



Austin City Council MINUTES

For DECEMBER 9, 1982 - 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

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

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the meeting of the Council at 1:00 p.m., noting the absence of Councilmember Deuser, who arrived at 1:05 p.m.; Councilmember Goodman, who arrived at 1:15 p.m.; Mayor Pro Tem Treviño, who arrived at 1:25 p.m.; and Councilmember Urdy, who arrived at 1:37 p.m.

INVOCATION

The Invocation was given by Reverend Donald J. Sawyer, Our Lady of Lebanon Maronite Catholic Church.

DISTINGUISHED SERVICE AWARD

Mayor McClellan presented the Distinguished Service Award to Mr. Friendly Rice who has been a member of the Human Relations Commission for 12 years. Mr. Rice, who was accompanied by his wife, thanked the Mayor and Council for the award.

CONSENT RESOLUTIONS

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Urdy absent.)

Wastewater Approach Mains

Authorized approval of the following water and wastewater approach mains:

APPROACH MAINS - (Continued)

- a. RANDY MORINE, INC.
 - Water approach main to serve Windridge, Section III. Estimated cost \$50,000.00. No City cost participation.
- b. BILL MILBURN, INC.
 - Wastewater approach main to serve Texas Oaks II subdivision. Estimated cost \$35,300.00. No City cost participation.
- c. ESPEY-HUSTON & ASSOCIATES, INC.
 - Wastewater approach main to serve Crenshaw Properties 15-B. No City cost participation.
- d. ESPEY-HUSTON & ASSOCIATES, INC.
 - Wastewater approach main to serve Crenshaw Properties 15-C. No City cost participation.
- e. ESPEY-HUSTON & ASSOCIATES, INC.
 - Wastewater approach main to serve Crenshaw Properties 15-D. Estimated cost \$138,000.00. City cost participation of \$81,600.00.
- f. ESPEY-HUSTON & ASSOCIATES, INC.
 - Wastewater approach main to serve Crenshaw Properties 15-E. Estimated cost \$148,400.00. City cost participation of \$14,800.00.
- g. ESPEY-HUSTON & ASSOCIATES, INC.
 - Wastewater approach main to serve Morning Star Phase II Subdivision. Estimated cost \$225,600.00. City cost participation of \$47,520.00.
- h. ESPEY-HUSTON & ASSOCIATES, INC.
 - Wastewater approach main to serve Crenshaw Properties 15-A. No City cost participation.
- i. H. C. CARTER
 - Wastewater approach main to serve Colorado Crossing Subdivision. No City cost participation.
- j. CHARLES PERRY INVESTMENT, INC.
 - Wastewater approach main to serve Thomas Towers Tract. No City cost participation.

Change Orders

Approved the following Change Orders:

- a. In the amount of \$15,127.00 to Mitchell, Evans and Byram, Inc. for Rebekah Baines Johnson Health Center. (1.9% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 82/91-02
- b. In the amount of \$29,130.00 to Mitchell, Evans & Byram, Inc. for Municipal Court Building Renovations. (2.5% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 81/87-01.

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. DALTON SERVICE AGENCY, INC.
P. O. Box 32169
San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Major overhaul of a Trane 100-ton air conditioning compressor at the Rebekah Baines Johnson Building, Public Works Department - \$5,871.06 C.I.P. No. 82/91-02 |
| b. NAYLOR SUPPLY COMPANY
201 N. Richey
Pasadena, Texas | - Trailer Mounted Sludge Pumps, Vehicle and Equipment Services Department
Item 1 - \$14,300.00 |
| c. AUSTIN FORD TRACTOR, INC.
6600 E. Ben White
Austin, Texas | - A tractor and hydraulic extension mower and a combination tractor mower, Vehicle and Equipment Services Department.
Items 1 & 2 - \$53,376.00 |
| d. COOPER EQUIPMENT COMPANY
8723 Broadway
San Antonio, Texas | - Motorized Sweeper, Vehicle and Equipment Services Department
Item SW-1 - \$8,487.00 |
| e. BOAT TOWN
3826 Lake Austin Boulevard
Austin, Texas | - Lake Patrol Boat, Vehicle and Equipment Services Department
Item LP-1 - \$14,900.00 |
| f. GENERAL ELECTRIC COMPANY
5555 N. Lamar, Suite 101
Austin, Texas | - Radio Communication and Telemetry Captive Parts, Vehicle and Equipment Services Department
Twelve (12) Month Supply Agreement
Item 2 - \$15,000.00 |
| g. YARWAY CORPORATION (MBE)
123 North Point Drive, #199
Houston, Texas | - One and two inch Valves, Electric Utility Department
Items 1 - 3 - \$11,748.00 |

CONTRACTS APPROVED - (Continued)

- h. GENERAL ELECTRIC SUPPLY COMPANY
5555 North Lamar Blvd., Suite #101
Austin, Texas
- i. Bid award:
- (1) TRINITY FORMS COMPANY
300 E. Huntland Drive #221
Austin, Texas
- (2) MOORE BUSINESS FORMS, INC.
8301 Balcones Drive, Suite 304
Austin, Texas
- j. TRAVENOL LABORATORIES
1 Baxter Parkway
Deerfield, Illinois
- k. ABBOTT LABORATORIES
Abbott Park D-361
North Chicago, Illinois
- l. Bid award:
- (1) ABBOTT LABORATORIES
Abbott Park D-361
North Chicago, Illinois
- (2) CUTTER LABORATORIES
2200 Powell Street
Emeryville, California
- m. ABBOTT LABORATORIES
Abbott Park D-361
North Chicago, Illinois
- Copper Bus Bar, Electric Utility
Department
Items 1 & 2 - \$29,191.50
- Printing of statements and meter
read tickets, Office Services
Division
Total \$60,081.35
- Item 1 - \$27,718.68
- Item 2 - \$32,362.67
- Solutions (Dialysis) for
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$41,366.14
- Solutions (General and
Administration Sets) for
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$529,207.31
- Pharmacy Specialties for
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$70,456.22
- Items 1-6 & 10-13 - \$47,760.47
- Items 7, 8 & 9 - \$22,695.75
- Special Solutions for Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$55,400.18

CONTRACTS APPROVED - (Continued)

n. Bid award:

- Solutions (Irrigating) for Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$85,167.88
- (1) MCGAW LABORATORIES
2525 McGaw Avenue
Irvine, California
 - Items 1, 3, 4, & 4 - \$42,935.43
- (2) ABBOTT LABORATORIES
Abbott Park D-361
North Chicago, Illinois
 - Items 2, 6, 7, 8, & 9 - \$42,232.45

Contract for Anesthesia Services

Approved renewal of a contract between Brackenridge Hospital and Capital Anesthesiology Association for anesthesia services in the operating room suites of the hospital and direction and supervision of these services for a period of one year at a cost of \$316,800.00. (Approved by Hospital Board)

Restrictive Covenant Amended

Approved amending a restrictive covenant applicable to 1.59 acres of land at South Pleasant Valley Road and Village Lane.

Texas Department of Health

Authorized execution of the annual agreement between the City of Austin, Travis County, and the Texas Department of Health relating to the operation of the Austin-Travis County Health Department. (October 2, 1982 through September 30, 1983).

Grant Application

Authorized submission of an application for a social service project grant from the Capital Area Planning Council under Title III of the Older Americans Act of 1965 in the amount of \$3,500.00.

Rehab Loans

Authorized approval for four rehabilitation loans in the amount of \$44,055.00 of CDBG funds under the Standard Rehabilitation Program and entering into contracts as follows:

Margot Rutt, 1178 San Bernard, contracted to E & T Masonry Company
for \$13,995.00

REHAB LOANS - (Continued)

Florine Marshall, 4807 Sara Drive, contracted to Fulford Construction
for \$13,925.00

Mayola Davis, 1205 Luna, contracted to Imperial Construction for
\$7,135.00

Pilar Rincon, 80 East Avenue, contracted to Andtree Construction for
\$9,000.00

Escrow Fund Agreement

Approved and authorized execution of a Special Escrow Fund Agreement between
the City and Texas Commerce Bank.

Public Hearings Set

Set public hearings as follows:

- a. Proposed Commercial Project to be located at 316-318 Congress
Avenue and finance through Industrial Development Bonds:
DECEMBER 16, 1982 at 3:00 P.M.
- b. Proposed amendment to the Water and Wastewater Service Area
Ordinance No. 810820-B to include Mount Larson and Mount
Larson II tracts: DECEMBER 16, 1982 at 5:15 P.M.

Agreement with UT to Acquire Certain Houses

Approved an option agreement with the University of Texas for the acquisition
of certain houses by the City of Austin. (Houses on land condemned by University of
Texas to be bought by the City and placed on land in the Urban Renewal area and then
sold back to owners who had lived in the Blackland area.)

Donation of Flags

Approved acceptance of the donation of 100 Texas flags from the Mark White
Inaugural Committee in lieu of payment for the placement and removal of the flags
and pole rental.

Release of Easement

Approved release of the following easement: a portion of a Public Utility
Easement on Lot 12, Block E, Cherry Rock Addition, 1815 Rockmoor Avenue.

ITEM PULLED

Consideration of an ordinance to merge the Energy Conservation Commission and Renewable Energy Resources Commission to create a single commission, was pulled from the agenda.

CONSENT ORDINANCES

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Office of Emergency Management

Amended the 1981 Austin City Code by repealing Chapter 9-4, Civil Defense and Emergencies; adopting a new ordinance setting forth the duties and responsibilities of the Office of Energy Management.

Speed Limit Amendment

Amended the Austin City Code of 1981 to increase maximum speed limit on Spicewood Springs Road from MoPac Boulevard to Mesa Drive.

Part I - Section 11-2-100 - Sub-section (a) - 35 mph
DELETING

<u>ON</u>	<u>FROM</u>	<u>TO</u>
W. Anderson Lane	Burnet Road	Balcones Drive

Part II - Section 11-2-100 - Sub-section (a) - 35 mph
ADDING

W. Anderson Lane	Burnet Road	Loop 1-WSR
Spicewood Springs Rd.	Loop 1-WSR	Mesa Drive

Zoning Ordinance - FIRST READING ONLY

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

DURELLE A. EIDSON & HARRY T. EIDSON By James J. Amis C14-82-121	1809 Pearl and 809 Martin Luther King Boulevard	From "A" 1st H&A to "O" 1st H&A
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FIRST READING ONLY

(4-3 Vote, Councilmember Deuser, Duncan and Goodman voted No.)

Parking Meter Zones

Amended the Austin City Code to add and delete the following parking meter zones:

	<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
<u>DELETE</u>	60-minute	East 10th	100 Block	north
<u>ADD</u>	30-minute	East 10th	100 Block	north

CDBG Funds

Approved allocating an additional \$50,000 of 8th year Community Development Block Grant Funds to Vaughn House, Inc. and authorizing the appropriate amendment to the Vaughn House, Inc. contract.

Zoning Ordinance

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

CITY OF AUSTIN
PLANNING DEPARTMENT
C14-82-155

5200-5204 Robbins
Road

From Interim "LA" & "A" 1st H&A
to "AA" 1st H&A

PASSED ON EMERGENCY BASISZONING CASE DENIED

The Mayor brought up the following zoning case which was scheduled for action:

Motion

The Council, on Councilmember Mullen's motion, Councilmember Deuser's second, denied the following request for a zoning change: (7-0 Vote)

JAYNE R. DEARING
By Rodney Morgan
Lewis & Eva Church

1804 E. 38th Street

From "AA" 1st H&A
To "O-1" 1st H&A
NOT RECOMMENDED
DENIED

CABLE LINE-UP CHANGES

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, adopted a resolution authorizing approval to proceed with the cable line-up changes on Channels 19 and 20 and instructed the City Attorney to proceed with notices and publication and bring back to Council. (7-0 Vote)

CABLE - (Continued)

Prior to the vote, Jonathan Davis, Assistant City Attorney, told Council, "The proposal is to change the cable channel line-up which is in the Franchise Ordinance, which is in the Franchise Agreement, which is an ordinance and there are particular requirements that have to be followed for the Franchise Ordinance to be amended that you can't take today. However, I think you can go ahead and at least authorize the cable company and the Cable Commission to make what changes are necessary and bring it back for formal approval. There are technical requirements about publishing notices and posting action, or taking action, and we can bring this back within the time frame that we have to. To recognize the cable company is under an obligation to have its franchise amended takes some time, but you can make a motion to grant them the privilege of going ahead and acting as if the amendment were going to take place. Authorize them to institute the proceedings for the channel line-up they have requested while recognizing we will take formal action to make it official.

PARADE PERMIT

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, approved the request for a parade permit from Mayor Carole Keeton McClellan for Governor Mark White Inaugural Parade Committee, from 3:00 p.m. to 4:30 p.m., Tuesday January 18, 1982, beginning from the 300 Block of Congress Avenue, northbound to 11th Street, westbound on West 11th to Colorado, northbound on Colorado to West 13th Street, westbound on West 13th to Lavaca Street, northbound on to West 14th Street, eastbound on West 14th and disband. (7-0 Vote)

PUBLIC HEARING - PROPOSED COMMERCIAL PROJECT

Mayor McClellan opened the public hearing set for 1:15 p.m. on the proposed commercial project to be located on IH-35 South & Woodward Avenue and financed by Industrial Development financing.

Mr. Phil Scheps, Director of Finance, stated "We had a tentative AMEDC report and they have given a final report which says Howard Johnson's project has become a model project as it relates to overall benefits to the Austin community, generating jobs, and applicant has set precedent for 15% reserve for total construction costs."

Mayor McClellan stated, "The motion that needs to be made Council is that we find and declare that the project is located in a blighted area and will contribute significantly to the fulfillment of redevelopment objectives of the City of Austin for that blighted area and that the commercial be found and declared to be for the furtherance of public purpose of the Public Incorporation Act and that the commercial project be approved."

No one appeared to speak.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, closed the public hearing and declared the project is located in a blighted area and will contribute significantly to the fulfillment of redevelopment objectives of the City of Austin for that blighted area and that the commercial development found and declared to be for the furtherance of public purpose of the Public Incorporation Act and that the commercial project be approved. (7-0 Vote)

ZONING CHANGE DENIED

Council was scheduled to take action on zoning of rear of 8500 Cameron Road, Edward Joseph Development Inc., C14-82-005 from "I-A" and "I-AA", 1st H&A to "D" Industrial (Tract 1) and "DL" Light Industrial (Tract 2) 1st H&A.

Councilmember Duncan asked about the status concerning negotiations of the greenbelt around the property. Mr. Ehrler, Director of Parks and Recreation said it would take a few minutes to find out.

LATER IN THE DAY: Councilmember Duncan said it had been discovered there was no agreement on creek and parkland. He said he did not want to approve and suggested Council take no action.

Hole Osborn, representing Mr. Joseph, said that a greenbelt has been discussed and it will be on Rundberg Lane

Gary Witt, Cherry Hill Neighborhood Association, said that the street was a narrow neighborhood collector street and that the zoning change would set a precedent for the neighborhood which they do not want. The Planning Department and the Planning Commission both recommend denial.

Motion

Councilmember Duncan made a motion, seconded by Councilmember Goodman to deny the request for a zoning change.

Mr. Osborne returned to the podium to discuss the greenbelt. Councilmember Goodman asked him if any consideration has been given to a request for less intense zoning. Mr. Osborne said 80 acres is behind Houston Instruments and they do not feel "B" zoning would be good. Councilmember Goodman said he thinks the applicant should give consideration to lesser zoning.

Roll Call on Motion

5-1-0 Vote, Mayor McClellan voted No, Councilmember Mullen was out of the room.

Motion - Died for Lack of Second

Councilmember Duncan made a motion to approve "A" zoning. There was no second to the motion.

LAKE TRAVIS ANNEXATION

Councilmember Mullen requested staff to prepare a report on the feasibility of full purpose annexation of Lake Travis and its tributaries and the development of a long-term public access and parkland plan for Lake Travis. He stated how

LAKE TRAVIS - (Continued)

"quickly and how imminent it appears that growth of Lake Austin is going to be and some very significant activity that has been taking place out there. This is a request to explore initiating full-purpose annexation of Lake Travis and its major tributaries to the County line. Some people have objections to what you were just looking at there...had to do with me not making clear...press not making clear my intentions to go to the County line only, not all the way up to Marble Falls...be a little far, but to go to the County line and look into that kind of protection we could have if we annex the lake only. It doesn't include any property on either side unless we go to part b, there, which would possibly be annexation of portions of the lake property to be utilized for the public access. . . .

"There are two different motions. One is to look at annexing Lake Travis, the lake only. You know, the original annexation of what is now Lake Austin is in 1875...by authorities in 1875 and 1891. I imagine a lot of folks out there think we are crazy, but that's giving us the good protection of the.....I think the same kind of thing can happen here. I would like the staff to bring back a report addressing the availability of field notes from LCRA also, to see if that might help us in our legal obligations to provide services...the extension of our ETJ and the additional areas brought under our control for the purpose of reviewing consent of the creations of water districts.....subdivisions....and other health standards that might help us look at this charge into that area.

"We want to look at this from several views and have staff come back with some ideas on how this might help us and might not help us, so we need to find out."

LAKE TRAVIS ANNEXATION - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Councilmember Duncan's second, approved the motion as stated above. (7-0 Vote)

HARLEM CAB COMPANY DISCUSSED

Councilmember Urdy and Mayor Pro Tem Trevino introduced a discussion of the restraining order, temporary injunction and permanent injunction against Harlem Cab Company.

Councilmember Urdy said this item was placed on the agenda for informational purposes in order for the City to find out how the action affects the City.

Mr. Karl Bayer, attorney, who told Council he represents 36 drivers for Harlem Cab Company, said if fee's (terminal charges) for the drivers are increased by Harlem Cab Company, then drivers will have to raise their revenue by increasing either hours or fares. Mr. Bayer said he does not know why a three-fold increase in fees are necessary. Mr. Bayer asked Council to instruct the City Attorney to work with him so that any action asked for next week will be within the City ordinance. He said the drivers need help to insure that if they are fired, they can continue their livelihood.

Darwin McKee, representing Harlem Cab Company, said this matter is before the court and he asked the Council not to act on this, and told them the cab company has responsibilities because their permits are the permits of the City.

Stacy Suits, member of the Urban Transportation Commission, told Council the medallion system should be used so that a driver can take his/her permit with him if he enters the employ of another company. She suggested Council review the contract form.

Councilmember Deuser said he would like Council to provide an interpretation and make certain there are no irregularities. Discussion by Councilmembers Urdy and Goodman and Assistant City Attorney Jonathan Davis followed.

WATER & WASTEWATER APPROACH MAINS

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, adopted a resolution approving a water approach main for Espey-Huston & Associates, Inc. to serve Shepherd Mountain Subdivision, estimated cost \$1,100,000.00 with no City cost participation. (6-0 Vote, Councilmember Mullen out of the room.)

Prior to the vote, Councilmember Duncan said the requested approach main will serve 800 units. He said he thought it should be for no more than 100-150 units and that zoning should precede the approach main. David Armbrust, representing the applicant, said he needs to know if he will get water. Councilmember Deuser wondered if this is a chicken/egg argument and Councilmember Goodman asked if a subdivision can be done without approval of an approach main. Mr. Schwing, Director of Water and Wastewater, said "No".

APPROACH MAINS - (Continued)

Motion - Died for Lack of Second

Councilmember Duncan made a motion to approve a water approach main for 150 units. There was no second to the motion.

The motion made by Councilmember Deuser and seconded by Councilmember Goodman to approve, as recommended by the Water and Wastewater Commission, was passed.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, paragraphs e and g of Article 6252-17, Texas Revised Civil Statutes annotated to discuss:

a. Pending and contemplated litigation - Section 2, Paragraph e.

- (1) Mueller, et al v. City of Austin
- (2) Pavlovic, et al v. City of Austin
- (3) Property at Hwy. 183 and Woodland Village Drive
- (4) Eminent Domain Litigation against the City of Austin

b. City of Austin v. Theriot, et al Pending litigation, Section 2, Paragraph e.

c. Board and Commission appointment - Section 2, Paragraph g.

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 its executive session at 3:05 p.m. and resumed its recessed meeting at 4:00 p.m.

APPOINTMENT

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, approved the appointment of Councilmember Charles Urdy to the Social Policy Advisory Committee. (7-0 Vote)

ZONING ORDINANCE PUBLIC HEARING

Council had before them a resolution to consider cancelling the public hearing of December 16, 1982 on the Comprehensive Revision to the Zoning Ordinance. The Mayor reminded Council that revisions are still being made to the Zoning Ordinance proposed and it might be better to cancel the December 16 hearing and hold it in January when the public has seen the latest revisions.

ZONING ORDINANCE - (Continued)

Mr. Lillie, Director of Planning, said the latest revisions will be available to the public on December 13th. Council thought the December 16th hearing should be held. Mayor McClellan said she will schedule an item on next week's agenda to schedule a public hearing in January.

Gilbert Martinez, Planning Commission member, said they approved the zoning ordinance revised, with the understanding revisions will continue to be made.

CAPITAL RECOVERY FEE ORDINANCE DISCUSSED

Mr. David Armbrust appeared before Council to request consideration of amending the Capital Recovery Fee Ordinance by extending the exemptions therein to "legal" lots. "In working with some developers the past few months and trying to figure out how the ordinance works and affects different tracts of land, we have discovered what we think may be a technical flaw in the wording of the ordinance. The ordinance speaks to lots which are part of platted subdivisions which were platted prior to the enactment of the ordinance and puts those lots on a graduated scale in terms of the capital recovery fee that will be applied to those lots. In examining the ordinance and the wording, if you have a legal lot that was not created through the subdivision process in that situation, that lot is required to pay the full amount of capital recovery fee immediately. I can't think why there should be any type of distinction between any type of a legal lot as long as it is a legal lot, regardless of how it was created, and I'd like to ask the Council to consider amending the ordinance to make it clear that this graduated scale applies to all legal lots."

Mr. Davis, Assistant City Attorney, told Council, "We have reviewed this matter and are in agreement with Mr. Armbrust's position that they should be treated the same and we recommend to Council that it come back to next week's meeting in the form of an ordinance amendment." Council agreed.

CITIZEN DID NOT APPEAR

Mr. Robert Mills, who had requested to discuss S.T.N.P. did not appear.

NORTH BLUFF DRIVE DISCUSSED

Mr. Jack Heffington appeared before Council to discuss Phase II of widening of North Bluff Drive. Mr. Richard Ridings, Director of Public Works, told him the project will be let out in phases because there may not be enough funds, however, if there are enough funds the project could be completed in 18 months.

FUNDING FOR ZACHARY SCOTT THEATRE

Mr. George Wead, president of board of directors, Zachary Scott Theatre Center, appeared before Council to request special funding from the City of Austin.

THEATRE - (Continued)

He said four actors, the director and a technician have been invited to perform "Sea Scape" in England. This involves expense which cannot be funded by the Zachary Scott budget and the amount will be about \$6,000.00. He asked Council to underwrite what ever amount they are unable to raise.

Both Mayor McClellan and Councilmember Goodman said they favor this. Mayor McClellan requested a report identifying source where money would come from. Councilmember Mullen proposed this type of request be limited by requesting they do not come back for a certain number of years so all groups can have a chance at special funding. He also proposed the Council support with matching funds. The rest of the Council agreed with that proposal.

REVITALIZATION DISCUSSED

Mr. Byron Taylor discussed the revitalization program.

RECESS

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

EXECUTIVE SESSION

Mayor McClellan announced Council would go into closed or executive session authorized by Section 2, Paragraph g 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. Mayor McClellan announced the matter to be discussed will be consideration of removing John Pleuthner as a Municipal Court Relief Judge.

RECESS

Council recessed its meeting at 5:00 p.m. for the executive session and resumed its recessed meeting at 5:34 p.m.

CONTINUED PUBLIC HEARING - WASTE DISCHARGE ORDINANCE

Mayor McClellan opened the public hearing, set for 5:30 p.m., which was a continuation, on Industrial Waste Discharge Ordinance.

Mr. Carl Schwing, Director of Water and Wastewater, showed slides depicting the changes in the ordinance.

Mr. Carmichael, Texas Department of Health, told Council the ordinance has

been submitted to his department for coordination and they have found that the draft ordinance concerning waste disposal coincides with State and Federal regulations. Mr. Carmichael referred to spill of hazardous waste materials and said this is already covered under State regulations.

Roger Baker, Austin Neighborhood Association representative, told Council the definition of industrial permit should be changed.

Mr. Schwing pointed out an error. He said the cost of a permit is \$65.00, not \$180.00. He said the City will collect \$38,000 under the surcharge.

Smoot Carl-Mitchell, president of Austin Neighborhood Association, referred to page 8 and questioned the determination of extent of feasibility. Mr. Schwing told him economic feasibility is one thing and physical feasibility is another. Mr. Mitchell then discussed some other areas he wanted clarified.

Councilmember Duncan wondered about stating where local standards are more stringent, they will take precedence. Mr. Schwing said that if it is not justifiable the City could have legal difficulties. Councilmember Mullen said this should be researched and reported on in 30 days.

Sam Listiak, attorney for Texaco, told Council technical limits on everything is not necessary. Councilmember Mullen said he would like to debate this after the staff studies, that the EPA is more and more aggressive and that he feels this is an extremely good ordinance. He said it is important to pass the ordinance today so it can be taken to Dallas tomorrow as the City has been in non-compliance.

Motion

The Council, on Councilmember Mullen's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed the Industrial Waste Discharge Ordinance. (7-0 Vote)

WALNUT CREEK DISTRICT PARK

Mayor McClellan opened the public hearing set for 6:30 p.m. on annexation of Walnut Creek District Park.

No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, closed the public hearing and approved the annexation of Walnut Creek District Park, with ordinance to come before Council January 6, 1982. (7-0 Vote)

ADJOURNMENT

Council adjourned its meeting at 6:35 p.m.