



## **Austin City Council MINUTES**

**For**                      JANUARY 20, 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 McClellan called to order the Meeting of the Council at 1:00 p.m., noting the absence of Mayor Pro Tem Trevino, who arrived at 1:40 p.m.

#### **INVOCATION**

The Invocation was given by Reverend Clyde Poldrack, Bethel Assembly of God.

#### **DISTINGUISHED SERVICE AWARD**

Mayor McClellan and members of the Council presented a Distinguished Service Award to Captain Willie Ray Davis of the Fire Department who has served the City for more than 30 years and will retire in March of this year. Captain Davis thanked the Mayor and Councilmembers for the presentation.

#### **CONSENT RESOLUTIONS**

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino absent)

#### **Release of Easement**

Authorized release of the following easement: The 25' Drainage Easement on the Alvin Harrell Subdivision, 2322 Western Trails. (Requested by Austin Medical Investments)

January 20, 1983

Contracts Approved

The following contracts were approved:

- a. J. & E. DIRT WORK, INC.  
12406 Old San Antonio Road  
Manhaca, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Sidewalk and Sidewalk Ramp  
Improvements, Willow Street  
from Waller Street to Canadian  
Street, Public Works Department  
Total \$22,753.00 C.I.P. No.  
82/61-03
- b. TRENCH ELECTRIC  
c/o R. D. Erb Company, Inc.  
5511 San Pedro Avenue  
San Antonio, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Potential Transformers for  
Summit Substation Addition 83,  
Oak Hill Substation 83, Commons  
Ford Substation, Barton Sub-  
station 456, Electric Utility  
Department  
Item 1 - \$85,125.00 C.I.P. Nos.  
82/16-02, 79/16-04, 79/16-03 &  
79/16-01
- c. SOUTHWAY ELECTRIC UTILITY SERVICE  
3201 Longhorn Boulevard, #114  
Austin, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Surge Arrester for Commons  
Ford Substation, Electric  
Utility Department  
Item 1 - \$14,789.34 C.I.P. No.  
79/16-03
- d. GENERAL ELECTRIC COMPANY  
1600 N. E. Loop 410, #236  
San Antonio, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Protective Relays, Electric  
Utility Department  
Items 1 & 2 - \$295,470.80  
C.I.P. Nos. 79/16-03, 82/16-02,  
83/16-06 & 79/16-04
- e. ALUMINUM COMPANY OF AMERICA  
3141 Hood Street  
Dallas, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Electric Transmission Line  
Conductor, Electric Utility  
Department  
Item 1 - \$258,872.25 C.I.P. Nos.  
75/13-07, 79/13-01 & 83/13-04
- f. SIEMEN-ALLIS  
1603 Babcock, Suite 230-N  
San Antonio, Texas
  - CAPITAL IMPROVEMENTS PROGRAM -  
Oil Circuit Breakers, Electric  
Utility Department  
Item 1 - \$300,870.00 C.I.P.  
Nos. 77/16-02 & 82/16-02

January 20, 1983

## g. Bid award:

- Electric Standard Building  
Maintenance Materials, Electric  
Utility Department  
Six (6) Month Supply Agreement  
Total \$37,000.00

(1) CALDWELL ELECTRIC SHOP, INC.  
201 South Industrial  
Waco, Texas

- 26 Line items

(2) DEALER ELECTRIC SUPPLY  
6714 North Lamar  
Austin, Texas

- 26 Line items

(3) GENERAL ELECTRIC SUPPLY COMPANY  
7521 North Lamar  
Austin, Texas

- 138 Line items

(4) GRAYBAR ELECTRIC SUPPLY  
7434 North Lamar  
Austin, Texas

- 33 Line items

(5) Tie bids - casting of lots

- 14 Line items

DEALER ELECTRIC SUPPLY (General Electric Supply was the other bidder)

GENERAL ELECTRIC SUPPLY (Graybar Electric Supply was other bidder)

TEMPLE, INC. (General Electric Supply was other bidder)

h. THE OFFICE COMPANY  
312 Congress Avenue  
Austin, Texas

- Modular Furniture, Public  
Works Department  
Item 1 - 13 - \$5,133.85

i. THE MONROE COMPANY (MBE)  
316 North Walnut Street  
Colfax, Iowa

- Folding Leg Table, Public  
Event Facilities Department  
Item 1 - 400 ea. - \$26,000.00

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

- Truck Cabs and Chassis, Vehicle  
and Equipment Services Department  
Item CST-2 - \$72,879.00

January 20, 1983

Bids Rejected

Bids for the following contract were rejected and contract will be re-bid:

SOFTWARE AG OF NORTH AMERICA, INC.  
11800 Sunrise Valley Dr., Suite 917  
Reston, Virginia

- Data Base Management System  
Software, Information Systems  
Department - \$225,200.00

Standard Rehabilitation Loans

Authorized and approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorized staff to enter into contract award:

	<u>Name/Address</u>	<u>Loan Amount</u>	<u>Contractors</u>
CO-42-83	Crispin & Lydia Robledo 78 Julius	\$ 14,000.00	Imperial Const.
CO-44-83	Icelivia Mann 1004 Juniper	\$ 12,800.00	Fallon Const.
CO-44-83	Mary Perales 4706 Gonzales	\$ 2,873.00	Austin JJJ Corp
CO-51-83	Felecita Gonzales 1508 Canterbury	\$ 11,300.00	Imperial Const.
CO-50-83	Valcie Williams 1404 Greenwood	\$ 6,789.00	Austin JJJ Corp.
CO-49-83	Antonio Torres 2211 Santa Rita	\$ 10,075.00	Texas Western Associates
CO-52-83	Rosetta Benford 4611 Glissman	\$13,782.00	Bluebonnet Construction

Items Referred to Cable Commission

Consideration of approval of a Utility Pole Rental Agreement with Via Cable, Inc., and Consideration of approval of a Utility Pole Rental Agreement with Star CATV Investment Corporation, were both referred to the Cable Commission.

ETJ Agreement with Cedar Park

Approved amending the ETJ agreement with Cedar Park.

January 20, 1983

Southwest Airlines Receives Braniff Lease

Approved the assignment of the Braniff lease to Pacific Southwest Airlines.

Sanitary Sewer Easement

Approved dedication of revised sanitary sewer easements in Walnut Creek District Park and releasing of unneeded easements.

Public Hearings Set

Set public hearing for February 3, 1983 at 2:00 p.m. on the North Austin Growth Corridor Municipal Utility District Number One request to annex 141 acres to the District.

Set a public hearing for February 3, 1983 at 6:00 p.m. on the Housing Assistance Plan.

Set a public hearing for January 27, 1983 at 3:30 p.m. to consider amending Ordinance 810820-B (Water & Wastewater Service Area Ordinance) to include the Dahlstrom Tract.

Elevated Water Storage Reservoir

Reapproved the agreement for construction of a regional elevated water storage reservoir for the northwest service area of the City and authorized the City Manager to enter into such agreement with property owners to build such reservoir.

**CAPITAL IMPROVEMENTS PROGRAM PROJECTS**

Mayor McClellan announced that consideration of selection of architectural/engineering design service for all approved 1982-83 Capital Improvement Projects will be postponed to January 27, 1983.

**CONSENT ORDINANCES**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote, unless otherwise indicated.)

Release of Easement

Authorized release of a Drainage Easement retained at the vacation of an alley vacated by volume 3779, Page 2166 of the Travis County Deed Records. (Requested by the United Way)

January 20, 1983

Zoning Ordinances

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

J. VANCE RILEY  
C14-82-136

1605 West Avenue

From "A" 1st H&A  
to "O" 1st H&A

(5-2 Vote, Councilmember Deuser & Duncan voted No.)

ARTHUR THOMPSON  
C14-82-044

6601 Manchaca Road

From "O" 1st H&A  
to "LR" 1st H&A

PASSED ON EMERGENCY BASIS

ANTHONY SPEARS  
C14-81-223

4613 & 4701 East 12th  
Street

From "A" & "C"  
1st H&A to "C" &  
"C-2" 1st H&A

TAYLOR HOUSE  
By City of Austin  
C14-82-013

608 Baylor Street

From "A" 1st H&A  
to "A-H" 1st H&A

(6-0 Vote, Councilmember Deuser  
abstained)

Operating Budget Amendment

Approved amending the 1982-83 Operating Budget by appropriating up to \$20,400 from the General Fund Ending Balance to the Human Services Department for the purpose of contracting with the Salvation Army for operations of a temporary shelter at 208 Nueces Street from January 21, 1983 through April 30, 1983.

Mr. Dan Bullock, Austin in Action Organization, said they consider this to be a wonderful example of public and private partnership and cooperation. He said that he had called members of Austin in Action and within just a few hours collected over \$8,000.00 to pledge to the cause including a check from the InterFirst Bank for \$1,000.00 "and would like to commend those friends of this community and this Chamber, such as Arthur Anderson, American Statesman, Franklin Savings, Motorola, Lockheed, Republic Bank, Texas Commerce Bank, Tracor and others who are quickly coming forth to join with the Salvation Army and the City Human Services Department to deal with the transient problem. We wanted to set the ball rolling so that others from the business community, churches and other individuals will be readily coming forth with the necessary funding to deal with this issue for the next 90 days. Hopefully this will be just one of many opportunities in 1983 when we can all cooperate to resolve community issues." Mayor McClellan said it is tremendous when we can have such private/public cooperation and wanted to underscore Mr. Bullock's comments.

Councilmember Deuser stated for the record: "I appreciate the wonderful generosity the community has demonstrated in coming forth to help the City with this urgent need. I would like to underscore this and have this in the record that I am fully supportive of the Salvation Army's works in this area, I am fully supportive of the City's dollars going into this emergency situation to help the Salvation Army

## AMENDMENT - (Continued)

meet this very definite need. I hope everyone had an opportunity to hear that and re-read that when they see things in the newspaper."

First Reading - Oak Hill Annexation

Passed through FIRST READING ONLY of an ordinance annexing a portion of Oak Hill Area (Option 4).

Third Reading - Walnut Creek District Park

Passed through SECOND AND THIRD READINGS of an ordinance annexing Walnut Creek District Park.

## PARADE PERMIT

The Council, on Councilmember Deuser's motion, Mayor Pro Tem Trevino's second, approved a Parade Permit from Ms. Susan Clagett for the University of Texas Centennial Observance from 11:30 a.m. to 12:00 noon, Friday, February 4, 1983, beginning from Whitis & 24th, west to Guadalupe, south on Guadalupe to 2200 block and enter campus. (7-0 Vote)

FUEL SOURCE FOR FAYETTE POWER PLANTS  
I AND II

Councilmembers Duncan and Deuser introduced an item to Council to discuss reported LCRA consideration of using lignite as a fuel source in Fayette Power Plants I and II. Councilmember Duncan said he had heard about this through the news media and asked for clarification. He was told that LCRA has some plans to modify the boiler in Fayette I and II and to burn a mixture of lignite with it.

Mr. Peterson, Acting Director, Electric Department, stated he prepared a memo yesterday afternoon and sent it to Council. "LCRA has acquired leases in the Powell Bend area of Bastrop County within the past two years and have filed with the Railroad Commission for a mine permit to begin mining the lignite sometime in 1984. The City staff and LCRA staff has had some tentative discussions about their plan to mine their lignite but have not, as yet, formerly informed the Electric Department they intend to burn the lignite in Plants I and II but have included in their filing with the Railroad Commission that that is what they intend to do."

Mr. DeLaRosa, City Attorney, told Council, "In my mind it is very clear that under Section 18 of that participation project which is entitled Fuel Supply and Water Supply, that the project manager is charged with the duty of soliciting and obtaining bids and contract proposals from coal suppliers to supply coal to the project and it is the obligation of the project manager to submit those bids and proposals to the management committee for their review and approval. We as 50% owners of the Fayette Project serve on the management committee but first of all those bids

## FUEL - (Continued)

and proposals for coal suppliers must come before the management committee for their review and approval then any fuel supply contract approved by the management committee, shall be then submitted to the participants, therefore the City of Austin, and those participants will execute any fuel contracts. So under the Fayette participation agreement the City of Austin must be notified and must approve any type of fuel supply contract for the Fayette project. I don't think LCRA has the authority to go out independently and make this type of decision."

Councilmember Duncan asked if the boiler system needs modification. Mr. Peterson said they are sized to burn lignite now. Mayor McClellan asked if there is a contract now. Mr. Peterson told her there are leases but no contract. Councilmember Deuser said he would like to see a cost-benefit ratio. Mayor McClellan asked that the City Manager put in writing the process which must be followed before it is binding on the City of Austin and precisely what Austin's fuel responsibilities are and any other questions still unanswered. Councilmember Duncan said he wants to know if there is increased down time involved in terms of maintenance. He asked what the differences is in boilers for Fayette III which is being built specifically for lignite and the boilers in Fayette I and II. Councilmember Duncan said a full hearing is needed before it is allowed to happen.

Mr. Peterson said they will report back but it will take considerable time to develop the information concerning the total impact as requested by Councilmember Deuser. He said the Mayor's request can be addressed in a fairly reasonable length of time.

City Manager will report back to Council on January 27, 1983.

PUBLIC HEARINGS - NORTH AUSTIN MUNICIPAL UTILITY DISTRICTS  
#1 AND #2

Mayor McClellan opened the public hearings set for 2:00 p.m. on:

Request to form North Austin Municipal Utility Districts #1 and #2.

An amendment to the Comprehensive Plan related to the North Austin Municipal Utility Districts #1 and #2.

Mr. John German, Assistant City Manager, reminded Council that last week they had heard the progress of "staff review and to some degree the actions that occurred at board and commission level regarding the MUD's. It was recommended City provide water and sewer services and annex the areas as they develop out. ... After discussion the Water and Wastewater Commission concurred with staff as far as Municipal Utility District #1 that we should proceed to annex in the normal routine. But they recommended the Council consent to the formation of MUD #2. In further discussions the same recommendation occurred in the Planning Commission. In both cases if MUD #2 is to be approved there will be conditions the Commissions would like Council to consider."

Mr. Lillie, Director of Planning, told Council, the Planning



## MUD's - (Continued)

Commission recommends MUD #1 not be granted, that the City do extend service under the normal subdivision process and the Commission does recommend that your consideration to amend the Milwood 14 through 21 approach main agreement as recommended to you by the Water and Wastewater Commission. The Planning Commission also recommends that you consider granting Municipal Utility District #2, that you extend the service area boundary to include the area of the proposed MUD and that you deny the amendment to the Comprehensive Plan but to grant a variance under your MUD Policy that would give Growth Management Area 3 a bonding authority in Growth Management Area 4 in which MUD #1 and MUD #2 is located. Mr. Lillie said the Commission is not interested in amending the Comprehensive Plan but recommends another way to approach the same problem. In addition they have recommended seven items:

1. Add \$1.5 to \$2.5 million special amenities package to include Fire, Police, EMS, Transit and Solid Waste.
2. The MUD be authorized to use drainage bonds for flooding problems in the area, specifically related to areas upstream and within the the MUD itself.
3. Contract bonds be authorized to oversize mains that would take care of some development upstream.
4. The one industrial site within MUD #2 be subject to a Planned Development Area agreement which has site plan approval by the Council.
5. The land use plan which is submitted be a part of the consent agreement.
6. The bridge over Lake Creek be built by this development.
7. The bonds be structured over a 20 year period with the principle payment to begin in the second year.

Frank Rodriguez told Council, area Municipal service is provided by the City of Austin. If it is not provided then a minimal cost will provide the service for MUD #1. For MUD #2 only five of eleven key municipal services are currently available. If Council is to consider approval of MUD #2 it should be under the conditions set out in the Planning Commission recommendation. From a fiscal and services management prospectus a residual benefit package should be provided to the City.

Ms. Leda Roselle, chairperson of Water and Wastewater Commission, told Council they did not address the size of the lines or necessary alignment.

Ed Wendler Sr., representing the applicant, showed a map of the area and explained the application.

Palmer Wright told Council to watch the environment.

MUD's.-(Continued)

Jeryl Hart, speaking as a private citizen, told Council the concept is appropriate for continued growth of the City.

Councilmember Deuser discussed traffic on Highway 183 as a result of additional growth in the area.

Mr. Wendler returned for a summation to say the heart of the facilities will not be in the flood plain.

Mr. Dougherty discussed traffic and said the design will be equal to any thoroughfare in the City with median breaks and curb cuts avoided.

EXECUTIVE SESSION

Mayor McClellan announced Council will recess to go into Executive Session pursuant to Article 6252-17, V.T.C.S. to discuss board and commission appointments- Section 2, Paragraph g; Mueller et al v. City of Austin- contemplated litigation - Section 2, Paragraph e; and Acosta v. City of Austin - contemplated litigation - Section 2, paragraph e; and after such closed or executive session any action will be taken in open session.

RECESS

Council recessed its meeting for the Executive Session at 2:55 p.m. and resumed its recessed session at 4:00 p.m.

AFFIRMATIVE ACTION ADVISORY REPORT POSTPONED

The report of the Affirmative Action Advisory Committee was postponed until January 27, 1983.

ITEM TO BE BROUGHT BACK

Council action to appoint a member to the Travis County Appraisal District Board was postponed until January 27, 1983.

STACY PLAYGROUND DISCUSSED

Mr. Ranson T. Lucas appeared before Council to discuss Stacy Playground and streets in Travis Heights. He said he thinks the traffic plan is impeded and the hike and bike trail is dangerous.

Mr. Ehrler, Director of Parks and Recreation, told Council that the hike and bike trail is completed and traffic has been re-routed. He said Mr. Lucas' concern is coming late and surprises him as they had met with the neighborhood prior to changes and had planned the changes around the neighborhood concerns.

## ARTS &amp; CRAFTS FAIR

Mr. James A. Kincl, president, Northwest Sertoma Club of Austin, appeared before Council to discuss \$960.00 non-commercial fee for rental of Auditorium Shores of an Arts & Crafts Fair. He said the fee was \$195.00 in the past. He asked there be a grandfather clause on shows done previously.

Mr. Ehrler explained the increase was due to the fact the Parks and Recreation Department spent \$15,000 for maintenance and only took in \$5,000. Mayor McClellan said the fees were adopted by ordinance as a part of the budget and departments cannot change the fees. She asked how many other non-profit groups would fall into this category. Mr. Ehrler told her about 20 groups. He said because of damage to the turf they are trying to hold down the number of groups using Auditorium Shores.

Mayor McClellan requested a report concerning the fiscal impact of lowering the rental fee for non-commercial organizations.

## SPEAKERS AGAINST KU KLUX KLAN MARCH

Ms. Leslie McCulloch, John Brown Anti-Klan Committee; Ms. Betty Duke, May 19th Communist Organization; Mrs. T.A. Laughlin, Austin Community College teacher; Ms. Carolyn Ritter, bus driver for A.I.S.D.; all spoke against the proposed Ku Klux Klan march in Austin and asked that the Parade Permit not be granted.

## ZONING CASE DISCUSSED

Mr. George Jamail appeared before Council to discuss Zoning Case No. C14-82-160. He asked that it be returned to the Planning Commission because the Northwest Civic Association said they will work with them. He said they had requested "O-1" zoning for 4907 Spicewood Springs Road, which was denied. Mr. Jim Nias, Assistant City Attorney, told him the notices are already out and it is scheduled to be heard by Council February 3, 1983. He told Mr. Jamail to attend the Council Meeting and request the case be sent back to the Planning Commission.

## THANK YOU TO COUNCIL

Mr. David West, president, Old Pecan Street Association, appeared before Council to thank them for passing the Open Container Ordinance and he also requested that no street fair or party for the Mardi Gras be allowed on 6th Street. Mr. West said the parade would be acceptable.

## RECESS

Council recessed its meeting at 4:45 p.m. and resumed its recessed meeting at 5:15 p.m.

## LICENSE AGREEMENT

The Council, on Councilmember Duncan's motion, Councilmember Goodman's second, adopted a resolution to enter into the following License Agreements: (7-0 Vote)

Surface and sub-surface encroachments relating to Public Plaza 1, 2 and 3 (the area between West 3rd and West 4th Streets, bounded by Guadalupe & Lavaca Street. (Requested by Watson-Casey Companies)

## INTERN INTRODUCED

Councilmember Duncan introduced his intern, Christine Clarridge, who will be working in his office.

## PUBLIC HEARINGS - FLOOD PLAINS &amp; DEVELOPMENT

Mayor McClellan opened the public hearings set for 5:00 p.m. on:

- (1) An amendment to Chapter 13-3 (subdivisions) of the Austin City Code concerning dedication of flood plains.
- (2) An amendment to Chapter 9-10 (Rivers, Lakes and Watercourses) of the Austin City Code concerning flood plain development.

Mr. Ridings, Director of Public Works, told Council the major change is a request to have the 100 year flood plain set aside as an easement. Previously, he said, the 25 year flood plain has been set aside. Mr. Ridings said the amendment to Chapter 9-10 relates only to new subdivisions or re-subdivisions. He said it does not change anything in current policy but puts into effect rules as changed in June of this year.

Jim Nias told Council the amendment would allow a variance from the Planning Commission any time a strict application of the provision would make the subdivision impractical and result in complications.

Councilmember Duncan asked if the ordinance speaks to moving of earth to change the 100 year flood plain. Mr. Nias said no, it does not speak to whether the flood plain can be altered for channelization or embankment. Mr. Ridings then went over the ordinance. He noted that homes already in the 100 year flood plain do not fall into this category and that a building more than 50% destroyed, if it is a single family residence, can be reconstructed. Mr. Nias pointed out that some pieces of property, if the ordinance is strictly adhered to, will become worthless. He said there must be fair handling of appeals. Mr. Ridings, in answer to Councilmember Mullen's question concerning present structures in the flood plain, told Council that 7,000 structures are in the current 100 year flood plain. Councilmember Mullen said he would like to see the ordinance become more administrative in application.

## FLOOD - (Continued)

Julian Lockwood, representing Charles Marsh property next to the Chrysler dealership, told Council they oppose the ordinance amendment and want to exclude the central business district from the ordinance because it will hamper downtown revitalization and freeze the present use of property.

Morris Polsky said he and his partners own property in northeast Austin in the 100 year flood plain and the ordinance amendment would invalidate them. He said that constitutes taking property without compensation.

Susan Haden, member of the Environmental Board, said no alteration to the ordinance should be allowed as it will preserve water quality and ecology.

Jack Klotsky, realtor, said there should be more than one hearing on this subject. He pointed out there are already regulations and Council will really be busy if this amendment passes. He does not want it approved.

Andy Benoit, an architect and urban designer, said he has serious problems with the downtown area because of the significant amount of land in the 100 year flood plain. He asked Council to exclude the central business district.

Bernice Lott, realtor, asked for another hearing.

Dr. Charles Woodruff, vice-chairman, Environmental Board, told Council the board has adopted, by acclamation, "a flood plain policy which differs both from the current creek ordinance and from recommendations of the Planning Commission. The Environmental Board policy is tied to the 100 year fully developed flood plain however, Austin is located on the Balcones escarpment which is a zone of climatic hazard. It is the focus of largest flood producing storms in the United States. For this and other reasons the Board believes the City's method of delineating flood plains is often inadequate. There are several options open to the City regarding flood plain management. At present, one cannot develop within the 25 year flood plain. Under the proposed amendment there can be no construction fully developed in the 100 year flood plain, but there is a loophole. Development may occur in that very same area if the flood plain is manipulated and relocated by cut and fill. Simply stated, you cannot build in an existing flood plain unless it is manipulated. The Environmental Board generally prohibits modification of the 100 year flood plain. However, under certain circumstances, our policy permits development within the unmodified flood plain. This is exactly opposite the Commission's recommendation. Modification of a flood plain has potential upstream and downstream impact on the environment and on human welfare and safety. .... The board's policy would allow the following development within a flood plain: Utilities, streets, bridges and urban retention ponds that cannot be reasonably relocated or wholly avoided and channelization necessary for the protection of human lives. Furthermore, our policy permits the following development outside the 25 year flood plain: minimal filling and compensatory cutting consistent with local ground slopes and construction of buildings on pier and beam sufficient to pass the 100 year flood by a 3' safety margin. Piers must be spaced sufficiently to protect against clogging from flood debris. The integrity of hazardous flood prone areas must be preserved in the interest of public safety and environmental quality of the City's waterways and land. Minimal interference with flood plains is our greatest assurance that streams

## FLOOD - (Continued)

will operate as nature has designed them to do. This will insure maximum benefits to all people of Austin with the least social and economic cost."

Allan Rundell, property owner across from Town Lake Chrysler, said his property flooded because of the City's fill. He said under the proposed amendment he would lose 1/3 of his property and feels it is unrealistic.

An unidentified citizen asked for a hardship variance.

Ken Manning, Planning Commission said that most developers could support Dr. Woodruff's recommendations.

Carl Day told Council the people were not notified of this hearing. He gave Council a letter but CLERK DID NOT RECEIVE COPY. He asked for the proposal to be sent back to Planning Commission.

Paul Harris, representing builders, said they favor it as passed by the Planning Commission.

Don Walden supports the amendment and asked for its approval.

An unidentified citizen said he is neither for or against the ordinance.

Toni Whitt, 514 West Avenue, operates a restaurant, and said he had been asked to be informed of anything to do with flooding regulations as he was flooded out in the Memorial Day flood. He said residences are exempted, but not businesses. He asked Council to send this back to the Planning Commission.

Don Battle, representing Russo Properties, showed slides of several pieces of property which will be affected. He asked that the Waller and Shoal Creek areas be exempt.

Alan Lazurus, Basil's Restaurant at 10th Street and Lamar, said they were flooded and have been rebuilt.

The co-owner of Basil's Restaurant said further study is needed.

Mary Arnold, a member of Goal's Assembly, said she hopes something can be done about protection of the flood prone areas.

Ken Manning, Planning Commission, stated millions of dollars of flood damage has been done over the years. He said Austin is fiscally responsible to start enforcing the ordinances. The amendments will allow paving and parking in the 100 year flood plain.

Motion

The Council, on Councilmember Goodman's motion, Mayor Pro Tem Trevino's second, voted to continue the public hearing on February 3, 1983 at 6:00 p.m. and take a vote on February 10, 1983. (7-0 Vote)

## PUBLIC HEARING - REVISION TO ZONING ORDINANCE

Mayor McClellan opened the public hearing set for 6:00 p.m. on Revision to the Zoning Ordinance. She informed the Chamber audience that no vote will be taken tonight.

Gilbert Martinez, Planning Commission, said several of its members are working to improve the draft ordinance with different interested groups. Some of the changes are not substantive but terminology as conflicts with other items is being clarified.

Reuben Johnson stated the ordinance will affect the future of Austin, that it still has many problems and citizens must see the final version before a vote is taken.

Rudy Robinson, real estate appraiser, passed out to Council information on how the new zoning ordinance will affect various cases. CITY CLERK DID NOT RECEIVE A COPY. He said he is neither for or against the ordinance but says it does need changes and volunteered his time to head a committee of appraisers to study properties in light of the new ordinance.

Mayor McClellan said the Council will be "delighted to have appraisers work with staff".

Robert Sheffield, Pastor, Congress Avenue Baptist Church, passed out information to the Council. CLERK DID NOT RECEIVE A COPY.

David Bodenman thanked people who have worked with the Planning Commission.

Woody Brock, Balcones-Spicewood Springs Neighborhood Association, went over the changes they would like to see.

Paul Harris, representing Austin Association of Builders, asked Council to continue to change where necessary.

Alan Taniguchi, chairman of Downtown Task Force, told Council the differences adversely affect downtown and serious considerations need to be given to downtown recommendations.

Frank Heron, representing Quality Austin, said the ordinance is a good product but the Council should be given the option of studying it.

Richard Rockwell, president, Zilker Neighborhood Association, wants the ordinance closely scrutinized.

Debbie Darden does not want the existing height limitation repealed.

Theresa Holder, Bouldin Creek Neighborhood Association, gave her views of the proposed new ordinance.

Josephine Huntly, Concerned Citizens of West Austin, said the tax base is scary.

## ZONING ORDINANCE - (Continued)

Karen McGraw spoke about central business district zoning and artists and studio provisions.

Frank Cooksey, Save Barton Creek Association, asked Council to provide an environmentally sensitive category to the Zoning Ordinance.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing. (5-0 Vote, Councilmember Duncan and Mayor McClellan were out of the room.)

## PUBLIC HEARING - STREET VACATION

Mayor McClellan opened the public hearing set for 6:30 p.m. on vacating a portion of the Old Fredericksburg Road right-of-way; and passage of ordinance. (Requested by the Provident Development Company.

No one appeared to be heard.

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of the Old Fredericksburg Road right-of-way. (5-0 Vote, Councilmember Duncan and Mayor McClellan were out of the room.)

## VILLAS APARTMENT COMPLEX

Motion

The Council, on Councilmember Goodman's motion, Councilmember Deuser's second approved the Special Permit for the Villas Apartment Complex, C14p-81-054. (5-0 Vote, Mayor McClellan and Councilmember Duncan absent.)

An appeal from Mr. William J. Scudder, representing Lamar and Rundberg, Ltd. had been heard by Council previously. Bill Cecerle and Merle Moden of North Austin Civic Association said they were very pleased with the current plan submitted for the Villas. Councilmember Deuser and Urdy thanked the developer and neighborhood for working together.

## APPEAL POSTPONED

An appeal scheduled for 7:00 p.m. from Mr. Merle Moden, North Austin Civic Association, of the Planning Commission's decision to grant a Special Permit to Peyton Gin Apartments (C14p-82-042) was continued until next week on a motion by Councilmember Goodman, seconded by Mayor Pro Tem Trevino, (5-0 Vote, Mayor McClellan and Councilmember Duncan out of the room.)



**BOARD & COMMISSION APPOINTMENTS**

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second approved the following appointments: (7-0 Vote)

Sesquicentennial Committee	-	Will Howard (Councilmember Deuser's appointment)
EMS Quality Assurance Team	-	John Montgomery
Board of Adjustment	-	James Prentice

The Mayor announced openings on the Community Development Commission, Austin Tomorrow On-Going Committee, Manpower Advisory Planning Council, Vending Commission, Downtown Revitalization Task Force, Energy Conservation Commission, Renewable Energy Resources Commission, Human Relations Commission, Affirmative Action Plan Advisory Committee, MH/MR Public Responsibility Committee and Private Industry Council are due to be filled.

**ADJOURNMENT**

Council adjourned its meeting at 8:25 p.m.