



Austin City Council MINUTES For

MAY 13, 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 Councilmember Mullen, Mayor Pro Tem Treviño, Councilmember Urdy and Councilmember Goodman, who entered at 1:06 p.m., 1:18 p.m., 2:06 p.m. and 2:10 p.m., respectively. Councilmember Duncan was absent the entire meeting.

INVOCATION

The Invocation was given by Reverend John W. Auer, St. Martin's Lutheran Church.

SPECIAL GUESTS RECOGNIZED

Mayor McClellan recognized two classes of students from Becker Elementary School who were present in the Council Chamber.

AUSTIN POLICE DEPARTMENT DAY

Mayor McClellan read a proclamation designating May 14th as "Austin Police Department Day" in recognition of the opening of the new Police Building. Chief Frank Dyson and Lt. Alvin DeVane accepted the proclamation with thanks from Chief Dyson.

CONSENT RESOLUTIONS

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, adopted the following resolutions in one consent motion: (4-0 Vote, Councilmembers Duncan, Goodman and Urdy absent)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tract of land for the Johnson Creek Drainage Project:

All of Lot 23, Tarrytown Oaks, locally known as 6 Marganita Crescent Drive. Ruth G. Wilson, owner

CONSENT RESOLUTIONS - (Continued)

Contracts Approved

Approved the following contracts:

- a. Bid award:
- Crushed limestone, Public Works Department
Twelve (12) month Supply Agreement
 - (1) AUSTIN CRUSHED STONE COMPANY
1814 Howard Lane
Austin, Texas - Items 1.1 thru 1.3 - \$8,072.00
 - (2) CENTEX MATERIALS, INC.
10501 FM 1325
Austin, Texas - Items 1.4 thru 1.6 - \$7,420.00
- b. THE STANDARD REGISTER COMPANY
7115 Burnet Road, Suite 119
Austin, Texas - Printing of complaint forms,
Municipal Court
Total \$5,491.20
- c. MIXING EQUIPMENT COMPANY, INC.
c/o Palmer-Hastik & Associates
6326 Mykawa Road
Houston, Texas - Agitator (mixing equipment),
Electric Utility Department
Item 1 @ \$9,064.00
- d. COMMERCIAL BODY CORPORATION
2501 East 5th Street
Austin, Texas - Buses, Vehicle and Equipment
Services Department
Item 1, 3 ea. - \$72,425.00
- e. CAPITOL AGGREGATES, INC.
Bolm Road
Austin, Texas - Remix 3/4" used in mixing concrete,
Purchases and Stores Department
- Twelve (12) month supply agreement
Item 1 - \$5,452.00
- f. JERRY D. DREHER
13549 Willow Bend Road
Dallas, Texas - Parking Meters, Urban Transportation
Department
Items 1 thru 3 - \$12,853.50
- g. ENNIS PAINT MANUFACTURING, INC.
2800 Old Highway 75 North
Ennis, Texas - Traffic Paint, Urban Transportation
Department
Six (6) month supply agreement
Items 1-4 - \$72,731.00
- h. GENERAL FAREBOX INCORPORATED
4619 N. Ravenswood Avenue
Chicago, Illinois - CAPITAL IMPROVEMENTS PROJECT
Electrically operated fareboxes
Urban Transportation Department
Item 1, 23 ea. @ \$2,949.00
Total \$67,827.00 C.I.P. Nos.
76/90-03 & 81/90-03

CONSENT RESOLUTIONS - (Continued)

Change Order

Approved a Change Order in the amount of \$23,373.00 to TOM FAIREY COMPANY for a tractor-loader backhoe to be used in various dirt moving operations. (Increases original contract by 17%)

Assessment Paving Policy Amended

Amended the Assessment Paving Policy dated February 24, 1982 to replace Table 5, Fiscal Requirements for Street and Drainage Improvements, with Table 4.

Capital Improvements Business Loan Program

Entered into a non-financial agreement with RepublicBank, South Austin and First State Bank for the purpose of extending the benefits of the Capital Improvements Business Loan Program to customers of these two banks.

1982-83 CDBG Citizen Participation Schedule Amended

Approved the amended 1982-83 Community Development Block Grant Citizen Participation Schedule as follows:

ACTIVITY	APPROVED DATE	AMENDED DATE
1. Public Statement on Proposed Use of Funds	8/25/82	5/10/82
2. Council Action on Scopes of Work	5/20/82	5/27/82
3. Pre-proposal Conference	5/26/82	6/11/82
4. Release RFPs	6/01/82	6/14/82
5. Deadline for Submission of Proposals	6/30/82	7/12/82
6. Submit Statement on 8th Year Program to HUD	8/31/82	7/30/82
7. Review of Proposals Completed and Submitted to City Manager	7/23/82	8/06/82
8. City Manager Completes Review and Makes Recommendations	7/28/82-8/02/82	8/11/82

Bond Sale

Approved the form and content of the Notice of Sale, Official Bid Form and Official Statement; and authorized an offering of \$53,850,000 combined Utility Systems Revenue Bonds, Series 1982 and \$23,000,000 Public Improvement Bonds, Series 1982 for sale on June 3, 1982 at 1:00 p.m.

CONSENT RESOLUTIONS - (Continued)

Public Hearings Set

- a. Set a public hearing for 5:30 p.m., June 3, 1982 on an appeal from Mr. Homer D. Reed of the Planning Commission's decision on a Special Permit. (C14p-81-096) (Foster Lane townhouses - Vertex Properties, Inc.)
- b. Set a public hearing for 5:30 p.m., June 17, 1982 on a proposed public utility easement in Walnut Creek Metropolitan Park. (36" vent line)

TRAVIS COUNTY HOUSING FINANCE CORPORATION

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, granted permission to the Travis County Housing Finance Corporation to finance single family housing mortgages within the City of Austin with a reaffirmation of the original resolution granting such consent passed on November 20, 1980. (4-0 Vote, Councilmembers Duncan, Goodman and Urdy absent)

The following letter from the Commissioners' Court was read into the record:

May 13, 1982

The Honorable Carole Keeton McClellan
Mayor
City of Austin
P. O. Box 1088
Austin, Texas 78767

Dear Mayor McClellan and Councilmen:

This is to request that the City Council, City of Austin reaffirm the resolution consenting to the Travis County Housing Finance Corporation to finance homes located within the City of Austin, Texas, under the Travis County Housing Finance Corporation Single-Family Mortgage Revenue Bond Program, such resolution originally passed November 20, 1980.

As you know, the Travis County Housing Finance Corporation is scheduled to consummate a large bond sale that will benefit the citizens of Austin and Travis County in early June, 1982.

As per our commitment to you, the program format will include the following proviso:

During the ninety (90) day period beginning on the date on which funds are available from the Corporation's Home Mortgage Revenue Bonds for the purchase of home mortgages, the Corporation will not purchase home mortgages with respect to homes located outside the City of Austin which exceeds 20% of the principal amount of the home mortgages purchased during such period and it is agreed that total purchases of home mortgages with respect to homes located outside the City of Austin will not exceed 30% of the total amount of funds.

Item Postponed

During the consent motion, the following item was postponed:

Consider release of 80.48 acres of land from the Austin ETJ.

In response to Councilman Mullen's question regarding an exchange of extra-territorial jurisdiction, Dick Lillie stated that no such request had been made by the City of Austin to Round Rock. Councilman Mullen requested a postponement until the matter could be checked with the Round Rock City Council.

RECESS

The Council recessed its regular meeting at 1:42 p.m. for a meeting of the Austin Housing Finance Corporation and resumed its meeting at 1:44 p.m.

MONTHLY FINANCIAL REPORT

Phillip Scheps, Director of Finance, reviewed the monthly financial report first by stating that the rating trip for the June 3, 1982 bond sale would be very important because it would be the first senior lien issue after the refunding of the City's bonds. He next referred to the agenda item regarding issuance of Certificates of Obligation to pay for construction of various public works projects and related professional services and said that voters had approved the projects. The Certificates would replace 10% or 11% money with 5% money.

He then referred to an item for next week's agenda on the issuance of current expense warrants to cover a short term cash flow problem which always occurred at this time of year. The sale would be for one year and was legal.

Mr. Scheps felt that the basic message from the financial statements was that the City was not in a very strong posture right now. He thought that the General Fund and Hospital should be considered as a package. The Hospital currently owed the General Fund \$12 million.

After further discussion of the Hospital situation, Mayor McClellan asked for a detailed report in writing on the situation and a one-page highlight of both good and bad financial news within the municipal organization.

ALTERNATIVE ELECTRIC RATE STRUCTURE FOR AISD

H. L. Peterson, Electric Department, reviewed a report to Council and stated that if the same rate applied to the State Capitol were applied to the Austin Independent School District, the District would benefit by about \$212,000 or 5.9%. He pointed out that 13 other accounts in 4 other school districts were not included in the report.

Councilmember Deuser requested data on those 13 accounts and also asked that the Electric Utility Commission set up a rate subcommittee to examine the creation of a school-church rate classification.

CONSENT ORDINANCES

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

Operating Budget Amendment

Amended the 1981-82 Operating Budget by accepting and appropriating a grant award of \$9,097.00 from the State of Texas Department of Human Resources for the training of police officers in family crisis intervention as a pilot project. (June 1, 1982 through February 28, 1983)

City Code Amendment

Amended Chapter 6-5, Section 6-5-183 and Chapter 10-5, Section 10-5-3 of the Austin City Code, providing a prohibition against solicitations of motorists on public streets; and providing certain exceptions to the prohibition against vending on public streets.

Certificates of Obligation

Authorized the issuance of Certificates of Obligation in an amount not to exceed \$2,000,000 for the purpose of paying for the construction of various public works and related professional services.

Councilmember Deuser pointed out that the Council was not setting a precedent by issuing the Certificates of Obligation to 5 local banks at low interest rates.

Moratorium

Established a 45-day moratorium on the issuance of any non-motorized limousine or touring vehicle permits.

Zoning Ordinance

Amended Chapter 13-2 of the 1981 Austin City Code (Zoning Ordinance) to cover the following change:

NELSON PUETT
By Scott Roberts
C14-82-028

8213 Brodie Lane

From "LR" 1st H&A
To "GR" 1st H&A

Limited Purpose Annexation

Passed on second reading only an ordinance on limited purpose annexation of 332 acres of land out of the James Jett Survey No. 1 (Sheperd's Mountain Area). (See vote after reconsideration of Consent Ordinances)

Assistant City Attorney Jim Nias stated that the Jones/Dwyer Tract was excluded from the annexation and would be brought back for first reading next week. The third reading of the ordinance under consideration would be brought back July 1, 1982.

CONTRACT AWARDED

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the following contract: (6-0 Vote, Councilmember Duncan absent)

CES TELECOMMUNICATIONS
7840 Lincoln Avenue
Skokie, Illinois

- CAPITAL IMPROVEMENTS PROGRAM -
Engineering services for the
Early Warning System, Fire
Department
Twenty-four (24) month contract
#239,580.00 CIP No. 82/83-03

Reconsideration of Consent Ordinances

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, reconsidered the ordinances passed previously by consent motion. Unanimous vote by acclamation, Councilmember Duncan absent.

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the ordinances considered previously in one consent motion. (6-0 Vote on all ordinances except on limited purpose annexation of Shepherd's Mountain area which was 5-1 vote, Mayor McClellan voting No, Councilmember Duncan absent.)

ANNEXATION ORDINANCE POSTPONED

At 1:15 p.m., Mayor McClellan brought up for consideration an ordinance annexing 585 acres of land along IH-35 south and along FM 1327 east of IH-35.

Frank Rodriguez, Management & Budget, addressed the fiscal summary impact of the annexation.

In response to Mayor McClellan's question, Mr. Rodriguez replied that if it were assumed that certain capital improvements would be made, then the overall effect would be costly. The improvements were not associated with just that one area.

Regarding fire service for the area, Mr. Rodriguez stated that a fire station costing about \$700,000 was included in the projected \$36.9 million in capital improvements needed for the area. However, at present, response time to a fire would be 4 ½ to 12 minutes instead of the normal 3 minutes within the City.

After further discussion concerning whether to annex 100' or 200' of right-of-way, the Council postponed action on the item for one week.

AUSTIN CABLE COMMISSION

The Council had before it consideration of amending the 1981-82 Operating Budget by appropriating \$24,300 from the General Fund Ending Balance to provide funding for the Austin Cable Commission.

City Manager Meiszer stated that staff was not in a position to recommend a budget and that there was some misunderstanding as to whether a budget was needed. City funds could not be appropriated without a budget.

Brenda Trainor of the Austin Cable Commission stated that when the Cable Commission was formed, it was her understanding that the Commission would allocate funding from the \$1 million equipment fund provided by the Cable Company, the \$450,000 incremental allocation for public access and a variety of other expenses which she wanted to see come from the 5% franchise fee.

Mayor McClellan felt that a budget was desirable and asked the City Manager and Lee Thomson of Management & Budget to get with the Cable Commission and work out a budget for the remainder of the fiscal year.

Councilmember Deuser requested more information on the budget and the Council decided to bring back the item on the May 20th agenda.

ELECTRIC UTILITY OPERATING BUDGET AMENDMENT

The Council had before it consideration of amending the 1981-82 Electric Utility Operating Budget by appropriating \$250,000 from the Ending Balance for consulting services in connection with the Public Utility Commission rate considerations.

Mayor McClellan made the following statement:

"I continue to say that we are defending a rate structure that is indefensible because it flies in the face of cost-of-service base electric rates. It flies in the face of sound utility rate-making policy and that we may spend a lot more than this \$250,000 before it's up, and I predict we will be trying to justify something that I believe ultimately is going to be overturned."

Councilmember Mullen made the following statement:

"I certainly agree with that. We've already appropriated \$25,000 to defend it. This is \$250,000 more. That brings it up to \$275,000. It is my understanding that the private sector to defend rate structures spends as much as \$700,000. I certainly hope that we don't get off into that, but I think we're going to be closer to \$500,000 when we take into consideration staff time and legal time. I certainly hope that the rate payers realize that Proposal 7 that was touted to save them money is certainly costing them a great deal of money to defend."

BUDGET AMENDMENT - (Continued)

Councilmember Deuser made the following comments:

"Indeed the appropriation here is for the amount that may have to be expended in order to defend the broad category of our electric rate. We may all agree on what may have triggered this; however, the items under consideration have been an integral part of the Austin electric rate structure for the time Austin has had an electric utility. So the sweeping charge given to the PUC by the now Attorney General Mark White has put us in a position where we have to defend a whole lot more in the rate structure than is being considered by my fellow colleagues in their comments. In particular, the two aspects--cost of service--our electric rates are cost of service based. The definition of cost of service is being disputed, and that is what will be litigated both at the PUC and elsewhere. In addition, the soundness of the rate making has been indeed upheld by the PURPA hearings and has been found to be indeed in compliance with the PURPA request, whereas, by those very standards that were considered in the PURPA request--our old electric rates that seem to be so highly defended by some members of the Council were not adequate to defend under the PURPA rates. They had a declining block structure. They did get cheaper the more you used. They did not have any lifeline aspect. There was no provision for providing electricity for the basic needs of the household at the very lowest cost. Therefore, I think this money is well-spent and it's a drop in the bucket compared to the many, many, many dollars being saved in the community today through rate Proposal 7."

Councilmember Mullen made the following statement:

"I certainly hope that the record would reflect that \$500,000 is a drop in the bucket, Mr. Deuser."

Mayor McClellan responded:

"I would like to point out that this was not any authority given to the Public Utility Commission by Mark White. This authority was given to the people of the State of Texas by the Legislature. Mark White, as Attorney General, interprets the statutes as requested by the Public Utility Commission. I think that's an important point to make. This would not be before the Public Utility Commission if it were not for Proposal 7. That is the means by which it is being protested by those persons outside the City, and, also, some inside the City--the School District being one of those. You've got a number of intervenors in that case. And I would further point out to you, you talk about PURPA justifying this--that's nonsense. I voted for the PURPA service standards but not certainly for the others, and cost of service was not one of the standards adopted in those PURPA hearings and could not be with this particular type of rate structure. I think if we're going to run our utility business in a sound way that we need to do so with cost of service base electric rates."

BUDGET AMENDMENT (Continued)

Councilmember Urdy made the following statement:

"I don't think there's any question that Proposal 7 is an improvement over the old rates. The old rates were there for many, many years. There never was a challenge before the PUC. And as soon as Proposal 7 was passed, and there is no question that it is an improvement for the vast majority of the citizens in this community, then there was a challenge before the PUC. So I think it's very clear. It's not a matter whether the rate structure is fair or unfair, it's a matter of who it's affecting. The people who are being affected at the upper end are now challenging that rate. Those same people who would not under the old rate, which, of course, did not challenge it, they're the people--the vast majority of the citizens did not challenge the rate at any time, even though it obviously was an unfair rate. So I think that at this point now that it has been challenged by people outside of the City, we have no alternative but to defend it. It's the City's rate structure. The people outside the City have challenged it and the City has to defend it."

Mayor McClellan made the following statement:

"Councilman, I hear what you're saying, I just disagree with you about it's the people on the upper echelon challenging this. I think many of the people who are challenging this are very small residential rate payers and they're challenging it because it discriminates against families. It discriminates against businesses alike. It's not just big business that is challenging this rate. These are small residential rate payers. They are outside the City. Those inside the City have the recourse of voting on this Austin City Council. Those outside the City don't have that recourse, so that's considered the way those inside the City have a recourse. But I think that it is definitely not an improvement on our electric utility rates. I think we have been moving very diligently over a period of years, with the help of Touche-Ross, to move toward cost of service base electric rates, and I think this was a big giant step in the wrong direction. I disagree also that it is a lifeline rate for the elderly or the needy. It is simply a break on consumption only. It does not address the needs of those with large families or the elderly who have to run air conditioners in the summertime, and they are just going to find the real impact of Proposal 7 when they start getting the May, June and July bill. Energy consumption is up, not down. I can't see that it has in any way demonstrated any sort of conservation effort, so I just think that it does not do what it purports to do, and is not sound utility rate making."

Councilmember Deuser pointed out that double doors had been installed at the Northcross Shopping Mall in the last 6 months, and he thought that it was an obvious direct effort to conserve energy.

BUDGET AMENDMENT - (Continued).

Councilmember Mullen thought that it was an unfair assumption and stated that Motorola had undertaken conservation measures before Proposal 7 was enacted.

Motion

Councilmember Deuser moved the Council waive the requirement for three readings and finally pass an ordinance amending the 1981-82 Electric Utility Operating Budget by appropriating \$250,000 from the Ending Balance for consulting services in connection with the Public Utility Commission rate considerations. The motion, seconded by Councilmember Urdy, FAILED to carry by a 3-2 Vote, Mayor McClellan and Councilmember Mullen voting No, Councilmember Duncan absent, Councilmember Goodman out of the room at roll call.

RECESS

The Council recessed its meeting at 3:10 p.m. and resumed the meeting at 3:20 p.m.

BUDGET AMENDMENT RECONSIDERED

At the resumption of its recessed meeting, on Councilmember Deuser's motion, Mayor McClellan's second, by unanimous acclamation, the Council reconsidered the budget amendment voted on just prior to recess.

Motion

Councilmember Deuser moved the Council pass on First Reading an ordinance amending the 1981-82 Electric Utility Operating Budget by appropriating \$250,000 from the Ending Balance for consulting services in connection with the Public Utility Commission rate considerations. The motion, seconded by Councilmember Goodman, carried by a 4-1 Vote, Mayor McClellan voting No, Councilmember Mullen out of the room at roll call and Councilmember Duncan absent.

Reconsideration of Motion

By unanimous acclamation, the Council reconsidered the preceding motion.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, passed an ordinance on FIRST READING only amending the 1981-82 Electric Utility Operating Budget by appropriating \$250,000 from the Ending Balance for consulting services in connection with the Public Utility Commission rate considerations. (4-2 Vote, Mayor McClellan and Councilmember Mullen voting No, Councilmember Duncan absent)

DOWNTOWN REVITALIZATION TASK FORCE REPORT

Karen McGraw, representing the Task Force, presented a report covering recent actions of the Task Force. Earlier, the following recommendations from the Task Force were expected to be ready by May 1st:

1. Industrial Revenue Bond Program
2. Downtown zoning
3. Height limitations for downtown buildings

Ms. McGraw stated that some of the items were complete, but not all. She then reviewed the following items:

1. Industrial Revenue Bonds application and review procedure for commercial projects
2. Building height recommendations
3. View corridor recommendations
4. Public Events Facility recommendations
5. Zoning recommendations for the Central Business District

Mayor McClellan asked for discussion of the 1/4 mile radius of the State Capitol which would limit building height in that area.

Ms. McGraw said that the quarter mile radius would extend to about the middle of 9th Street on the south. The State owned buildings on the north and east and there were privately owned buildings two blocks east.

Mr. Robert Barnstone, also a member of the Task Force stated that the intention of the sub-committee report to the Task Force was to adopt the 1/4 mile radius concept in lieu of other measures to protect the Capitol.

Ms. McGraw said that no recommendation was being made regarding preservation of view corridors until the Planning staff completed its study on that issue.

Under public events facility, Ms. McGraw stated that it was the general feeling of the Downtown Revitalization Task Force that all public facilities of the City should evolve from the due process of citizen participation in their planning. Such projects would include additional convention facilities, municipal office complex (City Hall), public events facility to serve local needs and intercept parking and transit system.

Regarding Central Business District (CBD) zoning recommendations, the DRTF had reviewed and was in the process of developing recommendations for zoning in the CBD since the proposed new zoning ordinance inadequately addressed many issues raised by the Task Force.

Finally, Ms. McGraw discussed other issues relating to transportation problems downtown.

Mayor McClellan stated that she would like to find a good location for a transportation center downtown. Ideally, there should be a hook-up to Municipal Airport by means of a shuttle.

DRTF REPORT - (Continued)

In response to Councilmember Mullen's question regarding attendance, Ms. McGraw said that there really had not been a problem. Average attendance was about 13 people for each meeting.

PLANNING COMMISSION REPORT ON MOPAC EXTENSION

Dick Lillie presented the following resolution passed by the Planning Commission, which was aware of the public hearing to consider amending the Roadway Plan:

1. Council consider amending the Roadway Plan to include extension of MoPac.
2. Construct the southern extension as a parkway without frontage roads and limited access like the portion now in existence south of the Colorado River.
3. That the Austin Transportation Study Committee reconsider their recommendation to the City Council to include deletion of frontage roads and limited access south of the River.
4. That environmental impact statements be required.
5. That the Council consider annexation and zoning controls for protection of the area within the Barton Creek Watershed.

Mr. Lillie stated that the vote on the resolution was unanimous with two members absent.

Mayor McClellan inquired as to the annexation schedule for the area. Mr. Lillie said that the Planning Commission was working on an annexation program and hoped to complete it by next Tuesday. It was planned to have the recommendations to the Council by mid-June. The plan included corridor annexation, both full and limited purpose annexation and both developed and undeveloped areas.

In response to Councilmember Mullen's question, Dr. Jim Benson, Urban Transportation Department, stated that he had not consulted with the State concerning the item. State plans included frontage roads and the City's policy advisory committee had recommended frontage roads.

Councilmember Mullen stated that he did not want to jeopardize any chance of getting money for the project and asked Dr. Benson to consult with the State on the project. Dr. Benson said that he would do so.

Responding to Councilmember Urdy's question regarding any other changes in the Roadway Plan resulting from the MoPac extension, Dr. Benson said that he would bring some recommendations to the Council after further study of the project.

ROADWAY PLAN

An item to consider amending the Austin Metropolitan Roadway Plan - Northern and Southern Extensions of MoPac Boulevard (Loop 1) was to be brought back on the May 20, 1982 agenda.

WATER & WASTEWATER COMMISSION REPORT

Leda Roselle, Chairperson, Water and Wastewater Commission, presented the following recommendations to the Council concerning the Williamson Creek Wastewater Treatment Plant alternatives:

1. Longterm solution - Alternative 1 - Construct the Onion Creek Plant. Fund the project through voter-approved bonds and place the item in the next bond package, noting that \$17 million has been authorized previously. Alternate funding would be contract bonds and Council-issued revenue bonds, which were not recommended.
2. Interim solution - Alternative 1 - Irrigate present plant property. About 40 acres could be irrigated and would include the purchase of pumps, piping and sprayer heads necessary to irrigate the area. 230,000 gal/day could be processed at a cost of \$227,000. The option had the advantage of not having to discharge to area creeks and could be designed and installed in several months. A disadvantage would be a decrease in discharge during extremely wet periods.

Alternative 2 - Increase irrigation of the Jimmy Clay Golf Course. After detailed analysis, it was determined that more capacity could be gained for less money by irrigation and not building more ponds. Cost would be \$600,000 with 500,000 gal/day extra produced. The option had advantage of no discharge to area creeks and could be designed and installed within a year. Disadvantages would be that application rates would have to be decreased in wet weather and that the course could be too wet to play at times.

3. Williamson Creek Treatment Plant Influent Reduction Program - An effective water conservation program implemented within the confines of the Williamson Creek Wastewater Treatment Plant service area could extend the life of the existing plant facilities by reducing the daily volume of influent to the plant. The program would include purchase of and installation of wastewater flow reduction devices throughout the entire service area and complementary public education. Staff recommended funding at the 25% level or \$33,750. An approximate reduction of 131,250 gpd could be achieved. The Commission recommended the staff proposal.
4. Increased Pumpage to the Govalle Plant - A booster pumper station on the existing force main with specific improvements to the receiving gravity interceptors would allow disposal of an additional 2.5 Mgd. To dispose of more, a new lift station at the Govalle plant site with a new force main to Govalle would be required. A maximum of 4 Mgd could be pumped to Govalle without using up that plant's capacity to serve increasing flows from its own service area. Cost for the 4 Mgd would be \$5,500,000. The Commission recommended the maximum 4 Mgd.

The Commission recommended that the alternatives be funded by the water and wastewater ending balance. It was further recommended that 1.5 Mgd of the 4 Mgd be paid for by the Water & Wastewater Utility with a user fee attached.

WATER & WASTEWATER REPORT - (Continued)

Possible funding could be from the ending balance or substracted from the \$17 million currently authorized for the Onion Creek Plant.

The Commission further recommended that staff pursue the possibility of additional irrigation from the Williamson Creek Plant.

In response to Councilmember Urdy's question, Ms. Roselle said that irrigation was a better option than additional ponding at the Williamson Creek Plant.

There was discussion regarding use of package treatment plants and a series of above-ground steel tanks, both of which would require discharge into area creeks. The Commission did not recommend discharge into the creeks.

In response to Councilmember Goodman's question regarding federal funding for the Onion Creek Plant, George Green responded that funding did not look good for the project, but that they would keep trying. Councilmember Goodman asked the Mayor to write letters to Congressman Pickle and Senator Tower expressing the urgent need for the project and pointing out the amount of money already spent on preliminary work on the project.

Mayor McClellan concurred and felt that it should be pointed out how well the City had used previous funds compared with poor use of such funds by other cities.

Responding to Councilmember Urdy's question, Ms. Roselle said that Govalle Plant was only renovation and that she felt the item had a better chance in the bond election.

Bill Derryberry, Water & Wastewater Department, reviewed the ending balance for that utility's fund by saying that the budgeted ending balance was \$847,004. After examining the bond refunding of last March, reevaluating revenues and projected expenses for the remainder of the year, plus a revised ending balance for FY81-82, the projected ending balance for this year was \$8,345,539. The bulk of the money was a one time gain related to the bond refunding. Adequate funding was available to deal with options presented by the Water & Wastewater Commission and amounted to about \$2.8 million. Items covered would be water conservation, irrigation and a force main to Govalle Plant to cover 2.5 Mgd additional effluent.

John Noell, with Urban Engineering, stated that his proposal for the Williamson Creek Treatment Plant involved use of the City's discharge permit, but it was the Commission's recommendation not to discharge into the creeks. If the concensus was not to discharge, then his company would submit a revised proposal and work with staff on the project.

The Council took no action at this point on recommendations from the Water and Wastewater Commission.

STREET AND RIGHT-OF-WAY VACATION

Mayor McClellan opened the public hearings scheduled for 3:30 P.M. to consider vacating the following and passage of ordinances:

VACATIONS - (Continued)

1. A portion of NORTH FOREST DRIVE RIGHT-OF-WAY adjoining Lot 19, Block A, Balcones Terrace, 3501-3503 Westchester. (Requested by Mr. Mark Hardeman) C10v-82-010
2. RIVER WALK RIGHT-OF-WAY adjoining Block 184, Original City of Austin. (Requested by Mr. Robert Barnstone and Mr. Paul Wendler) C10v-82-017
3. TRINITY STREET south of Willow Street. (Requested by the adjoining property owners)

John German reviewed the three requests for vacation.

Councilmember Deuser inquired about the cost per square foot and comparables in the area of the River Walk.

Mr. German responded that the cost was \$11.25 per square foot and that appraisals were done in-house. He assumed that comparables had been examined by Property Management. The buyers did not have full use of the property because of City-retained easements, and it was felt that the valuation was fair, even though other property in the area was higher.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, closed the public hearing and finally passed ordinances vacating the following: (6-0 Vote, Councilmember Duncan absent)

1. A portion of NORTH FOREST DRIVE RIGHT-OF-WAY adjoining Lot 19, Block A, Balcones Terrace, 3501-3503 Westchester.
2. RIVER WALK RIGHT-OF-WAY adjoining Block 184, Original City of Austin.
3. TRINITY STREET south of Willow Street.

PARADE PERMITS

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

1. Mr. W. H. McGregor, Department Adjutant, for the American Legion Boys State, from 8:15 a.m. to 9:30 a.m., Friday, June 11, 1982, beginning from Martin L. King, Jr. Boulevard along Congress Avenue proceeding south to State Capitol, circle Capitol on west and arrive at Capitol steps by marching up South Congress walkway from 11th Street.

PARADE PERMITS - (Continued)

2. Mr. George Reynes, for Austin Aqua Festival/Austin Chamber of Commerce, from 6:30 p.m. to 9:30 p.m., Friday, August 6, 1982, beginning from South 1st Street to West 1st Street to Congress Avenue to 12th and south on Guadalupe.
3. Mr. Oscar Moran, LULAC State Director, for Texas LULAC, from 9:30 a.m. to 12:00 noon, Saturday, May 22, 1982, beginning from Waterloo Park, west on 14th Street from Trinity to San Jacinto, south on San Jacinto to East 11th Street, west on 11th Street to the State Capitol.

SALE OF BEER

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, approved the sale of beer for Mayfest South, May 29 & 30, 1982, at Gillis Park. (6-0 Vote, Councilmember Duncan absent) (Requested by Ms. Mona Gonzalez-Musel)

SET BACK VARIANCE APPROVED

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, approved a request for variance by Mr. A. L. Miller regarding a 10' set back from property line for the construction of a covered dock on Lake Austin. (6-0 Vote, Councilmember Duncan absent)

HEARING SET

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, set a public hearing from 2:00 p.m., June 3, 1982, to consider designating certain properties as Eligible Blighted Areas (311-321 Congress) as requested by Rick Triplett. (6-0 Vote, Councilmember Duncan absent)

BRODIE TRACT SITE PLAN

Mr. Terry Bray appeared before the Council to request clarification on site plan amendment procedures for the Brodie Tract, owned by Mr. Fred A. Gottesman. Development was proceeding rapidly on plans for Tract A of the site, with a June 1st projected ground breaking. The revised site plan involved changes which would relocate the general improvements approved by Council previously on the conceptual site plan, changes which were consistent with the basic intent of the initial site plan and changes which would allow the more efficient, effective and esthetically pleasing development of the site. Because of a notation on the original site plan which was attached as part of the zoning ordinance indicating that any new or additional buildings would require an amended site plan, and an amended site plan would require Council approval, staff was unclear whether all changes to the site plan of any kind even if normally administrative changes, needed to come back to Council.

Mr. Bray stated that staff needed confirmation from the Council whether the notation on the original plat was intended to bar any administrative review by staff of site plan changes. If the Council confirmed that administrative review by staff was appropriate, then current plans for a June 1st ground breaking could

BRODIE TRACT SITE PLAN - (Continued)

be pursued. If not, then the revised site plan would be brought back for the Planning Commission to review and then be brought to Council. Under that procedure, it would be difficult to meet the June 1st deadline due to the hearing process involved.

In response to Councilmember Deuser's question regarding how the changes would affect the Barton Creek Ordinance, Mr. Bray said that no variances were being requested other than what had already been approved. The request was to meet the needs of the tenant in rearranging the conceptual plan.

Mayor Pro Tem Trevino asked Mr. Lillie if the proposed changes to the site plan were changes that normally would be handled administratively.

Mr. Lillie responded by listing the changes as follows:

1. Added retail and reduced restaurant floor space
2. Reduction of satellite building pads from seven to five
3. Relocation of two building pads
4. Revised building mass (change of layout) to save some large trees
5. Encroachment into landscape area behind the main complex
6. Revised parking layout and vehicular circulation system
7. Deletion of landscaping as shown on original plan

Mr. Lillie said that staff had not decided whether or not all the changes could be done administratively.

Mayor Pro Tem Trevino stated that it was not his intention when he voted to have every little item come before the Council. He did want any major changes brought back to Council.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Deuser's second, granted staff permission to handle the matter administratively as long as changes were minor. (6-0 Vote, Councilmember Duncan absent)

APPOINTMENT OF COMMITTEE POSTPONED

The Council had before it consideration of appointing a committee of Councilmembers to meet with AISD Board members.

Councilmember Deuser brought up the item to suggest appointing three members of the Council to discuss with AISD problems of mutual interest, such as joint use of facilities, parkland transportation capabilities. He asked that the item be postponed for one week until there was a full Council.

SPECIAL PERMIT - (Continued)

1. Safety of the motoring public
2. Protection of adjacent property from flood and water damage
3. Noise producing elements and glare of vehicular and stationary lights
4. Adequacy of parking as determined by the requirements of the zoning ordinance for this use
5. Public health, safety, morals and general welfare issues

Mr. Lillie stated that one member of the Planning Commission expressed concern over the narrowness of the street and location, which would require a circular drive to facilitate loading and unloading of children.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing and denied the Special Permit with finding of facts as listed above 1 through 5. (5-0 Vote, Councilmember Duncan absent, Councilmember Goodman out of the room at roll call)

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. to consider the following zoning change request:

EDWARD JOSEPH
DEVELOPMENTS, INC.
By Hoyle M. Osborne
C14-82-005

Rear of 8500 Cameron Road

From "I-A", "I-AA" 1st H&A
To "D" & "DL" 1st H&A
NOT RECOMMENDED by the
Planning Commission
RECOMMENDED "A" 1st H&A
on Tract 1

CLOSED PUBLIC HEARING
ACTION - 1:00 P.M.
MAY 20, 1982

(On Councilmember Goodman's motion, Councilmember Deuser's second, 4-2 Vote, Mayor McClellan and Councilmember Mullen voting No, Councilmember Duncan absent)

Dick Lillie reviewed the application by use of slides and pointed out that only Tract 1 was being considered today. Tract 2 was postponed until July when another case would catch up with it. The subject tract consisted of 34 acres and industrial use was being requested. Staff felt that zoning should be "A" Residential because no specific plans were proposed for industrial use. There also was concern with regard to the use next to the creek.

Hoyle Osborne, representing the applicant, reviewed industrial development in the area by use of a map. He felt that the best use of the property would be for a coherent industrial area.

ZONING - (Continued)

Mayor McClellan then asked if anyone else wished to speak to the request. No one appeared to be heard.

In response to Mayor McClellan's question, Jim Nias, Assistant City Attorney, said that the requested zoning could be granted and tied to approval of site plan before development could occur.

Motion

Councilmember Mullen moved approval of the zoning request based on site plan approval. Mayor McClellan seconded the motion.

Substitute Motion - No Second

Councilmember Deuser offered a substitute motion that the Council uphold the Planning Commission and deny the request. The motion FAILED for lack of a second.

Further discussion ensued among the Council on the zoning request.

Mr. Edward Joseph, owner of the property, stated that he had paid taxes on the land for 15 years, but received no services. He had requested deannexation, but was turned down. The land was not appropriate for housing.

Substitute Motion - Failed

Mayor Pro Tem Trevino offered a substitute motion that the Council close the public hearing and bring back for action next week at 1:00 p.m. The motion, seconded by Councilmember Deuser, FAILED to carry by a 3-2 Vote, Mayor McClellan and Councilmember Mullen voting No, Councilmember Goodman out of the room at roll call, Councilmember Duncan absent.

Later in the meeting, when Councilmember Goodman returned, Councilmember Mullen restated his original motion which was still on the floor.

Restatement of Motion - Failed

Councilmember Mullen moved the Council approve the zoning requested on Tract 1 with site plan approval by Council. Mayor McClellan seconded the motion.

Friendly Amendment - Accepted

Councilmember Goodman offered a friendly amendment that the site plan be approved by the Planning Commission with appeal to the Council. Councilmember Mullen accepted the friendly amendment. The motion FAILED to carry by a 3-3 Vote, Mayor Pro Tem Trevino, and Councilmembers Deuser and Urdy voting No, Councilmember Duncan absent.

ZONING - (Continued)

Motion

Councilmember Goodman moved the Council close the public hearing and bring back to Council for action at 1:00 p.m., May 20, 1982. The motion, seconded by Councilmember Deuser, carried by a 4-2 Vote, Mayor McClellan and Councilmember Mullen voting No, Councilmember Duncan absent.

VARIANCE APPEAL POSTPONED

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on an appeal from Christopher M. Maisel of the Planning Commission's decision regarding granting of a variance for Alexander Oaks. (C8-81-09)

Dick Lillie stated that one of the requirements by ordinance on appeals under the Williamson Creek and Barton Creek Ordinances was that a transcript of the Planning Commission hearing be available at the time of the appeal hearing. The Planning Department was unable to have the transcript ready in time for review by attorneys for both sides. Mr. Lillie requested that the hearing either be continued or postponed.

Tom Curtis, representing Mr. Maisel and Ken Davidson, representing the West-creek Neighborhood Association, stated for the record that they had no objection to the postponement.

Jim Nias stated that the Barton Creek Ordinance required that the appeal be heard within 30 days from the time the appeal was filed. May 20th would be the last meeting which would meet that requirement.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, postponed the hearing until 3:45 p.m., May 20, 1982. (6-0 Vote, Councilmember Duncan absent)

ADJOURNMENT

The Council adjourned at 6:02 p.m.