



## Austin City Council

### MINUTES

SEPTEMBER 9, 1982 -- 1:00 P.M.

### For

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 presence of all Councilmembers except Councilmember Goodman who was absent for the day.

#### INVOCATION

The Invocation was given by Cynthia Mull, Spiritual Assembly of the Baha'i Faith.

#### CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Treviño's motion, Mayor McClellan's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Goodman absent)

#### License Agreement

Approved a License Agreement to allow the encroachment of a sign into the right-of-way adjoining Lot A, Summit Oaks Annex (11726 Jollyville Road). (Requested by Mr. Raymond H. Roark of the Beaver Brook Day Care Center.)

#### Construction Agreements

Entered into Construction Agreements with Missouri Pacific Railroad Company in conjunction with the following:

- a. Roadway Improvements to Banister Lane
- b. CAPITAL IMPROVEMENTS PROGRAM - William Cannon Drive Railroad Overpass Project. C.I.P. No. 74/61-02

Entered into a Construction Agreement with Southern Pacific Transportation Company in conjunction with roadway improvements to

**CONSTRUCTION AGREEMENT - (Continued)**

Sellers Street as part of Community Development District No. 6. CAPITAL IMPROVEMENTS PROGRAM No. 75/62-20

Change Order

Approved a Change Order for site work, foundations, manholes, prefab metal building, fencing and underground ductline for Oakhill Substation in the amount of \$16,797.28. CAPITAL IMPROVEMENTS PROGRAM No. 79/16-04 (11.2% increase of original contract)

Water & Wastewater Approach Mains

Approved the following water and wastewater approach mains:

- |                                |  |
|--------------------------------|--|
| ALSTON BOYD                    | - Wastewater approach main to serve Academy Joint Venture Subdivision. (No City cost participation)          |
| DOUGLAS E. FIKE                | - Wastewater approach main to serve Milton Subdivision. (No City cost participation.)                        |
| TEXAS INVESTMENTS MANAGEMENT   | - Wastewater approach main to serve Knoll Phases III and IV. City cost \$20,699.                             |
| DENNICK AND HARRIS ENGINEERING | - Water approach main to serve Northwest Hills Dry Creek Section 1 Subdivision. (No City cost participation) |

Contracts Approved

Approved the following contracts:

- |  |   |
|--|---|
| a. ACCRON CHEMICAL DISTRIBUTORS<br>3251 N. Pan Am Expressway<br>San Antonio, Texas | - Sodium Hexametaphosphate, Water & Wastewater Department<br>Twelve (12) Months Supply Agreement<br>Item 1, 125 tons - \$133,625.00 |
| b. DENTAL PROSTHETIC<br>5501 Village Lane<br>Austin, Texas                         | - Dental Laboratory services to be used by the Health Department.<br>Two (2) Year Contract<br>Estimated cost \$50,000.00/yr.        |
| c. WATSON DISTRIBUTING COMPANY<br>5511 Brewster Drive<br>San Antonio, Texas        | - Riding Mowers, Parks and Recreation Department.<br>Items 1 & 2 - \$40,221.00  |

CONTRACTS APPROVED - (Continued)

d. Bid award:

- Ready Mix Concrete for various City Departments.  
Twelve (12) Month Supply Agreement  
Estimated cost \$318,000

(1) CENTEX MATERIALS, INC.  
2525 Wallingwood Road  
Austin, Texas

(2) TEXAS INDUSTRIES, INC.  
825 Ed Bluestein Boulevard  
Austin, Texas

(3) CAPITOL AGGREGATES  
Bohm Road  
Austin, Texas

e. Bid award:

- Sale of 23 lots in the Glen Oaks Urban Renewal Project, Office of Neighborhood Revitalization - \$41,700.00.

(1) VILLAGE MOBILE HOMES, INC.  
P. O. Box 17547  
Austin, Texas

- \$40,500

(2) WES-MAR VENTURES  
8335-A Fathom Circle  
Austin, Texas

- \$200.00

(3) ARTHUR L. HAYNES  
3766 Legendary Lane  
Dallas, Texas

- \$1,000.00

Grant Application

Authorized submission of a grant application to the Texas Department of Health in the amount of \$37,348 to operate the Family Planning Program in Austin and Travis County during a six month period from October 1, 1982 to March 31, 1983.

Business Loan Program

Accepted and approved American Bank as a participant in the Capital Improvements Business Loan Program.

Temporary Street Closing

Approved temporarily closing Pearl Street (2414 Block) from 2:00 p.m. to 7:00 p.m., Friday, September 17, 1982 for a street party as requested by Dan Deibel for Sigma Alpha Epsilon.

Public Hearings Set

Set public hearings on the following:

- a. An amendment to the Austin Metropolitan Area Roadway Plan - East 7th/ East 8th Street Connection: October 14 at 6:00 p.m.
- b. Authorization for submission of a grant application to UMTA for an Operating Assistance Grant, TX-05-4162 for \$1,144,700: October 14, 1982 at 2:00 p.m.
- c. Proposed electric rate changes: September 15, 1982 at 5:30 p.m.

Item Pulled

Consideration of a resolution authorizing an option agreement for the lease of City-owned land located at East 10th Street and Waller Creek was pulled from the agenda and will be considered on September 23, 1982.

Temporary Street Closing

Approved temporarily closing Pearl Street from 26th Street to 24th Street on September 9, 1982 from 4:00 p.m. to 8:00 p.m. as requested by Robert Furst, representing Sigma Phi Epsilon.

Joint Use of Utility Poles

Approved joint use of utility poles in Austin's E.T.J.

Item Pulled

Consideration of a resolution approving the issuance of bonds by the Austin Industrial Development Corporation to finance a project for Koppel Group (318-320 Congress) was pulled off the agenda.

**CONSENT ORDINANCES**

The Council, on Councilmember Deuser's motion, Councilmember Mullen'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)

Budget Amendment

Amended the 1981-82 Operating Budget by transferring \$22,367.00 from current \$200,000.00 Weatherization Loan Program to a Joint City of Austin-Travis County (Department of Human Services - Weatherization Program) Low-Income Direct Weatherization Program.

Pedestrians on Roadways

Amended Chapter 11-2 of the Code of the City of Austin pertaining to prohibiting pedestrians in roadways.

CATV System

Passed through FIRST READING ONLY the repeal of Ordinance No. 810917-A and amended Ordinance No. 810514-N permitting the operation of a CATV system for personal use, not for subscribers, with a license agreement from the City.

Second reading is scheduled for October 14, 1982. (However, second reading took place on 9/16/82.)

Zoning Ordinance

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

- |    |   |  |  |
|----|---|--|--|
| a. | W.P. GOODWIN ESTATE<br>By Jane G. Gongaware<br>C14-82-025 | 1122-1130 Springdale<br>Rd., 3701-3729 Goodwin<br>Ave., 1121-1131 Airport<br>Boulevard | From "A" 1st H&A to<br>"C" 6th H&A           |
| b. | W.D. BROOKS<br>By Gary F. Brown<br>C14r-82-006            | 13547 Research Blvd.   | From Interim "AA" 1st<br>H&A to "GR" 1st H&A |
| c. | TWIN ROCK ASSOCIATES<br>By Charles Albers<br>C14r-82-074  | 12518 Research Blvd.   | From "GR" 1st H&A to<br>"C-1" 1st H&A        |

Council Meeting Cancelled

Approved cancellation of the regularly scheduled September 30, 1982 Council Meeting.

DISTINGUISHED SERVICE AWARD

Mayor McClellan and members of the Council presented the Distinguished Service Award to Jim Cannon who has served the handicapped community of Austin.

## PROCLAMATION FOR MAYOR McCLELLAN

Mayor Pro Tem Trevino read and presented to Mayor McClellan a proclamation honoring her 43rd birthday. Members of the Council presented a cake to her. The Mayor thanked the Councilmembers for their thoughtfulness.

## PUBLIC HEARING - REMOVAL OF DEED RESTRICTION

Mayor McClellan opened the public hearing set for 1:45 p.m. on removal of a deed restriction that limits the use of property at 5300 Airport Boulevard to parking only.

Ms. Donna Kristaponis, Assistant Director, Planning Department, told Council that the department approves the removal of the deed restriction.

No one appeared to be heard.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing and adopted a resolution removing the deed restriction limiting the use of property at 5300 Airport Boulevard to parking only. (6-0 Vote, Councilmember Goodman absent)

## FAYETTE UNIT 3

Mayor McClellan introduced to Council an item to establish a time table for any public hearings and reports by staff and Boards and Commissions and Council action to respond in a timely manner to LCRA concerning Fayette Unit 3. She referred to a schedule for public hearings. (CITY CLERK DID NOT RECEIVE COPY) The Mayor asked that public hearing times be included on next week's agenda for approval.

Councilmember Deuser asked whether information has been received concerning the price, time table and all necessary information for the agreement. Mr. Meiszer said the only information received thus far has been a letter. He said he will have to find out when the clock starts ticking re the schedule. Mr. Meiszer said in the opinion of LCRA officials, time starts with the receipt of the letter.

Mr. Albert DeLaRosa stated, "Under the participation policy agreement we have with LCRA there is not a necessity that they actually receive PUC approval. The intent of the agreement is there is recognition that various permits will be needed and must be obtained before there is any final authority to proceed with the plan but the agreement itself does not call for those permits and all the requisite approval to be given before they give us notice. On the other hand there is a specific article, Article 6 of that participation agreement that does say if additional generating units are to be proposed then the participant that is proposing that additional unit must give notice to the other participants setting forth some very particular items and one of those are a general description of the proposed additional generating unit and the proposed capital addition and capital betterments to the existing common station facilities. As well, they have to show a plat of the plant site depicting the location of the proposed additional generating unit and they must give us as well

## FAYETTE - (Continued)

an estimate of the expected cost of the proposed additional generating unit. I haven't looked to see what information the LCRA has actually given to us but there are some very detailed specifics in the agreement they must give us in order to start the clock running."

Mayor McClellan asked Mr. Peterson, Acting Director, Electric Department, if he had received any information either verbally or in writing and whether or not the official notification started running when the letter was received or when the City is supplied with all the information. Mr. Peterson said there was a two page attachment to the letter which had a break down of plant costs by major items and also a plan of the location. So they may have complied with what the City Attorney read since they have given the cost and the location.

Council agreed they needed all information right up front.

## CAPITAL RECOVERY FEES STUDY

Mayor Pro Tem Trevino discussed with Council the authorization of funds for a Comprehensive Study on Capital Recovery Fees. He asked Council to join him in instructing the City Manager to have this study.

Mr. Schwing, Director of Water and Wastewater, said the long range impact of rates will be looked at also. The cost will be from \$70,000 to \$90,000 and will take one year.

In the meantime, Mayor McClellan said, the City will proceed collecting capital recovery fees that "we don't know if they are reasonable or not". Councilmember Mullen requested several bids.

## REMOTE SENSING PROGRAM

Councilmember Mullen introduced an item to Council to consider implementing a remote sensing program for the City of Austin to: a. Detect and measure point source pollution discharges into selected parts of Barton Creek and Bull Creek, following the next major rainstorm; b. Detect and classify the effects of land use mix on the pollution loads of streams; c. Measure the effects of various construction practices on storm run-off. Mr. Mullen said there is a new aerial surveillance procedure. Mr. German, Assistant City Manager, stated staff has been looking into that and it will be quite costly. He said they will have an RFP in two weeks.

## BOND-FINANCED CHANNELIZATION PROJECTS

Councilmember Duncan discussed bond channelization projects. He said there has been concern over the coordination of various departments concerning the channelization projects. Councilmember Duncan asked the City Manager to work to assure there are cooperative efforts and report back to Council concerning the operations.

TEMPORARY CLOSING OF PORTIONS OF  
EAST SIXTH STREET

Councilmember Deuser recommended to Council the temporary closing of a portion of East 6th Street on Friday and Saturday evenings to see whether that action will alleviate some of the problems occurring there. Mayor McClellan said she appreciated Councilmember Deuser's time and planning, but she said she respectfully disagrees with the plan. She expressed concern over the people power needed from a safety standpoint and with the elimination of 50 parking spaces. Councilmembers Urdy and Mullen said the only way to know if the plan will work is to try it. Chief of Police Dyson discussed the number of police officers which will be needed and said the cars left on the closed area of East 6th Street should be impounded at 7:00 p.m. Discussion followed concerning the best time for closing. Ron Kercheval, Old Pecan Street Association, said they are willing to experiment but do not feel the closing of the street is the ultimate answer. After various other questions concerning enforcement and signs, the following motion was made:

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second approved the temporary closing of a portion of East 6th Street (cross streets) on Friday and Saturday evenings for four weekends beginning September 17, 1982. (5-1 Vote, Mayor McClellan voted No, Councilmember Goodman absent.)

MONTHLY FINANCIAL REPORT

Mr. Phil Scheps, Director of Finance, reviewed the monthly financial report for Council. He said the ending balance is over \$6,000,000.00.

STREET VENDING STATUS REPORT

Dr. Jim Benson, Director of Urban Transportation, presented a report on the status of street vending. He said the most concern is expressed in the East 6th and Guadalupe Street areas. Customers cars have been towed away in order to make room for street vendors. There is a problem with trash also. Dr. Benson recommended Council allow staff to proceed with guidelines for vending and to return to Council with recommendations in 30 days. He said staff recommends no more vending license agreements be issued until the guidelines are developed.

Mr. Meiszer said it appears the ordinance as it presently stands is developing a market place for vendors. He said, 4, 5 or more licenses to one person should be denied.

Ron Kercheval, president, Old Pecan Street Association expressed concern about the vendors and said the over all beauty of the area is being destroyed. He said the owners of businesses on East 6th Street have paid their taxes and made their structures pleasing. He said there are now four new buildings of vendors at 6th and Trinity who pay only 36¢ per square foot per year for rent. East 6th, he said, is being turned into a midway.



**STREET VENDING - (Continued)**

Ken Campbell, representing the vendors, said some people cannot afford a \$15.00 steak or a \$4.50 hamburger and vendors are needed.

Lisa Lockhart, representing University Co-op, said what is permitted on the Drag is not safe and not good. She said carts outside of the Co-op have caught fire three times and the awning of the co-op has been on fire twice. Ms. Lockhart told Council they are in violation of their own ordinance. She said it is not fair to allow carts outside of their stores and that the Congress Avenue business people do not want carts outside of their stores. Ms. Lockhart said the biggest change since the street vending ordinance has been passed is the larger spaces allowed. They are 12' by 12'. Dr. Benson, Director of Urban Transportation, said part of the room reserved is not all for stands but pedestrian activity. Mr. Meiszer, City Manager, pointed out the ordinance does not require vending licenses and they should be denied where they are not needed.

**AFFIRMATIVE ACTION REPORT**

Mr. Meiszer reported on affirmative action plan implementation as follows: "This is response to the Council's directive of two weeks ago and I simply want to give you a progress report because it is going to take longer than I thought to come back with an implementation plan and I think the reason it will take longer is because of the work we are going to do with the Affirmative Action Committee. I have met with them, they are preparing a report and it seemed logical to coordinate the two and to have an implementation plan follow their report. You received a letter from Jim Schaeffer, who is the chairman, indicating that they concur and that my office will work with them in developing their work, they will work with us on the implementation plan and the two will be together. There will be a logical sequence. The report on past activities comes first. The implementation plan comes next and it will take us longer to do it that way but we are working together and that is the progress report."

**COMMUNITY NURSERY SCHOOLS FUNDRAISER**

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the request of Ms. Susan Berliner, executive director, Austin Community Nursery Schools, for permission to sell beer at Williams Softball Field on Sunday, September 19, 1982 from 4:00 p.m. to 6:00 p.m. for agency fund raiser. (5-0 Vote Councilmember Mullen was out of the room, Councilmember Goodman absent.)

**ANTIQUA DOLL SHOW**

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the request of Ms. Ann Lind-Loeffler, publicity chairperson, Austin Doll Collector's Society, for permission to place a banner advertising an Antiqua Doll Show at 38th and Lamar, from September 20, 1982 to October 4, 1982. (5-0 Vote, Councilmember Mullen out of the room, Councilmember Goodman absent.)

**WATER SERVICE REQUESTED**

Mr. Cecil Gould appeared before Council to request water service. He said he has a contract for sale of 10 acres in Manor and the sale is dependent upon his being able to secure water service to the land. He said he is not in the preferred growth area.

Mr. Schwing, Director of Water and Wastewater, told Council the area is in Boise Lane north of U.S. 290. There is 9,200 feet of 2½" line, and it should be 6" line. There already is an in-line pump to maintain the pressure and the Health Department is objecting to another loop with too many customers. Mr. Schwing said the new line is included in the bond issue to be voted on September 11, 1982. Mayor McClellan said even the bond election will not alleviate the situation and said she knows of no way the City can commit itself outside of the service area. She asked staff to look at the request one more week to see if there is any possible way to get water to Mr. Gould's property.

**ENVIRONMENTAL CONCERNS DISCUSSED**

Mr. Ron Rogers, president, Chamber of Commerce and Mr. H.A. "Hank" Guerrero appeared before Council to discuss environmental concerns as related to the September 11, 1982 bond vote and the Capital Improvements Program.

Mr. Lowell Lebermann had requested to discuss the same issue. He did not appear.

**BOARD & COMMISSION REPORT POSTPONED**

The Human Relations Commission report on recommendations based on Austin Housing Study for Handicapped Citizens, was postponed until September 23, 1982 at 3:30 p.m.

**ACTION POSTPONED**

Council was scheduled to take action on the zoning of rear of 8500 Cameron Road, Edward Joseph Developments, Inc., Case No. C14-82-005. No one was present concerning the case. Council postponed action until October 7, 1982 at 4:00 p.m.

**WATER & WASTEWATER APPROACH MAIN**

Council sent back to the Water and Wastewater Commission for further study the approval of the following water and wastewater approach main:

**ESPEY HUSTON & ASSOCIATES, INC.**

- Wastewater approach main to serve South Lamar at Panther Trail Subdivision. (No City cost participation.)

David Armbrust, representing John Simmons, said he was in the Chamber to answer any questions.

APPROACH MAIN - (Continued)

Motion

The Council, on Councilmember Deuser's motion, Councilmember Duncan's second, adopted a resolution approving the following water and wastewater approach main: (5-0 Vote, Councilmember Urdy out of the room, Councilmember Goodman absent.)

FRANCES LEDBETTER LARSON

- Water approach main to serve Mt. Larson South Subdivision. Estimated cost \$29,200. (No City cost participation.)

RECESS

Council recessed its meeting at 4:35 p.m. and resumed its recessed meeting at 5:00 p.m.

PUBLIC HEARING - ELECTRIC CAPITAL RECOVERY FEE

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. on Electric Capital Recovery Fees. No one appeared to be heard.

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, voted to continue the public hearing on the Electric Capital Recovery Fees on October 14, 1982 at 6:00 p.m.

ADJOURNMENT

Council adjourned its meeting at 5:05 p.m.