared before Council at the end of the Council Meeting. (Any citizen may speak for five minutes before Council at the end of the Meeting without having been included on the agenda.) She said she is with an organization in East Austin who is trying to help a family who lost their 16 month old baby through an accident. Ms. Presara said she has been working with the Parks and Recreation Department to set up an activity at a park and thought the request for a permit to serve beer and wine would be on the agenda today. Object of the fund raiser is to raise money to cover the hospital costs incurred. She said the fund raiser is scheduled for June 26th and since Council will not have a meeting on June 24th she wanted to appear today with her request. She was told this can be handled administratively.

ADJOURNMENT

Council adjourned its meeting at 5:55 p.m.