

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 29, 1981
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Mullen,
Mayor Pro Tem Trevino

Absent: Councilmember Himmelblau

INVOCATION

Reverend Calvin Froehner, Tarrytown United Methodist Church, gave the Invocation.

AUSTIN THEATRES WEEK

Mayor McClellan read a proclamation designating the week of February 1-7, 1981 as Austin Theatres Week. Mr. Ray Hall, President of Circle of Theatres, and Don Fenner, Vice-President, Circle of Theatres, thanked the Mayor and Council for the proclamation.

MANUFACTURED HOUSING WEEK

Representatives of the Austin Chapter, Texas Manufactured Housing Association, Jack Nunley, President; and Gene Mundahl, Vice-President, thanked the Mayor and Council for the proclamation read by Mayor McClellan proclaiming January 29, 1981 through February 4, 1981 as Manufactured Housing Week.

RESOLUTION FOR JIMMIE FLAKES

A Resolution, signed by all Councilmembers and read by the Mayor, was presented to Mr. Jimmie Flakes who has resigned as Director of the Personnel Department to devote his full time to the ministry. Mr. Flakes thanked the Mayor and Council for the Resolution and said he has found his years with the City of Austin to be enjoyable, challenging and satisfying.

YELLOW ROSES FOR THE POLICE

Mayor McClellan asked Chief of Police Dyson to come to the podium. She said an anonymous gesture had been made to the Police Department and asked Chief Dyson to explain the lovely basket of yellow roses which he carried to the podium. Chief Dyson explained, "Yesterday I received a call from a woman who indicated she wanted to recognize the National Day of Thanksgiving by providing small yellow roses for members of the Austin Police Department to wear today. I didn't really understand the significance of what she was proposing until this morning when this was delivered. There is a plaque on the basket that reads, 'Austin Police Officers: To those who go unnoticed in the line of duty, our appreciation to you on this National Day of Thanksgiving, January 29, 1981'. She asked me to provide any of the officers of the Austin Police Department who want to wear one of these today be permitted to do so, and I intend later in the day to make available to the officers the opportunity to wear one of these today in honor of the hostages who were released and this being a Day of National Thanksgiving. I would like to make the Council aware of what it means if you see an officer wearing one of these and I would also like to give a rose to each Councilmember to kick off this method on our part of recognizing the hostages." Mayor McClellan expressed her appreciation of the lovely gesture to welcome home the hostages and also the expression of thanks to Austin's finest who often go unthanked.

MINUTES APPROVED

Councilmember Mullen moved that the Council approve the Minutes for January 22, 1981 and Special Meeting of November 13, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Mullen, Mayor Pro Tem Trevino

Noes: None

Absent: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Goodman

LEASE AMENDMENT

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving a Lease Amendment to the existing lease between the City of Austin and Center for Battered Women, Inc., to provide for an additional tract of land, adjacent to leased area, to be included in the lease. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Himmelblau

RELEASE OF EASEMENT

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A 10.0' Sanitary Sewer Easement located on Lot 34, Block 8,
Lost Creek Section II, 6820 Cypress Point North. (Requested
by Billy F. Priest Surveyors, Inc., representing Haupt
Builders, Inc.)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Himmelblau

CHANGE ORDER

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following Change Order:

CAPITAL IMPROVEMENTS PROGRAM - In the amount of \$21,940.00 to
Faulkner Construction Company for Ullrich Water Treatment
Plant High Service Pump Station Improvement. C.I.P. No. 76/22-81.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Himmelblau

CONTRACTS APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

ROBERT JENTSCH CONSTRUCTION
P. O. Box 3343
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Cherry Creek Drainage Improvements
Phase II - \$75,213.00 C.I.P. No.
79/60-04

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

JOE BADGETT CONSTRUCTION COMPANY, INC. - CAPITAL IMPROVEMENTS PROGRAM -
P. O. Box 9401 Fire Vehicle Maintenance
Austin, Texas Facility - \$1,002,463.00 C.I.P.
No. 76/83-05

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

TOM FAIREY COMPANY
5005 East 7th Street
Austin, Texas

- Tractor-Loader Backhoe, Vehicle and
Equipment Services Department
Item 1, 4 ea. - Total \$86,950.16

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Truck Parts, Vehicle and Equipment
Services Department
Twelve Month Supply Agreement
Total \$100,000

LEIF JOHNSON FORD/TRUCK CITY
502 East Ben White Boulevard
Austin, Texas

- Item 1 - \$50,000

LONGHORN INTERNATIONAL EQUIPMENT
4711 East 7th Street
Austin, Texas

- Item 2 - \$50,000

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

DUNCAN INDUSTRIES
Division of Qonaar Corporation
751 Pratt Boulevard
Elk Grove, Illinois

- Parking Meters, and related
equipment, Urban Transportation
Department
Items 1-8 - \$51,363.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

POTTERS INDUSTRIES, INC.
1089 Cross Plains
Brownwood, Texas

- Traffic Markings-Traffic Stripe
Reflective Glass Spheres, Urban
Transportation and Aviation Depts.
Twelve (12) Month Supply Agreement
Item 1, 50,000 lbs. @ \$.21183
Total \$10,591.50

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

STREETERAMET, INC.
Division of Mangood Corp.
155 Wicks Street
Grayslake, Illinois

- Traffic Counters, Urban Transportation
Department
Item 1, 8 ea. @ \$810.00
Total \$6,480.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

ALAMO MACHINERY COMPANY
946 Coliseum Road
San Antonio, Texas

- Irrigation Parts, Repair and
Replacement, Parks and Recreation
Department
Twelve Months Supply Agreement
Estimated amount \$10,000.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

TEXAS COPY SYSTEMS, INC.
415 West 15th Street
Austin, Texas

- Coin-Operated Photocopier Machines,
Twenty four (24) Months Agreement
Estimated cost \$21,698.64

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Small Tools and Miscellaneous Items,
Central Stores Division
Six (6) Month Supply Agreement
Items 1 thru 515 awarded by line
items to appropriate suppliers
based on 1st, 2nd and 3rd low bidder,
etc. - \$70,000

ALAMO IRON WORKS
Montana and Hoefgen
San Antonio, Texas

BRIGGS-WEAVER, INC.
7740 Ed Bluestein Boulevard
Austin, Texas

CAPITAL BOLT AND SUPPLY
300 Nueces
Austin, Texas

GRAYBAR ELECTRIC COMPANY
7434 North Lamar Boulevard
Austin, Texas

NIECE EQUIPMENT AND SUPPLY
9705 Burnet Road
Austin, Texas

PPG INDUSTRIES, INC.
624 North Lamar Boulevard
Austin, Texas

W. H. RICHARDSON
3708 Woodbury
Austin, Texas

WALTER TIPS COMPANY
200 Colorado
Austin, Texas

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

CETA PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing negotiations and contract with the following agencies for FY (Fiscal Year) '81 under the CETA Program in the following amounts:

Title II-B, Combined Skills Training Program:

SER-Jobs for Progress	\$281,482
Goodwill Industries	72,069
Marc Gold & Associates	94,487
Total	<u>\$448,038</u>

Title VII, Private Sector Initiative Program:

Goodwill Industries	\$107,143
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

EMINENT DOMAIN PROCEEDINGS

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing Eminent Domain proceedings to acquire the following tract of land for a Sanitary Sewer Easement for the Williamson Creek Wastewater Interceptor Project:

20' strip of land out of Lots 1 and 2, Block "A",
Community of Fairview Section Two. (Also 15' temporary
working easement)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan

Noes: None

Absent: Councilmember Himmelblau

CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Wheless Lane, CIP No. 75/62-01)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Barge Street, CIP No. 75/62-01)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor
McClellan, Councilmember Cooke
Noes: None
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

CHARITABLE SOLICITATION ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF AUSTIN OF 1967; DELETING RELIGIOUS ORGANIZATIONS FROM THE DEFINITION OF CHARITABLE OR WELFARE PURPOSES; AMENDING THE TIME LIMITS FOR HEARINGS FOR PERMIT REQUESTS; AMENDING THE REQUIREMENTS REGARDING SOLICITATION EXPENSES; SUSPENDING THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor
McClellan, Councilmember Cooke
Noes: None
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

NATIONAL ELECTRIC CODE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF AUSTIN, 1967; DELETING ALL SECTIONS OF CHAPTER 37 IN EFFECT PRECEDING THE ADOPTION OF THIS ORDINANCE; ADOPTING THE NATIONAL ELECTRIC CODE, 1978 EDITION, PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION (NEPA) WITH CERTAIN ADDITIONS AND DELETIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan, Councilmember Cooke
Noes: None
Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

POLICE CIVIL SERVICE CLASSIFICATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART 2 OF ORDINANCE NO. 800103-C TO INCREASE THE NUMBER OF AUTHORIZED POSITIONS WITHIN THE CIVIL SERVICE CLASSIFICATION OF SENIOR POLICE OFFICER AND TO DECREASE THE NUMBER OF AUTHORIZED POSITIONS WITHIN THE CIVIL SERVICE CLASSIFICATION OF POLICE OFFICER WITHIN THE AUSTIN POLICE DEPARTMENT; REPEALING ALL ORDINANCES IN CONFLICT; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN APPROXIMATE 1.02 ACRE TRACT OF LAND, LOCALLY KNOWN AS 5107 LERALYNN STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-2" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ron Chitsey, C14-79-235)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2.013 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9601-9611 UPPER GEORGETOWN ROAD, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (City of Austin [Area Study], C14-73-253)

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed on an emergency basis.

Mayor McClellan brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 11, 12, 13 AND 14, BLOCK 7, PLUS ONE-HALF ADJACENT VACATED STREET TO THE EAST OF SUBJECT TRACT, BROADACRES, LOCALLY KNOWN AS 1601-1605 HOUSTON STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Della B. Denson, C14-80-217)

The ordinance was read the second time, and Mayor Pro Tem Trevino moved that the Council waive the requirement for third readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Himmelblau

CORRECTION OF ACCEPTANCE OF GRANT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 801016-P CORRECTING THE ACCEPTANCE OF A GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION; AMENDING THE 1980-85 CAPITAL IMPROVEMENTS PROGRAM BUDGET BY ACCEPTING AND APPROPRIATING A GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION (UNITED STATES DEPARTMENT OF COMMERCE) IN THE AMOUNT OF \$440,000.00 FOR THE RENOVATION OF THE OLD MAIN LIBRARY; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ECONOMIC DEVELOPMENT ADMINISTRATION (UNITED STATES DEPARTMENT OF COMMERCE) ACCEPTING SAID GRANT MONEY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

RECESS

Council recessed its meeting at 9:52 a.m. and resumed its recessed meeting at 10:04 a.m.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

STEVE STRATTON 1104 West Avenue
AND NORMAN K.
WARNER II
By Norman K.
Warner II
C14-80-222

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED (as amended) by the
Planning Commission

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended, as amended, by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st

Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE S. MCGEE,
TRUSTEE
By George McCanse
C14-80-225

816-818 West 11th Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

IRA L. PANZER,
WILLIAM D. VOIERS,
LLOYD A JEFFRESS
C14-80-227

2704-2708 Rio Grande
2705-2707 Salado

From "O" Office
2nd Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED (as amended) by the
Planning Commission "LR" for the area
of the drugstore only, as amended by
the applicant.

Councilmember Goodman moved that the Council grant "LR" Local Retail, 1st Height and Area District, (as amended) for the area of the drugstore only, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, (as amended) for the area of the drugstore only, and the City Attorney was instructed to draw the necessary ordinance to cover.

ALLIED DEVELOP-
MENT COMPANY
By Barry Smith
C14-80-240

6929-B Manchaca

From "GR" General Retail
1st Height and Area
To "C-1" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "C-1" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOEL B. LANDON AND
SUZANNE LANDON
By William D. Brown
C14r-80-234

6209 U. S. 290 East

From "C" Commercial
6th Height and Area
To "C-1" Commercial
6th Height and Area
RECOMMENDED "C-1" Commercial,
by the Planning Commission, deleting
requirements to comply with landscape
ordinance; also deleting upgrading and
spacing requirements for driveways, allow-
ing them to remain as currently on the
site.

Councilmember Goodman moved that the Council grant "C-1" Commercial, 6th Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announce that the change had been granted to "C-1" Commercial, 6th Height and Area District, subject to conditions, and the City Attorney presented an ordinance to cover.

(Ordinance on next page.)

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2,054 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6209 U. S. HIGHWAY 290 EAST, FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Joel B. Landon and Suzanne Landon, C14r-80-234)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance as an emergency measure, effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

JANUS SALES, INC.
By Gary Chiles
C14r-80-232

2209 South IH-35

From "LR" Local Retail
1st Height and Area
To "LR" Local Retail
2nd Height and Area

RECOMMENDED by the Planning Commission
"LR" Local Retail for entire tract and
subject to compliance with ordinance
requirements and departmental recommenda-
tions regarding site plan.

Councilmember Goodman moved that the Council grant "LR" Local Retail, 2nd Height and Area District, subject to conditions, as recommended by the Planning Commission. (Ordinance may be passed subject to restrictive covenant that improvements not be constructed until site plan is approved.) The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "LR" Local Retail, 2nd Height and Area District, subject to conditions, and further proviso regarding passage of ordinance, and the City Attorney was instructed to draw the necessary ordinance to cover.

DONALD S. THOMAS,
EDWARD W. CLARK
AND EDWARD W.
JOSEPH
By K. Douglas
Wright
C14r-80-233

5823-5915 North IH 35

From "C" Commercial
5th Height and Area and
"GR" General Retail,
2nd Height and Area
To "C" Commercial
1st and 3rd Height and Area
RECOMMENDED by the Planning Commission
to rollback "C" Commercial, 5th Height
and Area District, to "C" Commercial, 1st
Height and Area District; and grant "C"
Commercial, 3rd Height and Area on the
remainder of tract; delete sidewalk
requirement on IH 35 only, also subject
to compliance with ordinance requirements
and applicable departmental recommenda-
tions.

Councilmember Mullen moved that the Council grant a rollback from "C" Commercial, 5th Height and Area District to "C" Commercial, 1st Height and Area District; and grant "C" Commercial, 3rd Height and Area on the remainder of the tract; subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District and "C" Commercial 3rd Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

M. J. ELLIOTT
PROPERTIES, LTD.
By M. J. Elliott
C14-80-207

1433 West Ben White
Boulevard

From "GR" General Retail
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to access
from Mall entrance only.

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DELILAH M. HAYNES
By Barbara White
C14-80-221

4025 Manchaca Road

From Interim "A" Residence
1st Height and Area
To "0" Office
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "0-1" Office, 1st
Height and Area District

Councilmember Cooke moved that the Council grant "0-1" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen
Noes: None
Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "0-1" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

RUTH JANE DUMONT
SHANE
By John Winkler
C14-80-229

1525 Koenig Lane and
5815 Arroyo Seca

From "A" Residence
1st Height and Area
To "0" Office
1st Height and Area
NOT Recommended by the Planning
Commission

Ms. Donna Kristaponis, Assistant Director of Planning, reviewed the application by use of slides.

JOHN C. WINKLER, representing the applicant, passed a report to Council. CLERK DID NOT RECEIVE A COPY. He stated there is no formal opposition. It will be a real estate office and applicant agrees to a 5 foot right-of-way to comply with the 90 foot plan for Koenig Lane. Mr. Winkler showed slides of the site and area. A private appraiser told him the site is best for commercial or office zoning. He said the building next door is an office and most of Koenig Lane is turning into an office area.

FRANK SHANE, husband of the owner, told Council that trying to maintain a residence on Koenig Lane has been a problem for a long time.

EDWARD ALLEN appeared and said that as a resident who lives across from the site, he does not oppose a zoning change.

RICHARD BARTH appeared and said the neighborhood's main concern is that there will be increased traffic along Arroyo Seca.

John Winkler appeared and said a small real estate office on the site is a logical zoning for Koenig Lane.

Mayor McClellan asked Mr. Winkler if his client is willing to work with Urban Transportation concerning parking. Mr. Winkler answered in the affirmative. Councilmember Goodman stated he has voted against all changes on Koenig Lane and West 6th Street, but he sees little choice in this decision since the site in question is sandwiched in between "O" Office zoned property.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, with Urban Transportation Department to approve parking. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mullen,
Mayor Pro Tem Trevino

Noes: None

Absent: Councilmember Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Cases Heard and Rescheduled

JAMES WILLIS AND
IDA MAE WHATLEY
By Jim Akin
C14-80-224

1908 and 1910 West
35th Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the Planning
Commission

Ms. Donna Kristoponis reviewed the application by use of slides during the morning session. JIM AKIN, representing the applicant asked if the zoning application could be heard in the afternoon when a full Council will be present. Council agreed.

Later in the afternoon, Ms. Kristoponis again reviewed the application.

Mr. Jim Akin appeared to state that the site has a contract of sale if it can be zoned "O". The corner tract next door to it is zoned "O" Office although it still remains to be controversial. The applicant wants a PUD (Planned Unit Development) for a small medical building. He said the zoning would not set a precedent because most of the area is already "C" or government usage. This zoning change would not be for speculative usage but would be for a specific use. Councilmember Himmelblau asked if the applicant is also trying to buy the corner on 35th and Jackson. Mr. Akin said yes. Councilmember Himmelblau stated she is worried about ingress and egress on the tracts but if the lot on the corner is purchased, the curb cuts on Jackson could be used as an entrance to the clinic. Mr. Akin said the ingress and egress can be worked out but there will be a problem if they cannot acquire the corner property.

Councilmember Himmelblau said she cannot vote in favor of the zoning now because of the ingress-egress question and suggested they postpone the zoning until something can be worked out regarding the corner property. Mr. Akin said they can work out the ingress-egress problem through use of the alley. Councilmember Himmelblau said she would not like that because it would impact the next tier of houses. After discussion the decision to postpone was made by the Council. After the vote, Councilmember Goodman said if this cannot be worked out satisfactorily for "O" Office, then he will consider a rollback. Councilmember Himmelblau said she will not make that consideration.

Councilmember Himmelblau moved that the Council close the public hearing and reschedule the zoning case in 30 days. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan.

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

RONALD B. ZENT
C14-80-230

9232 Old Highway 183

From "O" Office
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the
Planning Commission

Donna Kristoponis reviewed the application by use of slides.

RONALD ZENT appeared before Council and said he is asking for this zoning change so the distribution center for newspapers can be moved from its present site at Spicewood and Mesa. He does not want to ask for "C" Commercial, but can't come in with a distribution center any other way. They need to move because neighbors are complaining about the noise at 3:00 a.m. The site needs to be located where the boys on bicycles can reach it without crossing 183 or 360.

RICHARD WHEREFORTH, Balcones Civic Association, said they are against changing the zoning to "C". He said there are other "C" areas where they could go. Mr. Zent said he is willing to file deed restrictions, but his prime concern is a site where it will be safe for the kids.

Councilmember Goodman said they should ascertain whether the zoning for a neighborhood distribution center for newspapers can be changed to a different category. Councilmember Mullen pointed out that the zoning ordinances are in the process of change and perhaps this can be requested. Case is postponed until this point can be researched.

Councilmember Goodman moved that the Council reschedule for March 5, 1981 at 9:45 a.m. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem
Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Himmelblau

BRENTWOOD CHURCH
OF CHRIST
By Ray Chester
C14-80-237

6701 to 6730 Arroyo
Seca
1505-1503 Choquette
Drive
1510-1514 Ruth Avenue

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the
Planning Commission

Valid petition on file.

Donna Kristoponis reviewed the application by use of slides.

BOB EASTER, member of the Church of Christ and a realtor marketing the property, told Council they plan to move to North Lamar and want "O" Office zoning because someone wants to buy the property and use it for "O" Office. He said they have unsuccessfully tried to market the property for several months. They feel the need to move because their congregation is increasing and they have a day school. He said if they stay there, there will be an increase in parking, etc.

Councilmember Mullen pointed out that Mr. Chester had requested a postponement so the zoning can be discussed with the neighborhood. Mr. Easter stated the church is sensitive to the neighborhood's needs.

Council then discussed the question of postponement. MR. SIKES, representing the neighborhood, said this will be a problem that will come before Council again and again and recommended their talking with the neighborhood. Discussion of postponement versus withdrawal was made.

Motion

Councilmember Cooke moved that the Council postpone this zoning case for five months. The motion was seconded by Councilmember Mullen.

Councilmember Mullen pointed out that this always has been done. Discussion followed and Mr. Sikes recommended the homes be put back on the tax rolls and the church go back to the people.

Substitute Motion - Died for Lack of Second

Councilmember Goodman offered a substitute motion to deny "O" Office zoning. There was no second to the motion.

Amendment to Motion

Mayor McClellan offered an amendment to the motion to postpone for five months, or bring back earlier; the applicant to return with something compatible to the neighborhood, not "O" zoning; applicant not to return without neighborhood agreement with zoning request; and someone from the Planning Department and someone from the Legal Department will be present at the meetings of the church and neighborhood. Councilmembers Cooke and Mullen accepted the amendment.

Roll Call on Motion as Amended

Ayes: Councilmembers Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmember Cooke
Noes: Councilmember Goodman
Absent: Councilmember Himmelblau

At the time of roll call, Councilmember Goodman said he was in favor of Denial.

Zoning Application Denied

MR. J. V. WALDEN
By Gus Voelzel and
Joe Melton
C14-80-235

201 and 203 East 35th
Street

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
NOT Recommended by the
Planning Commission

Valid petition on file.

Donna Kristoponis reviewed the application by use of slides.

JOE MELTON, representing the applicant, told Council the plan is to have seven condominium units; each will contain 1,000 square feet and two bedrooms. He showed slides of the area.

ROGER GAMON, President, University of Texas Neighborhood Association, appeared to state they are in the process of beginning roll back zoning for the area.

LEE CARDWELL appeared before Council to state he lives one block from the site and that all residences sold recently in the area have been sold as single residence areas. She said she has taken contracts to Mr. Walden from people who want to buy the house.

ROBERT TAYLOR, who lives on 34th Street, showed slides of the spot zoning in the area and said someone could buy the house and restore it.

ANDREW REEF, tenant at 203 East 35th, said he thinks the house should be kept residential. He said the owner, however, will not fix up the property.

DONNA FAULK appeared to oppose the zoning change. She showed slides of the area and said she wants to maintain the residential character of the neighborhood.

STROUD KELLY, University Neighborhood Association, asked Council to let the neighborhood redevelop as it is now and reject the zoning change request.

LEON BARRISH, who lives at 310 East 34th Street, stated that in restoration, energy is saved.

Council decided that since there is a valid petition, they would continue the hearing at 2:45 p.m. when Councilmember Himmelblau will be present.

Motion

Mayor Pro Tem Trevino moved that the Council unanimously approve continuing the hearing at 2:45 p.m. The motion was seconded by Mayor McClellan, and carried unanimously.

LATER THAT AFTERNOON:

JERRY BUTTREY appeared and said he is against the zoning request. He does not want the neighborhood to be overbuilt.

Joe Melton returned for his summation to state an appraisal by Mr. Frederick found that is is "inconceivable anyone would want to re-do the house." He said the property is unsalvageable and that most of the traffic in the neighborhood is caused by non-residents. He said they will remove no large trees and that any neighborhood will oppose an increase in density.

Councilmember Himmelblau said she can't see any more than one triplex on the two lots.

Motion

Councilmember Himmelblau moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan, Councilmember Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the zoning case had been DENIED.

PENDING APPLICATIONS

Council considered the following pending zoning cases and voted as follows:

CHARLES RICHARD
HAMILTON, et al
By W.W. Patterson
C14-79-032

10540-11740 U. S. 183,
also bounded by
Jollyville Road

From Interim "AA" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED Extension by the
Planning Commission

Councilmember Mullen moved that the Council grant EXTENSION of zoning case C14-79-032. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

PEDRO TRESS
C14-79-050

12991-13135 U.S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED Extension by the
Planning Commission

Councilmember Mullen moved that the Council grant EXTENSION of zoning case C14-79-050. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

JERRY HAWKINS
By Thomas Carlson
C14-79-123

13409 U. S. 183

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED Extension by the
Planning Commission

Councilmember Mullen moved that the Council grant EXTENSION of zoning case C14-79-123. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

NOAH PHILLIPS AND
CARL RUNDBERG
By George Human
C14-79-263

106-300 East Rundberg Lane

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail, "O"
Office and "A-2" Condo-
minium, 1st Height and
Area.

RECOMMENDED Extension by the
Planning Commission

Councilmember Mullen moved that the Council grant EXTENSION of zoning case C14-79-263. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

ISOM HALE, ET AL
By Mildred Hale
C14-80-033

3511 Manor Road (rear)
also bounded by
Pershing Drive

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED Dismissal by the
Planning Commission

Councilmember Mullen moved that the Council DISMISS zoning case C14-80-033. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

JEROME E. STARK
By Jim Rattigan
C14-80-039

6615 Manchaca Road
also bounded by
Barge Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED Extension by the
Planning Commission

Councilmember Mullen moved that the Council grant EXTENSION of zoning case C14-80-039. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

ASA E. RUTLEDGE
By Forest D. Cooke
and Fred Poppe
C14-80-041

1208-1216 East Live Oak

From "A" Residence
1st Height and Area
To "A" Residence and "O"
Office, 1st and 3rd Height
and Areas
RECOMMENDED Extension by the
Planning Commission

Councilmember Mullen moved that the Council grant EXTENSION of zoning case C14-80-041. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

PEARCE JOHNSON
By John Meadows
C14-80-056

309 Old Lockhart
Highway

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail and
"A" Residence, 1st Height
and Area
RECOMMENDED Dismissal by the
Planning Commission

Councilmember Mullen moved that the Council DISMISS zoning case C14-80-056. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Absent: Councilmember Himmelblau

RECESS

Council recessed its meeting at 12:05 p.m. and resumed its recessed meeting at 2:25 p.m. Councilmember Himmelblau was present for the afternoon meeting.

UDAG

Consideration of action on authorizing submission of the UDAG (Urban Development Action Grant) application and committing of funds for the 20% local match requirement was scheduled for 2:00 p.m.

Mr. Carlos Herrera, Director of Human Relations, appeared before Council to state they are continuing to work with the applications.

Mayor Pro Tem Trevino discussed the fact that the applications are not completed and there is no local matching funds available. There has been some discussion of use of CDBG (Community Development Block Grant) monies, but they have not yet been through the citizen participation. He asked Mr. Herrera if this is correct and Mr. Herrera answered affirmatively. Discussion followed concerning availability of 6th and 7th year funds. Councilmember Himmelblau commented also.

Mayor Pro Tem Trevino suggested that since they do not have the money available and the applications are not complete, Council should vote on the following motion:

Motion

Mayor Pro Tem Trevino moved that the Council accept the concept of UDAG in principle, go through the process and if acceptable by HUD (Housing and Urban Development), then the City will come up with a local match. The motion was seconded by Councilmember Goodman.

Mayor McClellan stated she is not in favor of pre-committing funds before the process has been completed. Councilmember Himmelblau said she is not in favor of committing General Funds. They then discussed the commitment interpretation. Mayor McClellan said she can endorse the concept but not the endorsement of money. Mayor Pro Tem Trevino suggested they divide the motion.

Motion

Mayor Pro Tem Trevino moved that the Council accept the concept of UDAG. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen

Noes: None

Motion - Failed

Mayor Pro Tem Trevino moved that the Council allow one project to go through local and Federal levels, and if approved, Austin will commit itself to matching funds. The motion, seconded by Councilmember Goodman, failed to carry by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Trevino

Noes: Mayor McClellan, Councilmembers Himmelblau, Mullen

Abstain: Councilmember Cooke

Mayor Pro Tem Trevino instructed the City Manager to instruct the staff to work with these developers (EACEDC - East Austin Chicano Economic Development Corporation) and get through the process. The Council concurred.

EVA WARDLOW, Executive Director, EACEDC, told Council she was happy they divided the question. She asked that they be implicit in the commitment of funds. Mayor McClellan reiterated the fact she does not think they should commit funds. Mayor Pro Tem Trevino was of the opinion that funds have been committed for other causes.

WILLIAMSON CREEK DEVELOPMENT STANDARDS ORDINANCE

Mayor McClellan opened the public hearing scheduled for 2:15 p.m. to consider amending the Williamson Creek Development Standards Ordinance regarding impervious cover limitation for multi-family uses.

Motion

Councilmember Mullen moved that the Council, on Page 11 of the Williamson Creek Development Standards Ordinance, Section 204.2(d), at the end of the sentence add "provided however that no multi-family residential development shall exceed 65% of impervious cover on slopes of 0 to 20% gradient nor 25% on slopes greater than 20% gradient."

Councilmember Mullen said they should set a public hearing for next week and look at the Task Force recommendations for maintenance, monitoring and contractor permit. The Legal Department also suggested there be another paragraph added to the watershed ordinance. Councilmember Mullen said, "That's the motion. These three items be taken up at 3:00 p.m. next week."

Amended Motion

Councilmember Mullen moved that the Council approve the public hearing for February 5, 1981 to consider amending the Williamson Creek Development Standards Ordinance, including items listed above, at 3:00 p.m. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmembers Cooke,
Goodman

STREET VACATION

Mayor McClellan opened the public hearing, scheduled for 2:15 p.m. on vacating old East 51st Street from new East 51st Street to the east end. (City owned property).

Mr. John German, Director of Public Works, told Council that everything is in order. No one appeared to be heard.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF OLD EAST 51ST STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

CITATIONS FOR CITY OF AUSTIN

MS. BERTHA E. MEANS, Chairperson, Austin/Maseru Sister Cities Foundation, appeared before Council to present the Reader's Digest Foundation and the Town Affiliation Association citation to the City of Austin in recognition of its contribution to International Understanding (Global Education) through its community affiliation with the Austin/Maseru Sister Cities Program.

Mayor McClellan accepted the awards on behalf of the City of Austin and thanked Ms. Means for her participation in this program. She also took the opportunity to thank Mayor Pro Tem Trevino for his participation in the sister cities program with Saltillo, Mexico.

PARADE PERMIT

Mayor Pro Tem Trevino moved that the Council approve the request for a Parade Permit from Captain Paul M. Taggart, for Boy Scouts of America Capital Area Council, from 10:00 a.m. to 11:00 a.m., Saturday, February 14, 1981, beginning from 3rd and Congress Avenue to 11th and Congress, dispersal on Capital grounds. The motion, seconded by Councilmember Goodman, carried by a unanimous vote, Councilmember Cooke out of the room.

TEXAS FARMWORKERS

Mr. Enrique Lopez appeared before Council to request their approval of language in a resolution honoring Texas Farmworkers on February 4, 1981. He read the resolution to Council.

Motion - Failed

Councilmember Goodman moved that the Council adopt the resolution declaring February 4, 1981 as Texas Farmworkers Strike Awareness Day in the City of Austin. The motion, seconded by Mayor Pro Tem Trevino, failed to carry by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmembers Cooke, Mullen

SOUTHERN UNION GAS RATE SCHEDULES

Mayor McClellan brought up the following ordinance for second reading:

AN ORDINANCE REVISING THE RATE SCHEDULES CONTAINED IN THE ORDER OF THE RAILROAD COMMISSION OF TEXAS IN GAS UTILITIES DOCKET NO. 1815 FOR NATURAL GAS SOLD BY SOUTHERN UNION GAS COMPANY WITHIN THE CITY OF AUSTIN; DECLARING THIS ORDINANCE TO BE A FINAL DETERMINATION OF RATES; AND PROVIDING AN EFFECTIVE DATE. (Option 1)

The ordinance was read the second time, and Councilmember Goodman moved that it be passed to its third reading. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan

Noes: Councilmembers Cooke, Himmelblau

The Mayor announced that the ordinance had been passed through second reading only.

MUNICIPAL UTILITY DISTRICTS

Council had before it for consideration the allocation of wastewater service capacity in the Bull Creek Lateral A Wastewater line to the Northwest Travis County Municipal Utility District (MUD) No. 1 and the Springwoods Municipal Utility District; also for consideration, the consent of the City of Austin to the annexation of land to the Springwoods Municipal Utility District; also consideration of establishing a wastewater approach main fee and a subsequent user fee for the Northwest Wastewater Service Area.

Mr. Bill Bulloch, Director of Water and Wastewater, appeared before Council and said he wanted to go back over the decisions the Council has made and try to put into perspective again the discussions that we have been having about allocation of service area and service to implement the existing MUD contracts the City has with Northwest Travis County Municipal Utility District No. 1 and Springwoods Municipal Utility District. He spoke as follows:

"In 1977, the owners of MUD 1..northwest MUD 1, were in the process of applying for a discharge permit into Bull Creek. During the hearings, during 77 and 78 the City of Austin opposed that discharge permit and entered into negotiations with the applicant for that discharge permit. As a result of those discussions, on December 27, 1978, the City Council approved a consent agreement to form Northwest Travis County Municipal Utility District No. 1. The intent of the formation of the Municipal Utility District was to provide wastewater service to MUD 1 through Bull Creek Lateral A as a negotiated settlement to the discharge permit. During 1978 the owners of Springwoods MUD applied for a discharge permit in the northwest area to the Texas Department of Water Resources. The City of Austin also opposed that discharge permit and entered into negotiations to try to come up with a compromised in lieu of the discharge permit.

"On September 12, 1979, the City Council authorized the creation of Springwoods Municipal Utility District, with the concept that the Municipal Utility District would provide wastewater approach mains to Bull Creek Lateral A that would provide for somewhat regional service in the terminology of the staff at that time.

"The reason these MUD's were able to proceed with discharge permits at that time, because there was water service in the area available from the City, and therefore, they had water service to proceed with development and no wastewater service, which was the reason they were proceeding with discharge permits.

"Then in 78, as a part of the development of Great Hills subdivision and Barrington Oaks, there was a proposal for an approach main and oversizing for a facility which was then called Bull Creek Lateral A. On June 29, 1978, the City Council approved a 30-inch wastewater line as part of oversize through Great Hills, Section 7A and 8, and as an approach main funded through the Barrington Oaks Joint Venture, to provide service into the natural drainage basin of Bull Creek Lateral A, and also to provide service up to a maximum of 27,500 persons living outside of the natural drainage basin. At that time, when Council made that decision, they instructed the staff at a later date to come back and discuss with the staff how that allocation would be managed and utilized to the City's subdivision process.

"As a result of that, with the MUD's coming to fruition, proceeding to sell bonds and implement the construction of their facilities, this is one of the reasons the staff developed the Northwest Study and started discussing the concept of the service area as a tool to manage the allocation of those..that sewer capacity outside of the natural drainage basin of Bull Creek Lateral A. Some of the discussions that we have had since then, have been the concept of a service area..some of the concerns that staff has had in bringing a service area forward as a means to talk about providing service to people and denying service.

"Specifically, one of the concerns the staff has and still has is the issue of providing service through City facilities to growth management area 5, which are on both sides of this area. A portion of..of course, Northwest MUD 1 abuts directly to Growth Management Area 5; and Springwoods is closely adjacent to Growth Management Area 5. That was one of the impetuses for a service area.

"There have been some discussions about who controls the service through these MUD contracts. Under the existing MUD contracts, the Council has.. regardless of what size the Council chooses to proceed with as far as lines and so forth, the method of providing service through lines that are constructed and owned by Municipal Utility Districts are through annexations approved by Council, or through out-of-district service approved by Council. So the City Council has the ultimate control on who gets service and who doesn't in this area, through facilities built by these two MUD's.

"We have mentioned already that water is available to the area. We have been discussing with MUD 1 the fact that they will need to make some improvements to our water system to make sure there is adequate water to provide service to the area, and they have consented to do that, and that's the topic of discussion we have been having with them for the last six months."

Councilmember Mullen asked if Mr. Bulloch is saying the MUD will pay for the improvements. Mr. Bulloch told him, "we have discussed with them the fact they will probably need to, making the order of \$150,000 to \$250,000. We haven't done the engineering work on line improvements down in the Spicewood Reservoir area, to move more water out of the Spicewoods Springs Reservoir." Councilmember Mullen asked if all these annexations take place, the City won't be out any additional cost for water service? Mr. Bulloch affirmed this and stated the MUD will bond that cost and then the City will, through existing provisions, have to pick up payment of that debt after 5 years, through one mechanism or another, which has been a concern of the City Council as far as the MUD contract. Councilmember Mullen said, "And let that provision as agreed upon, be changed also."

Mr. Bulloch answered:

"That's correct. I was just talking about existing agreements. The staff has asked the Council as a result of the MUD's desire to proceed.. implementing the contracts they had with the City..to approve..to consider several different actions. One, to approve for engineering purposes only the design of lines that would serve 4,000 living unit equivalents

in Northwest MUD 1, and 6,000 living unit equivalents for Springwoods MUD. We have done some analysis from a financial standpoint which has been provided to the Council that you are looking at a difference in cost per living unit of a factor of 4. 4 times as costly to size lines just to serve the two MUD's, then it would be to go ahead, and at this time to engineer lines, design lines, and construct lines that would be able to capture the capacity..the available capacity of Bull Creek Lateral A.

"There is a separate issue of service area, which Council can also consider, separate and apart from the allocation, which we would certainly want to discuss with Council more today, and further if they would like. That's another issue, as far as the issue of how to manage the available capacity in Bull Creek Lateral A. The engineering design and the service area are two separate issues. They can be managed separately.

"We are also asking Council to consider base..consideration based upon some of the Council concerns about looking at..and this is on your agenda..setting a wastewater approach main charge for the area of \$500, and also a subsequent user fee for anyone who wishes to tie on to these facilities, so that it would insure that the City is in the best financial posture to recover the cost for the extension of these facilities through MUD bonds, which the City will have to pick up and retire.

"We have also suggested that Council consider, based upon the financial amounts as has been done, annexations to these MUD's, based upon the MUD's demonstrating that they are needed for financial viability only, and this is some of the work we have been doing in looking at what the cost of these approach mains..these major wastewater approach mains are.

"We have also been talking about going back and looking at the MUD 1, contract to incorporate these subsequent user fees and wastewater approach main charges in that MUD contract. These are the recommendations that the staff is bringing to Council to day, and we are looking forward to discussing the service area more, but we do feel that Council should be considering, for design purposes, some line sizing, irregardless of service area."

Councilmember Mullen asked, "When the contract was signed, was the question of financial viability that that bridge would be crossed whenever we got to it, or what?" Mr. Bulloch said he could not answer that. Councilmember Mullen said, "In other words, the contract that was signed is not a financial viable contract, if it was left to stand with the MUD's the size they are now?" Mr. Bulloch asked Mr. Bert Hooper to address that question. (Mr. Hooper is legal counsel for the MUD's.)

Mr. Hooper addressed Council as follows:

"It is necessary to deal with each district individually, and in the case of Northwest Travis County MUD 1, if you go back to the documents that were initially submitted to the City, the concept was to have a district for Northwest Travis County MUD 1 of some 500 to 700 acres, and when the matter finally shook out and the people that were interested in

going forward stepped up and signed the petition to go with the district, there were 281 acres. This at that time was considered to be an adequate financial base to take care of the line which would be a single shot line, leading from the district to Bull Creek Lateral A, with none or minimal additional sizing to serve other properties.

"The concept that is now proposed is to have a line which would not take a direct route, but which would take a route that would go to U. S. 183 and connect with the proposed Springwood line, then into Bull Creek Lateral A, which would be more costly. It would be more costly if it is sized larger. So those factors plus the inflation factors that have occurred in the interim do necessitate an examination of the need for additional land to be annexed to help provide an adequate tax immunity base. It is an issue that I think can be arrived at by negotiation..dealt with by negotiation and there is..nobody has a fixed idea or preconceived notion as to how much land should be annexed, if any, but it is an issue that would need to be addressed. And we believe, though, at this point from what we know, that annexation would be needed for Northwest Travis County MUD 1.

"With respect to Springwoods MUD, it arose in a different setting, although as Bill has very accurately stated, many of the criteria or the elements are the same. The differences, however, were that Springwoods MUD was conceived as being an oversized facility from the outset. It was not conceived as..of as being a facility just to serve Springwoods, as is apparent from the contract, wherein it is provided that the district will construct a facility of size to handle size 5,140 connections. Whereas, at the time the district was created, it was known that there would only be 850 or so lots in the district, and it was..it immediately presented the financial viability problem for the district, constructing that facility of that size. And that was the reason for the subsequent user fee, and the approach main charges that were included in the Springwoods MUD contract that are not included in the Northwest Travis County MUD No. 1 contract. Also at the time the City Council approved Springwoods MUD, there was a tract of land of some 65 acres that was included, making a total of about 305 acres, which tract of land the owner withdrew from the creation of the district at the time the matter was presented to the Texas Water Commission, so the area ended up being smaller than had been proposed to the Council and initially presented to the Water Commission.

"So again there is a need, in order..because of inflation and the loss of land and one other element, which I will describe now. The initial proposal for Springwoods MUD was a two-phased proposition with part of the approach main system being constructed at one year, and then a second part constructed at the time it was needed, due to development."

Councilmember Goodman asked if this is water, too. Mr. Hooper said, "No, wastewater. Had it been carried out in that form then the tax base would have built up by the time the second phase was needed, where additional annexed land may not have been needed. But since it is now also being proposed as a single-shot one-time line because of the demand in the area, and the need to get the whole thing in the ground, this creates a significantly larger load at the front end than had been originally anticipated. This is the reason for the request for annexation to the Springwoods Municipal Utility District."

Councilmember Mullen asked if there is going to be any additional cost to the City as a result of this at all. Councilmember Goodman said he would like to get that answer on the record. Councilmember Mullen said the question had been answered while Councilmember Goodman was out of the room. Mr. Bulloch, he said, told Council there would not be any additional cost to the City for water.

Mr. Bulloch stated, "Let me clarify that. Are we talking about major improvements to the system? As a part of the subdivision process, the existing policies we have concerning oversize lines through subdivision..12 inch lines.. 16 inch lines and approach mains, that might be needed to extend water from existing lines in that area. A 24-inch line off Old Jollyville Road, two 12-inch lines in U. S. 183. Those costs would be incurred by the City under those policies. ..As far as extension of service internal to subdivisions and possibly short approach mains to new subdivisions. So those costs will be incurred." Mr. Bulloch said the costs have not been calculated as yet.

Councilmember Mullen asked, "...the question I would like to know is that if the folks that want to come in now, if they are willing to come in and say if we don't have the funds, you all pick up the tab. Is that a viable discussion, because I mean we are obligated to something we may not even have the money for. We talked about that earlier today and it concerns me that by contract we are saying in 5 years or so many years, some period of time we will supply you water, whether we have any money or not, you are going to get it by contract." Mr. DeLaRosa, Assistant City Attorney, told him that there is a protection clause in the contract. Councilmember Mullen was happy to hear that. Mr. DeLaRosa went on to say, "Like most of our contracts with Municipal Utility Districts provide that the City is going to make available a certain supply of water; but, however, the City first had to meet its own obligations internal to the City and also its obligations that are pre-existing, so it is only after the City has met all its additional inquiries."

Some discussion followed, and Councilmember Mullen asked Gary Bradley if he or members of the Task Force discussed capacity and volume of service as compared to any improvements. Mr. Bradley answered as follows:

"Let me break it again into categories. First, the \$261,000 that you all are looking at for water improvements that are now necessary for existing customers. We see no problem with that, and the great majority of that is directly needed for existing commitments by the City to existing customers, many of whom are within the City limits. So we don't have a problem with that \$261,000. That as best we can determine are to bring us up into relatively good position at a very recent point in time.

"Then the second question was, as the MUD's now exist in their size, given their allocation of wastewater, do we have enough water to supply them in their given size? Okay. I don't believe we have a problem there. We know what improvements are necessary to those MUD's and I think the MUD's are very cognizant of those improvements and under their existing size and in anticipation.. and in some instances some annexation, I don't see any problem.

"The next and third, last and biggest question that we have, Mr. Mullen, is the idea of if this allocation is made by the City Council for 10,000 LUE's (Living Unit Equivalents) additional into this service area. And that service

area is determined, and we are very committed to the concept of service area.. I think that will be the biggest breakthrough in growth management that the City has seen in 3 or 4 years, so I think that is a very good concept. But once we have done that, and if you see fit to do that, then the next question we are looking at, starting next Wednesday, is given the total build out in that service area from the standpoint of available wastewater, will we through our existing water facilities be able to bring enough water and distribute it into that area to have a harmonious relationship between the availability of water and the amount of sewer in the same service area. At this point in time, on that last question as to ultimate build out..I am not just talking about the MUD's..I am talking about intervening properties..undeveloped properties outside the MUD within scope of the service area. Given the total build out under a wastewater commitment, what we will have to do from the standpoint of water improvements to that system. That is something I hope to bring back to Council in a relatively short period of time in order that..I don't know if it is that germane to what you are discussing today, but to give you an actual picture of a defined service area and how much money it would take to have a true balance between water service and wastewater service in the area..and that is our ultimate goal and that's where we will finish. And get the..what we would consider a prudent definition of that service area..defined boundaries.

"First, for existing customers the \$261,000 does it. Existing MUD's..I think you are very cognizant of improvements that would have to be made in order to provide adequate water service. I don't see a huge problem there. But if you go ahead and commit the \$10,000 and we really need to look at the picture of..are we going to have the capability in our water system to supply enough water given a total build out under that wastewater commitment. Did I say it?"

Mr. Bulloch said, "I think there is maybe one other possible misunderstanding. In the contract concerning supplying water to the MUD's if the water is available, that clause is in there if we have a problem, a plant failure, or if we have a reservoir go out or a major line break that we are not liable to the MUD for say, a 24-hour period or a two week period for not being able to supply them water to the MUD. It is talking about supply to a dynamic situation. It doesn't talk about financial commitment and financial liability. It is talking about service capability after the MUD is actually tied into our system that we can if necessary have a reduction in our level of service. And that's the intent of that to hold the City harmless from any type of service interruptions."

Questions were asked about the MUD's unilateral ability to deny out-of-district service. Mr. DeLaRosa stated, "I think it is very clear under the contract that any out-of-district service must be approved by the City Council so the Council would have to review any request that comes before the MUD for approval for out-of-district service, so Council has full control over that aspect. The second aspect again is the MUD obligated to supply service to anyone? Under the contract the MUD is the owner of the facility and so the request will first come to the district as to whether or not the district will supply service and the district will then forward that particular request to Council."

After further discussion, JERYL HART appeared before Council and said he was:

"endeavoring to try to have the answers to a bunch of these questions. I have this bunch of statements. One of them I think will be of interest to you in connection with this water delivery things. Addressing..I will read you this..'the wastewater services proposed for use by the Springwoods MUD of in-district and out-district customers would require a peak delivery capacity of 15,000 gallons per minute without elevated storage or about 5,000 gallons a minute with adequate elevated storage. This capacity could be delivered through one 16-inch and one 12-inch water line, that is the 5,000 gallon..that is predicated having elevated storage out in that service area.

'Now addressing only the area within district now, the Hunter's Chase, and the requested additional 177 acres, a total of 615 acres, that would require 60,000 gallons a minute peak demand. Two 16-inch lines or the equivalent thereof would be provided to require a capacity without storage.' We are not assuming that the in-district customers would be involved in the storage. 'In the layout of Hunter's Chase, we are anticipating creating an additional 16-inch route back to the lift station,' to the pump station. 'And we are in the process of acquiring an easement across the tract of land between Hunter's Chase and the Springwoods 2 so that connection could be made. The participation by the Northwest Travis County MUD and some of the other developers who proposed to provide cash up front for their share of the facilities will provide.. will reduce the amount of bonds that will have to be spent to implement the Springwoods facilities for wastewater service. Thereby we will have additional money to use for these water improvements as they are needed.'"

Councilmember Mullen said, "It appears to me that the five to ten year pay out is what continues to lock us in this situation, and it will be to our disadvantage if we don't get the water to you. If we don't get the water to you and don't develop between the five to ten year payoff, and no build out, no ad valorem tax. So it would be to our advantage then under the contract to expedite and push for development out there as quickly as possible. The thing I continue to come back to and have a problem with is the five to ten year payout. If we could at least on all the new annexed property have pay out which is commensurate with the life of the bonds, then it would make it a lot more easy for me to come to a resolution of this."

Mr. Hart replied:

"I think, maybe, if I read you a couple of statements, that may help you come up with it. 'In 1980,' these are round figures, '6,000 residential lots and 270 commercial lots were platted in the Austin ETJ (Extraterritorial Jurisdiction). In 1980, ..6,000.' That's last year. Now the available capacity of wastewater service in the North preferred growth corridor is limited. The improvements in the upper Bull Creek Wastewater system, when that pump station goes into service, you get 4,000 additional units..Walnut Creek. You get 4,000. Now, I don't know how distribution of growth in the town is going to go, but we are going to run out of those right quick, and it is going to cost you from 10 to 20 million dollars to get additional capacity on down to the Walnut Creek Treatment Plant.

"Now, I understand right here and now that we need to provide a place for this growth to take place, and here is one of them. Now in the south, we are running out of capacity in our treatment plant..Williamson Creek Treatment Plant. We are pumping it over to the Govalle plant. That transfer capacity is limited. And I can't guarantee that you are going to pass another bond issue. So if we want any growth to go on, we got to let it happen where it can, and this is one of the places it can. Now I can show you right here, and the staff will corroborate it when they get the time around to it, that it is not a big deal to get water out to this 6,000...service customers..the Springwoods MUD and the other 4,000 that will be in that area. Now this town is under tremendous pressure to grow, and it is going to grow where it can, and you want it to grow in the City jurisdiction, rather than scattered to the four winds. Now I don't know whether anybody has brought this into your focus or not, but I am trying to at this time.

"So my counsel is don't worry about that build out. It will be built out before you can turn around. And don't lock it in so that somebody can sit on it, because you are limited to the service area. Let it be first come, first served, whoever wants to pay for theirs up front, let's save the bond issue. Let's pay it with cash."

There was discussion of whether or not to bring this back on next week's Agenda.

Motion

Councilmember Himmelblau moved that the Council bring back on February 5, 1981 Agenda at 9:30 a.m., the following: Consideration of Wastewater Service capacity in the Bull Creek Lateral A Wastewater Line to the Northwest Travis County MUD No. 1 and the Springwoods MUD; consideration of consent of City of Austin to the annexation of land to the Springwoods Municipal Utility District; and consideration of establishing a wastewater approach main fee and subsequent user fee for Northwest Wastewater Service Area. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Trevino,
Councilmember Cooke

Noes: Councilmember Mullen, Mayor McClellan

ORDINANCE REGULATING ANTIQUE AND PRECIOUS METAL DEALERS

Councilmember Himmelblau introduced an item to Council citing the need for a City Ordinance regulating antique and precious metal dealers. Chief of Police Dyson addressed Council as follows: "Sometime ago, Councilmember Himmelblau asked us if we were experiencing any problems in the gold and silver dealings that were beginning to crop up in numerous ways in the City of Austin. She also told us at that time she had heard of a law in the State of Tennessee that was recently enacted that was providing some monitoring of these activities. We communicated with her that we were having a problem and we would look into it and keep her informed of any progress we made in that regard. We got a copy of the Tennessee law as well as two other State laws. The Tennessee law seemed to be the best of the ones we reviewed and we would like very much the regulations

spelled out in that particular law. We began then the process of trying to draft a City Ordinance that would meet our own needs in the City of Austin and you have a copy of that before you. This has become a state-wide far ranging activity that is leading to a lot of problems for law enforcement. Many of the dealers are altering the shape and identification of these precious metals almost as fast as they take them in, and if you look in the section of the newspaper where advertising occurs you will see numerous ads of these dealers who are operating in the City of Austin. This problem is bound to increase rather than decrease. The Ordinance that we have asked you to review and consider will be a method of providing us with the authority we need to regulate this activity and at the same time provide some safeguards for the public in not only identifying but returning to them their stolen property. Without these safeguards we are not going to be able to do that and the people are going to continue to be ripped off in gold and silver items."

Motion

Councilmember Himmelblau moved that the Council set a public hearing for February 12, 1981 at 2:30 p.m. to consider the need for a City Ordinance regulating antique and precious metal dealers. The motion, seconded by Councilmember Cooke, carried by a unanimous vote.

LAKE AUSTIN WATERFRONT MORATORIUM

Mayor McClellan asked Council to consider amending the Lake Austin Waterfront Moratorium Ordinance to exclude that area known as the Lake Austin Peninsula. The Mayor said, "We already have very strict standards in effect in the Lake Austin Peninsula area. I think we should, in line of my request from last week, simply exclude that area because we have those development standards already in effect."

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 810122-K; EXCLUDING FROM THE TEMPORARY 90-DAY MORATORIUM ESTABLISHED BY SAID ORDINANCE ON THE PROCESSING OF CERTAIN SUBDIVISION PLAN AND PLAT APPLICATIONS, THAT PORTION OF THE AFFECTED LAND WHICH IS WITHIN THE PURVIEW OF ORDINANCE NO. 801211-R CONCERNING DEVELOPMENT OF LAND IN THAT AREA KNOWN AS THE "LAKE AUSTIN PENINSULA"; AMENDING THE MAP ACCOMPANYING ORDINANCE NO. 810122-K; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

CONGRESS AVENUE TASK FORCE

Mayor McClellan asked Council to consider setting guidelines for the Congress Avenue Task Force so that work can begin immediately and be completed with a final report to the City Council in 90 days. The Mayor stated, "We have appointed a Congress Avenue Task Force and we cannot leave them floundering without some guidance from this Council. I would suggest we get some consensus of direction from that Task Force so they can begin meeting." Councilmember Himmelblau said they need staff support from either Urban Transportation or the Planning Department. Mayor McClellan continued, "My item was not to be exclusive at all. There are three areas in particular that I mentioned but any others like that we ought to speak to today." Councilmember Cooke cited a memo from Public Works. He said Mr. German's Department was responsible for the actual operational implementation of Congress Avenue and Dr. Benson and Mr. Lillie played a secondary role in the actual operational implementation of Congress Avenue and as long as those three gentlemen's departments with Mr. German's department taking the lead work with the Task Force, it would be appropriate. Councilmember Cooke said a time frame has already been set for the 30th of June. He said the Task Force should be about its business and if they come back earlier, fine.

Mayor McClellan stated she would like the Task Force to report to Council in 90 days. She said they should look at what can be done with the \$2.2 million allocation which we already have. Mayor McClellan also said the Task Force should work on a beautification plan that enacts the spirit of the ordinance enacted by this Council which retains six lane traffic, head-in parking, and two-way traffic flow. With that guidance she felt some of the tough decisions will be made by this Council.

Motion

Councilmember Himmelblau moved that the Council ask the Task Force to report in 90 days, look for what can be done with the \$2.2-million allocation; and work on beautification plan with six-lane traffic, head-in parking, and two-way traffic flow. The motion was seconded by Mayor McClellan.

Substitute Motion

Councilmember Cooke offered a substitute motion to allow the Task Force flexibility to look at all alternatives. Councilmember Goodman seconded the motion.

Roll Call on Substitute Motion

Ayes: Councilmembers Cooke, Goodman, Mullen, Mayor Pro Tem Trevino
Noes: Mayor McClellan, Councilmember Himmelblau

FAYETTE POWER PROJECT PARTICIPATION AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution to amend the Fayette Power Project Participation Agreement as recommended by the Electric Utility Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Councilmember Himmelblau said she wanted to make sure the City needs from Fayette be met first so it would not force the City to go on a more expensive type of fuel and also, does this give LCRA (Lower Colorado River Authority) use for their customers or to go ahead and sell it on the grid. Mr. R. L. Hancock, Director of Electric Utility, said this really provides that all of Austin's needs and long term and short term contract needs will be met first and all of Austin's brokerage arrangements will be met first and then if there were any capacity left and if Austin desired then the Lower Colorado River Authority could utilize that capacity using either their own fuel or Austin's fuel, whichever our choice was. "That's reversible, it applies equally well to either party. I think to speak to what I perceive your concern to be, Austin is well protected and LCRA is well protected. It only relates to that portion of capacity that neither of us would need at that particular instant and allows the other party the latitude of using it with the concurrence of the fuel issue on the part of the other part."

BOARD AND COMMISSION APPOINTMENTS

Councilmember Goodman moved that the Council approve the appointment of Mayor Pro Tem John Trevino and Mr. Jim Ludlum to the Police Retirement Board. The motion, seconded by Mayor McClellan, carried by a unanimous vote:

Mayor McClellan announced the following Board and Commission appointments are due to be made February 5, 1981:

- Board of Adjustment - 1
- Building Standards Commission - 2
- EMS Quality Assurance Team - 5
- Ethics Review Commission - 1
- On-Going Goals Assembly Committee - 5
- Heating, Air-Conditioning and Refrigeration Appeals Board - 2
- Library Commission - 7
- MH/MR Public Responsibility Committee - 3
- Citizen's Traffic Safety Commission - 5
- Urban Transportation Commission - 4
- Elizabeth Ney Museum Board of Directors - 1
- Manpower Advisory Planning Council - 1
- Capital Area Planning Council - 1 Council representative
- Police Department Internal Affairs Committee - 1 Council representative
- Employees Retirement System of the City of Austin - 1 Council representative
- Social Policy Advisory Committee - 1 Council representative

January 29, 1987

MEETING CANCELLED

Mayor McClellan announced the Special Council Meeting for 1:00 p.m., January 30, 1987 to review Sunset Boards and Commissions has been cancelled.

ADJOURNMENT

Council adjourned its meeting at 4:50 p.m.

APPROVED:


Mayor

ATTEST:



City Clerk