



Austin City Council MINUTES

For

OCTOBER 28, 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:

RESOLUTION FOR MRS. RUTLAND

The following resolution was read by Mayor McClellan before the Meeting of the Council was called to order:

WHEREAS, Mrs. J.W. Rutland served with distinction as curator of the Elisabet Ney Museum for forty years, including twenty-six years as an employee of the City of Austin; and

WHEREAS, Mrs. Rutland devoted her years at the museum to persistent and thorough research on Elisabet Ney and her arts, as well as to the ceaseless promotion of Ney's story and ideals; and

WHEREAS, the occasion of the grand re-opening of the Elisabet Ney Museum is an appropriate time to remember Mrs. Rutland's devotion to the Museum.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN, TEXAS:

That Mrs. J.W. Rutland served the City of Austin, and the Elisabet Ney Museum in an outstanding manner and that we call on all citizens to join in recognizing her many contributions to the cultural resources of Austin, and that in her honor, we direct that this resolution be spread upon the minutes of the City Council of Austin, Texas.

The Resolution was signed by all Councilmembers. Mrs. Rutland expressed her thanks and appreciation.

MEETING CALLED TO ORDER

Mayor McClellan called to order the Meeting of the Council at 1:00 p.m., noting the absence of Councilmembers Urdy and Deuser. Councilmember Urdy arrived at 1:22 p.m. and Councilmember Deuser was absent for the day.

INVOCATION

The Invocation was given by Reverend C.F. Stolz, St. David's Episcopal Church.

CONSENT RESOLUTIONS

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted the following resolutions in one consent motion: (5-0 Vote, Councilmembers Deuser and Urdy absent)

Paving & Drainage Improvements

Approved construction agreements with Southern Pacific Transportation Company and Missouri-Kansas-Texas Railroad Company in conjunction with the East 5th Street Community Development District 12 for paving and drainage improvements.

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. MIRANDA CONSTRUCTION COMPANY (MBE)
4703-B Sagebrush Trail
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Oakwood Cemetery Retaining
Wall, Public Works Department
\$22,898.00 C.I.P. No. 79/60-02 |
| b. BILAL OIL COMPANY (MBE)
8501 Broadway, Suite 1006
Houston, Texas | - Sale of Waste Oil, Vehicle and
Equipment Services Department
Six (6) Month Agreement -
\$11,880.00 - Revenue Producing |
| c. EXPRESS MARKETING INTERNATIONAL CORP.
2626 S. Loop West, Suite 680
Houston, Texas | - Anti-Freeze, Vehicle and
Equipment Services Department
Twelve (12) Month Supply Agreement
Item 1, 6,000 gals. - \$16,740.00 |
| d. PPG INDUSTRIES, INC.
624 N. Lamar Boulevard
Austin, Texas | - Base Paints, Purchases and
Stores Department
Twelve (12) Month Supply Agreement
Item 1-3 - \$11,693 |
| e. KUT RADIO
Center for Telecommunications
The University of Texas at Austin
Communications Building "B"
Austin, Texas | - Radio Broadcasting of City Council's
weekly and special meetings, Public
Information Department
Twelve (12) Month Contract - \$8,800.00 |

Water Approach Main

Approved the following Water Approach Main:

- ESPEY-HUSTON AND ASSOCIATES, INC. - Water approach main to serve Keltner Tract. (No City cost participation.)

Temporary Street Closings

Approved temporarily closing the following:

- a. PARKING LANE between 4803 West Park Drive and 4907 West Park Drive on the 5th, 6th, 8th and 9th of November, 1982, from 3:00 p.m. to 6:00 a.m. and on November 29, 1982, from 6:00 a.m. to 9:00 p.m., as requested by Dede Clark, Location Manager for River Road Productions, for filming of a motion picture.
- b. SIDEWALK AREA AND THE PARKING LANE in front of 310 East 6th Street, The Pecan Street Cafe, from 2:00 a.m. to 6:00 a.m. on November 20 and 22, 1982, as requested by Dede Clark, Location Manager for River Road Productions, for filming a motion picture.
- c. 4400 BLOCK OF AVENUE G from 44th Street to 45th Street on October 30, 1982, from 6:00 p.m. to 12:00 midnight and on October 31, 1982, from 12:00 noon to 6:00 p.m., as requested by Mr. Leonard Ehrler, Jr., Director of Austin Parks and Recreation Department for Elizabeth Ney Museum reopening ceremonies.

Airport Use Agreement

Authorized entrance into an airport use agreement with the State of Texas Aircraft Pooling Board.

TDCA Contract

Entered into a contract with the Texas Department of Community Affairs (TDCA) for \$289,197.00 in Community Services Block Grant funds to operate the neighborhood centers throughout Travis County in FY '83.

Low Income Housing

Approved requesting the City Manager to direct the Human Services Department and other appropriate departments to meet and work with the Austin Housing Authority to find sources of funds to aid in the effort to provide adequate housing to low-income citizens in our community.

Item Postponed

Council referred to the Planning Commission and Water and Wastewater Commission a resolution to authorize the provision of water service by the Davenport Ranch Municipal Utility District to areas outside the boundaries of the Davenport Ranch. Council requested this be placed on the November 11, 1982 agenda.

Lake Austin Metropolitan Park - South

Authorized the execution of a contract for the purchase of land for the Lake Austin Metropolitan Park - south.

Agenda Classification

Established a separate City Council agenda classification for approval of citizen requests for such items as parade permits, use of City property and temporary street closures as recommended by the City Attorney. The new classification will be "Citizens Request for Council Approval".

Public Hearings Set

Set public hearings for the following:

- a. An amendment to the Austin Metropolitan Area Roadway Plan to provide the additional arterial right-of-way needed for proposed bike lanes in the Austin Bikeway Plan: November 18, 1982 at 5:00 p.m.
- b. An amendment to Chapter 13-2 (Zoning Ordinance) of the Austin City Code to delete apartment hotels and a permitted use in "B" Residence District: November 18, 1982 at 2:30 p.m.
- c. An amendment to the Water and Wastewater Service Area Ordinance (810820-B) to include the Francis Larson Ledbetter Tract: November 4, 1982 at 2:30 p.m.
- d. Eligible Blighted Area and Commercial Project IDB hearings for a proposed Industrial Redevelopment Bond Financing in the amount of \$1,550,000 for Sampson Building Joint Venture, 618½-622 Congress Avenue: November 18, 1982 at 1:45 p.m.
- e. To amend the Water & Wastewater Service Area Ordinance No. 810820-B to include 579 acres of Circle "C" Ranch in the Williamson Creek Drainage Basin: November 4, 1982 at 2:15 p.m.

Legislation

Approved coordination and cooperation among the various bodies represented on the Social Policy Advisory Council on appropriate legislation before the Texas legislature.

Sale of Surplus Property

Approved the sale of certain surplus property to the Guadalupe Neighborhood Development Corporation: 819-901 East 8th Street and 908-914 East 7th Street.

ZONING ORDINANCES

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

- | | | | |
|----|---|---|--|
| a. | SRD ENTERPRISES
By David Fritsche
C14-82-123 | 5618 Manor Road,
also bounded by
Rogge Lane | From "LR" 1st H&A
to "GR" 1st H&A |
| b. | H. C. CARTER
By Jim Coleman
C14-82-110 | 817 Ken Street | From "A" 1st H&A
to "BB" 1st H&A |
| c. | PAUL TOVAR, TRUSTEE
By Judith E. Fowler
C14-81-208 | 3701-3711 Clawson Rd.
1507-1512 Rockdale
Circle | From Interim "A" 1st H&A
to "A-2" 1st H&A |
| d. | SOUTH AUSTIN PROPERTIES
By Holford & Carson
C14-82-053 (part) | 4207-4217 James Casey
Street | From "A" 1st H&A
to "O-1" 1st H&A |

NOTIFICATION OF FLOOD PRONE AREAS

Mayor McClellan introduced an item to Council concerning action on City-wide notification of residences located in floodplain areas. She also discussed publication/notification of maintenance schedule in all flood-prone areas of the City. Mayor McClellan also asked for a specific report from staff and possible action on Little Walnut Creek area/Williamette Drive/Loyola Bridge for immediate relief in the area and what can be done to expedite contract work.

Mr. Ridings, Director of Public Works, "Concerning notification, currently we have as a part of our comprehensive drainage program a staff of engineers who are available when persons call in wanting to know if they are located within the 100 year flood plain. They are able to call the Public Works Department and we will look up that information on the maps provided by Federal Insurance Administration. We average several calls per day requesting that type of information....." The Mayor said she would like to be more aggressive with notification and asked how complicated it would be to notify the 7-8,000 residents who reside in the flood plain. She asked Mr. Ridings to come back to Council with a suggested plan and what the fiscal impact would be. Mr. Ridings said he will do that and pointed out the

FLOOD PRONE AREAS - (Continued)

flood plain areas change quite often due to additional information depending on whether you are looking at the flood plain maps or if you are doing drainage calculations on a channel or on a drainage area. "It is difficult to signify to each person whether or not they are in a flood plain and exactly what flood plain they are in." Mr. Ridings said he will bring back a detailed report of what can be done and what liabilities might be involved for the City and the cost of such a program.

Concerning the notification of maintenance schedules, Mr. Ridings said they keep a six month schedule on a priority basis and then notify people two months in advance. Mayor McClellan suggested the six month schedule be posted in libraries and neighborhood centers.

Mr. Ridings reported on the Loyola/Williamette area as follows: "That particular area is currently under final design. The project should be up for construction in January of next year. It will cost approximately \$900,000. We had \$600,000 in the August 1981 bond issue and \$300,000 additional in this years bond issue. We are finalizing our plans in order to enable us to spend that money and it is going to take every bit of it. When we get through we will have all of the homes down there with perhaps the exception of one removed from the 25 year flood plain. We have one design team working continuously on the project and I know of nothing we can do at this time to make the project be out any faster and it will be the first major construction project that will be advertised of all the flood control drainage projects that we had from the August'81 bond election. Ed Lunde, Williamette Neighborhood Association, thanked everyone concerned for helping them.

ZONING WORKSHOP

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, set Wednesday, November 3, 1982 at 3:00 p.m. for the first work session for the Revised Zoning Ordinance. (6-0 Vote, Councilmember Deuser absent.)

CABLE COMMISSION REPORT

Mayor McClellan introduced to Council a discussion relating to FCC waiver of franchise fee limitation and Mr. Mark Yudof, Cable Commission, reported on recommendations for the Cable Commission, recommendations regarding Dawson Road City Property, local origination studio, channel reallocation and institutional loop.

Mr. Yudof said, "With our current level of funding we cannot enforce the ordinance which the Council has passed. We do not have a Cable Officer but the budget allocates one professional position for the Cable Officer, one additional professional position, no secretary, no consulting budget, \$2,400 for the entire operation of the Commission, \$93,000 for all the personnel costs and the Commission's own operation. We are charged with enforcing this ordinance which contains precise standards with respect to the ultimate 54 channel capacity of the system. We are charged with virtually yearly performance evaluations, overseeing programming, access community programming, engineering studies to make sure that the signals are up to snuff, that state of the art equipment has been used and the fact of the matter is that 10 interested citizens no matter how dedicated cannot perform that sort of

REPORT - (Continued)

staff work. We ask, on an emergency basis, some supplementation of our budget. Closely related to that is that the Council is presented with a legal issue as well. We project that in 1982-83 that you will receive about \$850,000.00 from franchise fee revenues. That is pursuant to a 5% franchise fee. Under applicable Federal regulations one is only allowed to charge 5% fee when one has secured a waiver from the FCC for 5% as opposed to the more typical 3%. In order to secure the 5% waiver there must be a demonstration that all the monies are being allocated to cable related activities.My best guess is that we are now spending a total of \$93,000 and one might add 30-40% to that by way of indirect costs which the City is absorbing. That is by way of time spent by the Legal Department, Mr. Cootes time and the space and secretarial help we are receiving. There is no chance that under existing Federal regulations that the waiver request will be approved when at best the City of Austin can demonstrate perhaps \$150,000.00 worth of expenditures out of the \$850,000.00 pile. Pursuant to that you have some basic policies and I recommend one choice which is to deregulate cable in Austin because we as members of the Commission do not intend to certify to you that the company user is not in compliance with the ordinance unless we have the wherewithall to do it. We don't intend to tell the citizens we can help with their complaints unless we have the wherewithall to do the job. It would be better to amend the ordinance and tell the citizens that their recourse lies in the market place. If we don't do that then the following steps should be taken: (1) the cable budget as originally proposed by the City Manager should be implemented to provide for three full time professional positions: a cable officer and two people whose duties will revolve around the performance evaluation, deal with the question of community programming and access, institutional loop and other matters; (2) we would need at least one full time secretary. We could probably use a full time attorney at this point particularly with the application of Austin Satellite TV. This doesn't even deal with the hundreds of calls that Mr. Cootes staff has to answer without any budgeted person to do so. The Council should also approve the original Commission budget. It may be the case that there is a lot of money wasted with respect to consulting. I don't know that, but I can tell you there is no way that we are going to be able to learn about compliance with engineering standards, auditing standards, reasonable rates of return, etc. without the expertise to do that and that expertise does not exist within the city's present staff. We also recommend you put together a comprehensive master plan for municipal uses of cable. It seems to me this is the way you can in good faith go to FCC and tell them you are developing a plan for how the City of Austin will make use of cable. The third thing is that as a sign of good faith in applying for the waiver of the franchise fee and obtaining the 5% rate the City should put money into an escrow account the \$350,000.00 that is the difference between the 3% and 5% franchise fee. Other cities who have been successful in getting the waiver, as a sign of their good faith, have put the money in a separate account and not carried as a part of the general ending balance. The fourth point would be a recognition on the part of Council that the \$850,000 to be collected this coming year is not part of the general revenues of the City, that these revenues are to be used for special purposes related to the operation of Cable and the City."

Mr. Meiszer, City Manager, stated: "If you have an agreement for 5% and it's being paid voluntarily and you know you cannot justify it on the basis of using those funds to administer, it doesn't really make any sense to go and ask the FCC to approve it." Discussion followed.

REPORT - (Continued)

Mayor McClellan told Council they need to decide which of the routes they want to go. She said they need to look at some emergency amending of the 1982-83 budget and bring that back as quickly as possible, on next week's agenda, and secondly see if we can take some steps toward getting that plan so we can utilize effectively the 5% franchise.

Mr. Meiszer said, "If the Council can remember, I was concerned about this extra 5% at budget time and I advised the Council not to appropriate it. That is tantamount to putting it into escrow. It is not appropriated for any other use so that if it does have to be returned to the company it will be there. Secondly, you know we are attempting to hire a cable officer with experience, knowledge and background in this field. I suggest the first thing to do is hire that person. Then let him hire the additional staff he needs to put together the plan either with City people or with consultants and then to give you an ending budget to carry out whatever is necessary. There is no disagreement on my part with what the Commission wants to do except perhaps the time table." Councilmember Goodman agreed.

Councilmember Mullen recommended getting the consultant immediately to evaluate the components of the system. He said no one on staff needs to do that. Mayor McClellan agreed. However she thought the secretarial position should be filled now. Mr. Meiszer said he does not think the Council needs concern itself with secretarial help and that "administratively, the secretarial problem will be solved". Councilmember Mullen said the Council did not do what the City Manager recommended and it is up to them to re-evaluate what they did. Councilmember Mullen said, "Believe it or not this Council may have made a mistake." Mayor McClellan said if the work can be done without authorization, fine, if not, an item should be on next week's agenda to authorize secretarial help. Mr. Yudof told Council it would not only be the secretarial position but the additional professional position and the submission of the Manager's original budget for the Commission itself and its operation.

Councilmember Duncan said "What about having the staff bring back an RFP on the consultant next week, to also bring back next week a budget amendment to approve the additional positions in the budget to be filled by the new cable officer and direct the City Manager to provide the secretarial help necessary for the present functioning of the office immediately."

Mr. Meiszer said, "I would like not to reduce the unappropriated surplus or the ending balance before our rating trip next week." Councilmember Duncan said that is fine they can wait two weeks.

Brenda Trainor, Cable Commission member, said "Yes, the performance evaluation does need to take place. What we ask for today was a consultant who would write the comprehensive master plan for what the City of Austin is going to do with Cable. We are probably three or four years behind cities of comparable size in our utilization of cable and we cannot proceed further with using the franchise without a plan and without some idea of how we are going to implement this. We would like to have that in progress when a new cable officer comes on board so the officer will have some idea of what our priorities are to implement our franchise."

REPORT - (Continued)

Mr. Yudof again brought up the question of escrow and Mr. Meiszer stated, "With reference to those funds, I am certain the City of Austin can do it without escrow. It's entirely up to the Council but I don't know of a case where a government agency goes through escrow." Mr. Meiszer continued by saying his plan has always been to justify a 5% franchise fee and he thinks the time to waive it is when you have justification in hand. Mayor McClellan requested an "opinion in writing as concisely as possible from the City Attorney for next week's agenda speaking to the specific issue of whether what we have done is enough as far as saying it is in the general fund but we are not using it or whether we need to put in an earmarked or escrow account because I don't want to be a test case and I want us to meet to the letter of the law whatever that letter is and I would like something in writing and discuss again whether we have done enough as far as setting those funds in a specific account." Mr. Jonathan Davis, Assistant City Attorney, told the Mayor that formal escrow is not necessary if the money is put in a clearly identified account. The Mayor thanked him and said the report will not be necessary.

Mr. Yudof asked, "I want to be clear on this Mayor, with respect to the other recommendations and the one Mr. Duncan added, will they be voted on next week, the two consultants?" Mayor McClellan said they will be posted publicly.

Council then took up the Dawson Road property and made the following motions:

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, adopted a resolution to approve the Dawson Road property as the site and grant its use for the Central Access Studio for Cable Television in the City of Austin. (6-0 Vote, Councilmember Deuser absent.)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, adopted a resolution to direct the City Manager to have an independent appraisal made of the Dawson Road property, including the value of two existing buildings. (6-0 Vote, Councilmember Deuser absent.)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, adopted a resolution to direct the City Manager to prepare a proposal for construction of a Central Access Studio of the Dawson Road property, based on recommendations from the Austin Cable Commission, Public Works Department, Austin CableVision, consulting engineer, and Cable Officer, including floor plan, construction costs, key personnel, and other costs for consideration. (6-0 Vote, Councilmember Deuser absent.)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, adopted a resolution approving Austin Cablevision's location 2191 Woodward Street, as a site for its Local Origination Studio. (6-0 Vote, Councilmember Deuser absent.)

REPORT - (Continued)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, adopted a resolution approving the addition of Color Weather Radar to Channel 43 with Cablewatch in the duration suggested by the Company; that Color Weather Radar remain on Channel 6 during non-programmed hours; that Austin CableVision cooperate with the FAA on interruptions on Channel 43. (6-0 Vote, Councilmember Deuser absent)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, adopted a resolution directing the City Manager to employ a consultant to prepare a developmental and operational plan for the Institutional Loop on the Austin Cable System, with guidelines for the plan and consultant drawn from the Franchise Ordinance and Performance Committee recommendations. (6-0 Vote, Councilmember Deuser absent)

OLD BAKERY RESTORATION

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, adopted a resolution selecting Bell Klein & Hoffman for architectural services for the Old Bakery Restoration and Preservation. CAPITAL IMPROVEMENTS PROGRAM No. 81/86-29. (6-0 Vote, Councilmember Deuser absent)

RELEASE OF EASEMENT - ORDINANCE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance authorizing release of the following easement: (6-0 Vote, Councilmember Deuser absent)

A Telephone and Cable T.V. Easement retained at the vacation of the Shoal Creek Boulevard Alley, 3200 block in Ordinance No. 820415-P. (Requested by Metcalfe Engineering Co., Inc.)

PUBLIC HEARING SET

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, adopted a resolution to set a public hearing for November 18, 1982 at 1:45 p.m. on Eligible Blighted Area and Commercial Project IDB for Proposed Industrial Development Bond Financing in the amount of \$2,750,000 for Roy M. McNair, 718, 804, 910 and 918 Congress Avenue.

REPORT ON INDUSTRIAL WASTE DISCHARGE ORDINANCE

Mr. Kent Butler, Water and Wastewater Commission, reviewed the salient points

ORDINANCE - (Continued)

of the Industrial Waste Discharge Ordinance. (COPY ON FILE IN CITY CLERK'S OFFICE)

Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, set a public hearing for November 18, 1982 at 5:30 p.m. (6-0 Vote, Councilmember Deuser absent)

PUBLIC HEARING - EASEMENT IN LOTT PARK

Mayor McClellan opened the public hearing set for 2:30 p.m. on the proposed sidewalk and public utility easement in Lott Park.

Mr. Joe Morahan, Assistant Director of Public Works, told Council the purpose of the Public Hearing is to consider a resolution dedicating a tract of land as a sidewalk and public utility easement in Lott Park.

No one appeared to be heard.

Mayor McClellan asked Mr. Morahan, "Is there no feasible and prudent alternative to using a tract of land as a sidewalk and public utility easement in Lott Park?" Mr. Morahan answered there is not. Mayor McClellan asked, "In your opinion has all reasonable and prudent planning been undertaken to minimize any harm to the park?" Mr. Morahan answered that planning has taken place.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, finding there is no feasible and prudent alternative to the dedication of land as a sidewalk and public utility easement in Lott Park and that this project includes all reasonable planning to minimize harm to such land as a park, closed the public hearing and adopted a resolution approving the project. (6-0 Vote, Councilmember Deuser absent)

ITEM TO BE BROUGHT BACK

A resolution to consider appointment of City of Austin Sesquicentennial Coordinating Committee will be brought back November 4, 1982.

ORDINANCE CONCERNING REMOVAL OR DEMOLITION OF A STRUCTURE

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance amending Section 13-12-7 to provide an appeal to the City Council from the decision of the building official not to take immediate action for the removal of unsafe building structure. (6-0 Vote, Councilmember Deuser absent)

STRUCTURE - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance amending Section 13-11-77 to provide an appeal to the City Council from the decision of the Building Standards Commission not to order the demolition of a structure. (6-0 Vote, Councilmember Deuser absent)

Prior to the vote, City Attorney DeLaRosa went over the ordinances and Mr. Lonnie Davis, Director of Building Inspection, said there is no problem with the proposal to establish the appeal process.

BRODIE LANE IMPROVEMENTS

Mr. Richard Ridings, Director of Public Works, stated the City Council on October 14, 1982 delayed action on the McCarty Lane Street closure until their meeting scheduled on October 28, 1982. Additional information was requested by the Council regarding scheduling the extension of William Cannon Drive west of Brodie Lane. Also, staff was asked to determine if Brodie Lane/McCarty Lane could remain open to traffic during construction of the Brodie Lane Bridge.

There are nine sets of sketches showing possible alternatives for treatment of the Brodie Lane/McCarty Lane intersection. Alternates 3A and 3B are expanded versions of Alternate 3 previously furnished. A sketch showing the proposed detour during the bridge construction is included.

Alternate 1, recommended by staff, is used as a comparative base to other alternates. The following tabulations show additional costs of various alternates.

<u>Alternate</u>	<u>Estimated Construction Cost</u>	<u>R.O.W.</u>	<u>Total Additional Cost</u>
1	850,000	0	0
2	1,735,000	0	885,000
3	1,075,000	25,000	225,000
3A	1,093,500	68,500	243,500
3B	1,185,000	150,000	335,000

The major difference between Alternatives 3, 3A and 3B, is sight distance from the proposed intersection with Brodie Lane to the proposed bridge; the distances being 100 feet, 200 feet, and 400 feet, respectively.

I met with representatives of Bannockburn neighborhood on Wednesday, October 27th. Representatives of this group have taken the following positions:

- (a) William Cannon Drive should be extended from Brodie Lane to McCarty Lane prior to beginning construction on Brodie Lane Bridge.

BRODIE LANE - (Continued)

- (b) McCarty Lane should not be closed but should intersect with Brodie Lane.
- (c) Traffic barricades should be installed on neighborhood streets in the Bannockburn area during construction of Brodie Lane Bridge signifying that streets are not open to through traffic.

William Cannon Drive is funded in the 3rd year of the Bond Program. \$3,600,000 was provided to extend William Cannon Drive from Brodie Lane west to McCarty Lane. This project could be constructed concurrently with the Brodie Lane Project. Council action would be necessary to move the funding to the current year '82-'83.

I recommend that we proceed as quickly as possible to construct both the William Cannon and Brodie Lane projects. Further, that McCarty Lane be closed as per alternate #1 upon completion of the Brodie Lane project. A traffic signal will be installed at Bannockburn and Brodie prior to construction. Both projects should be complete within 2 years. "

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, approved Alternative 3B in the amount of \$1,185,000, CAPITAL IMPROVEMENTS NUMBER 79/62-14. (6-0 Vote, Councilmember Deuser absent) ALTERNATE 3B on next page.

EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or Executive Session authorized by Section 2, Paragraph (g) consider appointments of board and commission members and Section 2, Paragraph (e) contemplated litigation involving the closing of Dellana Lane, of Article 6252-17 Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

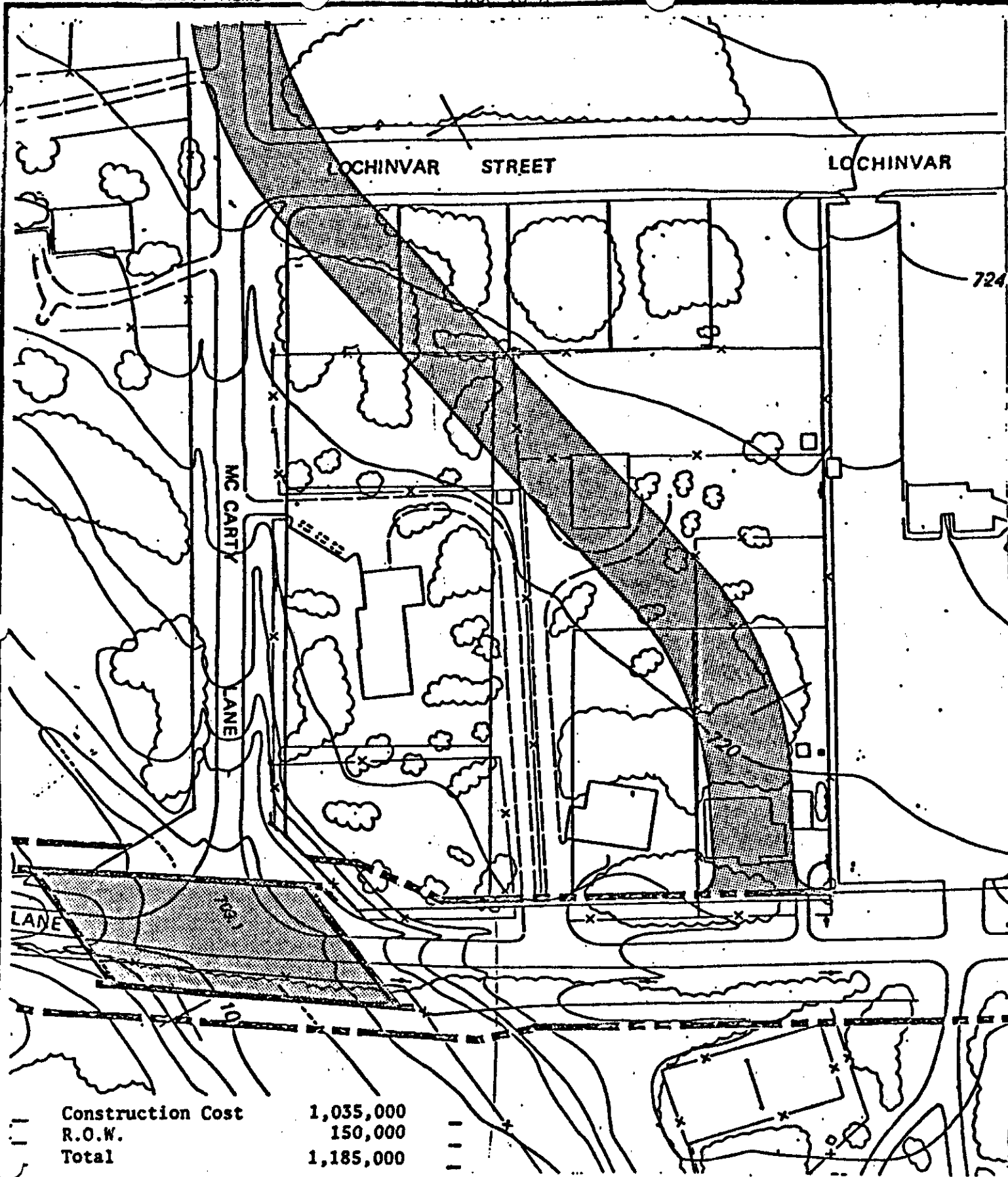
Council recessed for executive session at 2:45 p.m. and resumed its recessed meeting at 3:00 p.m.

APPOINTMENT

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, appointed Richard Resnick to the Solicitation Board. (6-0 Vote, Councilmember Deuser absent.)

PUBLIC HEARING ON APPEAL

Mayor McClellan opened the public hearing set for 3:00 p.m. on an appeal from Mr. Robert Schmidt, trustee, Leon A. Schmidt Children's Trust, of the Sign Board of Adjustments decision to deny a variance. (C16-82-001) Lonnie Davis, Director of Building Inspection, stated this variance was for a 96 square foot sign and the ordinance would permit only a 75 square foot sign as the lot is narrow but deep. He said this would be located on a high speed thoroughfare and adjacent to several large signs. No one appeared to be heard.



APPEAL - (Continued)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, closed the public hearing, approved the appeal and granted a variance. (C16-82-001) (5-0 Vote, Councilmember Mullen was out of the room, Councilmember Deuser absent.)

PUBLIC HEARING - CLOSING OF SILVERWAY DRIVE

Mayor McClellan opened the public hearing set for 3:00 p.m. on closing of Silverway Drive at Shoal Creek and passage of ordinance. (Requested by Public Works Department.)

Mr. Richard Ridings discussed the closing plan and said the cost will be \$50,000 which is in line with funds available. He said this is part of an overall comprehensive plan.

Jim Thompson, Public Works Department, explained the closing by use of maps. Mr. Ridings explained that when the work is finished, 129 homes which are now in the flood plain, will no longer be in a flood plain.

Allen Kaplan, co-chairperson, Allendale Steering Committee, said they support most of the plan, but would like to see a single span bridge built rather than a permanent closing.

W.H. Baldwin said the closing of Silverway Drive will be a hardship on his ability to get in and out of the neighborhood.

Martha Linden is against the closing unless a span bridge is erected.

Marvin Driscoll, president, Northwest Pony League, asked if their ball park, which will be dug out, will be put back in the same condition it is now. (He was told it will be.)

Bob Rise said he opposed the permanent closing of the street.

Mr. Ridings said there is no money available to erect a long single span bridge.

Mr. Curtis Johnson who lives at 2803 Silverway, 80' from the bridge, said he would like the bridge demolished immediately and that the City has a thorough and workable plan. He said his house had four feet of water in it during the Memorial Day, 1981 flood and he urges acceptance of the plan.

Max Ewald, 2808 Silverway Drive, is in agreement with the staff plan.

Margaret Quadlander who lives on Greenlaw Parkway, wants the plan done immediately.

Bill May, who lives on Shoal Creek, said the proposed plan is a band aid plan and the money would be better spent to remove houses and have a free flow of creek when there is a 10" rain.

SILVERWAY - (Continued)

Carmen Voelkel said the security of people on Silverway should be considered.

Council agreed they needed to study this issue further.

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, closed the public hearing and will take action on the closing of Silverway Drive at the November 4, 1982 Council meeting. (5-0 Vote, Councilmember Mullen was out of the room Councilmember Deuser absent)

RECESS

Council recessed its meeting at 3:40 p.m. and resumed its recessed meeting at 4:05 p.m.

PARADE PERMITS

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved the following parade permits: (4-0 Vote, Councilmembers Goodman and Urdy were out of the room, Councilmember Deuser was absent.)

Request for a Parade Permit from Dianna L. Morgan, for Arthritis Foundation, from 10:00 a.m. to 11:45 a.m., Sunday, November 7, 1982, beginning from Lake Austin Boulevard, Enfield to Dillman, to Windsor Road, to Robin Hood Trail, to Enfield and back to Austin High School on Lake Austin Boulevard.

Request for a Parade Permit from Mr. David M. Santeusanio for Grace Covenant Church, from 8:30 a.m. to 10:00 a.m., Saturday November 13, 1982, beginning from the intersection of Old Burnet Hwy. and Loop 360, south to Mesa Drive, right on Mesa to Steck Avenue, right on Steck to Adirondack Trail, right to Hyridge Drive, left onto Mountain Ridge Drive, to Mountain Ridge Circle, right around back to Mountain Ridge Drive, to Loop 360, right on 360 back to church parking lot.

PORTION OF RIVERSIDE DRIVE DISCUSSED

Mr. Brad Sanders appeared before Council to discuss the traffic on Riverside Drive between Congress and IH-35. He said there are too many accidents there and he has seen as many as three in one day. Something, he said, needs to be done now. Mr. Sanders suggested the area should be known as a speed trap and between 1:30 a.m. and 3:00 a.m. the area should be patrolled for drunk drivers...he specifically stated weekends.

Dr. Benson, Director of Urban Transportation, told him that there are a number of engineering studies being done and signals will be put up and flashing lights for curves.

RIVERSIDE DRIVE - (Continued)

Chief of Police Frank Dyson told Council that 926 citations have been given in the area in the past 9 months...452 of them were for speeding. It is his intention to have more intensified patrol, which will be possible under a \$300,000 grant which has been received for DWI enforcement. Chief Dyson said the program will receive good press coverage and added that a large portion of traffic deaths are alcohol related.

NEIGHBORHOOD CLEAN-UP

Ms. Celeste B. Cromack appeared before Council to discuss neighborhood clean-up in the Hyde Park Neighborhood and expressed her appreciation to the Public Works Department for having dump trucks for them to use. Mayor Pro Tem Trevino said East Austin has done this since 1967 & he is happy to see the rest of the City following the example.

SHUTTLE PARKING GARAGE DISCUSSED

Mr. David B. Armbrust appeared before Council to present a proposal for the construction and operation of a shuttle parking garage and related transportation system to be located in the downtown area. Mr. Armbrust said he represents David Simmons who wants to build a parking garage at 5th and Red River and run a shuttle service to downtown Austin. He said this is an example of private enterprise in action.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, referred the proposal to the City Manager. (6-0 Vote, Councilmember Deuser absent.)

ELECTRIC CODE DISCUSSED

Mr. J.H. Eccleston Johnston Jr. discussed revision to the Electric Code so requirements will correlate with the Building Code. His building has been classified as a 3 story structure by Building Code and a 4 story structure by Electric Code. He asked that the two codes be correlated so he can proceed with building of a low and moderate income housing unit.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, voted to request a special called meeting of the Electric Board to correlate the Building Code and Electrical Code. (6-0 Vote, Councilmember Deuser absent)

POLICE WORK OUT AREA

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, approved the request of Mr. Jerry L. Spain, president, Austin Police Association, to contract with the City and the Association concerning a workout area and authorize the City Manager to enter into an agreement for at least five years. (5-0 Vote, Mayor Pro Tem Trevino out of the room, Councilmember Deuser absent.)

SOUND ORDINANCE AMENDMENT DISCUSSED

Mr. Edward Bennett appeared before Council to discuss the proposed Sound Ordinance Amendment. He owns a business on 6th Street and said he has some problems with the ordinance amendment concerning commercial areas as some people tht live on 6th consider it as residential. Jonathan Davis, Assistant City Attorney, said the sound ordinance the Council has before them today for consideration is not applicable.

SOUND AMPLIFICATION ORDINANCE

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the Sound Amplification Ordinance. (6-0 Vote, Councilmember Deuser absent)

NO ACTION

Council took no action on an ordinance to extend the temporary moratorium on the issuance of certain sound amplification permits, as it was not necessary.

RECESS

Council recessed its meeting at 4:55 p.m. and resumed its recessed meeting at 5:30 p.m.

BARTON HILLS TRANSIT ROUTE

Mayor McClellan opened the public hearing set for 5:30 p.m. on establishing a new Barton Hills transit route. Dr. Benson, Director of Urban Transportation, discussed the route which was approved in the 1982-83 budget. Mayor McClellan said she has a petition against the route as amended to go into Horseshoe Bend.

James Mann and Betty Brown both spoke against the route going into Horseshoe Bend.

Ray Sawyer, Joe Gieselman, Edward Vickey and Bill Turpin spoke in favor of the new route.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, closed the public hearing; item for action will be on the November 4, 1982 agenda. (5-0 Vote, Mayor Pro Tem Trevino was out of the room, Councilmember Deuser absent)

MINUTES APPROVED

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, approved Minutes for regular meetings of October 7 and 14, 1982; and Special Meetings of October 6 and October 28, 1982. (5-0 Vote, Mayor Pro Tem Trevino out of room, Councilmember Deuser absent.)

ADJOURNMENT

Council adjourned its meeting at 5:57 p.m.