



Austin City Council MINUTES

For MARCH 18, 1982 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Larry Deuser
Roger Duncan
Richard Goodman
Ron Mullen
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the Meeting of the Council scheduled for 1:00 P.M., noting the absence of Councilmembers Mullen and Deuser, Mayor Pro Tem Treviño and Councilmember Goodman. They entered the Council Chamber at 1:15, 1:15, 1:35 and 1:35 respectively.

INVOCATION

Reverend David Micky, Northside Church of Christ, gave the Invocation.

PROCLAMATIONS

Before a quorum was in the Council Chamber, Mayor McClellan read proclamations for Job Safety and Health Week, which was received by George Gustafson, Walter Martin and Del Tally; Youth Advocacy Program Day, which was received by Jesse Flores and Bill McCullough; and Cactus Pryor Day, received by Cactus Pryor, with Tom Heaton and Don Reed present.

BOARDS & COMMISSIONS

Mayor McClellan announced the following board and Commission appointments are due to be made:

ETHICS REVIEW COMMISSION - 1

AUSTIN TOMORROW ON-GOING COMMITTEE - 1 and 7 alternates

MANPOWER ADVISORY PLANNING COUNCIL - 1 City Manager Designee

2 YETP

1 Vocational Advisory Council

Representative

NEIGHBORHOOD REVITALIZATION COMMISSION - 1

BOARDS & COMMISSIONS - (Continued)

ENVIRONMENTAL BOARD - 1
HOSPITAL BOARD - 1
BOARD OF ADJUSTMENT - 6
ELECTRIC UTILITY COMMISSION - 1
EMS QUALITY ASSURANCE TEAM - 5
URBAN TRANSPORTATION COMMISSION - 4
JOINT AIRPORT ZONING BOARD - 1
ELISABET NEY MUSEUM BOARD OF DIRECTORS - 1

CONSENT RESOLUTIONS

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

Release of Easements

Authorized release of the following easements:

- a. A 10.0' Public Utility Easement on Lots 6 & 7 Capitol Business Park, 1400 Smith Road. (Requested by Cotton, Peevey, Helton)
- b. The 5.0' Public Utility Easements on Lots 2, 3, 13 and 14, Grant Park Subdivision, 1810 Springdale Road. (Requested by Mr. Robert G. Ballard)
- c. The 7.5' Public Utility Easements located on Lots 1 thru 13, Second Resubdivision of a portion of Lot 7, Block C, Northwest Hills Oak Ridge, 6491-6615 Hart Lane. (Requested by Mr. Jack Dillard)
- d. The 5.0' Public Utility Easement located on Lots 6 & 7 Block "V", Crestview Addition, Section 9, 1300 Morrow. (Requested by Crestview United Methodist Church)

Lease-Purchase Agreement

Authorized a Lease-Purchase Arrangement for an asphalt lay-down machine to be used by Street and Bridge Division in completing the 1982 Street Resurfacing Program.

License Agreement

Entered into a License Agreement to allow the encroachment of planters into the right-of-way adjoining Lots 1 & 2, Block 84 Original City of Austin, 701 Congress Avenue. (Requested by Mr. Harold Solomon, representing the Bradford Hotel.)

Capital Improvements Program

Approved acquisition of the following tract of land for the Jefferson Street Flood Control Project: C.I.P. No. 82/60-05:

CIP - (Continued)

All of a certain tract of land partly out of Block A Shoalcrest Oaks and partly out of a portion of West 39½ Street vacated by Ordinance 720127-A and 580904-B, 3910 Shoal Creek Boulevard. (Albert and Phyllis Exline)

Change Order

Approved the following Change Order in the amount of \$23,690.00 to Travis Properties for renovation to office space in the Travis Building and a lease amendment in the amount of \$725.00 per month to include these additional charges. (Contract original dollar value \$241,200 over 5 years. Change order is 10 percent of original dollar value.)

Contracts Approved

Approved the following contracts:

1. WESTINGHOUSE ELECTRIC SUPPLY COMPANY - CAPITAL IMPROVEMENTS PROGRAM -
9230 Research Boulevard Pad Mount Transformers, Electric
Austin, Texas Utility Department.
Item 1-6 - \$263,937.00
C.I.P. No. 82/15-01
2. HENNINGSON, DURHAM & RICHARDSON - CAPITAL IMPROVEMENTS PROGRAM -
1524 S. IH 35, Suite 213 Provide for engineering, permitting,
Austin, Texas planning & design services in
connection with Solid Waste
Transfer Station - \$82,500.00
C.I.P. No. 74/60-07
3. DEXTER INSTRUMENTS - Color Microvideo Camera System,
P. O. Box 29185 Brackenridge Hospital
San Antonio, Texas Item 1 - \$15,624.00
4. MERRY X-RAY - X-Ray Chemicals for Brackenridge
760 Isom Road Hospital
San Antonio, Texas One (1) Year Supply Agreement
Item - 5 - \$29,234.39
5. MERRY X-RAY - X-Ray Film , Brackenridge
760 Isom Road Hospital
San Antonio, Texas One (1) Year Supply Agreement
Items 1 - 27 - \$400,128.46
6. FISHER SCIENTIFIC - Hematology Analyzer for
P. O. Box 1307 Brackenridge Hospital
Houston, Texas Item 1 - \$6,511.80

CONTRACTS APPROVED - (Continued)

- | | | |
|-----|---|---|
| 7. | ALOHA POOLS
611 South Lamar Boulevard
Austin, Texas | - Swimming Pool Paint and Thinner,
Parks and Recreation Department
Items 1-3 - \$5,275.15 |
| 8. | SOUTHWAY ELECTRIC UTILITY SERVICE,
9705 Beck Circle
Austin, Texas | - Station Post Insulators, Purchases
and Stores Department
Items 1 & 2 - \$8,460.00 |
| 10. | W. H. LUMPKIN
8527 Sweetwood
Dallas, Texas | - Firefighting Coats and Trousers,
Fire Department
Items 1 & 2 - \$130,640.00 |
| 11. | ENVIROQUIP, INC.
2526 Kramer Lane
Austin, Texas | - Emergency repairs of Govalle
Wastewater Treatment Plant "D"
plant blower motor and purchase
of a pressure lubricator.
Water and Wastewater Department -
\$5,370.00 |

Item Pulled

During the consent motion on resolutions the Council postponed, until March 25, 1982, consideration of the following contract:

- | | |
|--|---|
| ENERGY ENGINEERING ASSOCIATES, INC.
3405 North IH 35
Austin, Texas | - Implementation of the Comprehensive
Community Energy Management
Program's Energy Management Plan,
Office of Energy Conservation and
Renewable Resources - \$49,600.00 |
|--|---|

Sale Of Surplus Mobile Home

Approved sale of a surplus mobile home to Steward Mobile Home, in the amount of \$7,010.00.

Permanent Banner Location

Authorized 1704 East 12th Street as a permanent approved banner location.

Items Postponed

Postponed until March 25, 1982 at 5:00 p.m. consideration of position and proposed FY '83 Federal Budget regarding energy; consideration of position on proposed FY '83 Federal Budget regarding environment protection; and consideration of position on proposed FY '83 Federal Budget regarding education. Councilmember Deuser introduced these to Council.

Temporary Street Closings

Approved the temporary closing of the following streets:

- a. 25TH STREET from San Gabriel to Pearl Street on April 16, 1982, from 2:00 p.m. to 7:00 p.m., as requested by Mr. Scott Burdine, representing the University of Texas Silver Spur Service Organization.
- b. PEARL STREET from 24th Street to 25th Street on April 2, 1982, from 3:00 p.m. to 7:00 p.m., as requested by Mr. Jeff Boykin, representing Sigma Alpha Epsilon fraternity.
- c. WEST 25TH STREET from San Gabriel to Pearl Street on March 25, 1982, from 3:00 p.m. to 6:00 p.m., as requested by Paul Heath, representing Posse, a Freshman Honorary Spirit Organization.
- d. The 2400 BLOCK of Seton Avenue on April 1, 1982, from 3:00 p.m. to 6:30 p.m., as requested by Ms. Carla Sadler, representing the Delta Gamma Sorority.

Grant Application

Authorized submission of a grant application to the Texas Developmental Disabilities Program in the amount of \$115,854 to operate an Early Childhood Intervention Program in Austin and Travis County during a one year period from June 1, 1982 to May 31, 1983.

Public Hearings Set

Set public hearings on the following:

- a. To annex 585 acres of land along IH-35 South and along FM 1327 east of IH-35: Wednesday, 4/14/82 at 5:00 P.M. at the site and Thursday, 4/15/82 at 6:00 P.M. in the Council Chamber.
- b. An appeal from Mr. Alvin J. Golden of the Planning Commission's decision on a Special Permit for construction of 24 duplex units. (Case No. C14p-81-069): April 1, at 6:00 p.m.
- c. Southern Union Gas Company's request for a rate increase:
April 1 at 5:00 p.m.

Escrow Agreement - Revenue Bonds

Authorized the execution and delivery of an escrow agreement with the Treasurer and the State of Texas relating to the payment and discharge of the City's outstanding revenue bonds; repealing and superseding a previous resolution approved on March 3, 1982.

CONSENT ORDINANCES

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

Cemetery Fees and Charges

Amended Ordinance No. 810924-U to change the amounts for cemetery fees and charges pertaining to vault liner charges and vault liner setting fees.

Retirement Ordinances Amended

Amended the Police Retirement and the Employee Retirement Ordinances to change division of funding sources.

Correction of Typographical
Errors

Amended Ordinance No. 820218-D to correct typographical errors and clarify certain exemptions. (6-1 Vote, Mayor McClellan voted No.)

Parking Meter Zones

Amended the Austin City Code by adding and deleting the following parking meter zones:

DELETE

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
30 minute	Lavaca Street	100 block	West

ADD

60 minute	Lavaca Street	100 block	East & West
-----------	---------------	-----------	-------------

Zoning Ordinances

Amended the Austin City Code (Zoning Ordinance) to cover the following changes:

REMEDIOS MERCADO
By W.L. Thompson Jr.
C14-81-246

2903 Swisher Street From "A" 1st H&A to
"O" 4th H&A

(6-0 Vote, Councilmember Mullen abstained)

ZONING ORDINANCES - (Continued)

LML INVESTMENT COMPANY 12595-12601 Research From Interim "AA" 1st H&A
By Phil Mockford also bounded by to "C" 1st H&A
C14r-81-243 Oakmont Street

(6-0 Vote, Councilmember Mullen abstained)

LENA E. & ETTA I. 4712 Harmon Avenue From "A" 1st H&A to
DYESS "BB" 1st H&A
By Adan I. Castaneda
C14-81-238

(6-0 Vote, Councilmember Mullen abstained)

J. ALTON BAUERLE & 2601 Del Curto Road, From "A" 1st H&A to
ROGER GAILLARDETZ access also to "A-2" 1st H&A
By William J. Scudder Southland Drive
C14-81-241

(6-0 Vote, Councilmember Mullen abstained)

JOE B. LEWELLEN 5710 Nancy Drive From "MH" 1st H&A to
C14-81-234 "AA" 1st H&A

(6-0 Vote, Councilmember Mullen abstained)

Southern Union Gas

Suspended application of Southern Union Gas Company's Statement of Intent to increase rates filed March 11, 1982.

ZONING ORDINANCE - FIRST READING ONLY

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, passed through FIRST READING ONLY the following zoning ordinance which has a valid petition on file of 26.72%. (5-2 Vote, Councilmembers Duncan and Deuser voted No.)

STEVE C. GRINNELL 1607 West Avenue From "A" 1st H&A to
By Jerry L. Harris "O-1" 1st H&A
C14-81-218

1st READING ONLY - VALID PETITION, 26.72% HAS BEEN RECEIVED

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

Prior to the vote, Councilmember Duncan said he had voted no to the zoning change at the hearing. Since then he has given the matter further study and wanted to vote yes. Mr. Albert DeLaRosa pointed out that Councilmember Duncan cannot change his vote until the second reading. This will be the first reading only because of the valid petition.

MOTOR BOAT RACES

Councilmember Mullen made a motion, seconded by Mayor McClellan to adopt a resolution approving motor boat races on Town Lake between Lamar Boulevard and MoPac Boulevard, August 6, 7, 8, 1982 for the 1982 Austin Aqua Festival. Motion FAILED TO PASS by a vote of 2-5, Councilmembers Goodman and Urdy, Mayor Pro Tem Trevino, Councilmembers Deuser and Duncan voted No.

Prior to the vote, Mayor McClellan told Council she thinks the request for the races is a reasonable one and urged them to approve.

HIGHLAND RESOURCES, INC.

The Council had before it a resolution to consider approval of the following water and wastewater approach mains:

HIGHLAND RESOURCES, INC.

- Water and wastewater approach mains to serve Maconda Park Subdivision. Total cost is estimated at \$568,750 for water and \$212,400 for wastewater. No City cost participation.

Councilmember Duncan asked Rodger White, Acting Director of Water and Wastewater to clear up the relationship between the main proposed here in Highland Resources and a similar main in Springwoods MUD. He asked if at any time they were considering the same main. Mr. White said he knows of no correlation between the two. The wastewater main proposed is an external main from the MUD and would drain into the MUD system. Councilmember Duncan asked, "The Springwoods MUD does not have this same segment of line in their proposal?" Mr. White said not that he is aware of. Councilmember Duncan said that is what he wanted to clear up. He thought that they needed to reduce the Springwoods MUD by about \$200,000 or so.

Mr. Terry Bray, attorney for Highland Resources stated, "This is an approach main that extends sewer from our subdivision to the termination of the MUD line. We will pay for a share of the oversize in the MUD line as well."

Motion

Councilmember Mullen made a motion to approve, seconded by Councilmember Urdy.

Councilmember Goodman asked what is planned for the tract. Mr. Bray told him they are working on a master plan to include mixed usage of a shopping center, duplexes, and multi-family housing on the 171 acres. This acreage will be the only ones served by these approach mains. Councilmember Goodman then asked about available capacity for both water and wastewater and the sources of water. Mr. White told him the water to serve the project will be coming from a combination of both the Green Plant and the Davis Plant and through the Spicewood pump station on out to Jollyville Reservoir and come out the pump station into this system. The

HIGHLAND RESOURCES - (Continued)

wastewater is Walnut Creek Plant. This will be going to Lateral A and Bull Creek. The capacity for wastewater will be available at Walnut.

Councilmember Goodman discussed the option to retain the ability to maintain a user fee that would be applied to creating more wastewater capacity in about two years.

Mr. Albert DeLaRosa, City Attorney, said Council could choose to preserve that option and approve this item contingent upon approval of an agreement of the property owner that if the Council institutes that type of fee within a certain time period.

Friendly Amendment

Councilmember Goodman offered a friendly amendment to approve contingent on user fees when adopted.

Mr. Bray stated, "In the MUD documents which we will be signing, it does now provide, through amendments that have occurred during the past week in discussion with staff and others that signing that document leaves us open to subsequent user's fees. We will tell you today that this approach main approval is conditioned on us signing that document. We have offered to sign the document subject to the City's approval of the approach main. We have no problem with that."

Councilmember Goodman said "So long as you are on record and it is accepted as a friendly amendment I see we have no problem at this moment."

Friendly Amendment Accepted

Councilmember Mullen accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

(To adopt a resolution approving the water and wastewater approach mains for Highland Resources, Inc. to serve Maconda Park Subdivision; total cost estimated at \$568,750 for water and \$212,400 for wastewater; no City cost participation; approved contingent on user fees when they are adopted.)

7-0 Vote

SPRINGWOODS MUNICIPAL UTILITY DISTRICT

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, adopted a resolution authorizing the "Second Supplement to Revised Agreement concerning Springwoods Municipal Utility District" and approving the "Agreement Establishing Out-of-District Wastewater Services Commitment". (7-0 Vote)

Prior to the vote, Councilmember Goodman stated: "The clause that was referred to just a few moments ago was one that I asked Mr. Hooper to incorporate

SPRINGWOODS MUD - (Continued)

into the various contracts concerning the Springwoods MUD. Mr. Hooper, has the Legal Department had the opportunity to review with you the additional provisions that have been included in the MUD?" Mr. Hooper answered affirmatively.

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance approving the adoption of a bond resolution authorizing the issuance of \$3,520,000 by the Springwoods Municipal Utility District of Williamson County, Texas and authorizing the execution of a contract between the City and said district. (6-0 Vote, Councilmember Goodman was out of the room.)

TEMPORARY STREET CLOSING

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, adopted a resolution temporarily closing the following streets: (7-0 Vote)

SAN JACINTO from East 7th Street to East 6th Street, close two lanes;
EAST 6TH STREET from Neches to San Jacinto, close all lanes;
TRINITY from East 7th Street to East 6th Street, close all lanes;
NECHES from East 6th Street to East 7th Street, close two lanes;
EAST 7TH STREET from Neches to San Jacinto, close two lanes;
from 9:00 a.m. to 4:00 p.m., March 28, 1982, as requested by Mr. Keith Cox, representing the Violet Crown Bicycling Association.

Prior to the vote, Kirk Mitchell of the Violet Crown Bicycling Association appeared before Council to discuss the race. Discussion followed by Council concerning the streets which should be closed. Lt. DeVane, Austin Police Department, said streets are made to move traffic, not to have parties and he did not favor the closing. Discussion of what to do in an emergency situation followed.

RECESS

Council recessed its meeting at 2:30 p.m. for an Austin Industrial Development Board Meeting, and resumed its regular recessed meeting at 2:35 p.m.

INDUSTRIAL DEVELOPMENT CORPORATION BY-LAWS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution approving amendments to the By-Laws of the Austin Industrial Development Corporation. (7-0 Vote)

INDUSTRIAL DEVELOPMENT CORPORATION BONDS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted a resolution approving the issuance of bonds by the Austin Industrial Development Corporation to finance a project for Norman J. Kerr Interests, Ltd. (Bradford-Austin Hotel)

AMENDMENTS TO OPERATING BUDGET DISCUSSED

Council had before them for consideration ordinances amending the 1981-82 Operating Budget by:

- a. Appropriating \$53,901 from the ending balance of the General Fund for the purpose of centralizing the Blind Corner Program.
- b. Appropriating \$34,182 for the Building Inspection Department to implement the proposed Landscape Ordinance.

After some discussion, Council determined they will study these ordinances further on March 25, 1982.

ITEM POSTPONED

The Council agreed to postpone until March 25, 1982, consideration of establishing a fee of \$0.05 per square foot of required landscaping to provide for review of plans and inspection of installation.

TEMPORARY HEIGHT LIMITATION DISCUSSED

Councilmember Deuser introduced an item for discussion concerning temporary height limitation in downtown area pending future recommendation from the Downtown Task Force. He said an interim height limitation ordinance needs to be established so those who plan to build tall buildings can scale them accordingly. Councilmember Goodman suggested this be referred to the Legal Department for drafting. Councilmember Deuser then discussed variances to the ordinance by the Board of Adjustment concerning pyramiding and set-backs. Councilmember Goodman suggested this be referred to the Legal Department. Then Council can review and send it to the Planning Commission.

Mr. Meiszer, City Manager, stated Council can direct staff to stop making interpretations of the ordinance and Council can define exactly what the interpretation should be. Councilmember Deuser asked the City Attorney Albert DeLaRosa if this can be done. Mr. DeLaRosa told Council they are the governing body.

Mr. Lonnie Davis, Director, Building Inspection Department, said the interpretation is of long standing with the Board of Adjustment and the 126th District Court. He said he would feel more comfortable with an amendment rather than an interpretation. Mr. Meiszer said the Council is the best judge of its intentions. Councilmember Deuser requested next week's agenda contain items for action concerning height limitation in the downtown area.

1982 STREET INVENTORY

Mr. Richard Ridings, Assistant Director of Public Works, presented to Council the 1982 Street Inventory and Resurfacing Program. Copy is on file in the City Clerk's Office.

M.T.A. TASK FORCE

Mayor McClellan introduced a discussion of action related to County representation on M.T.A. Task Force. She said the County has requested to be allowed to appoint four rather than two members on the M.T.A. Task Force.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, voted to allow the County to appoint three members to the M.T.A. Task Force. (7-0 Vote)

NEW LANDSCAPING REQUIREMENTS

Council had before it for consideration and amendment to Chapter 13-2 of the Austin City Code (Zoning Ordinance) to provide for new landscaping requirements.

Ms. Donna Kristaponis, Assistant Director of Planning, addressed Council as follows: "Several weeks ago you directed us to look at four alternative proposals that have been considered for the landscape amendments to the Zoning Ordinance. Those four are the Planning Commission's original approved version of the Landscape Ordinance, a later version by a Planning Commission Subcommittee, a version put forth by the Austin Apartment Association, and finally the Deuser compromise as we have called it in our review package which considers some modifications and changes to the first three. The Planning Department was asked to coordinate the effort and several departments have been involved. They have included the Engineering Division of Public Works, the Urban Transportation Department, Building Inspection Department, and Environmental Resources Management, Parks, Law Department and the Planning Department. We, in our review, did not make recommendations or present comments on those items in the ordinances that we felt were aesthetic considerations. For example, there are essentially two variations on the percentage of landscaping required in street yards. 25% as opposed to 20%. Staff's not going to have a problem with the enforcement regulation or inspection on either of those items and we did not feel that you particularly wanted our recommendation in that area. We have concentrated specifically on the technical issues in our memorandum to Mr. Muehlenbeck. Essentially one of our main concerns has to do with plantings in the right of way. Under the first version the Planning Commission approved version, plantings in the right of way would be required. The other three versions suggest that plantings in the right of way be encouraged and that they be encouraged by providing incentives. Two of the proposals suggest that a half of foot in the street yard would equal a foot in the right of way. In other words it is a two for one provision. And the alternative put forward by AAA is one equals one. As they are currently drafted, staff really can't support any of the alternatives and suggest the following modifications. These are based on traffic safety, legal liability, utility line conflicts and the possibility of

LANDSCAPING - (Continued)

conflicts later on with the approved CIP projects which are already funded. The modifications would be as follows: Where the language of the four proposals says that this ordinance would not be subservient to any other provisions in the City code, we would suggest it be subordinate to the blind corner ordinance, plantings around fire hydrants, sidewalk obstruction and sidewalk clearance. They are also suggesting that the landscape ordinance be subservient to the sections of waterway permit process. This would allow for drainage issues to be given more consideration in the placement of landscape than simply the placing of shrubs, ground cover, etc. We are also suggesting that the licensing process that we have currently for permanent structures be continued and we would define sprinklers as being permanent structures, we would also cite planters as being permanent structures and the staff would request that the licensing procedure be referenced in the final version of the ordinance. The licensing process would probably also allow the Engineering Department to speak to approved CIP projects that we don't find ourselves in conflict where the developer has come in and placed plantings in the right of way and the City comes in knowing it has a CIP project on that street and has to take the plantings out.

"We suggest that if you are going to encourage others to go with the provisions to encourage landscaping, that you go with the .5 version and I understand, in a letter to you from the Apartment Association, they also support this provision. That's been put forward by the staff.

"The second major area where staff has some concerns is Section D4 and it is similar in three ordinances and different in the fourth. It is a section entitled Preservation of Existing Natural Character. Essentially three versions use the language that the existing character shall be preserved and the Apartment Association version uses the words, "is encouraged". The legally enforceable language of course is "shall be preserved". It has been suggested that possibly too much is left to capriciousness and perhaps this is not legally enforceable language. We are suggesting that the provisions lay out for the Building Inspector those items which should indeed be considered and that the interpretation of this section would not be difficult, given the fact that you must consider the topographical constraints, the drainage, the ingress-egress to a site, utilities and our general health, safety and welfare, the economic usefulness of a property if there is no disturbance allowed, and finally the nature and quality of the displacement if the existing landscaping materials are not left. The staff and Law Department agree that "shall be preserved" are all right." She stated there are some minor changes which she would not go over.

Motion

Councilmember Duncan made a motion, seconded by Councilmember Goodman to approve on FIRST READING ONLY the revised Planning Commission version of the ordinance with the addition of: recommended staff changes be taken into account, that is that this ordinance be subservient to the blind corners provisions and the waterway development permit, that licenses be required for sprinklers and planters, and included in the license procedure it would be understood that there would not be conflict with approved C.I.P. projects; that the staff recommendations on right-of-way credit and the preservation language included in the revised Planning Commission version, and add one phrase to the section on dealing with enforceability, "Consideration

LANDSCAPING - (Continued)

for Compliance Section" which should be that indiscriminate clearing of the tract is prohibited to use their best good faith efforts to preserve which is in the current version.

Councilmember Duncan said the changes in his motion are the only ones to the recommended Planning Commission revised version. He pointed out that the only major differences between this version as he has amended and Councilmember Deuser's version has to do with the certification of the plan....the Planning Commission's version provides for five types of professionals to do the certification on smaller tracts and two acres over be certified by a landscape architect where Councilmember Deuser's version contains architect certification. The other differences on the minimum requirements, the Planning Commission's version recommends 25% and Councilmember Deuser's version recommends 20%. The same with minimum requirements on other land. There is a 15-25 provision in the Planning Commission's version and a 10-15-20 provision in Councilmember Deuser's. Consideration for compliance is a major difference. The Planning Commission version says "shall use best good faith efforts to preserve" and Councilmember Deuser's version is in agreement with this. The Apartment Association version has the wording that they should be encouraged to preserve. Councilmember Deuser's version and this version is in agreement on the words "shall use best good faith efforts to preserve". Councilmember Duncan said they are in agreement on the right of way credits. There is a slight difference on the drip line landscaping credit. The final difference is the alternative compliance section. In the Planning Commission version an alternative plan may be approved by the Planning Commission or building officials recommended by the Director of OERM and a building official or Planning Commission find the plan satisfactory. In Councilman Deuser's version the alternative plan may be approved by the Planning Commission or building official if recommended by the Director of OERM, Planning Commission is notified of request, Planning Commission or building official find plan satisfactory. "The way that I read this it would mean that any building official if they found the plan satisfactory could initiate an alternative plan. That is my reason for going with the Planning Commission version.. Those being the major differences, I believe, that is my motion." Councilmember Deuser pointed out there is also a little different formula for tree planting credits for consideration. Councilmember Duncan said that is correct, he forgot.

Councilmember Deuser said the motion will be for first reading only and there will be substantial discussion and possible negotiation of the differences between his proposed compromise version and the revised Planning Commission version. He said he will be most anxious to participate in the discussions.

Substitute Motion

Councilmember Mullen offered a substitute motion to adopt the Austin Apartment Association's version. Mayor McClellan seconded the motion.

Councilmember Mullen said there were many things in the motions which are identically stated. He went over the changes he would like to make. Discussion followed concerning the language.

LANDSCAPING - (Continued)

Roll Call - Substitute Motion - FAILED

3-4 Vote, Mayor Pro Tem Trevino, Councilmembers Duncan, Goodman and Urdy voted No.

Roll Call on Motion

5-2 Vote, Mayor McClellan and Councilmember Mullen voted No.

CACTUS PRYOR DAY

Mayor McClellan read a proclamation designating March 18, 1982 as Cactus Pryor Day in Austin, citing Mr. Pryor as Austin's most worthy citizen of 1981, selected by the Austin Board of Realtors. Mr. Pryor accepted the proclamation with his thanks and appreciation.

PUBLIC HEARING ON APPEAL

Mayor McClellan opened the public hearing, scheduled for 3:00 p.m. on an appeal from Adrian Piperi of the Planning Commission's decision regarding denial of a variance. (C8s-81-260 - Tumbleweed Place)

Ms. Kristaponis, Assistant Director, Planning Department, showed a map and reviewed the appeal.

Mr. Adrian Piperi said his property is three miles west of Loop 360. He said his property on Tumbleweed is the only one being reassessed to be paved and he objects.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing and directed a request be made to County Commissioner Malloy for a recommendation. (7-0 Vote)

SPECIAL TRANSIT SERVICE POLICY

Mr. Malcolm Graham appeared before Council to discuss the new Special Transit Service policy regarding open returns. He said the current policy is working a number of problems on the blind. He said open returns can easily be worked into regular runs.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's

requested the City Manager to report on the open returns policy. (7-0 Vote)

Ms. Judy Watford appeared before Council to discuss Special Transit. She said the open return policy needs to be studied. She urged the formation of a task force to review the schedule and personnel and transportation.

Council discussed the policies in force.

NINTH ANNUAL PARENT PICNIC

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved the request of Ms. Rose Lancaster for permission to sell beer and food at Waterloo Park for Ninth Annual Picnic on Sunday, May 2, 1982 from 2:00 p.m. to 5:00 p.m. (Rain date: May 16, 1982, 2:00 p.m. to 6:00 p.m.) (7-0 Vote)

PARADE PERMIT

The Council, on Councilmember Duncan's motion, Councilmember Urdy's second, approved the following parade permit: (7-0 Vote)

Request for a Parade Permit from Mr. Roy Dalton Pool, Jr., for Austin Runners Club, Austin YMCA, Austin Chamber of Commerce, Parks & Recreation Department & University of Texas, from 7:00 a.m. to 1:00 p.m., Saturday, April 3, 1982, beginning from Town Lake on Riverside Drive (one lane), from Lamar Street bridge to Auditorium Shores Gazebo from 7:00 a.m. to 8:00 a.m. and Town Lake on West 1st From MoPac (one lane) from Mopac footbridge to boat ramp from 7:30 a.m. to 9:00 a.m. and Town Lake on West First (one lane) from Power Plant to South 1st Street Bridge from 7:30 to 1:00, in addition one lane (right side going west) of Barton Springs Road on the Barton Creek Bridge.

ACCESS TO CITY SEWER

Mr. William D. Clifford addressed Council concerning the City sewer. He lives off of 183 between 620 and MoPac. His septic tank needs replacing and he would like to be able to hook up to the City sewer. His area was annexed six years ago. He put the request through Water and Wastewater who told him no money will be available for a year.

Mr. Rodger White addressed Council and stated there are no available funds but this will be addressed in the new bond program. Councilmember Deuser requested a report as to when funds will be available. He said the area in Tweed Court and Angus Valley should have a service plan. Mr. White said he considered

CITY SEWER - (Continued)

those areas one of the higher priorities once there is funding.

DUMPING OF SEWAGE IN WILLIAMSON CREEK

Mr. David Rushing appeared before Council to discuss the dumping of sewage into Williamson Creek. He said he realizes there is no alternative but he feels the situation should have been monitored sooner and closer.

Mayor McClellan stated she appreciates his concerns. The floods of the past year contributed to the situation. She said an auxiliary pump is being wired and they are working closely with the State. The levees need to be protected. If rains come in two to three weeks they will need to discharge. The long term solution will be when the Onion Creek Plant is opened in 1986. In the meantime, Mayor McClellan said, Council is open to suggestions.

EXECUTIVE SESSION

Mayor McClellan announced Council will meet in a closed or Executive Session pursuant to Art. 6252-17, (The Texas Open Meeting Act) to discuss the following matter: Salaries of the Presiding Judge and Associate Judges and Clerk of the Municipal Court. Any action on these salaries will be accomplished in open session. (Section 2, paragraph (g) - personnel matters). and Camp Swift Lignite Uses Section 2, Paragraph (f) - real estate)

RECESS

Council recessed for an Executive Session at 4:50 p.m. and resumed its recessed meeting at 5:15 p.m.

SALARIES

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, approved increase in salaries as follows:

Clerk of Court 10% retroactive to October 1, 1981

Past Presiding Judge Russell 10% retroactive to October 1, 1981

Present Presiding Judge G. David Phillips, salary as Associate Judge October 1, 1981 to March 6, 1982 and salary as Presiding Judge from March 6, 1982 to present; 10% increase.

Associate Judges Harriett Murphy and Cleve Moton, 10% increase retroactive to October 1, 1981.

Relief Judges - 10% increase of hourly wages, minimum of 4 hours.

STS ADVISORY COMMITTEE

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, appointed Martha Arbuckle & Malcolm Graham, one being a transit-limited passenger and one being a transit-restricted passenger, to serve on the Special Transit Services Advisory Board. (7-0 Vote)

AMENDMENT TO ROADWAY PLAN

Mayor McClellan opened the public hearing, set for 5:00 p.m. on an amendment to the Austin Metropolitan Area Roadway Plan - Koenig Lane.

Dr. Benson, Director of Urban Transportation, told Council, "The Urban Transportation Department, Urban Transportation Commission and Planning Commission are recommending an amendment of the Austin Metropolitan Roadway Plan to reduce the right of way and pavement along Koenig Lane between Airport and Burnet Road. The Roadway Plan currently requires for the future 90' of right of way and 24' feet of pavement. The proposal would reduce that to 80' of right of way and 55' of pavement except between Guadalupe and Grover where a 90' right of way and 60' of pavement are possible, two at 24 is recommended. This amendment is proposed due to the transition of Koenig Lane from residential to more intensive uses and because the location of existing buildings precludes the establishment of the 90' right of way."

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, closed the public hearing and adopted the staff recommendation for an amendment to the Austin Metropolitan Area Roadway Plan - Koenig Lane. (7-0 Vote)

RECESS

Council recessed its meeting at 5:20 p.m. and resumed its recessed meeting at 6:10 p.m.

APPEAL ON SPECIAL PERMIT APPLICATION

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on an appeal from Ms. Sheila Finneran of the Planning Commission's decision regarding a Special Permit Application. (C14p-81-098)

Ms. Kristaponis, Assistant Director, Planning Department said the address of the proposed Special Permit is 1405 Clearfield Drive, 8222 Jamestown Drive also bounded by Sequoia Drive. The application is to allow local retail use on the "O" zone portion of the property by special permit.

Ms. Shiela Finneran, representing the applicant, Mr. Smith, requested the Special Permit.

No one appeared to be heard.

Motion - NO ACTION

Councilmember Urdy made a motion, seconded by Mayor McClellan to close the public hearing and approve the Special Permit. (3-2 Vote, Councilmembers Deuser and Duncan voted No, Councilmembers Mullen and Goodman were out of the room, therefore, NO ACTION TAKEN)

(Continued on next page)

APPEAL - (Continued)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, closed the public hearing. (6-0 Vote, Councilmember Goodman was out of the room.)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the Special Permit Application, C14p-81-098. (4-2 Vote, Councilmembers Deuser and Duncan voted No, Councilmember Goodman out of the room.)

NORTH CENTRAL GROWTH CORRIDOR MUD

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. which was a continuation of the hearing on the North CENTRAL MUD #1 to consider granting the consent of the City to the creation of the District authorizing agreements with the District.

Marc Bailes, Nash Phillips Copus, introduced the speakers in favor.

Joe Beal, Espy Huston Associates, discussed a map of the proposal. He said the proposal has been thoroughly discussed with the City staff. The MUD will be in the preferred growth corridor and has been approved by the staff, the Planning Commission, the Water and Wastewater Commission and the Environmental Board.

Ed Wendler, representing NPC, discussed the proposal. He said it is consistent with the policy adopted by Council for the creation of a utility district.

Mr. H.C. Carter, developer, said he has an interest in 260 acres adjacent to NPC acreage. The development as proposed will bring affordable places to live to Austin. He will be a user.

Annette Layoy, local government consultant, thinks the whole proposal is a gross abuse of influence by ex City officials.

Charlene Neibauer, Assistant City Attorney, answered Councilmember Goodman's question concerning when the MUD can be annexed by telling him that annexation can occur when 90% of all total facilities are built. Mr. White said that will be in about four years.

Robert Sneed, who represents Dick Gracy and Helen Gracy Smith, said his clients have lived in the area which is in the proposed MUD region since 1920. His clients would like to have water and wastewater. Their property is in the City. Mr. Sneed told Council the voters had voted to approve this line but the City had failed to meet the mandate and this MUD is their only hope. He asked that the line be completed to 1325.

Mike Parker told Council the proposal provides for growth in the growth corridor and will provide starter homes. The development will pay for itself and he asked Council approval.

John Hrncir, Sierra Club, wants the environment protected. He thought the question should be put to a City election.

Mayor McClellan stated there will be no pledge or ad valorem tax money for this project.

MUD - (Continued)

Mike Crowley, Councilmember Goodman, Councilmember Mullen and Mr. Wendler spoke to the issue of the sur charge.

Roger Baker said traffic from the development will congest MoPac and Windsor Road and dump traffic on Burnet Road and IH 35 and be a violation of the Austin Tomorrow Growth Plan.

Mayor McClellan told him the proposed development does not violate the Plan. She said affordable housing is needed in Austin and asked where development should be if not in the growth corridor.

Dave Carson, first vice president, Austin Neighborhood Council, said that as a group they voted against the proposal. He said the City's credit will back the bonds but the voters will not have any say and he asked this be on a CIP bond issue and let the people vote.

Mayor McClellan stated for the record that the City has never sent contract MUD's to the voters. Councilmember Duncan feels this is a different situation because it will tie up \$60,000 to \$200,000 of the City's credit and asked Mr. Scheps what effect this will have on the City's debt structure bonding capacity. Mr. Scheps, Director of Finance, said it would be hard to tell. The user fee will bring in revenue.

Palmer Wright spoke against the proposal.

Fred Brown spoke in favor of the MUD.

Jerry Lobdill spoke against the MUD.

Jackie Jacobson, member of the Neighborhood Council, spoke against the MUD.

Mayor McClellan, for the record, asked Ms. Jacobson, "Do you live in the City of Austin?" Ms. Jacobson said, "I do not live in the City of Austin, I use your utilities." Mayor McClellan asked, "Where do you live?" Ms. Jacobson answered, "I live in the City of West Lake Hills & I pay extra on my water as you know." Mayor McClellan thanked her and said she wanted that for the record because we all want full disclosure.

Councilmember Goodman said the folks who will be paying City of Austin taxes is far more desirable than the situation we have with Westlake Hills. "Since you (Ms. Jacobson) live in West Lake Hills, I think one of the greatest dangers for Austin is not that we are going to become another Houston, but the biggest problem is that we will become another Dallas ringed by integrated cities like West Lake Hills where the middle class working people of the central city, all of what is Austin now, are paying the bills for folks from West Lake, Round Rock and so forth who use City streets to come to work, City streets to come to restaurants, etc....."

John Simmons, West Lake Hills, said he owns property in the growth corridor favors the proposal and will pay his pro rata share.

Ari Wright spoke against expansion.

Nancy Noisy, realtor, said this will bring starter homes to Austin.

Connie Moore, Zilker Park Posse, said voters will reject bonds in August if this is approved.

Ed Wendler Jr. asked Council to approve.

Art Jacobson, West Lake Hills resident, objected.

MUD - (Continued)

Jesse Dunn expressed concern that West Lake Hills residents are allowed to speak longer than residents of Austin.

Latricia Hadly, lives in the area and wants the wild area to remain. She is opposed to development.

Mr. Wendler appeared again and showed slides of the proposed 26 acre park adjacent to the Walnut Creek District Park which NPC will develop.

Jim Mills, Provident Development Company, spoke in favor.

Ann McAfee, who lives in Rollingwood but owns property on South Congress, is against.

Lisa Buchanan, real estate agent associated with NPC, said she came here from southern California for an opportunity to earn a living.

A speaker who did not identify themselves, lives on Cameron Road, spoke in favor.

Joe Riddell discussed the Walnut Creek Basin and the subsequent user fee. He said the ultimate cost would be long term.

Giles Jackson said he lives in West Lake Hills and apologized for those residents of West Lake Hills who are trying to tell Austin how to run their City. He spoke in favor of the MUD.

Barbara Winsboro said we need houses now and we should get moving.

Ruby Goodwin, Travis County Democratic Women, said she is appalled that Council wants to rush this and vote tonight. She said the contract has been amended by NPC. She is against the MUD.

Mayor McClellan stated for the record that there is no rush. The Planning Commission, Water & Wastewater Commission, Environmental Board have all had public hearings on the proposal. Council had their first public hearing two weeks ago. She said everything has been very public and very open.

Elmer McLester said he is a competitor of NPC. He asked Council if they want controlled growth or septic tanks. He urged them to approve the proposal.

Bill Hoferd, a homeowner who lives in an NPC home, urged Council's approval.

Edith Buss wondered why the MUD can't be dealt with separately. Council-member Mullen told her they are trying to build the infrastructure as cheaply as possible. Ms. Buss asked several questions and Mr. White, Acting Director of Water and Wastewater, answered them.

Terry Bray, representing Trammel Crow Company and several property owners told Council services need to be provided in the growth corridors because Austin will grow.

MUD - (Continued)

Ed Wendler returned for the summation and said everything has been said that can be said. He explained the accusations of dishonesty are inaccurate because Mr. Dan Davidson "doesn't have a dishonest bone in his body".

There was more discussion by Council and the following motion was made:

(FOLLOWING IS A PARTIAL TRANSCRIPT)

Motion

MULLEN: I have a fairly lengthy motion. It is about two pages long, so I need to read it, and it is only for first reading. I move that we approve North Central Growth Corridor MUD on first reading only, and that the following comments be made a part of it.

No. 1 that the facilities to be constructed by the District, shall be those recommended by the staff. That the creation documents shall comply with the requirements of the City's Water District Ordinance No. 810819-E, and the District shall be entitled to take advantage of all the benefits which accrue to the growth corridor under the ordinance; provided, however, that the computations of the District's surcharge shall include soft cost even though these are not required by the ordinance. That was discussed earlier tonight that the new thing.

The Legal Department shall draft and bring back to the Council next week..I would prefer to change that to two weeks, if there is not any objection..in two weeks, an ordinance establishing subsequent user's fees for all future users of the facilities constructed by the District. The ordinance shall provide that the subsequent user fee by \$345 for Wastewater, \$655 for Water for each LUE tying into the facilities constructed by the MUD, paid at the time of tap, plus a fee of \$10.07 per month. The fee paid at time of tap shall be credited toward any capital increments or recovery fees which are presently or in the future charged by the City..

GOODMAN: Would you repeat that one please?

MULLEN: Yes. The fee paid at the time of tap shall be credited toward any capital increment or recovery fees which are presently or in the future charged by the City.

Fourth, between now and the second reading, the financial consultants and the bond counsels for the City and the District will read an equitable agreement on sharing the responsibilities.

Fifth, I asked the staff to prepare a contract that will be signed by every home buyer or person that buys property in this area. And that this contract would state that the buyer would not be a party to an attempt to incorporate, that the City has every intention to annex the area when feasible.

MUD - (Continued)

I want the public to be well aware and never come before this Council saying "we didn't understand the ground rules." I want that as a part of every closing.. every buyer until we annex. I am not sure if it is legal, but you need to tell as soon as it is.

GOODMAN: It was kind of like the truth in lending..

MULLEN: That's what it is.

GOODMAN: ..the one we repealed a couple of years ago.

MULLEN: Only this one, since we..well, we will go on..

GOODMAN: Let's not get on..

MULLEN: No, let's don't. I would like to also include the service to the T.I. lift station from what we heard tonight, and I would like to leave open the length of time until we annex. I am not in favor of 12 years. I think that needs further discussion, but leave it open. And that's my motion.

Second

MAYOR: With that wastewater line running to T.I. lift station, I second that motion.

GOODMAN: I have a few friendly amendments to offer. You have incorporated some of the ones I was going to offer. Roger, at the beginning of his questions a few moments ago, brought up the matter concerning the land use plan, so in considering the motion you have made tonight, I think the Council, and I am asking you as the maker of the motion, to consider the following that we have not yet defined the "will", what constitutes commitment for service. In other words platted lots, what stage of development does the City recognize as a commitment for service. That is not being decided in voting on this motion tonight. It will be a decision of the Council to make later. That accepted as a friendly amendment.

MULLEN: That is fine.

: That's for purposes of distinguishing when the subsequent user fee would be charged after the money is..is dissolved, Richard? We had that discussion earlier.

GOODMAN: That is to determine at annexation which..which..yes..

: which tracts of land would be subject to that fee.

GOODMAN: Precisely. Okay. That the Council give consideration to the measure in which the water and wastewater capacity is accomplished. In other words, whether that is..this relates to the questions we were asked earlier concerning gallons per minute in putting the ceiling on the City's water and wastewater service. The Council is not of course making final decision tonight on the measure that is used to calculate water and wastewater service.

MUD - (Continued)

MULLEN: How are you wording that?

GOODMAN: I just wanted to add it to the motion that we haven't made a final decision yet on the measure of water and wastewater capacity and how the MUD is charged or otherwise guaranteed water and wastewater service. That we have not come to a final conclusion on how the MUD is charged for water and wastewater service.

MULLEN: It is first reading anyway.

GOODMAN: Right. Or what they are guaranteed. I want to specifically point these out after the first reading, because they represent concerns which I think are important as we continue the process. That the Council is, and this is somewhat in conflict with the..some of the items that you read off there just a few moments ago..that the Council is not making a final decision on possible amendment of the Municipal Utility District ordinance..or the water district ordinance, and that in fact that we retain the option to amend it and make possible amendment..the..the..to make possible increasing that surcharge so that residents in that MUD, after the annexation and after they are residents of the City of Austin, will pay for the remaining debt of the MUD.

MULLEN: Richard, that is fine. You know all these things are open for whatever concerns you have, and I think it is great you are putting them out here on the board now.

GOODMAN: That's it. Those are the major concerns.

MAYOR: All right, further discussion.

URDY: Yes, I would just like to say briefly..I think there are a lot of details to be worked out in this, but I would like to state my position on the concept of this thing. I moved to Northeast Austin about 10 years ago. About one block inside of the City limits. And for almost that same 10 years, the citizens of this community have committed themselves to what we call the preferred growth corridor. By that same 10 years, this City is growing by about 40%. I am still about one block inside the City limits of northeast Austin. Now there are probably a lot better ways..maybe I don't know..of financing such a project, but they have not been found in northeast Austin for 10 years. In that same ten years, all this 40% growth..all sorts of creative ways have been found to finance projects in the growth area five..all over. Westlake Hills, Round Rock and every place else. And if you have right now \$300 to \$400,000 to build a house, you can build it anywhere..in the preferred growth corridor..out side of it..anywhere else you want, and we may as well face the situation that we have here. The problem is still the same kind of thing..every time there is an effort to serve what we used to call ... low and moderate incomes become the total middle income now..there are always some kind of problems. There are always problems. There has never been a situation where there has not been problems of one kind

of another. There are no problems at all regardless of all the ordinances.. all the environmental ordinances that we have created..there are absolutely no problems for people who are rich to build a house in this community. They can start building tomorrow if they have the money.

I don't know..I am not sure whether these kinds of considerations given the citizens' commitment to the preferred growth corridor on that becoming the most important considerations for this community. I think the northeast is probably the only place where we have the possibility of building houses for low and moderate income people by our own design. We have designed it in that way, and all of the consideration that we took into account when we designed the preferred growth corridor is still facing us. We simply haven't provided the infrastructure. And for me, I don't know if everyone else is on it, but for me, I think that those considerations outweigh many of the others that I have heard tonight. And so I will support the motion, and hopefully will support it on second and third reading.

Councilmember Duncan stated, "Mayor, in fairness I need to read this into the record or the Clerk can, from Councilmember Deuser and it simply says, Council, I request that there not be a vote tonight, March 18 on NPC Austin MUD and that another public hearing be held sometime after 5 p.m. at a future date. This is appropriate since, (1) we were to have several hearings and this is only the first one since the material has been fully available; (2) I have made a prior commitment to be gone at this time. /s/ Larry Deuser."

Mayor McClellan stated, "Let me speak to that. Since that is on the record I'd like to put on the record that we always honor a Councilmember's request. We have a lot of courtesy and reasonableness but I personally feel like if Councilmember Deuser had wanted to be here that he would be here because we set this hearing at 7:00 and he requested the time for this specific hearing, if my memory is correct and if it's not, you all correct me. He requested this particular time, 7:00. He went to the dinner honoring Cactus Pryor and that is great and we love Cactus and had him here in the Council Chambers. We all would have liked to have been at that dinner but I called out to the Hilton at five minutes after 10 and they said that dinner had long been over and it is a quarter to 11. So I think if he wanted to be here on the public's business he could be here."

Roll Call

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, passed through FIRST READING ONLY an ordinance granting the consent of the City to the creation of the District and authorizing agreements with the District as outlined. (5-1 Vote, Councilmember Duncan voted No, Councilmember Deuser absent.)

ADJOURNMENT

Council adjourned its meeting at 10:45 P.M.