



# Austin City Council MINUTES

For JUNE 3, 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 opened the Meeting of the Council at 1:00 P.M., noting the absence of Councilmembers Deuser, Duncan, Mayor Pro Tem Trevino, Councilmembers Urdy and Goodman. They arrived at 1:15, 1:15, 1:20, 1:25 and 1:48 respectively.

### INVOCATION

The Invocation was given by Chaplain Benjamin F. Tandy, Bergstrom Air Force Base.

### CONSENT RESOLUTION

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

#### Right-Of-Way Certified

Certified that right-of-way for East Riverside Drive (Wickersham Lane to East Ben White Boulevard) was acquired in accordance with applicable Federal and State policies and laws.

#### Release of Easement

Authorized the following release of easement: A Sanitary Sewer Easement recorded in Volume 241, Page 546 of the Travis County Deed Records and located on Outlot 49, Division "E", City of Austin. (Requested by State Purchasing and General Service Commission.)

License Agreement

Authorized the issuance of a License Agreement to allow the encroachment of tunnel across the Alpine Street right-of-way adjoining Lot 11, Woodward Industrial District, 118 East Alpine. (Requested by Carlson, Dippel and Marx, representing Broyhill Furniture Company)

Approval of Contracts

Approved the following contracts:

- |   |   |
|---|---|
| a. BURNUP AND SIMS OF TEXAS, INC.<br>2716 East 5th Street<br>Austin, Texas                                  | - CAPITAL IMPROVEMENTS PROGRAM -<br>Installation of necessary<br>manholes and underground<br>conduit system for alternate<br>electric feed to Davis Water<br>Treatment Plant, Electric<br>Utility Department - \$36,670.00<br>C.I.P. No. 82/15-02 |
| b. WOODY'S CONTRACTING COMPANY<br>901 Wagon Trail<br>Austin, Texas  | - CAPITAL IMPROVEMENTS PROGRAM -<br>Renovation of Fire Station<br>No. 4, Public Works Department -<br>\$177,983.00 C.I.P. No. 79/82-01  |
| c. SAN ANTONIO VAULT COMPANY<br>12237 Hwy. 87 East FM 1604<br>Adkins, Texas                                 | - Concrete grave liners for Austin<br>Memorial Park, Public Works<br>Department.<br>Twelve (12) Month Supply Agreement<br>Items 1 - \$18,000.00   |
| d. CLOSNER EQUIPMENT COMPANY, INC.<br>1415 W. Poplar Street<br>San Antonio, Texas                           | - Asphalt Paving Machine, Public<br>Works Department<br>Thirty-six (36) Month Lease/Purchase<br>Item 1 - \$99,731.88  |
| e. INFORMATION ACCESS CORPORATION<br>Ziff Davis Publishing Company<br>One Park Avenue<br>New York, New York | - Publication Automated Indexes,<br>Austin Public Libraries<br>Thirty-six (36) Month Supply Agreement<br>Items 1 - 1.c - \$28,452.00  |
| f. MOORE BUSINESS FORMS<br>8301 Balcones Drive,<br>Austin, Texas  | - Printing Parking Violation<br>Notices, Office Services<br>Division<br>Item 1 - \$16,935.00  |
| g. INSTANT PHOTO, INC.<br>2460 Walnut Ridge<br>Dallas, Texas  | - Polaroid Film, Offices Services<br>Division<br>Twelve (12) Month Supply Agreement<br>Items 1-4 - \$61,054.00  |

## CONTRACTS APPROVED - (Continued)

- h. Bid award:
- Large Lamps, Central Stores Division  
Twelve (12) Month Supply Agreement
  - (1) GRAYBAR ELECTRIC COMPANY - Group 3, 4, 5 - \$66,776.00  
7473 North Lamar Boulevard  
Austin, Texas
  - (2) GULF COAST ELECTRIC COMPANY - Group 1 & 2 - \$47,153.00  
3207 Polk  
Houston, Texas
- i. JOHN H. HUGHES - Wells Branch Sewer Approcah  
CONSTRUCTION COMPANY Main Phase 1-B (North Austin  
Austin, Texas Growth Corridor Municipal  
Utility District No. 1) -  
\$320,052.00

Contract Items Pulled

During the consent motion the following was pulled from the agenda:

- (To be brought back June 17, 1982)
- Bid award
- Tires and tubes, Vehicle and Equipment Services Department  
Twelve month supply agreement
  - (1) B.F. GOODRICH - 72 line items - \$91,001.00  
116 Congress Avenue  
Austin, Texas
  - (2) WALKER TIRE COMPANY - 56 line items - \$33,867.00  
7107 N. Lamar Blvd.  
Austin, Texas
  - (3) YOUNGBLOOD GENERAL TIRE - 63 line items - \$107,283.00  
506 N. Lamar Blvd.

Texas Medical Review Program

Approved Brackenridge Hospital participation in the Texas Medical Review Program, administered by Texas Medical Foundation and required by the Texas Department of Human Resources.

Standard Rehabilitation Loan

Authorized \$10,400.00 of CDBG funds for one Standard Rehabilitation Loan for Leslie Nelson, 1111 Myrtle (Robertson Hill Target Area) and authorize staff to enter into appropriate contract.

MH-MR Center

Ratified proposed amendments to the articles of organization for the Austin-Travis County MH-MR Center.

Public Hearing Set

Set a public hearing on an appeal by Ms. Harriet Samon Owen, from the Health Department, concerning a notice to cut weeds and remove rubbish on property located at 1191 Airport Boulevard, for June 10, 1982 at 3:00 p.m.

**CONSENT ORDINANCES**

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

Building Height Moratorium

Approved extension of the building height moratorium in the downtown area to July 31, 1982. (5-1-0 Vote, Mayor McClellan voted No, Councilmember Goodman absent.)

In voting No, Mayor McClellan commented she approves of the concept but does not approve of the moratorium.

Zoning Ordinances

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

- |    |   |   |  |
|----|---|---|--|
| a. | CALHOUN-SMITH<br>DISTRIBUTING COMPANY<br>By Al Stover<br>C14-80-209 | 5401-5411 Manchaca<br>Road  | From "O" & "GR" 1st H&A<br>to "GR", "B" & "A"<br>1st H&A |
| b. | EXXON CORPORATION<br>By Gene Braun<br>C14r-82-045                   | 7701 I.H. 35, also<br>bounded by Anderson                         | From Interim "A" 1st H&A<br>to "GR" 1st H&A              |
| c. | TRAVIS DEVELOPMENT<br>COMPANY, INC.<br>By Tom Curtis<br>C14r-82-033 | 3730 Ed Bluestein<br>Boulevard, also<br>bounded by Wilcab<br>Road | From Interim "A" 1st H&A<br>to "DL" 1st H&A              |

## ZONING ORDINANCES - (Continued)

- d. AUGUSTINE RAMIREZ 7224-7238 E. Ben White From Interim "A" 1st H&A  
By Donald E. Bird Boulevard, also to "C" 1st H&A  
C14r-82-010 bounded by Yellow  
Jacket & Carson Ridge
- e. REMEDIOS MERCADO 2906 Cole From "A" 1st H&A  
By W. L. Thompson to "O" 2nd H&A  
C14-82-022
- f. AUSTIN NATIONAL BANK 301-309 Willow Street From "B" 2nd H&A  
& J. CHRYS DOUGHERTY also bounded by to "C" 3rd H&A  
By Robert Barnstone Trinity Street  
C14-82-026
- g. C. L. R. DEVELOPMENT 1700 & 1702 Willow From "LR" 1st H&A  
INC. Creek Drive to "GR" 1st H&A  
By Marshall Graham  
C14-82-057
- h. RUBY H. TARTER, DORIS 6739-6811 U.S. 290 E. From "A" 1st H&A  
BELL & ESTATE OF PEARL 6610-6712 Berkman Dr. to "GR" 1st H&A  
MESSER  
By Jerry L. Harris  
C14r-82-036
- i. JAMES K. EICHELBERGER 7113 Burnet Road From "GR" 1st H&A  
JR., CHARLES & LEON to "C" 1st H&A  
HOWARD, LEE BLOCKER,  
ANTHONY LEYENDBECKER
- 

## PROCLAMATION TO JERRY JEFF WALKER

Councilmember Deuser read a proclamation, signed by Mayor McClellan, designating Jerry Jeff Walker Day. Mr. Walker was in the Council Chamber to receive the resolution and express his thanks.

Councilmember Deuser requested the proclamation be spread upon the Minutes.

*City of Austin*

# Proclamation

WHEREAS, Jerry Jeff Walker and his lifestyle of musical accomplishments are an integral part of that almost mystical quality that has made Austin unique among American cities; and

WHEREAS, this man and his music were in the mainstream of that movement that came to be known as "the Austin sound" and he has entertained audiences on practically every stage in the city as well as in Terlingua and the legendary Lukenbach; and

WHEREAS, he is celebrating his 40th birthday (which was March 16) with a picnic party on Auditorium Shores Sunday, June 6, 1982, to benefit the preservation of Austin's quality of life; and

WHEREAS, the day of festivities will begin with a foot race, to be followed by food and drinks, and lots of pickin' and singin' until midnight, with all citizens invited to participate in the "cow jazz" fun.

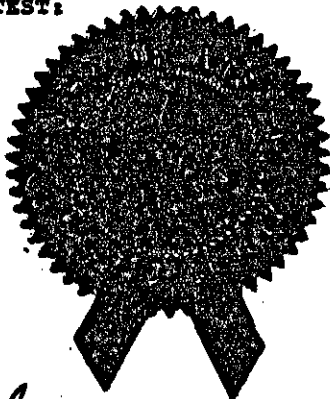
NOW, THEREFORE, I, Carole Keeton McClellan, Mayor of the City of Austin, Texas, do hereby declare June 6, 1982, as

## JERRY JEFF WALKER DAY

in Austin, and call on all citizens to join me in recognizing this singular individual and his contributions to music and our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Austin, Texas, and caused these presents to be spread upon the minutes of the City Council, on this, the 3rd day of June, 1982, A.D.

ATTEST:



\_\_\_\_\_  
Mayor Carole Keeton McClellan

*Grace Monroe*  
\_\_\_\_\_  
City Clerk

**"HOT STUFF" AWARD TO COUNCILMEMBER DEUSER**

Mayor McClellan presented a jalapeno pin to Councilmember Deuser, noting him as "Hot Stuff" award winner for eating 11 jalapeno peppers in three minutes in a jalapeno eating contest.

**AUSTIN ETHNIC FOLK FESTIVAL**

Mayor McClellan read a proclamation designating June 4 and 5, 1982 as Austin Ethnic Folk Festival Days. Members of the Austin Ethnic History Association were in the Council Chamber to receive the proclamation.

**BOND SALE**

Council had on its agenda for consideration an ordinance receiving bids and authorizing issuance of bonds as follows:

- a. \$23,000,000 City of Austin, Texas, Public Improvements Bonds, Series 1982.
- b. \$55,020,000 City of Austin, Texas, combined Utility Systems Revenue Bonds, Series 1982.

Mr. Phil Scheps, Director of Finance, referred to the following bids received at 12:00 Noon:

\$23,000,000  
PUBLIC IMPROVEMENT BONDS  
SERIES 1982

Bids Received June 3, 1982

<u>Bidders</u>	<u>True Interest Cost (%)</u>
Republic Bank, Dallas	11.044110
Morgan Guarantee	11.120300
Bankers Trust, N.Y.	11.121220
Merrill Lynch	11.178016
First National Bank, Dallas	11.184600
Bache Halsey	11.207900

## BOND SALE - (Continued)

\$55,020,000  
COMBINED UTILITY SYSTEMS REVENUE BONDS  
SERIES 1982

Bids Received June 3, 1982

<u>Bidder</u>	<u>True Interest Cost (%)</u>
Merrill Lynch	12.698141
Dillon Read and Company	12.757525
First Boston Corp.	12.771500
Salomon Brothers	12.820000

Mr. Scheps stated, "We did get four bids on our Revenue Bonds that I opened at noon and six bids on our G.O. Bonds. That's two bids more on our Revenue Bonds than we got in September and the same number on our G.O. Bonds we got in September. The rates are about the same. The winning rate on the Public Improvement Bonds was 11.04%, we got an 11.03% in September. The winning rate on the Utility Revenue Bonds was 12.69%. We got a 12.77% in September. Last May we got 9.41% on G.O's and 10.10% on our Revenues, so the market has significantly worsened since a year ago this time. Last week's 20 bond index was 11.99% in the G.O. so we are about 90 basis points better than that."

Motion

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, awarded the bid on the City of Austin, Texas, Public Improvement Bonds, Series 1982 to Republic Bank Dallas at an effective interest rate of 11.044110% and waived the requirement for three readings and finally passed an ordinance authorizing the issuance of \$23,000 Public Improvement Bonds, Series 1982 to Republic Bank, Dallas. (7-0 Vote)

<u>Purpose</u>	<u>Election Date</u>	<u>Amount* Authorized</u>	<u>Amount* Previously Issued</u>	<u>Amount* Being Issued</u>	<u>Unissued Amount*</u>
Pub. Health Facility	12-06-75	\$ 2,700	\$ 1,825	\$ 875	\$ -0-
Hospital	1-20-79	17,000	8,100	2,600	6,300
Fire Stations	1-20-79	2,235	1,690	-0-	545
Airport	1-20-79	3,185	2,900	285	-0-
Street Improvements	1-20-79	16,715	10,735	270	5,710
Drainage Improvements	1-20-79	2,155	1,970	185	-0-
Emer. Med. Serv. Bldg.	1-20-79	620	445	175	-0-



## BOND SALE - (Continued)

Police	1-20-79	9,715	8,750	965	-0-
Parks	2-23-80	9,000	1,540	5,825	1,635
Pub. Health Center	2-23-80	310	-0-	310	-0-
Cts. & Police Bldg.	2-23-80	4,445	-0-	2,535	1,910
RR Crossing Safety	2-23-80	4,610	200	250	4,160
Street & Drainage Imp.	8-29-81	41,655	1,170	5,800	34,685
Sanitary Land Fill	8-29-81	1,000	400	75	525
Emer. Med. Serv. Bldg.	8-29-81	1,845	350	-0-	1,495
Fire Stations	8-29-81	4,425	-0-	1,800	2,625
Traffic Signals & Equip.	8-29-81	2,490	545	1,050	895
<b>Totals*</b>		<b>\$124,805</b>	<b>\$40,950</b>	<b>\$23,000</b>	<b>\$60,855</b>

\*Amounts in Thousands

Motion

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, awarded the bid on City of Austin, Texas, Combined Utility Systems Revenue Bonds, Series 1982 to Merrill Lynch at an effective interest rate of 12.698141% and waived the requirement for three readings and finally passed an ordinance authorizing the issuance of \$55,020,000 Combined Utility Systems Revenue Bonds, Series 1982 to Merrill Lynch. (7-0 Vote)

<u>Purpose</u>	<u>Election Date</u>	<u>*Amount Voted</u>	<u>Amounts* Previously Issued</u>	<u>Amounts* Being Issued</u>	<u>Unissued Amount*</u>
Water Extensions & Improvements	11-20-76	\$ 32,237	\$ 29,065	\$ 3,170	\$ 2
Sewer Extensions & Improvements	11-20-76	\$ 46,920	\$ 29,920	\$ -0-	\$17,000
Electric Extensions & Improvements (Nuclear)	4-07-79	\$215,850	\$164,000	\$51,850	\$ -0-

\*Amounts in Thousands

Mr. Adrian, bond counsel, First Southwest Company, told Council, "In today's prevailing market I feel you received excellent bids. The City of Austin continues to sell below market. The Dow-Jones average is 12.88% and your sale on the G.O.'s is 11.04 which is 1.84 basis points under the Dow-Jones average. Revenue Bonds sold at 12.70 which is .18 basis points under the Dow-Jones averages. You again have consistently sold below the averages. I congratulate you."

**RESOLUTION FOR GUYMON PHILLIPS**

Mayor McClellan read a resolution signed by all Councilmembers citing Mr. Guymon Phillips for his work with the City. Mr. Phillips, who has served most recently as Assistant City Manager, resigned from the City's employ. Mr. Phillips thanked the Mayor and Council for the resolution and said his year's with the City have been enjoyed.

**RECESS**

Council recessed its meeting at 1:58 p.m. and resumed its recessed meeting at 2:00 p.m.

**PUBLIC HEARING - ELIGIBLE BLIGHTED AREA**

Mayor Pro Tem Trevino opened the public hearing scheduled for 2:00 p.m to consider designating 311-321 Congress Avenue as an Eligible Blighted Area.

Rick Triplett, representing the applicant, discussed the Davis Hardware buildings in the 300 block of Congress. He said the crime rate and unemployment rate is very high in the area and request the property be designated an eligible blighted area. Mr. Triplett stated that next Thursday they have been set to get an inducement resolution on the buildings.

No one else appeared to be heard.

Councilmember Deuser stated this is the last of these to go through prior to the implementation of the guidelines. It is a renovation of existing buildings.

**Motion**

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, closed the public hearing and recommended 311-321 Congress Avenue be designated as an Eligible Blighted Area. (7-0 Vote)

**STREET LIGHTING - SOUTH PLEASANT VALLEY ROAD**

Councilmember Duncan introduced an item to Council to include street lighting on South Pleasant Valley Road, South of Nuckols Crossing in the Electric Department C.I.P. for June, and move up in the C.I.P. \$7,500 for lighting at Langford Elementary School.

**WASTEWATER DISPOSAL STRATEGIES**

Councilmember Duncan discussed alternative on-site wastewater disposal strategies. He said Planning Commission member Ken Manning has worked on this. He suggested the Office of Environmental Research Management work on a proposal for

## WASTEWATER - (Continued)

discussion at budget hearings. He suggested a task force composed of 2 members of Water and Wastewater Commission, 2 members of Environmental Board and 2 members from the public at large. Councilmember Goodman suggested the boards and commissions concerned be asked if they are interested in serving.

After questions arose, it was agreed to bring this back on June 17, 1982 for approval of a task force.

## GROWTH RELATED ISSUES

Mayor McClellan brought to Council's attention discussion of assisting with coalition to "mobilize rather than polarize" on growth related issues. She said the private sector is very active in this and wants to discuss it later when she is certain the City is coordinating with them.

REVENUE & EXPENDITURE PROJECTIONS  
1982-83

Mr. Jorge Carrasco, Assistant City Manager, reported on Revenue and Expenditure Projections for 1982-83. He said the explicit assumptions utilized in the expenditure projections are as follows:

- The City will maintain a current level of services, consistent with those contained in the 1981-82 Approved Annual Budget. The only exceptions will be in cases where grant programs are reduced and the City does not assume funding responsibilities.
- New facilities, constructed or acquired through the Capital Improvements Program, will be operated and/or maintained at levels comparable with similar facilities.
- City population will increase at an annual rate of 3% and land area at an annual rate of 3.8%.
- Grant revenue will continue at current levels, unless the City has been notified otherwise. In such cases the City will not assume the cost of grant funded programs, unless there is a specific commitment to do so. The only exception being the UMTA operating assistance grant, which is projected to be phased out by 1984-85 and will require an increased General Fund transfer.

Additionally, the following assumptions were incorporated into the revenue projections:

- The General Fund beginning balance for 1982-83 is assumed to be approximately \$5.7 million. This is consistent with the budgeted ending balance for 1981-82. Efforts are presently underway to achieve this target.

## PROJECTIONS - (Continued)

- These property tax rates are assumed for the following years.

<u>Year</u>	<u>Operating</u>		<u>Debt Service</u>		<u>Total</u>
1982-83	35¢	+	21¢	=	56¢
1983-84	39¢	+	21¢	=	60¢
1984-85	33¢	+	21¢	=	54¢

(The 1981-82 tax rate is 62¢, with 41¢ for operating purposes and 21¢ for debt service).

These tax rates are predicated upon:

- The actual tax levied upon property will be based on retaining the added value of new property and allowing an average inflationary increase of 6%.
  - The reduction of tax rates during revaluation years to partially offset the inflationary increase in assessed property values; and,
  - A real tax increase of no more than 8%, the level at which a recent State Constitutional Amendment permits an initiative and referendum mechanism that, if successful, would necessitate a property tax rollback.
- All enterprise funds, with the exception of the Transit Fund, will implement rate adjustments, as necessary, to meet all fund requirements or maintain parity with the current level of fiscal independence. The Transit System will implement rate adjustments which only partially offset increased costs of providing services and the projected loss of federal operating grants.
  - General Fund transfers from other funds will be consistent with the Enterprise Fund Policy.

PROJECTIONS

General Fund available funds are projected to increase \$3.3 million, or 2.6%, from 1981-82 to 1982-83. Of this increase, \$1.8 million is attributable to property tax revenue, which is expected to increase 6%.

General Fund departmental appropriations are projected to increase \$14.6 million, or 12.7%, during the same period. Of this increase, \$5.3 million is due to inflation, \$3.2 million is to provide a current level of services to new population, \$980,000 is for new facilities, and the remainder is for new programs which were identified as "committed."

## PROJECTIONS - (Continued)

General Fund transfers to other funds are projected to increase approximately \$1.2 million from 1981-82 to 1982-83. The bulk of this increase is due to the anticipated phasing out of the UMTA Operating Assistance grant. When totaled, net fund requirements are projected to increase 13.3%.

Based on these projections and their corresponding assumptions, the General Fund would experience a \$6,828,000 deficiency for 1982-83. After allowing for approximately a 5% ending balance contingency reserve of \$6.1 million, the deficiency would approach \$12.9 million. This projected deficiency could be offset by: a) a 14.5 cent property tax rate increase, b) equivalent service reductions, c) equivalent service efficiencies, d) new and increased fees, e) transfers from other sources, or f) any combination of these options. A projected General Fund Summary is attached for your review.

Any proposed tax change should follow an extensive review and evaluation of the alternatives discussed above. The purpose of these projections, with their corresponding assumptions, is to alert you to the difficulty of future budget decisions.

Mr. Carrasco told Council the goal for the General Fund 1981-82 Ending Balance is \$6,000,000.00. To achieve this the following will be done: Eliminate the need for further 1981-82 general fund budget amendments; implement expenditure savings for the remainder of the fiscal year; undertake current opportunities for revenue increases. To accomplish this, target savings will be assigned to each general fund department. Departments are expected to meet or exceed these targets. Selective revenue producing and cost saving measures will be implemented immediately.

Mr. Carrasco went on to say that effective immediately all general fund departments are to complete the fiscal year within their budgets. There will be a moratorium on new personnel hiring, overtime, and purchase of capital will be in effect immediately. Exceptions to this are the following department enterprise funds: Building Maintenance, Public Event Facilities, Electric Utility, Water and Wastewater Utility; and Solid Waste. A moratorium on reclassifications for general fund departments will be made effective as of June 1. Exceptions to this will only be for positions that are non-city funded, such as grants. Other exceptions to the moratorium action is warranted due to life, safety, or health reasons.

Council discussed and asked questions and pointed out many things will have to be reviewed including how to maintain the present tax rate. Councilmember Urdy suggested perhaps the whole philosophy should be changed by making an up-front decision on the tax rate and then decide on the needs. Mr. Meiszer said that was not the way he was suggesting the budget be done, but he said there will be fund changes recommended to Council.

## STATUS OF FLOOD CONTROL IMPROVEMENTS

By use of slides, Mr. Richard Ridings, Acting Director of Public Works, reported on the Status of Flood Control Improvements. There is also a lengthy detailed report on file in the City Clerk's office.

## ZONING HEARING POSTPONED

The following zoning hearing, scheduled for 2:15 p.m. was postponed until July 1 at 1:15 p.m.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, postponed C14-82-056 until July 1 at 1:15 p.m. (6-0 Vote, Councilmember Goodman was out of the room.)

C14-81 ALBERT VANDERLEE  
056 By Philip Juarez  
Attorney

6014 & 6016 Fairway

From "A" 1st H&A  
To "BB" 2nd H&A  
NOT RECOMMENDED

## FUTURE EMPLOYMENT NEEDS

Councilmember Urdy discussed strategies to meet future employment needs. He feels we should try to develop strategy to offset future problems by creating an Office of New Employment to research the problems that will result in workers coming to Austin when they see the low unemployment rate figures here. Councilmember Urdy said we will need to know what to do as a result of such changes and how to deal with it. Mayor McClellan said she agrees with the idea. Councilmember Urdy said the cooperation of all departments will be needed and he will present some basic outlines in the future.

## AUSTIN CABLE COMMISSION REPORT

Jane Wells, member of the Cable Commission, told Council they had three items for consideration, channel lineup changes, wording on the company's monthly statement, and funding request. Brenda Traynor requested Council to pass an ordinance to approve the wording on the company's monthly statement.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, PASSED THROUGH FIRST READING an ordinance amending Cable Television Ordinance to reflect changes in the channel lineup and wording used by the cable company on its monthly statement. (7-0 Vote)

Ms. Traynor told Council \$159,000 is needed to help with the funding of television in the schools. The money is needed this summer in order to have everything ready by fall. Mr. Meiszer, City Manager, told Council these funds would have to come from the ending balance "because the recommendation is that the

## REPORT - (Continued)

General Fund pay for this. I strongly urge you to reject that recommendation. If this is indeed public access there are public access funds that could be used. I think there is a basic question as to whether or not this is even public access."

Discussion followed concerning the definition of public access and the definition of educational access and where the funds should come from. Ms. Traynor had stated the funding could come from the franchise. Mr. Meiszer told Council the franchise agreement says the school can have an educational channel but there is no agreement that the City must pay for it. Ms. Wells said the Cable Commission voted 8-3, without consideration of Council's decision as to where the funds will come from. She said the language says "to consider", not "to recommend". Mr. Meiszer stated the City does not have any money and he asked the Commission to look at funding from another source. Councilmember Deuser said it should be determined how much public access the educational channel might have.

Dr. Ellis, Austin Independent School Superintendent, appeared before Council and thanked them for designating AISD as a recipient of one channel. He said the channel will be used effectively for students and the public. Dr. Ellis said AISD is prepared to make a substantial investment toward that end and does not intend to request money from the City's ending balance.

Mayor McClellan requested a report on equipment funds and access funds and whether or not it is recommended to proceed.

Ms. Jean Nippur, Austin AISD, said they are considering a microwave to be mounted on a van so they can deliver live presentations to go to the students.

Mr. Meiszer told Council he is in favor of the channel. His whole concern is how it will be paid for. After Marian Wizard, Cable Commission, made a few comments, it was decided to bring this back for decision next week.

## ACTION ON ZONING CASE

Council was scheduled to take action on the following zoning case:

<p>C14-82 LYNN STORM 041 By David Armbrust</p>	<p>911-1109 E. Oltorf St. 908-1298 St. Edwards Drive</p>	<p>From "A" 1st H&amp;A To "A-2" 1st H&amp;A RECOMMENDED to be tied to site plan; recommend creek crossing be de- leted; recommended cul-de-sacs for areas on each side of creek with fire gate as approved by Fire Department; extend emergency access on east side.</p>
--	--	---

GRANTED "A-2" ON TRACT, LIMIT TO 400 UNITS, LONGBOW VACATED 1' WEST OF PROPERTY LINE; STAFF LOOK AT PERMEABLE COVER OPTIONS FOR PARKING & STREETS; PLACE ON SEPTEMBER 11, 1982 BALLOT UNDER PARKS.

(On Councilmember Duncan's motion, Councilmember Goodman's second, 7-0 Vote)  
(continued on next page)

Councilmember Duncan made the motion as written on previous page. Discussion followed concerning the number of units.

Substitute Motion - DIED FOR LACK OF SECOND

Councilmember Goodman offered a substitute motion to amend to 464 units. There was no second.

**WATER AND WASTEWATER**

Council had before it several items concerning water and wastewater.

1. Water and Wastewater Commission report on recommendations regarding South Austin Service Area for wastewater service.
2. Consider amending the 1981-82 Operating Budget by:
  - a. Appropriating funds from the Water and Wastewater Utility Fund ending balance for (1) Flow Monitoring Equipment - \$79,691; (2) UCSO Billing System Changes - \$184,024; and (3) Water and Wastewater Commission Administrative Support - \$6,462.00.
  - b. Transferring \$2,937,769 from the Water and Wastewater Utility Fund Ending Balance to the 1980-81 and 1981-82 Capital Improvements Program Budget and appropriating it for Subdivision Engineering and Construction Inspection. C.I.P. No's 82/22-01 and 82/23-01
  - c. Appropriating funds from the Water and Wastewater Utility Fund ending balance for (1) Flow Monitoring Equipment-\$79,691 (2) UCSO Billing System Changes-\$184,024 (3) Water and Wastewater Commission Administration Support - \$6,462.00 (4) Williamson Creek Wastewater Treatment Plant Alternatives-\$5,439,950 as recommended by the Water and Wastewater Commission.

Ms. Leda Roselle, chairperson, Water and Wastewater Commission, addressed 1. above. She said, "This is not only the Water and Wastewater Commission report but it is also the task force report that was done to keep from having a moratorium in the inner city. Our first goal was to solve the existing problems of the current overflow of the ponds which created using a discharge permit into the creek. That phase we offer as irrigation of the current plant property which we are not irrigating at this time. Increased irrigation of adjacent City land and that is now the Jimmy Clay Golf Course. Williamson Creek Wastewater Treatment Plant effluent reduction problems. That is a conservation program and it is a trial we can increase if it works. That will take care of existing problems. The other alternative we are asking for is increased pumpage to Govalle and that is in two phases also. It will take about 2,000,000 gallons today just to take care of current commitments. They are not on line and won't be for a number of years. But we are committed to them and we do have to serve them when they come on line. We cannot say no. To create new



## WATER &amp; WASTEWATER - (Continued)

LUE's which was also a task we were given by the Council would require a new line. The other two million in the line it is in now we are pumping already to Govalle. It would only require minor improvements. To create new LUE's we can build a new line at a cost of \$2.5-million. That would create 1.5 million gallons a day which is equivalent to 5,000 living units which would be new. That's our proposal. We have a funding recommendation also. We need specific action to solve our problem today for the overflow at Williamson." Councilmember Goodman asked, "That's the five?" Ms. Roselle answered, "I did it in stages where we do that part with this motion and part of it solves also the existing commitments we have that are going to come on line and then the other part was to create the new, additional LUE's which is 5,000 living units. .... The staff and Commission recommended that all of it (funding) come out of Water and Wastewater ending balance, not the General Revenue balance. The only thing we disagreed on was the new LUE's which would be \$2.5-million. That was the only difference that we had. The Commission offered the Council two options. We thought perhaps you would appreciate a recommendation to those two options, so in that sense we recommended the entire amount come out of the ending balance. .... Let me explain why we chose to take it out of the ending balance. The other option was to use the \$17,000,000 that is currently authorized for the Onion Creek Plant. To justify taking that authorized money because this is capacity that should go to the Onion Creek Plant. The more you take from that \$17,000,000 the less you are going to subtract from the balance on that ballot. Right now subtract the whole \$17,000,000 from the ballot and that figure goes up on the ballot and I think that was our primary reason for going with the other recommendation."

Councilmember Deuser said he favors that method because voters say "Gee I thought we had such and such in the Onion Creek Fund and you told us last year we did and if you approve such and such bonds we would have so much and now we are talking about raiding it for another worthy project and I have a real problem with that. I would much rather go ahead and take it out of the ending balance and then have the entire Onion Creek Fund and when you ask the voters for money to complete it, we can say we still have the balance you previously approved."

Mayor McClellan commented that concern in the past has been when the funds have been shifted without Council knowledge.

Ms. Roselle said, "Regardless of where you take the money we want it to be paid back by subsequent user fees. So it will be paid back by one fund or the other."

Mr. Meiszer told Council, "I'm as committed as you are to the proposition that when bond funds are issued for a specific project that they should be used only for that and I am also committed as you are that no funds would every be transferred as long as I have anything to say about it without your knowledge. I think the circumstance is such that this is critical. This came up last week before the bond sale and I did not want this kind of effect on the ending balance a few days before the bond sale. Now, if after the bond sale and we have a pretty good interest rate. However, I still think to be consistent with my financial leanings and understandings that to take half of this from the ending balance and half from the bonds because it still serves the same general area. It is a different

## WATER &amp; WASTEWATER - (Continued)

project but still part of the same problem and I would urge you to do it this way but normally I would say as Dr. Deuser did that we should not shift bond funds around."

Councilmember Deuser said "If we have no other option other than to raid the Onion Creek Treatment fund then I am willing to go with it. But if we have an option I do think it is important to have that preserved but we are proceeding to avoid transferring funds."

Mr. Meiszer said if the money was used from Water and Wastewater there will be a \$1,000,000 ending balance at the end of the year. Councilmember Deuser pointed out this is not a fund that usually has a large balance at the end of the year.

Mayor McClellan asked Ms. Roselle if the Commission has any problems going with the Manager's recommendations. Ms. Roselle said they do not but when they found there were two options they wanted to present them both.

Councilmember Urdy said, "If the Onion Creek Plant is approved then this money will not be used." Ms. Roselle said we may not need to do this the line may never be built. "At this point South Austin does not have service unless we do something."

Motion (1 Motion for three actions)

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Operating Budget by appropriating funds from the Water and Wastewater Utility Fund ending balance for (1) Flow Monitoring Equipment - \$79,691; (2) USCO Billing System Changes - \$184,024; and (3) Water and Wastewater Commission Administrative Support - \$6,462.00 (6-0 Vote, Councilmember Goodman out of the room)

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Operating Budget by transferring \$2,937,769 from the Water and Wastewater Utility Fund Ending Balance to the 1980-81 and 1981-82 Capital Improvements Program Budget and appropriating it for Subdivision Engineering and Construction Inspection. C.I.P. No's 82/22-01 and 82/23-01. (6-0 Vote, Councilmember Goodman was out of the room.)

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, approved the Water and Wastewater Commission's recommendations regarding South Austin Service Area for wastewater service. (6-0 Vote, Councilmember Goodman was out of the room.)

## WATER &amp; WASTEWATER - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance appropriating funds for Williamson Creek Wastewater Treatment Alternatives- \$5,329,950 as recommended by the City Manager with \$2,796,200 from Williamson Creek WWTP Interim Program construction requirements, \$33,750 from Williamson Creek WWTP Interim Program conservation program and \$2,500,000 from Onion Creek Project Bond Fund. (5-1-0 Vote, Councilmember Deuser voted No, Councilmember Goodman was out of the room.)

Councilmember Deuser stated "I vote against this not because I am opposed to the expenditures and the point may be moot if this is voted against at the next election, but I will vote against because it involves shifting funds out of an already dedicated fund for the Onion Creek Treatment Plant and this is an instance where we have an alternative which is not completely upsetting to the City government to follow that dictate and I will follow that dictate whenever possible and will vote No."

The User Fee Ordinance will be brought back later.

## JULY 4TH FIREWORKS

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request of Mr. Roger Sturgell, Assistant Fireworks Chairman, Austin Jaycees, for the use of Auditorium Shores on July 4, 1982 (rain date July 5th) from 7:00 p.m. to 10:30 p.m., also permission for fireworks and sale of food and beer. (7-0 Vote)

## GAY PRIDE WEEK CELEBRATION

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request of Ms. Melita N. Abrego for permission for the sale of beer at Pease Park on June 27, 1982 for Gay Pride Week celebration. (7-0 Vote)

## EXEMPTION FROM NEW LAKE AUSTIN ORDINANCE REQUESTED

Mr. James M. Rose appeared before Council to discuss exemption from the New Lake Austin Ordinance with approval under old ordinance criteria. Mr. Rose said he represents Links Development Corporation which is working on the Bridgehill Subdivision. He said they had complied with all rules and turned it into the Planning Commission. The Council passed the ordinance and put four bluff lots under the Lake Austin Ordinance. He said they had planned for duplexes but Council designated single family homes. (Mr. Rose showed slides) Mr. Rose said they are seeking an adjustment so they will not have to go back through the Board of Adjustment.

Mr. Jim Nias, Assistant City Attorney, told him only the Board of Adjustment can grant a variance and he should take it back to the Planning Commission and the Board of Adjustment.

## PARADE PERMIT

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the request from Ms. Frances L. Young for a parade permit for St. John Regular District Association, from 10:00 a.m. to 11:00 a.m. Monday, June 7, 1982 beginning from lower end of Blessing Avenue up Blessing to church. (7-0 Vote)

**WATER & WASTEWATER SERVICE AREA BOUNDARY**

Council had before them an ordinance to consider amending Ordinance No. 810820-B by repealing the Water and Wastewater Service Area Boundary Ordinance.

**Motion**

Councilmember Mullen made a motion, seconded by Councilmember Goodman to repeal the ordinance.

Councilmember Duncan stated he favors boundaries because developers get service and the people within the City limits do not. Discussion followed.

**Substitute Motion**

Councilmember Deuser made a substitute motion, seconded by Councilmember Duncan to refer the ordinance to the Planning Commission and the Water and Wastewater Commission; they are to bring back a recommendation in two weeks. (Motion passed by a vote of 7-0)

**HOSPITAL BOARD APPOINTMENT**

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, approved the appointment of Janice Robinson to a term on the Hospital Board ending July 1, 1984. (7-0 Vote)

**PUBLIC HEARING ON APPEAL**

Mayor McClellan opened the public hearing scheduled for 5:30 p.m. on an appeal from Mr. Homer D. Reed of the Planning Commission's decision on a Special Permit. (C14p-81-096)

Mr. Lillie reviewed the application by use of slides. He said the request is to build a townhome complex of 24 units. He said without a Special Permit this could be duplex lots. Traffic, according to Mr. Lillie, could be less with duplexes. Duplexes would have their access on Foster. Townhomes would not have access to Foster. There is danger of flooding because the drainage easement nearby carries a great deal of water. Water and wastewater is not available to the tract. The Planning Commission recommended denial of the Special Permit because (1) safety of the motoring public, (2) protection of adjacent property from flooding, (3) adequate parking and ingress and egress, (4) public health, safety and general welfare.

Mr. Homer Reed, representing the applicant, said the proposed townhomes are the best possible use of the land. He said this would be an infill project such as the City has been encouraging. Mr. Reed stated, concerning the water and wastewater supply that "The Water and Wastewater staff recommended that the City Council establish a moratorium on projects filed with the Planning Commission subsequent to January 6, 1982. Since this Special Permit was submitted in November and the related subdivision was submitted on December 18, 1981, this proposed project would be qualified for water supply if the Council had approved the moratorium. The Council did not approve

## APPEAL - (Continued)

the moratorium. What happened is that immediately thereafter the staff adopted a moratorium on all property north of 45th Street. Not only did they establish a moratorium but they failed to honor their own date of January 6th and made the moratorium retroactive to all projects that had not been finally approved in complete violation of all precedence that I know of for the City of Austin. .... The moratorium to which I have been subjected was adopted in violation of City Ordinance 79-0419J. This ordinance was designed to prohibit exactly this type of arbitrary action by the staff. This ordinance requires 30 days prior publication and establishment of appeal procedure to be followed prior to adoption by staff of any standard, policy, guideline or rule relating to the construction of new development. Because this ordinance was not followed, because the moratorium was not established in a legal manner and because the staff did not honor their own January 5th cut off date, I am requesting that water be made available to this tract. Mr. Lillie said wastewater had not been certified. I feel sure that it has since the staff has approved our plans for wastewater service."

Mayor McClellan asked that the issue on violation of the ordinance be addressed. Mr. Jim Nias, Assistant City Attorney, said Mr. Reed is referring to the Administrative Procedures Ordinance. He said he does not know of any moratorium established by the Water and Wastewater Department but "in my opinion would be, whatever they did, it would not be subject to that ordinance. I don't think they decided no water would be extended north of 45th Street. They looked at what was happening and told people what the circumstances were. I don't think they set down a rule to this effect." Mr. Reed said the effect is the same whether it is called a rule or not and no approvals are granted north of 45th Street. Mr. Meiszer pointed out that the City is recognizing the inability to serve rather than making a rule that they will not serve. Mr. Reed referred to the January 6th date and asked if it would not be appropriate to have a grandfather clause on projects already in the pipeline. More discussion followed.

Mr. Charles Graves, engineer for the project, told Council that the area can be designed so as to not contribute to flooding. All structures will be 1' above the 100 year flood plain.

Mrs. Gretchen Alley, trustee of the property, said that she intended to do something with the property. She will build there because keeping the lots free of debris and tall grass is nearly impossible.

Mr. Roy Walker, 3209 Foster Lane, said the neighborhood is proposed and has signed a petition against the townhomes. He discussed flooding and traffic.

The following people from the neighborhood also appeared before Council to oppose the townhomes. They also cited flooding dangers and traffic: Douglas Barron, Allen Kaplan, Margaret Quadlander, Mik Jajick, Cliff Bonner, Bill Standler, Susan Artezoni, James Dailey, Bonnie Jajick, Joe Harselee, Ina Roth, Faye Polk.

Mr. Reed returned for his summation to state they plan to avoid flooding problems. He said the real problem is with a faulty drainage pipe.

APPEAL - (Continued)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing and requested this be included on the June 17, 1982 agenda for action. (7-0 Vote)

Staff is to look at the viability of using the adjacent land as a detention pond and the willingness of the developer to share the cost. Councilmember Goodman stated he does not favor more than 22 units.

## MUNICIPAL AIRPORT

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, accepted the City Manager Report on the Municipal Airport. (7-0 Vote)

## ACTION SCHEDULED

Council was scheduled to take action on Mr. Dan Langlois's request for funds to repair or replace a vehicle for Youth Employment Service. Council directed some specifics to be brought back concerning where the funding of 1/3 of the vehicle by the City would come from.

## PUBLIC HEARING SET

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, set a public hearing for July 1, 1982 at 5:00 p.m. on the designation of an area located at 3309-3421 IH-35 South as a blighted area for Industrial Revenue Bond purposes. (7-0 Vote)

Prior to the voted Councilmember Mullen asked why this should be designated as a blighted area. Mr. Tom Curtis, attorney, stated the site is next to an impoverished area.

## ZONING ORDINANCE

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, passed through FIRST READING ONLY an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Deuser was out of the room)

CITY OF AUSTIN  
PLANNING DEPARTMENT  
C14-81-112

800-906 West 29th St.  
610-624 & 611-625 W.  
29 1/2 St., 614-908 &  
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

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

ZONING - (Continued)

CITY OF AUSTIN  
PLANNING DEPARTMENT  
C14-81-112  
(continued)

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

ANNEXATION ORDINANCE

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, passed through the THIRD READING of an ordinance annexing 585 acres of land along IH-35 South and along FM 1327 East of IH-35. (4-3 Vote, Mayor McClellan, Councilmembers Deuser and Mullen voted No.)

ITEM POSTPONED

Council postponed until June 10, 1982 consideration of an ordinance establishing 9:00 a.m. as the starting time of regular Council meetings.

EXECUTIVE SESSION

Mayor McClellan announced that it would go into Executive Session pursuant to Article 6252-17, V.T.C.S. Texas Open Meeting Act, to discuss the following matters:

- a. City of Austin v. Emil Jamail - pending litigation - Section 2(e)
- b. Consider hiring consultants for the Proposal 7 hearing before the Public Utility Commission - Pending Litigation - Section 2(e)
- c. Personnel Matters - Water and Wastewater Department - Paragraph 2(g)

and after such closed or executive session any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed its meeting at 7:35 for an executive session and resumed its recessed meeting at 7:55 p.m.

RATE CONSULTANTS SELECTED

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, adopted a resolution to select Dr. Tom Power and Dr. Eugene Coyle from the firms of Peat, Marwick, Mitchell and Touche Ross as rate consultants for the Proposal 7 hearing before the Public Utility Commission. (5-2 Vote, Mayor McClellan and Councilmember Mullen voted No.)

ADJOURNMENT

Council adjourned its meeting at 8:00 p.m.