



Austin City Council MINUTES

For NOVEMBER 18, 1982 - 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

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

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the Meeting of the Council scheduled for 1:00 p.m. at 1:07, noting the absence of Councilmembers Duncan and Goodman, who arrived at 1:10 p.m.; Councilmember Mullen, who arrived at 1:14 p.m.; Councilmember Deuser, who arrived at 1:15 p.m.; Councilmember Urdy, who arrived at 1:35 p.m. and Mayor Pro Tem Trevino, who arrived at 1:50 p.m.

INVOCATION

The Invocation was given by Reverend T. James Bethell, St. David's Episcopal Church.

BOARD & COMMISSION APPOINTMENTS ANNOUNCED

Mayor McClellan announced the following board and commission appointments are due to be made at the December 2, 1982 meeting: Community Development Commission, 2; Dental Health Advisory Committee, 1; Austin Tomorrow On-Going Committee, 5; Manpower Advisory Planning Council, 5; Environmental Board, 1; Vending Commission, 1; Downtown Revitalization Task Force, 1; Energy Conservation Commission, 4; Renewable Energy Resources Commission, 4; Arts Commission, 1; Construction Advisory Committee, 1; Private Industry Council 2; Human Relations Commission, 7; Neighborhood Revitalization Commission, 6; Commission on the Status of Women, 1; Solicitation Board, 1; Sesqui-centennial Committee, 14; and Community Education Consortium, 1.

MINUTES APPROVED

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved the minutes for regular meetings of October 28, 1982 and special meeting of September 13, 1982. (4-0 Vote, Councilmembers Urdy and Deuser and Mayor Pro Tem Trevino absent.)

CONSENT RESOLUTIONS

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Urdy absent.)

Release of Easements

Authorized release of the following easements:

- . The Public Utility Easements located between lots 3 and 4 and between lots 8 and 9, Enfield "E", 1621 Enfield Road. (Requested by Mr. Brian A. Bailey, owner)

**Capital Improvements Program
Change Orders**

Approved the following change orders:

- a. In the amount of \$28,620.00 to Olmos Construction Company, for the 1982-83 Interim Air and Landside Improvements at Robert Mueller Airport. (1.2% increase of the original contract) C.I.P. No. 81/81-05
- b. In the amount of \$48,657.00 to Star-Field Constructors, Inc. and Jerome Stark, a joint venture for transit facility expansion. (10.5% increase of the original contract) C.I.P. No. 76/90-04

Contracts Approved

Approved the following contracts:

- a. J.D. ABRAMS, INC.
P.O. Box 13003
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Dittmar Road, Phase I, Street
and Drainage Improvements,
Public Works Department -
\$275,677.38 C.I.P. No. 79/62-32
- b. J.D. ABRAMS, INC.
P.O. Box 13003
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Jain Lane Bridge at Boggy Creek
Drainage and Sidewalk Improvements,
Public Works Department -
\$328,125.04 C.I.P. Nos. 73/62-24
73/23-03 & 75/22/09
- c. B & B LAND CLEARING COMPANY, INC.
1212 Old Bastrop Highway
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM
Installation of underground
electric distribution facilities
for Long Canyon, Phase 1 A and
1B. Electric Department -
\$110,230.50 C.I.P. No. 83/15-01

CONTRACTS - (Continued)

- d. Bid award:
- (1) CORR TECH, INC.
4123-D Todd Lane
Austin, Texas
 - (2) CROSS B COMPANY
53 Kinder
Austin, Texas
- e. GRAHAM PAPER COMPANY
210 Peden Street
San Antonio, Texas
- f. W.H. LUMPKIN
8527 Sweetwood
Dallas, Texas
- g. Bid Award
- (1) W.H. RICHARDSON COMPANY
3708 Woodbury
Austin, Texas
 - (2) HARDWAYS, INC.
3313 Garden Brook
Dallas, Texas
 - (3) ALAMO IRON WORKS
101 Montana
San Antonio, Texas
 - (4) GRAYBAR ELECTRIC COMPANY
7434 North Lamar Boulevard
Austin, Texas
- h. M.A.C. SUPER VAC (MBE)
2408 Roe Hampton
Austin, Texas
- i. STEPHEN EARL FARLEY
5210 Rambowlette
San Antonio, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Irrigation parts and materials
for Walnut Creek Park, Parks and
Recreation Department - \$43,985.76
 - Items 44 thru 47 - \$11,251.71
 - Items 1, 2, 4, 6, 7, 9, 11, 13-30
32-37, 39-43, 50, 51, 55 -
\$32,734.05
 - Poly Bag Liners, Central Stores
Department
Three (3) Month Supply Agreement
Items 1 & 2 - \$7,807.00
 - Coats and trousers for firefighters,
Central Stores Division
Four (4) month supply agreement
Items 1 & 2 - \$40,056.00
 - Small tools and miscellaneous
items for various City departments
Twelve (12) month supply agreements
\$48,826.00
 - 132 items - \$24,415.00
 - 30 items - \$11,869.00
 - 62 items - \$6,478.00
 - 5 items - \$6,064.00
 - Janitorial Services at Manchaca
Branch Library, Central Library
Twelve (12) month contract
Total \$5,184.00
 - Sale of surplus Cessna Turbo
Stationer II Model TU-206F Aircraft
Police Department - \$28,976.00
Revenue Producing

CONTRACTS - (Continued)

j. Bid award:

- CAPITAL IMPROVEMENTS PROGRAM -
Emergency roof repair to
Montopolis Recreation Center,
Public Works and Parks and
Recreation Departments -
\$133,620.00 C.I.P. No. 83/86-75

- (1) COMAL ROOFING - \$31,680.00
P.O. Box 1807
San Marcos, Texas

- (2) A-1 SPECIALTIES - \$101,940.00
P.O. Box 477
Gatesville, Texas

Payment Authorized

Approved payment to the following:

- ART CARVED CLASS RINGS - The cost difference of a 24-inch
water main to serve Lenox
Industrial Park - Maximum City
cost participation is \$75,210.00

Medical Direction for EMS

Approved entrance into a contract with Wesley M. Wallace, M.D., and Kenneth C. Marburg, M.D., in the amount of \$65,876.00 to provide medical direction for the Emergency Medical Service Department.

Acute Renal Dialysis Contract

Approved renewal of Acute Renal Dialysis Contract between Brackenridge Hospital and Austin Diagnostic Clinic. (Approved by the Hospital Board)

Cadaver Kidney Transplant Service

Approved renewal of an agreement between Brackenridge Hospital and Austin Diagnostic Clinic to provide the cadaver kidney transplant service for Brackenridge Hospital. (Approved by Hospital Board)

Contract for Emergency Care

Approved amendment of a contract between Brackenridge Hospital and Herschel Fischer, M.D. and Karl G. Mangold, M.D. a partnership of doctors to provide emergency medical care for Brackenridge Hospital. (Approved by Hospital Board)

Parking Meter Zones

Approved addition of the following parking meter zones:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
120 minute	East 8th Street	600-700 Blocks	North and South
120 minute	North I.H. 35 West Service Rd.	700 block	West
30 minute	Lavaca Street	700 block	West

Public Hearings Set

Set public hearings on the following:

- a. Annexation of Walnut Creek District Park: December 8 at 3:30 p.m. at the site and December 9 at 6:30 p.m. in the Council Chamber
- b. Commercial project public hearing for a proposed industrial development bond financing in the amount of \$6,000,000 for Howard Johnson's Motor Lodge of Austin, Inc., IH-35 South & Woodward Avenue: December 9 at 1:15 p.m.
- c. An eligible blighted area public hearing and a commercial project IDB hearing for a proposed industrial development bond financing in the amount of \$4,000,000 for Roy M. McNair, 9729 IH-35 North for December 9 at 1:30 p.m.

LATER IN THE DAY: Motion to Reconsider

The Council, on a motion by Councilmember Deuser and a second by Mayor McClellan, unanimously voted to reconsider the public hearing for bond financing for Roy McNair.

Council then agreed to pull the item from the agenda, therefore no action was taken on setting a public hearing.

- d. Financing options for the South Texas Project: December 8 at 8:00 p.m.

Wastewater Mains

Authorized payment to Brandt Engineering, Inc. of \$15,709.95 for the City's share of a 12-inch wastewater main and directing the City Attorney to seek reimbursement from Criswell Development Company of that amount for failure to publicly bid the project as required by the City.

CDBG Funds

Authorized \$10,600.00 of CDBG funds for one standard rehabilitation loan and authorize staff to enter appropriate contract.

CONSENT ORDINANCES

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

Operating Budget

Amended the 1982-83 Operating Budget by:

- a. Appropriating an additional \$33,400.00 of CDBG funds to the Human Services Department.
- b. Accepting an Integrated Community Services Grant from the Texas Department of Human Resources in the amount of \$241,110.00 (\$216,999 TDHR, \$20,611 CETA Title VII, \$3,500 Austin Housing Authority cost participation) for the period November 1, 1982 through September 30, 1983, with the City Manager or designee as signatory for the City.
- c. Appropriating \$2,000,000 from the Electric Department ending balance to fund the fiscal year 1983, portion of the Appliance Efficiency Program.
- d. Transferring \$80,500.00 to Montopolis Park and Recreation Center Project.

Brackenridge Hospital Board Ex-Officio Member

Amended Section 6-3-24 of the Austin City Code (1981) to make the Director of the Austin-Travis County Health Department an ex-officio member of the Brackenridge Hospital Board.

Police Retirement Ordinance

Amended the Police Retirement Ordinance to recognize increase of contributions to 7% and setting criteria for retirement benefits without reduction.

Employees Retirement and Pensioning Ordinance

Amended the Employees Retirement and Pensioning Ordinance to reflect the increase in contributions to 6.6% and to allow the payment for early retirement benefits without reduction at age 55 with 30 years of creditable service.

Dittmar Road Improvements

Approved declaring the necessity for and ordering improvements to Dittmar Road, Phase I, consisting of 1 unit covering approximately 4 blocks. CAPITAL IMPROVEMENTS PROGRAM No. 79/62-32.

Council Meeting Change

Approved starting the December 2, 1982 City Council meeting at 2:00 p.m.

Item Pulled

Pulled from the agenda consideration of merging the Energy Conservation Commission and Renewable Energy Resources Commission to create a single commission.

PAT OTERI DAY

Mayor McClellan read the following proclamation in honor of Pat Oteri, her secretary, who has resigned to take other employment:

WHEREAS, Pat Oteri has served the citizens of Austin for almost nine years as Vice Mayor, teaching the ropes to two elected mayors, and a host of administrative aides and interns; and

WHEREAS, she has kept track of every appointment, ribbon cutting, ground breaking, tennis match; vehemently denied every name mentioned as the current Mayor's "steady" escort; and listened to every Aggie joke the Mayor's sons have ever heard; and

WHEREAS, in addition to her enthusiasm for finding a satisfactory answer to every citizen inquiry about city government, she has kept a sharp eye on the Coca Cola supply, particularly when the Mayor closes her door and starts whispering; and

WHEREAS, she is recognized as the only secretary in Austin who regularly takes dictation at curbside with a drive-up service for the Mayor, and in her fashion conscious apparel, serves as the model for all other employes (except, of course, the Mayor).

NOW, THEREFORE, I, Carole Keeton McClellan, Mayor of the City of Austin, Texas, do hereby proclaim Thursday, November 18, 1982, as

PAT OTERI DAY

in Austin, and call on all citizens to join me in recognizing the many contributions of this remarkable woman, outstanding employe, and loyal friend, who has given so freely of her time and talents in the cause of dedicated good government in our community.

OTERI - (Continued)

IN WITNESS WHEREOF, I have hereunto set my hand, affixed the Great Seal of the City of Austin, and caused this declaration to be spread with Love upon the minutes of the City Council of Austin, Texas, on this, the 18th day of November, 1982, A.D.

Mayor McClellan also presented Mrs. Oteri with a bouquet of yellow roses. Mrs. Oteri thanked the Mayor and Council for the proclamation and expressed her pleasure and satisfaction with her years of service to the City of Austin.

BOND SALE

Council had before it two ordinances and one resolution concerning the authorization and issuance of bonds. Mr. Phil Scheps, Director of Finance, announced the bids had been opened and the low bid for Public Improvement Bonds was from the Republic Bank of Dallas at 9.14226; the low bid for Texas Combined Utility System Revenue bonds was 10.67 from Smith Barney, Harris Upton & Company.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, accepted the bid from Republic Bank of Dallas for \$60,000,000 City of Austin, Texas Public Improvement Bonds, Series 198A, dated December 1, 1982A for 9.14226%. (7-0 Vote)

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance authorizing \$60,000,000 City of Austin, Texas Public Improvement Bonds, Series 198A, dated December 1, 1982A issued to Republic Bank of Dallas for 9.14226%. (7-0 Vote)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, accepted the bid of Smith Barney, Harris Upton & Co. for \$81,000,000 City of Austin, Texas combined Utility System Revenue Bonds, Series 198A, dated November 15, 1982A for 10.67%. (7-0 Vote)

Motion

The Council, on Councilmember Urdy's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance authorizing issuance of \$81,000,000 City of Austin, Texas combined Utility System Revenue Bonds, Series 198A, dated November 15, 1982A for 10.67%.

BOND SALE - (Continued)Motion

The Council, on Councilmember Duncan's motion, Mayor McClellan's second, adopted a resolution providing for the redemption of City of Austin Combination Tax and Revenue Certificates of Obligation Series 1982 and resolving other matters incident and relating to the redemption of such obligations. (7-0 Vote)

Mr. Curtis Adrian, bond counsel representing First Southwest Company, told Council they made a good sale.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraph (e) 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. The Mayor announced they will discuss the South Texas Project - Sale.

RECESS

Council recessed its meeting at 1:55 p.m. and resumed its recessed meeting at 2:54 p.m.

NEW MUNICIPAL COMPLEX LOBBYING

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance establishing a procedure for communication between individuals associated with or representing those associated with any proposal for a new municipal complex and members of the City Council, Downtown Revitalization Task Force and staff evaluation team. (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

LAKE AUSTIN WATERSHED ORDINANCE DISCUSSED

Councilmember Deuser introduced an item to Council to discuss the status of Lake Austin Watershed Ordinance and consider a moratorium on development in the affected area. Councilmember Deuser said he would like a status report by November 30, 1982 concerning the activity taking place in the watershed and also would like an item on the December 2, 1982 agenda to set a moratorium. Mayor McClellan suggested a public hearing should be set instead. After discussion, Council directed the City Manager to put an item on the December 2, 1982 agenda to set a public hearing.

GUIDELINES FOR VENDER LICENSE AGREEMENT

Dr. Benson, Director of Urban Transportation, reported on proposed guidelines and procedures for Vendor License Agreements. He stated the following vendor location criteria:

1. Minimum Pedestrian Passageway: Provides for a minimum of 6 feet or clear passageway for pedestrian traffic.
2. Maximum Number Per Block Face: No more than one vendor per 1000 square feet of sidewalk space on any block face.
3. Minimum Spacing: Is not within 20 feet of another vendor licensed under this ordinance.
4. Has usable space of at least 100 square feet of area for stand, vendor, and customers; however, only the stand space shall be marked.
5. Does not utilize a parking space for sales on the public right-of-way.
6. Is not located within 20 feet of a driveway or a pedestrian crosswalk.
7. Is not located within 10 feet of a doorway or entrance.
8. The owner or occupier of the abutting property does not object to the proposed vending activity. (Applicant will be required to obtain the written concurrence from the abutting property owner or occupier.)
9. Does not obstruct or block a display window, unless the affected abutting property owner or occupier provides a written release.
10. Is not located under an awning constructed of combustible materials unless owner or occupier provides a written release.
11. Is not located within 50 feet of a business (or other vendor) selling a comparable type merchandise unless the business (or other vendor) provides a written release. Examples of categories of comparable types of merchandise: food, clothing, books, and jewelry.
12. For roadside vending, has adequate parking available on the public right-of-way.

Dr. Benson said the suggestion is to limit licenses on 6th Street to six in number. Councilmember Goodman said he does not think the parking spaces should be used and that the agreement should be written so that one individual cannot use several company names.

Dr. Benson said mobile food vendors in the neighborhood, such as sellers of snow cones, etc., should be exempt from the agreement. He said it would be possible to issue a temporary vendor's license after November 26th and terminate it February 15th to cover the Christmas season.

VENDOR LICENSE - (Continued)

Discussion followed and Mayor McClellan suggested an item be put on the December 16th agenda to set a public hearing in January. Dr. Benson told Council that no more vendor's licenses will be issued until guidelines are established.

CONSTRUCTION OFFICE FOR CONGRESS AVENUE
BEAUTIFICATION

Mr. Richard Ridings, Director of Public Works, reported on the status of Congress Avenue Beautification Program Construction Office. He said the office will be placed on a parking lot at the northwest corner of 4th and Congress. The relocation cost to the City will be \$17,000 for 720 days rental, plus hook-up fee. Mayor McClellan pointed out that the rental will be offset by revenue gained from parking meters that are presently not used where the office is now located. She asked that the move be expedited as quickly as possible. Mr. Ridings said it will take a few weeks because the utilities have to be moved.

PUBLIC WORKS IMPLEMENTATION OF 1982
BOND PROGRAM

Mr. Richard Ridings, Director of Public Works, reported on the Public Works Implementation Plan for the 1982 Bond Program. He said it will have minimal if any impact on the General Fund, and represents 1/2 of 1% of the budget. Some projects will be moved up. William Cannong will be moved from 3rd year to 1st year, some in 3rd year will be moved to 4th year. He said 12,000 new jobs will be created by projects.

REPRESENTATIVE KUBIAK DID NOT APPEAR

Mayor McClellan announced that Representative Dan Kubiak had planned to discuss with City Council their part in Fayette III, but he was not able to attend the Council Meeting.

PUBLIC HEARING - PROPOSED INDUSTRIAL DEVELOPMENT BOND
FINANCED COMMERCIAL PROJECT

Mayor McClellan opened the public hearing set for 1:45 p.m. on the Proposed Industrial Development Bond Financed Commercial Project. No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's motion, closed the public hearing and designated Lot 6, Block 70 of the Original City of Austin, Travis County, Texas, known locally as 620-622 Congress Avenue as an Eligible Blighted Area, with no action taken on commercial project. (6-0 Vote, Councilmember Urdy was out of the room.)

HEARING - (Continued)

Motion

The Council, on Councilmember Deuser's motion, Mayor McClellan's second, closed the public hearing, designated the following as Eligible Blighted Areas with no action on the commercial properties. (6-0 Vote, Councilmember Goodman was out of the room.)

- a. North 1/2 of Lot 5, Block 83, of the Original City of Austin, Travis County, Texas, known locally as 718 Congress Avenue.
- b. Lot 2, Block 98, of the Original City of Austin, Travis County Texas, known locally as 804-806 Congress Avenue
- c. South 1/2 of Lot 5, Block 110 of the Original City of Austin, Travis County, Texas (Fronting 23' on the West Side of Congress Avenue and having a depth of 160') known locally as 916 Congress Avenue.
- d. North 23' of Lot 5, Block 110, of the Original City of Austin, Travis County, Texas, known locally as 918 Congress Avenue

PUBLIC HEARING - DELETION OF APARTMENT HOTELS AS A
PERMITTED USE IN "B" RESIDENCE DISTRICT

Mayor McClellan opened the public hearing set for 2:30 p.m. on an amendment to Chapter 13-2 (Zoning Ordinance) of the Austin City Code to delete apartment hotels as a permitted use in "B" Residence District.

Mr. Lonnie Davis, Director, Building Inspection, said that at present there are eight projects on file that would be directly affected by amendment to the ordinance.

Frank Herron appeared before Council and suggested the amendment be sent back to the Planning Commission because he does not think they knew what they were approving; or pass the amendment but make a grandfather clause and include in the new zoning ordinance.

Motion

Mayor Pro Tem Trevino made a motion, seconded by Mayor McClellan to refer back to the Planning Commission.

Councilmember Deuser said he prefers to go ahead with the amendment and grandfather the projects presently in the pipeline.

Substitute Motion

Councilmember Deuser made a substitute motion, seconded by Councilmember Duncan to approve the recommendation of the Planning Commission to delete apartment hotels as a permitted use in "B" residence and grandfather the eight projects on file with the Building Inspection Department.

APARTMENT HOTELS - (Continued)

Jim Nias, Assistant City Attorney, told Council there is only a slight difference between an apartment house and an apartment hotel, that being that the apartment hotel has a lobby and a front desk.

Substitute Motion Withdrawn

Councilmember Deuser withdrew his substitute motion and Councilmember Duncan withdrew his second.

Roll Call on Motion

(To send back to Planning Commission)

7-0 Vote

PUBLIC HEARING - TAXICAB PERMITS

Mayor McClellan opened the public hearing set for 3:00 p.m. to continue hearing on proposed requests for additional taxicab permits from Harlem Cab Company, Roy's Taxi, and Yellow-Checker Cab Company.

Ben Serratt, attorney representing Harlem and Yellow Cab Companies, told Council the profit from the additional taxicab permits will be profitable to the City.

Don McCreary, Yellow cab driver and member of Austin Taxi Driver's League, said he owns two Yellow cabs and that money can be made by driving a taxi. He said he has three drivers who want their own taxis and will need franchises for them.

Bernard Pillow, a cab driver, said he makes \$50.00 for a 12 hour day.

Gus Garcia, representing Roy's Taxi, discussed the fare earnings of drivers.

Carlos Velasquez told Council there are people wanting to compete if permits are granted.

Joe Joslin, former taxi driver, said he does not want to see anymore permits issued because the wage of the present drivers is very low and more competition is not needed. Mr. Joslin represents ATDL.

David Bently, president, Austin Taxi Driver's League, told Council there is no need to increase the number of permits. Council needs to consider the present wage of drivers.

Judy Collin, driver of a Yellow cab, discussed her low income.

Stacy Suits, Urban Transportation Commission, said they recommend only two permits be issued.

Ben Serratt returned to speak in favor of the additional permits.

TAXICAB PERMITS - (Continued)

Andrea McKinney said that Roy's Taxi needs 15 additional permits because they have so much business and requested Council to act favorably toward the request.

Dr. Benson and Councilmembers discussed the audit report and said they recommend a monthly report. Councilmember Urdy said they do not have sufficient data at this time to grant all the permits requested.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Goodman's second, closed the public hearing and granted three additional permits to Yellow Cab Co.; four additional permits to Harlem Cab Co., and five additional permits to Roy's Taxi; and look at issue again in 90 days if additional information is obtained.

Mayor McClellan inquired whether Council can grant more permits in 90 days without an additional public hearing. Jonathan Davis said Council may do that if action is on the remainder requested originally.

Roll Call on Motion

7-0 Vote - Effective immediately.

EMPLOYEE BENEFITS DISCUSSED

Mr. Ronald W. Toon appeared before Council to discuss employee benefits for City of Austin employees. He represents pre-paid legal services to be deducted from the City employee's paycheck and cited instances where this service is needed.

Mayor McClellan asked the City Manager to study further and report back to Council.

CITIZENS DID NOT APPEAR

Mr. Byron Taylor who had requested to discuss various matters did not appear.

Mr. John Henry Faulk, who had requested to discuss failure of Westview Corporation to fulfill promise and cleaning out of Windy Cove did not appear. The Council said he had left a letter for them. CITY CLERK DID NOT RECEIVE FOR FILES.

Mr. Darrell Williams who had requested to discuss the method of determining the prevailing rate of wages to be paid on construction projects by the City of Austin did not appear. Mr. Williams notified Council he would not appear.

TROLLEY CAR

Mr. David B. Armbrust appeared before Council to request permission to operate a trolley car on public thoroughfares for demonstration purposes and to park at one or more public locations such as along 6th Street for public viewing. Mr. Armbrust said this was to show Council and the public what it would be like to have a downtown shuttle system with trolleys.

**BLACKLAND NEIGHBORHOOD
DISCUSSION**

Ms. Georgia M. Meyers appeared before Council, representing the Blackland Neighborhood Association, to discuss community survival. She said they want to keep their neighborhood alive.

Mayor McClellan told her that the University of Texas does not want to hold a public meeting but will continue their dialogue.

Mr. Charles Smith said he was told by U.T. Vice President Franklin that the only way the University can enlarge is by going east. They will take eminent domain and appraise property just by looking as they drive by. Mr. Smith asked Council to try to help them get a decent price for their homes if they have to sell.

Mrs. Rosa White, 1610 East 21st Street, said the people who live in Blackland do not want to move.

Ms. June H. Brewer and Mr. K.C. Cerny who also had requested to discuss the proposed expansion of the University, did not appear.

Mayor McClellan told the speakers that Council is most sympathetic to their plight and fears. Councilmember Urdy told the speakers he will meet with members of the neighborhood to discuss relocation costs.

PUBLIC HEARING ON CLOSING OF BILL HUGHES CIRCLE

Mayor McClellan opened the public hearing set for 3:30 p.m. to consider vacating Bill Hughes Circle north of William Cannon Drive, C10v-28-021, as requested by Jim Ray Investments.

No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating Bill Hughes Circle north of William Cannon Drive, C10V-28-021. (7-0 Vote)

PUBLIC HEARING - AUSTIN BIKEWAY PLAN

Mayor McClellan opened the public hearing set for 5:00 p.m. on an amendment to the Austin Metropolitan Area Roadway Plan to provide additional arterial right-of-way needed for proposed bike lanes adopted in the Austin Bikeway Plan. No one appeared to be heard.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Deuser's second, waived the requirement for three readings and finally passed an ordinance amending the Austin Area Roadway Plan to provide additional arterial right of way needed for proposed bike lanes adopted in the Austin Bikeway Plan. (7-0 Vote)

PUBLIC HEARING - INDUSTRIAL WASTE DISCHARGE ORDINANCE

Mayor McClellan opened the public hearing set for 5:30 p.m. on Industrial Waste Discharge Ordinance.

Mr. Carl Schwing, Director of Water and Wastewater, told Council the ordinance stiffens regulations and is more restrictive than past industrial waste ordinances. He said we are now in violation of our permits and on December 10th, in Dallas, they we are going to have to explain the problem of not meeting our permit and it may cost millions of dollars.

Norman Houghton, Texaco, spoke for the ordinance.

Smoot Carl-Mitchell, president, Neighborhood Council, discussed the ordinance.

Jackie Jacobson, resident of West Lake Hills, presented her views.

Roger Baker said those who pollute should pay the cost of monitoring.

Jerry Kieth, attorney representing Motorola and Advanced Micro Controls, said they support the adoption of the ordinance with its stiffer regulations.

Councilmember Deuser discussed the ordinance at length stating the City should go beyond Federal requirements. Reporting by industry and increasing frequency of sampling was discussed.

Sam Listiak, attorney representing Texaco Laboratories, told Council the technology required has not this far been defined for many industries.

Michael Edgar, Divisional Manager, Aqua Labs, Inc., an environmental laboratory in Austin, said his firm supports the ordinance. They support a comprehensive spill control plan and proof of segregation from waste streams discharged should be available to the industrial waste section. Mr. Edgar said enforcement of the ordinance will prevent such a discharge.

Connie Moore, Zilker Park Posse, thinks the proposed ordinance is not good enough and could not be enforced.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, continued the public hearing to December 9, 1982 at 5:30 p.m. (5-0 Vote, Mayor Pro Tem Trevino, Councilmember Urdy out of the room.)

RECESS

Council recessed its meeting at 6:30 p.m. and resumed its recessed meeting at 7:35 p.m.

PREVAILING WAGE RATE ORDINANCE

Council had before them for consideration an ordinance determining the prevailing rate of wages to be paid.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan and Mayor McClellan's second, waived the requirement for three readings and finally passed on emergency basis an ordinance determining the prevailing rate of wages to be paid. (7-0 Vote)

Prior to the vote the following statements were made:

Councilmember Duncan said "This corrects any misunderstanding. I think most of the Councilmembers thought the prevailing wage was in ordinance form for several years. There are many reasons why we should be working under the prevailing wage in the City and I am glad to see it rectified."

"It is certainly curious when I was running for this office," said Councilmember Deuser, "I was talked to by some folks who said one of the things we want you to do to get our endorsement is to go out there and oppose the prevailing wage provision. Needless to say, I didn't get their endorsement. They were even under the impression the prevailing wage was in effect. I think indeed it has been a misconception throughout the community and I think we are correcting that and putting it into effect."

Mayor McClellan clarified for the record, "We not only want to pass this on all three readings but on an emergency basis."

Councilmember Goodman said, "We were all under the impression that it was an adopted ordinance and not just a policy the City had been following for about seven years. It was Walter Timberlake who brought it to our attention after one project had been reviewed by the Construction Advisory Committee."

Mayor McClellan said, "We want fair employment, fair wages for our good citizens of Austin."

Councilmember Duncan said this will insure a high quality of craftsmanship in all of our projects.

ZONING HEARING

Mayor McClellan opened the public hearing set for 7:00 p.m. on the following zoning case. Jerry Harris, representing the applicant, requested an indefinite postponement, which Council granted.

C14-82	J.C. WALTER,	907-911 West M.L.K.	From "A" 1st H&A
137	JR., TRUSTEE	Boulevard	To Trs. 1 & 2 "O" 1st H&A
	By Jerry L. Harris	1801-1805 San Gabriel	Trs. 3, 4 & 5 "A-2"
		Street	1st H&A
		1800-1802 Pearl St.	NOT RECOMMENDED
			RECOMMENDED "O-1" 1st H&A
			on Tract 1; 10' strip of
			"A" 1st and a heavily planted
			hedge on the San Gabriel side.
			"A" 1st H&A on Tract 2
			<u>POSTPONED INDEFINITELY</u>

(On Councilmember Goodman's motion, Councilmember Duncan's second, 7-0 Vote)

ZONING HEARINGS - (Continued)

Mayor McClellan opened the public hearing set for 7:00 p.m. on the following case not recommended by the Planning Commission. Council heard, closed the public hearing, granted and instructed the City Attorney to prepare the necessary ordinance:

C14-82 J. VANCE RILEY 1605 West Avenue
136

From "A" 1st H&A
To "O" 1st H&A
NOT RECOMMENDED

CLOSE PUBLIC HEARING, GRANT "O" 1st H&A WITH
RESTRICTIVE COVENANT THAT EXISTING STRUCTURE
BE MAINTAINED AS IS

Mr. Lillie reviewed by use of slides.

Jerry Harris, representing the applicant, said the site is on the east side of West Avenue and Mr. Riley is offering a restrictive covenant to maintain the present structure.

Suzanne Cannon, president, original City Neighborhood Association, spoke against the zoning change.

Peggy Krueger, who lives across the street from the site, said she would like to see mixed residential use maintained. She said the parking problem is getting very bad.

Suzanne Howard, 1801 West Avenue, wants the neighborhood to be kept residential.

Lucy Merritt, who has lived next door to the site since 1927, doesn't want to change neighbors for an office. She said young people who have moved in the neighborhood and remodeled are carrying on a tradition.

Jerry Harris returned to say that it would be unfair to penalize Mr. Riley and not give him a zoning change when so many others in the neighborhood have received one when requested.

Motion - FAILED

Councilmember Deuser made a motion, seconded by Councilmember Duncan to deny the zoning request. Motion FAILED by a 2-5 vote, with Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Goodman, Mullen and Urdy voting No.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, closed the public hearing, and granted "O" 1st H&A with a restrictive covenant that the existing structure be retained. (5-2 Vote, Councilmembers Deuser and Duncan voted No.)

During the testimony Mr. Harris had intimated that there were some zoning violations in the area but he did not want to make an issue of them. Mayor McClellan asked the City Manager to instruct staff to look at the entire area and if there are any violations, they should be cleared.

PUBLIC HEARING - SPECIAL PERMIT FOR THE VILLAS
APARTMENT COMPLEX

Mayor McClellan opened the public hearing set for 7:30 p.m. on the continued appeal from Mr. William J. Scudder, representing Lamar & Rundberg, Ltd., on a Special Permit for the Villas Apartment Complex. C14p-81-054.

Mr. Lillie reviewed the application and stated the Planning Commission voted to deny the Special Permit because of the drainage and water and wastewater.

Mr. Bill Scudder, architect on the project, said that low density multi-family dwellings on the site are more appropriate than "GR" for the neighborhood.

Merle Moden, representing North Austin Civic Association, requested Council to deny the Special Permit, prohibit construction in the 100 year flood plain, allow no exit on Rundberg, have a study of detention systems for flooding in the area, and said increased traffic from apartments would have an adverse effect. He said the neighborhoods prime concern is the additional risk of flooding with additional impervious cover. He asked the City Manager to take action tomorrow on North Park and HEB because they have no detention ponds.

Bill Secrle appeared before Council. He lives in the neighborhood and has been flooded three times. He showed maps illustrating the flood plains in the area.

Cliff Froehlich discussed flooding possibility in the area.

Ben Manny, who lives across the street on Quail Cove, discussed the flow rate of water during rains.

Dorothy Harbo spoke about the Memorial Day flood.

Les Grouton said that anything built by Mr. Scudder will act as a dam for his house and will cause flooding.

Paul Ellfott cited various law suits concerning construction in a flood plain.

Jack Turner, Associate Professor of Physics at UT, discussed his concern with buildings in the flood plain and the increase in traffic which will be caused by apartments.

Tom Cook, Georgian Acres Homeowners Association, said development is the cause of flooding and feels the Council is willing to sacrifice some homes so the apartments can be built.

Mr. Scudder returned to present his summation and said the planning which has been done for the Villas Apartment Complex will make flooding unlikely. His engineer on the project, Troy Ellman, reiterated what he said.

Richard Ridings, Director of Public Works, said the project has been looked at with close scrutiny and all ordinance requirements have been met.

Mr. Secrle said he wants to hear someone say they know the homes in the area will not flood if the apartments are built.

VILLAS - (Continued)

Councilmember Duncan said he sides with the neighborhood concerning the discussion of the flood plain and supports not building in the 100 year flood plain.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Urdy to close the public hearing.

Substitute Motion

Councilmember Deuser made a motion, seconded by Councilmember Duncan to close the public hearing and deny the Special Permit.

Councilmember Goodman said the reason he made his motion was to allow the applicant to redesign the project with lower density and remove it from the 100 year flood plain. Mayor McClellan said she thinks further negotiations would be in order.

Friendly Amendment to Both Motions

Councilmember Mullen offered a friendly amendment to both motions that Council receive a report on HEB and North Park detention ponds. His friendly amendment was accepted by Councilmembers Deuser and Goodman for their motions.

Roll Call on Substitute Motion - FAILED

2-5 Vote, Councilmember Goodman, Councilmember Mullen, Councilmember Urdy, Mayor McClellan and Mayor Pro Tem Trevino voted No.

Friendly Amendment

Councilmember Mullen offered a friendly amendment to allow time for further negotiations and set January 6 as the date for action. Councilmember Goodman accepted the friendly amendment.

Motion Amended

Councilmember Goodman amended his motion to close the public hearing, and set January 20 at 7:00 p.m. as the date and time for action, with the suggestion that buildings be set outside the flood plain.

Roll Call on Motion

7-0 Vote

FAYETTE UNIT 3

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved entering into an agreement with LCRA for participation in Fayette Unit 3 as recommended by the Electric Utility Commission. (6-1 Vote, Councilmember Duncan voted No.)

Prior to the vote, the following statements were made:

Councilmember Deuser:

" I am not going to discuss it. I am actually going to just basically, just make a statement about why I am going to vote in favor of the motion on the floor, and that is that..we are in the business of providing electricity for our community and doing it at a reasonable rate. I think probably those same words were echoed back in 1973, when some people voted for the South Texas Nuclear Project. We have learned that maybe that wasn't the best vote at that time, and I hope to not make the same mistake tonight in voting for a project that will turn out to be a disaster. There have been some people who felt that it would be. It seems to me that the overwhelming evidence is that when we are looking into the Fayette 3 participation, we are basically in the business of obtaining a fuel source. We have fuel transportation. We have electrical generation to perform. We have waste disposal created by that electrical generation. We have the electric distribution of the electricity after it is generated, and we have electric rates.

" The bottom line, in terms of the cost to the consumer is electric rates, and in going into Fayette 3, we will be co-owner and have control of the fuel source, fuel transportation, and of course, we already have the electric generation. Part of that will be part of the waste disposal effort. We have the distribution, and hopefully it will keep the electric rates lower, and we have been assured at least from a financial project standpoint..projection standpoint, that will be true; however, that doesn't mean that there aren't other considerations, and the main other consideration is environmental in the case of lignite fuel..lignite power.

" It is not easy to say that you are going to go in and take a resource out of the ground, disturb the natural setting of the ground, and have to restore that to a situation which is lesser in environmental quality and beauty than it was before you disturbed it. It is not nice to put up into the air, any particulate matter or radiation that is potentially damaging. It is not nice to have waste disposal of waste that needs to be put away or used in a way that was not originally intended. However, we are doing exactly the same thing in our coal generation. We are in essence doing the same thing with gas generation. It is just that gas generation has been much more widely accepted, and it is much more suited from the standpoint of producing heat, than are these lesser quality fuels.

" I think by all accounts, the problems associated with going forward in the lignite area are much more readily able to be grasped and addressed and controlled than would continued participation in a nuclear project, and it may indeed in the long run be better than continuing to sap our ground of the remaining pressure fuel of natural gas.

FAYETTE - (Continued)

"And in using coal or in using lignite anywhere else, you are just keeping all of these effects on another state or another region of the state. In this we are basically talking about central Texas lignite, and we are talking about generating and facing up to the needs of the growing community in an area of central Texas.

"And in conclusion, I did not vote for this without concern for the environmental effects, and I want to make sure that in every aspect of this project, the City of Austin negotiates that we go beyond any Federal EPA requirement, and make sure we are keeping the air cleaner than anybody else's lignite plant, and we are doing a better job of reclamation in the mining operation, and that we are indeed no longer..that we are not going into an effort that will be damaging beyond the necessity to take out of the earth some additional energy. End of statement."

Mayor McClellan:

"I just wanted to say for the record that we cited an unfortunate experience. I think we ought to also cite the fact that Fayette Unit 1 and Unit 2, which is a joint project with the Lower Colorado River Authority, we finished not only on time and on schedule, but ahead of time, and under the projected cost, and I would expect as successful a project on Unit 3, and I would like to underscore that we need..do need to provide adequate energy resources at a price our citizens can afford, and that means renewable energy resources..it means energy conservation, and it also means diversity and getting off that dependency of oil and gas."

Councilmember Duncan:

"Well, I will make a somewhat brief statement. I will not be voting for the project, and I have to say there are a lot of good reasons to vote for the project. This Council certainly shouldn't be faulted in making that decision, but I really feel that participation in a lignite plant should be one of our last sources, and should be a truly compelling decision.

"This project does not meet that criteria for me. I don't think the lignite source is secure. I think we are depending on some leases that are not at all certain that we are going to get..leases that have resisted EXXON and LCRA and other people, and I don't think we are going to get them to sell. I don't think we are going to find an adequate source of lignite for Fayette 4, 5 or 6. We are going to have to go to western coal for those plants... There are ash disposal problems that are not adequately solved. The BTU value of that lignite is just horrendous in comparison to western coal. We could build a similar site facility and get a lot more energy out of it with western coal. I think the natural gas assumptions made in the report are very questionable. I think we are somewhat premature in making this decision without knowing what is going to happen to STNP. Because I think I..I am not as much of an optimist as I used to be on our possibility of getting out of that plant, but in conclusion, I guess..the compelling reason to do this is that it is the lowest and cheapest cost, and I realize we have

FAYETTE - (Continued)

a responsibility to our rate payers to provide electricity at a reasonable rate. It does not always mean the analyzed-on-paper lowest rate. You know we have a lot of bids come before us on a weekly basis, and 90% of the time we choose the cheapest bid, but we don't always do that. Sometimes we choose the second lowest bid, on the basis that it is a better bid, and in essence, I think that is what we should do this time.

I would support Fayette 3, if they would convert to a western coal situation. I think western coal really has the long term supply necessary for our coal burning facilities, and finally..and talk about our responsibilities it has been said that we are not the Congress of the United States or the EPA, and I realize that, yet at the same time, all of us have personal responsibilities whether we are involving government or not, to be responsible for our air and food and water, and we have to make value judgements about such things such as producing energy as to the effect on that. And I just don't feel like that we are in a compelling position..that this is our last alternative to provide electricity to our rate payers at a reasonable rate. I think we have other alternatives, and I will vote no.

BARTON CREEK SITE DEVELOPMENT ORDINANCE

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance concerning Barton Creek Site Development. (7-0 Vote)

EXECUTIVE SESSION

Mayor McClellan announced that pursuant to Article 6252-17, V.T.C.S. Council will go into Executive session to discuss (a) Performance Review of the City Manager - Personnel Matters - Section 2, Paragraph g; and (b) Compensation of the City Manager - Personnel Matters - Section 2, Paragraph g. Mayor McClellan said any action necessary concerning the City Manager's compensation will be taken in open session.

RECESS

Council recessed its meeting at 10:10 and resumed its recessed meeting at 11:40 p.m.

CITY MANAGER'S SALARY

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, approved an increase of City Manager Meiszer's salary by 8% retroactive to October 1, 1982. (6-1 Vote, Mayor McClellan voted No.)

SALARY - (Continued)

Mayor McClellan stated for the record: "The City Manager's current salary is \$69,492.80. To itemize a few of the fringes that go with that without listing them all, I'll pick out a couple of big ones. Business expense on top of the \$69,492 is \$2,400 a year. Car provided is \$3,900 a year for rental and fuel without going into the smaller items for retirement, memberships and whatnot, the total for those three items comes to \$75,797.80. For the record I will simply state that I believe for our City Manager at this time that this salary is adequate so I will vote against the motion."

Councilmember Duncan stated, "I think the Manager has done an excellent job in his year with us. He entered under difficult circumstances with the City and I think he has done a very admirable job in staff appointments, in working with the new staff. I think even with this increase he still will not be making the same as a couple of his department heads are making. This is a minimal increase necessary to show our appreciation for what I think has been an admirable performance during the past year."

Councilmember Deuser pointed out that "this is the same increase percentage wise across the board that was given to the other City employees and that applies to all other department heads, etc. I think the new figure of the basic salary for the City Manager of \$75,051, which is what it will be, is the right number for this time. Anything less would not be appropriate. The previous City Manager two years ago was making \$72,000 as his salary."

ADJOURNMENT

Council adjourned its meeting at 11:45 p.m.