



Austin City Council MINUTES

For APRIL 14, 1983 -- 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 Pro Tem Trevino called to order the meeting of the Council, noting the presence of all Councilmembers.

INVOCATION

The Invocation was given by Reverend Charles W. Hyde.
First Assembly of God Church.

BOARD & COMMISSION VACANCIES

Mayor Pro Tem Trevino announced the following board and commission vacancies: Community Development Commission, 5; Austin Tomorrow On-Going Committee, 6; Manpower Advisory Planning Council, 1; Vending Commission, 1; Downtown Revitalization Task Force, 3; Affirmative Action Plan Advisory Committee, 2; Private Industry Council, 1; Environmental Board, 3; Energy Advisory Commission, 11; Dental Health Advisory Commission, 9; Neighborhood Revitalization Commission, 2; Water and Wastewater Commission, 1; Arts Commission, 1; Building Standards Commission, 3; Plumbing Advisory Board, 3; Hospital Board, 2; Elisabet Ney Museum Board of Directors, 3; Commission the Status of Women, 2; Capital Area Planning Council, 6.

CONSENT RESOLUTIONS

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

Release of Easement

Authorized release of the following easement: A 10' drainage easement on Lot 1, Buckingham Place Commercial Center Amended, William Cannon at South First Street. (Requested by Espy Huston and Associates.)

Capital Improvements Program

Authorized payment to The Texas Pipeline Company, the estimated amount of \$8,953.00 to reimburse TTPL Co.'s encasement of an existing petroleum pipe line located in private easement across newly acquired street right-of-way for North Bluff Drive. Phase I. CAPITAL IMPROVEMENTS PROGRAM No. 78/62-32.

Authorized selection of architectural services of Pfluger Associates in connection with Fire Station No. 27 - \$47,000. CAPITAL IMPROVEMENTS PROGRAM No. 81/83-02.

Councilmember Duncan requested a memo on the energy efficiency planned.

Authorized selection of Brytest, Inc. for Geotechnical (Soils) Investigative Services for the proposed additions to the sanitary landfill site on the Capitol Cattle Company Property near F.M. 812 in the amount of \$7,500.00, CAPITAL IMPROVEMENTS PROGRAM No. 74/60-07.

Approved selection of John S. Chase for professional services in connection with bus passenger facilities. CAPITAL IMPROVEMENTS PROGRAM No. 73/90-01

Change Orders

Authorized and approved the following change orders:

- a. In the amount of \$8,836.00 to Mitchell, Evans & Byram, Inc., for the Municipal Court Building Renovations. (0.7% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 81/87-01
- b. In the amount of \$6,011.95 to Audio Technical Services, Ltd., for the Palmer Auditorium Sound System. (3.0% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 81/80-02
- c. In the amount of \$24,940.00 to Austin Engineering Company for 38th - 38½ Street, Street and Drainage Improvements. (6.5% increase in the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 73/62-29.
- d. In the amount of \$19,600.00 to Austin Road Company for Congress Avenue Improvements - 1982. CAPITAL IMPROVEMENTS PROGRAM No. 75/86-70.

April 14, 1983

Contracts Approved

Approved the following contracts:

- | | |
|---|---|
| a. KNORI ASSOCIATES, INC.
105 West Heritage
Friendswood, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Playground Equipment for
Shipe Park, Parks and
Recreation Department -
\$18,255.00 C.I.P. No. 75/86-09 |
| b. TANGENT DEVELOPMENT COMPANY
1715 Harlequin Run
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Bus Stop Passenger Shelters,
Urban Transportation Department
Item 1, 5 ea. - \$12,225.00
C.I.P. No. 81/90-04 |
| c. CENTRAL VALLEY CHEMICALS, INC.
100 Sam Camp
Bryan, Texas | - Herbicides, Parks and
Recreation Department
Twelve (12) Month Supply Agreement
Items 3, 4, 5, 7, 9, 10, 13, 16,
18 and 19 - \$15,476.00 |
| d. LANFORD EQUIPMENT COMPANY, INC.
830 Airport Boulevard
Austin, Texas | - LCG Diesel Tractors, Vehicle
and Equipment Services
Department
Items LCG-1 & LCG-2 -
Total \$25,809.00 |
| e. REINHART & ASSOCIATES, INC.
5003 Hamilton Road
Austin, Texas | - Turbine Valves and Related
Parts, Electric Utility
Department
Item 1 thru 3 - \$8,075.00 |
| f. CENTRAL TEXAS EQUIPMENT COMPANY
127 E. Riverside Drive
Austin, Texas | - Pneumatic Paving Breakers,
Spades and Chipping Hammers,
Water and Wastewater Department
Item 1 - 4 - \$11,544.00 |
| g. KRUMM MOTORCYCLE SALES, INC.
1707 Barton Springs Road
Austin, Texas | - Motorcycles, Austin Police
Department
Item MC-1 - \$57,270.00 |
| h. TEXAS EMULSIONS, INC.
1103 Perry Brooks Building
Austin, Texas | - Emulsified Asphalts, Public
Works Department
Twelve (12) Month Supply Agreement
Item 1 thru 5 - \$142,000 |
| i. COMPUTERLAND
Shoal Creek Plaza
3300 Anderson Lane
Austin, Texas | - Microcomputer Configuration,
Energy Management Department
Total \$14,488.00 |

Temporary Street Closings

Approved temporary closing of the following streets:

- a. Pearl from 25th Street to 26th Street on April 21, 1983 from 1:00 to 8:00 p.m. as requested by Mr. Victor Toledo representing the Sigma Phi Epsilon Fraternity.
- b. 25th Street from Pearl to San Gabriel on April 22, 1983 from 12:00 noon to 8:00 p.m. for a street party as requested by Mr. Scott Kidd, representing the Delta Tau Delta Fraternity.

Contract Extension

Approved extension of a contract with Gilbert Associates, Inc. for an additional \$15,000 to secure professional services in connection with Seward Construction Company v. City of Austin.

SER-Jobs

Authorized and approved contract award to SER-Jobs for Progress (MBE), 4704 E. 1st Street, for the Summer Youth Employment Program (SYEP) of the Comprehensive Employment and Training Act (CETA) in the total amount of \$893,489.00.

Maternal and Child Health Hearing Aid Program

Approved an agreement with the Texas Department of Health to provide services and hearing aids to children who are eligible to participate in the Maternal and Child Health Hearing Aid Program.

Physical Therapist Assisting Experience

Approved an affiliation agreement with Austin Community College whereby Brackenridge Hospital will provide physical therapist assisting experience at no cost for Austin Community College students.

Texas Medicaid Program

Approved renewal agreement for Brackenridge Hospital to continue its participation in the Texas Medicaid Program.

Older Americans Act Funds

Authorized submission of a seventh year renewal application to the National

FUNDS - (Continued)

Council of Senior Citizens for approximately \$325,000 in Title V Older Americans Act funds.

Grant Application

Authorized submission of a grant application to the National Endowment for the Arts in the amount of \$150,000 for allocation to local arts organizations through the City's Cultural Contract Program during a three year period beginning with fiscal year 1983-84.

Job Training Partnership Act
Transition Committee

Approved appointment of Councilmembers Urdy and Duncan and Mayor Pro Tem Trevino as members of the Austin City Council to serve on a Job Training Partnership Act Transition Committee along with two Travis County Commissioners for the purpose of representing and reporting back for action to the City Council all necessary implementation issues.

CONSENT ORDINANCES

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances on one consent motion: (6-0 Vote)

Capital Improvements Program

Declared the necessity for an ordered improvements to Radam Lane, a special assessment project, consisting of 1 unit covering approximately 1 block.
CAPITAL IMPROVEMENTS PROGRAM No. 77/62-03.

Cable Line-Up Changes

Passed through third reading of an ordinance authorizing cable line-up changes on Channels 16 and 43.

Budget Amendment - Public Information-Cable Communications

Authorized an amendment to the Public Information-Cable Communications Office 1982-83 budget in the amount of \$114,713 to be allocated from the Contingency for Franchise Fee Waiver.

Run-Off Election

Approved amending Ordinance No. 830404-A, calling the run-off election for April 30, 1983 by changing the location of one of the absentee substations from Texas Union Room 4-226 (University of Texas at Austin - Main Campus) to Texas Union Second Floor Lobby, adjacent to the Information Desk (University of Texas at Austin - Main Campus).

Item to be Brought Back

During the consent motion, Council agreed to bring back April 21, 1983 an ordinance to consider accepting the recommendation from the Water & Wastewater Commission's recommendation to appropriate approximately \$15,000 from the 1982-83 Operating Budget to hire Metcalf & Eddy and Freilich and Leitner to study the feasibility of City water and wastewater service to the Williamson Creek Watershed, specifically covering elements of cost, financing, engineering and feasibility.

LEGISLATIVE PRIORITIES OF THE CITY OF AUSTIN

Council had before it a resolution to consider approving positions on identified legislation as part of the Legislative Priorities of the City of Austin.

Mr. Joe Longley, Austin's legislative liason, told Council, "Mr. Sysbesma has provided Council with the report on our updated legislative program. (See Exhibit A) If the Council has any questions we will try to answer. The main thing I want to report to Council is one of our priority pieces of legislation which is H.B. 977 on the reimbursement for indigent care by other counties for Brackenridge Hospital came out of sub-committee yesterday and will be reported back to the full committee and the House on next Tuesday evening. So we should have quick House action on that bill beginning after next week. We have a Resolution pending which is the subject matter of your background material. The material has particular attention on S.B. 423 relating to what is now modular home legislation. There is also a memo which has been provided to the Council and before there was a committee substitute the Council had taken an opposed position to that bill. I think we are recommending a "no position" on the committee substitute, based on what is in the memo, of course, contingent upon the bill remaining in the committee substitute form with some additional amendments that we have with the proponents of that bill and have requested."

Mayor Pro Tem Trevino asked, "Havn't we been requested by TML to reconsider taking no position?" Mr. Longley said other cities are concerned about the prospect of S.B. 423. "As Council knows, we have allowed modular housing in Austin for a long time. Once the technical people from the City of Austin were satisfied we felt from the standpoint of technicalities of the bill that the City of Austin is really no longer involved. If the Council wishes to help TML in their continued opposition we have no objection but we had a meeting last week which is outlined in the memo and as far as the technical people were concerned, once the amendments that were proposed were accepted by the proponents of the bill we felt as if there was no real reason for opposition to the bill as it applies to the City of Austin.With regard to another item on the resolution list is the support

LEGISLATIVE PRIORITIES - (Continued)

for a municipal courts of record bill and the bill has been introduced."

Judge Phillips, Austin Municipal Court Presiding Judge, told Council, " We had a long meeting this morning concerning HB 953, Municipal Court of Record for Austin. We recommend Council seek amendment to grant court injunctive powers for environmental, health and zoning ordinance violations and then to support this bill. The out come of the meeting this morning was that there are too many unanswered questions about the effect of giving Criminal Court also injunctive relief which may cut across the judicial system in terms of interfering with the City's right to go to District Court to get that injunction and also in connection with getting damages as well as an injunction. There are too many unanswered questions. What I would like you to do is support the bill as written bearing in mind that it is a permissive bill. It simply authorizes this Council to in the future establish a municipal court of record and if we are able to work out the problems with the injunction portion that was recommended that we then try to get the legislature in the next session to consider giving this another bite at getting everything that we need in the Court of Record Bill. ... It would be nice at some point to have injunctive relief if we can do it without handcuffing the City Attorney's office in terms of pursuing things in District Court."

Pieter Sybesma, Intergovernmental Relations Officer, told Council "The only thing we would like you to do is take notice of H.B. 953 to support it as it is filed now. We will continue to work perhaps next session and look for injunctive relief. The other one is committee substitute for Senate Bill 423. Whatever you decide, if the City of Austin should continue to oppose or if we should have no objections to the CSSB 423. Otherwise, our other recommendations remain as is."

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, accepted staff's recommendation on H.B. 953. (6-0 Vote)

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, voted to take no position on CSSB 423. (6-0 Vote)

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving positions on identified legislation (See Exhibit A 1-2, 4-12, 14-16 on following pages) as part of the Legislative Priorities of the City of Austin. (6-0 Vote)

LEGISLATIVE PRIORITIES

EXHIBIT A

Consideration by Council

1. SB 787 - Authority of cities to undertake and finance certain improvements and/or services and providing procedures therefore; amending the Public Improvement District Act.

Recommendation - SUPPORT

2. HB 1836 - Rate of the city hotel occupancy tax (increase up to 3% more)

Recommendation - SUPPORT

3. HB 953 - Municipal Court of record for Austin.

Recommendation - SEEK AMENDMENT FOR INJUNCTIVE POWERS FOR ENVIRONMENTAL/HEALTH/ZONING ORDINANCE VIOLATIONS AND SUPPORT.

4. SB 385& - Pre-hospital and emergency medical services.
HB 1094

Recommendation - SUPPORT

5. HB 939&- Regulation of cable community antenna television.
SB 643

Recommendation - OPPOSE

6. HB 630 - Eligibility of premature infants to receive the medical care provided for crippled children.

Recommendation - SUPPORT

7. SB 605 - Prohibition of discrimination in certain transactions concerning employment.

Recommendation - SUPPORT

8. SB 415 - Jurisdiction of commission on Jail Standards (adds municipalities to coverage)

Recommendation - OPPOSE

9. SB 854&- Use of municipal funds to influence legislation
HB 1826 (prohibit)

Recommendation - OPPOSE

LEGISLATIVE PRIORITIES

EXHIBIT A (Continued)

10. HB 1085&- Creation of the Office of Budget Officer in certain
SB 485 counties (Endorsed by Social Policy Advisory Committee
at request of Commissioner Honts)

Recommendation - SUPPORT

11. HB 717 - Emergency Financial Assistance (Endorsed by Social
Policy Advisory Committee)

Recommendation - SUPPORT

12. HB 1732 - Temporary Emergency Relief Programs (Endorsed
by Social Policy Advisory Committee)

Recommendation - SUPPORT

13. Committee Substitute for SB (CSSB) 423 - Protection of housing
consumers by prohibiting discrimination between types
of housing (excludes mobile home from coverage)

Recommendation - NO POSITION; Continue to oppose
SB 423 and other legislation
which includes mobile homes.

14. CSSB 325- Allocation of certain cigarette tax revenue to and
the use of the local parks, recreation, and open
space fund. (extends fund with at least 20% of
fund designated to rural areas)

Recommendation - SUPPORT IF UNABLE TO SECURE
EXTENSION

15. HB 1251 - Establish and implement an energy efficiency loan
fund for cities, counties and independent school
districts.

Recommendation - SUPPORT

16. SB 850 - Establishment of a program of assistance for
certain high-risk pregnant women and newborn
infants (provides reimbursement up to \$5,000)

Recommendation - SUPPORT

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced that pursuant to Article 6252-17, Texas Revised Civil Statutes annotated, Section 2, Paragraph e, Council will meet in a closed or executive session to discuss the pending City of Round Rock application before the Public Utility Commission for a Water and Wastewater Certificate of Convenience and Necessity, and after such closed or executive session and 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 its meeting at 1:55 p.m. and resumed its recessed meeting at 2:45 p.m.

PROCLAMATION FOR LUCI BAINES JOHNSON

Mayor Pro Tem Trevino read and presented a proclamation to Luci Baines Johnson designating April 14, 1983 as "We Love Luci Day" in Austin for the significant contributions she has made to this community. Ms. Johnson, who was in the Council Chamber with her mother, sister and children, thanked the Mayor and Council for the proclamation.

PUBLIC HEARING - ESTATE PROPERTIES, LTD.

Mayor Pro Tem Trevino opened the public hearing set for 2:00 p.m. on Estate Properties, Ltd., an Austin Housing Finance Corporation application for financing.

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, closed the public hearing. (6-0 Vote)

PUBLIC HEARING - CIP DITTMAR ROAD ASSESSMENTS

Mayor Pro Tem Trevino opened the public hearing set for 2:30 p.m. to consider closing the hearing and levying the assessments on Dittmar Road, Phase I, covering approximately 4 blocks; and passage of ordinance, CAPITAL IMPROVEMENTS PROGRAM No. 79/63-32.

Mr. Richard Ridings opened the hearing, stating it is required by State Law and covers 17 total parcels of land. Property owners who feel the assessment exceeds their enhancement, may appeal the public hearing. The rates are calculated on a cost per front foot basis. They vary depending on the type of development or the particular zoning of the property. To determine the enhancement, the Public Works Department employs an appraiser to look at each parcel and provide a professional opinion as to the enhanced value. In this case, Mr. Herbert Sladek Jr. has performed the review

HEARING - (Continued)

and presented his findings in a report which is on file in the City Clerk's Office.

Mr. Ridings recommended that the lower enhanced value be set on Items 7 and 8 on Page 6 of the report. "The assessments affect Mr. James E. Payne of 500 Dittmar Road and recommend lowering assessment from \$6,506 to \$5,750; and Rodney A. Jones, 414 Dittmar Rd., from \$1,891 to \$1,400. Also, item 17, page 8, Linda Marquart from \$174.15 to 0 as recommended by the appraiser. All other appraisals and assessments should remain as originally assessed...."

Mr. Riggs, Assistant City Attorney, questioned Mr. Sladek concerning his credentials as an appraiser.

Jim Payne appeared before Council to say his assessment is being reduced but he does not feel his property is being enhanced. He said he has lost 10 trees and his quiet street has been changed into a four lane highway 6' closer to his front door. Mr. Sladek discussed the reasons for the assessment.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance levying assessments on Dittmar Road, Phase I, covering approximately 4 blocks, and accepting lower appraisals on parcels 7 and 8. CAPITAL IMPROVEMENTS PROGRAM No. 79/63-32. (5-0 Vote, Councilmember Mullen was out of the room.)

PARADE PERMITS

The Council, on Councilmember Duncan's motion, Councilmember Deuser's second, approved the following parade permits: (5-0 Vote, Councilmember Mullen was out of the room.)

- a. Mr. Frank Belanger, for University Mobilization for Survival, from 11:00 a.m. to 11:30 a.m., Sunday, April 17, 1983, beginning from from Bouldin at Riverside Drive, right onto Barton Springs, (both westbound lanes), cross bridge at Barton Springs, down Barton Springs Road to Stratford, right into Zilker Park, right fork back east and onto Hike & Bike Trail near Town Lake, doubling back across Barton Springs bridge, continue down Hike and Bike Trail under Lamar Bridge and MoPac RR to finish line across from City Coliseum.
- b. Mr. Jonathan W. Oelrich, for Quail Creek Festival Executive Committee, Saturday, April 30, 1983, from 8:30 a.m. to 10:00 a.m.. beginning from the intersection of Mearns Meadow and Mountain Quail, west on Mearns Meadow to Boyer, west on Boyer to Metric, north on Metric to Donley, west and south on Donley to Denton, east on Denton to Metric, south on Metric to Rutland, east on Rutland to Golden Meadow, north on Golden Meadow to Mearns Meadow, and east on Mearns Meadow to start.

PARADE PERMITS - (Continued)

- c. Mr. Marvin H. Douglas, for Cheops \$200 Shrine Lodge, from 10:00 a.m. to 11:30 a.m., Saturday, May 7, 1983, beginning 2nd and Congress Avenue, north to East 11th Street, to Rosewood Avenue, to Angelina, to Comal at Kealing Park.

ONION CREEK WASTEWATER

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted the following resolutions: (5-0 Vote, Councilmember Mullen was out of the room.)

1. Authorized and approved a proposed Supplemental Amendment No. 1 in an estimated amount of \$214,985.86 to the existing Professional Services Agreement dated January 15, 1981 between the City of Austin and the Joint Venture firms of Tye F. Collins & Associates, Inc. and Black & Veatch, Inc. for the Onion Creek Wastewater Interceptor and Associated Line Facilities. C.I.P. No. 73/23-11.
2. Authorized and approved a proposed Supplemental Amendment No. 3 in an estimated amount of \$230,653.00 to the existing Professional Services Agreement dated August 26, 1980 between the City of Austin and Turner, Collie & Braden, Inc. for the Onion Creek Wastewater Treatment Facilities. C.I.P. No. 73/23-87.

LANDFILL PERMIT - PEARCE LANE SITE

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted a resolution retaining the law firm of Scanlan, Buckle & Fleckman for an amount not to exceed \$10,000 in connection with the landfill permit for the Pearce Lane Site. (6-0 Vote)

NORTHWEST TRAVIS COUNTY MUD NO. 2

Council had before it for consideration the approval of annexation of 60.74 acres into the Northwest Travis County MUD No. 2. Mr. German, Assistant City Manager, told Council they have not finally resolved the request. Mr. Homer Reed, representing the MUD, discussed the annexation and told Council the district is responding to what Council wanted them to do. There were questions concerning level of service and what the City would like to see the MUD do. It was determined staff needs more time to research and the resolution will be brought back to Council on April 21, 1983.

VACATION OF JOAN D'ARC COURT

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, passed through SECOND AND THIRD READINGS of an ordinance vacating Joan D'Arc Court from Sayers Street to West 6th Street. (6-0 Vote)

Prior to the vote, Councilmember Duncan asked if there is a site plan for Phase I and Phase II. He said at the time of first reading Council said they would pass second and third readings when they have a full site plan.

Mr. Richard Ridings, Director of Public Works, said he was not certain about the site plan on Phase II but has received the restrictive covenant for Phase II that has been filed with the City Attorney's office and they have also begun their process on the vacation of Sayer Street. The construction will be limited to 2nd height and area.

Mr. Armbrust, representing the applicant, told Council they have prepared a covenant which, in his opinion, complies with what he thought Council directed last week. One statement in the covenant says that "we acknowledge and agree that Sayers Street will not be vacated until the site plan of the property has been reviewed and approved by the City Council of Austin, meaning Phase II". He said the second part of the covenant limits to 2nd height and area.

Mr. Nias, Assistant City Attorney, stated, "It limits to 2nd height and area immediately upon vacation of Sayers and also they promise to initiate a re-zoning case and actually re-zone it to 2nd H&A. What we are not clear on, is there a site plan for Phase I?" He was told there is and a motion was made to approve it on April 7, 1983.

Councilmember Duncan asked if there will be a site plan for Phase II when the vacation of Sayers reaches them. Mr. Armbrust said there will be one at that time.

BUDGET AMENDMENT - CONGRESS AVENUE IMPROVEMENTS

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance amending the 1982-88 Capital Improvements Program by appropriating \$25,000.00 from the approved 1984-85 bonds for the Parks and Recreation Downtown Revitalization Project to be used for the Congress Avenue improvements. CAPITAL IMPROVEMENTS PROGRAM NO. 75/86-70. (6-0 Vote)

TAXI CAB FRANCHISE ORDINANCE

Councilmember Urdy discussed a revision to the Taxi Cab Franchise Ordinance. He said he wants to refer this to Urban Transportation. In reviewing the entire Taxi Cab Franchise, he wants to bring some rhyme or reason to the whole process so that we can understand the basis for increasing the number of permits. He also wants recommendations in regard to the contract drivers under the franchise agreement and any other things Urban Transportation would like to consider. Councilmember Urdy asked that Urban Transportation Commission report back to Council on these things.

GREENBELT RESTRICTIVE COVENANTS

Councilmember Duncan introduced to Council a discussion to consider revising the language and intent of restrictive covenants dealing with greenbelts. He said there has been difficulty saving trees in a particular greenbelt in northwest Austin. He said the covenant had stated there would be no cutting of trees and now there is a problem saving trees in the area that are dying because of work being done there. The root systems were damaged and rocks removed in such a way that the trees could not be supported and "we do not have a recourse because the language said 'cutting' of trees, not killing of trees. Councilmember Duncan said nothing can be done about that particular case, but he would like the attorneys to include in all future restrictive covenants that deal with greenbelts, not only the cutting of trees but killing of trees, including damaging trees in such a way they die. He asked the City Attorney to draft such language and show it to Council at a Council Meeting.

Mr. Nias, Assistant City Attorney, stated, "Restrictive covenants really are agreements between the developer and the Council. If they come up for a zoning change and you have questions about whether it is appropriate, they make all sorts of promises that we will do this or this. In order to make sure that what is in there is what you want in there, I think it is important that the agreement be made very clear here at the Council Chamber. Because often, later, the developer's attorney comes around to me and I say well, you should do this and this and we look back at the Minutes and it says not that much and they accuse me of trying to add things on my own initiative that you (Council) really didn't call for and the client did not agree to. I think it would be appropriate for me to bring back some language that the Council can read into the record when we have such restrictive covenants a policy you can enforce yourself when making your agreement."

AD-HOC RAIL COMMITTEE

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, appointed Joe Gieselman, Lyndon Henry and Bill Hamilton to the Ad-Hoc Rail Committee. (6-0 Vote)

AFFIRMATIVE ACTION QUARTERLY REPORT

City Manager Meiszer's Affirmative Action Quarterly Report revealed that the rate of appointments for Blacks increased from 5.7% to 11.6% during this quarter. The rate of appointments for Hispanics increased from 8.6% to 16.3% during this quarter. Timetables for Phase I and Phase II are on schedule. All department heads and administrators have completed a class in affirmative action conducted by the Personnel Department and Austin Community College. All departments have developed, in conjunction with assistant City Managers, action plans that outline specific strategies and alleviate departmental affirmative action deficiencies.

REPORT TO BE BROUGHT BACK

The City Manager Report on Land Use Study, as requested by Councilmember Duncan, will be presented on April 21, 1983.

PITCH AND PUTT GOLF COURSE

City Manager Meiszer reported on the Pitch and Putt Golf Course. He said he thought Mr. Kinser, who has been operating the course for several years has the right to renew his contract.

Mr. Brad Shearer, who had signed up under Citizen Communication to discuss the lease agreement on Butler Pitch and Putt, was asked to speak. Mr. Shearer said he would like to operate the Pitch and Putt Golf Course. He said he would add a sandwich shop, 14% liquor and night lights. Mr. Shearer said he would like to have tournaments and would lower fees.

Mr. Meiszer told Council if they wish to have someone new operate the course it would be proper to advertise and take competitive bids. Councilmember Urdy said he sees no point in changing because Mr. Kinser has done a good job. He reminded Council the City is still thinking about selling the land and sees no point in changing lessee at this point. Councilmember Duncan suggested they extend the lease agreement with Mr. Kinser until the end of the year.

Motion

The Council, on Councilmember Urdy's motion, Councilmember Duncan's second, adopted a resolution extending the Lease Agreement with Mr. Winston Kinser for the operation of the Pitch and Putt Golf Course. (5-0 Vote, Councilmember Mullen was out of the room.)

CITY STAFF DISCUSSED

Mr. Merle A. Lang appeared before Council to discuss the members of the City staff who did not give him a complete list of people who have not paid their taxes. He asked on what authority members of the staff can decide not to collect someone's tax. Mr. Meiszer, City Manager, told him that sales tax is imposed by State Law and no City employee can decide who should pay.

CAPITAL RECOVERY FEE ORDINANCE DISCUSSED

Mr. William D. Brown appeared before Council to request interpretation of the Capital Recovery Fee Ordinance. He said he represents Bailey Builders, Inc. and they are not asking for new service but ask to make the service they have legal.

Council referred him to the Legal Department.

SECURITY ARRANGEMENTS FOR EEOYER'S BIRTHDAY

Mr. Stacy L. Suits appeared before Council to discuss security arrangements for Eeoeyer's Birthday. He felt the 20 officers required are excessive and said ten would be sufficient.

Mr. Ehrler, Director of Parks and Recreation, said 20 officers are needed for the 10-12,000 people they expect to be at the party at one time. After discussion, no further action was taken.

ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the following zoning case scheduled for 4:00 p.m. Council heard, closed the public hearing and instructed the City Attorney to draw the necessary ordinance.

C14-82	KENNETH HAWKINS	11316 Jollyville	From Interim "AA" 1st H&A
200	& JAMES OLSON	Road	To "BB" 1st H&A
	By Sitra Properties,		RECOMMENDED subject to
	Inc.		site plan and restricted
			to 12.6 units per acre
			<u>GRANTED AS RECOMMENDED</u>

Mr. Lillie reviewed the application and said this would be duplex density. Councilmember Duncan said he objected to the zoning change based on the amount of traffic already on Jollyville Road.

(On Councilmember Mullen's motion, Councilmember Goodman's second, 4-1 Vote, Councilmember Duncan voted No, Councilmember Deuser was out of the room.)

POLITICAL RIGHTS DISCUSSED

Mr. Stuart Hersh, secretary-treasurer and chief steward for AFSCME, said he was not speaking for AFSCME, but as a private citizen. Mr. Hersh contended the City Manager had supplied confusing and incorrect information concerning participation of employees in political campaigns as the result of temporary injunction by Judge Harley Clark. Mr. Meiszer told Council and Mr. Hersh that a memo went out from his office to all department heads telling them who can and who cannot participate in City political campaigns. He said all the people eligible were identified by name and each department head was told to inform the employees in his/her department.

PUBLIC HEARING - APPEAL

Mayor Pro Tem Trevino opened the public hearing set for 5:15 p.m. on an appeal from Marcia Turullols, president, Prather Lane Association of Neighbors, of the Planning Commission's decision granting a Special Permit. Case Nos: C14p-83-011, C14p-83-012 & C14p-82-102.

Marie Gaines, Planning Department, reviewed the Special Permit. She said the Planning Commission looked at all aspects. The issue raised by the Prather Lane Association of Neighbors, is the traffic impact on Victory Lane collector street.

Scott Roberts, representing the Browntone Group, told Council there is higher intensity zoning around the area of Special Permit request and he feels the land use request is supported by the use around them.

Marsha Turullols, showed Council maps and slides depicting the traffic problems they have, which she says the City does not do anything about.

Esta Smalley, 2101 Prather Lane, discussed the dangerous turn on Victory Drive.

APPEAL - (Continued)

Bob Burstyn told Council the development would cause too much traffic.

Esta Smalley, 2101 Prather Lane, said Victory Drive is too dangerous and one cannot see around it.

John Walker, 2100 Prather Lane, asked what would happen if the detention ponds overflow.

Lisa Burstyne read a letter from Porter PTA supporting the objections of the neighborhood.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Urdy's second, closed the public hearing and upheld the Planning Commission's decision to grant a Special Permit. (5-0 Vote, Councilmember Mullen was out of the room.)

1983-84 COMMUNITY BLOCK GRANT PROGRAM

Mayor Pro Tem Trevino opened the public hearing set for 5:00 p.m. on the 1983-84 Community Development Block Grant Program Proposed General Topic Areas.

Don Redburg, representing Infant-Parent Training Program, asked for funds for a facility designed for the care of handicapped children in the 0-3 year range. Mr. Redburg said they have found a piece of State owned property which they can get on a long term lease on which to build the training facility.

Patty Bizzel, volunteer president of Association for Retarded Citizens, and mother of a three year old who is currently enrolled in the Infant-Parent Training Program. She said many families have been served but there are many in the rural areas who have not been helped as yet. Because of the increase in helping more children age 0-3, expansion is necessary. She asked for Council's help.

Diane Tuttle, mother of a Down's syndrome child, said she has been helped immensely by the Infant-Parent Program and asked for CDBG funds to build a new facility.

John Brubacker, Executive Director, Austin Travis County Mental Health/Mental Retardation Center, discussed the property which has been found for the Infant-Parent Training Program facility. The Austin State School has some property located away from its main campus and are talking about developing a perpetual lease for a small amount of that land for the proposed facility. The property would be as close to the middle third of the City as any property they have been able to find. Mr. Brubacker explained the site will be recommended to the State Board of Mental Health/Mental Retardation. This sort of lease is well within the authority of the State Board with precedence for it. They have granted this kind of lease before.

Ben Sarrett, chairman, Community Development Commission, told Council there ordinarily is a proposition or proposal from the City Manager's Office for this

CDBG -(Continued)

hearing. "However, I understand that is not prepared as yet. I know of one staff request from Miss Cavell's department and I may be presumptuous to say that it is going to be the City Manager's request. If it is I would personally support it. It is a request for about \$12,000 for a needs assessment coordination program for identifying further physical needs within the City for handicapped citizens. We have had considerable development with Vaughn House and a number of recommendations this year regarding physical plants and now I think Miss Cavell thinks our needs should be surveyed for future planning.The recommendations for standard rehabilitation this year from the joint subcommittee and the Community Development Commission curtail the amount of money by a great deal, which has been dedicated heretofore to standard rehabilitation and with a recommendation that the private non-profit organizations carry out that work rather than the Office of Neighborhood Revitalization. It was the unanimous feeling of the joint subcommittee and the Community Development Commission that this expresses a decided dissatisfaction with the work of the Standard Rehabilitation programs. However, we must say that under Paula Manning we believe that is better managed now than it ever has been. It is just that it does not seem to be satisfactory enough when we have had a strong emphasis many years now on the rehabilitation of housing and there have been some proposals for construction of new housing which would be done by non-profit organizations.We have attempted to open up the emergency rental repair program to rental units under the same guidelines that were used under the Clarksville pilot project several years ago. We have been heavily weighted in the expenditure of our CDBG monies toward home ownership in spite of the fact that most people live in rental units. We are attempting each year to find a greater balance for the relief of renters.It has been recommended that the Economic Development Corporation serve the target areas rather than have them split into two or three. We feel that would cut administrative cost. We think it should be representative ethnically of the entire community by staff and board of directors rather than being separated with one black, one or two brown's....."

Councilmember Urdy asked, "Let me ask you a question about your last comment with respect to the EDC's....reducing the administration of those projects. At the same time I believe we are increasing the administration in services by a considerable amount over last year. Mr. Sarrett answered, "Yes let's talk about that. What we did was recommend 8% increase for inflation factor. That is the factor that Human Services has used in assessing cost for the future years." Councilmember Urdy said, "Excuse me, I didn't mean Human Services. That was really, I mean total administration, which includes several departments, four departments actually. Human Services is only one of them."

Mr. Sarrett said, "That is done at the recommendation and behest of the City Manager, and I remember that we recommended against some of those funds last year being counted twice for administration. One of the factors that we have here is about \$2,000,000 of our several million dollars this year is recycled money. That has been assessed and spent for administration before. So, by recycling it, although it wasn't spent for hard goods and services, money did go to administration those prior years. We are asking that the roughly 11% which was spent last year for administration be carved out of that \$2,000,000 as being inappropriate to spend administrative money on that future. We have also recommended that the City Operating Budget pick up what short fall there might be in HSD budgeting in the coming year. So inasmuch as the HSD serves the entire community in many of its projects."

CDBG - (Continued)

Arthur Sawyers, member of the Board of Directors of the National Business League and past member of Community Development Commission, told Council what they have accomplished. He said the urban design plan is implemented by the NBL.

Grant Coffman, Youth and Business Project of National Business League, asked Council's support.

Kent Altis, program manager, Department of Human Services, discussed the weathrization program they have conducted and said more money is needed for helping worthy citizens.

Lottie Mae Bell, Orna Duval, Orva Cleve and two other women who did not identify themselves, said they are grateful for the help they have received from the weatherization program.

Bob Simpson, Executive Director, Austin Resource Center for Independent Living, told Council more funds are needed for the renovation of the Herndon House facility.

James Dunn told Council \$11,000 is needed to finish Herndon House.

Rick Rieka, representing United Cerebral Palsey, discussed the need for a day care center for severely disabled people.

Martha Arbuckle asked Council to support ARCIL and a \$325,000 vocational training center for disabled individuals.

Mark Owens asked for a vocational facility for all disability groups.

Steve Hoof, vocational rehabilitation counselor at Austin Community College, asked Council to support facilities for the disabled of Austin.

Jerry Schlothauer, president of MIGHT, told Council they support vocational training, Herndon House and the architectural barrier removal program.

Margaret Loera discussed the credit union and said they would like more money for loans.

Gary Bradley, discussed the housing needs of Austin and said he can build a home for under \$30,000 that will be acceptable. He said he has the support of the Glen Oaks and Blackshear neighborhoods. Mr. Bradley said he has found an Attorney General ruling that will allow him to deal directly as a non-profit corporation with the City on securing Urban Renewal lots without going through a competitive bid situation.

Pauline Brown, president, Clarksville Community Corporation, said the housing stock in their area needs to be built up. They need to have more rental property.

Michael Watson, who is a member of the Youth and Business Project, asked Council support for their program.

CDBG - (Continued)

Charles Guldie, president, South Austin Advisory Board, discussed the need for a multi-purpose center. He said an advisory group is needed.

Ora Noble, resident of Blackshear, discussed the needs in her neighborhood.

John Hennenberger discussed eligible projects.

Norman Kieke, United Cerebral Palsy, spoke in support of an RFP for Herndon House, the Infant-Parent Training, and said they are advocates for the severely disabled.

Dr. James Hood, an orthopedic surgeon who is on the board for the severely disabled, discussed the needs of those citizens in our community.

Lena Stuart, resident of Clarksville, showed slides of the houses that have been built for low income families.

Howard Wells, Housing Supervisor, Austin Housing League, asked the Council's help with housing needs.

Kathy Tyler asked help for families whose houses are being demolished.

Marcos DeLeon spoke on behalf of East Austin.

Jane Haney spoke for funds for housing revitalization.

Charles Caldwell, Office of Neighborhood Revitalization, said their goal is to rehabilitate 163 houses.

George Stone, Austin Tenants Council, asked to stress programs for owners and renters.

Kathy Stark, who runs the architectural barrier removal program, asked Council to consider them for funds again this year.

Terri Gillis, Executive Director, Austin Families, Inc., discussed the child care voucher program and the demonstration project.

Joe Ramos, AMEDC, opposes one EDC.

Walt Lauder, spoke in favor of a work/study program for law students.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, closed the public hearing on the 1983-84 Community Development Block Grant Program. (5-0 Vote, Councilmember Mullen was out of the room.)

ADJOURNMENT

The Council Meeting adjourned at 7:35 p.m.