



Austin City Council MINUTES For

MARCH 13, 1986 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

**Frank C. Cooksey
Mayor**

**John Treviño, Jr.
Mayor Pro Tem**

**Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy**

**Jorge Carrasco
City Manager**

**Elden Aldridge
City Clerk**

Memorandum To:

Mayor Pro Tem Trevino called to order the meeting of the Council, noting the absence of Mayor Cooksey and Councilmember Rose.

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved minutes for regular meeting of March 6, 1986 and special meetings of March 4 & 5, 1986. (4-0 Vote, Mayor Cooksey and Councilmember Rose absent, Councilmember Urdy out of the room.)

CITIZENS COMMUNICATIONS

The following people spoke to Council: Mr. Bill Oakey concerning proposal for mid-year City of Austin fiscal exam; Ms. Patti Rudick did not appear; Ms. Phyllis Brinkley discussed Austin Metropolitan Roadway Plan with regards to Koenig - Allandale Roadway; Ms. Barbara McArthur talked about Austin Transportation Study long range plan for Koenig and Outer Loop; Mr. Dave Dobbs discussed the amendment to Austin Metropolitan Roadway Plan; Ms. Mary E. Flores discussed completion of Nueva Vida homes; Mr. Roland Ortiz talked about affirmative action; and Ms. Kimberly Southard did not appear before Council.

EDWARDS AQUIFER DISTRICT

The Council, on Councilmember Shipman's motion, Councilmember Humphrey's second, adopted a resolution approving amendments to the cooperative agreements for professional services for creation of Edwards Aquifer District, \$60,000 and six month timetable. (5-0 Vote, Councilmember Rose and Mayor Cooksey absent.)

BOND SALE

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance authorizing the issuance and sale of City of Austin, Texas, Combined Utility Systems Revenue Refunding Bonds, Series 1986; specifying the terms and features of said bonds; pledging the net revenue of the City's Electric Light and Power System and Waterworks and Sewer System to the payment of principal of and interest on said Bonds; enacting other provisions incident and related to the issuance, payment, sale and delivery of such Bonds, including the approval and execution of a Purchase Contract and a Escrow Agreement and the approval and distribution of an Official Statement. (5-0 Vote, Mayor Cooksey, Councilmember Rose absent.)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution providing for the redemption of certain outstanding bonds of the City; and resolving other matters incident and related to the redemption of such bonds. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

BLACKLAND COMMUNITY DEVELOPMENT CORPORATION

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted a resolution approving leasing a City-owned property to the Blackland Community Development Corporation for construction of low-cost rental housing. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.) (As a part of the agreement, "MF" zoning is deleted.)

CONSENT ORDINANCES

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

Budget Amendment

Amended the 1985-86 Annual Operating Budget by appropriating \$1,101,753.00 to the Legal Department for payment of Council approved anticipated claims settlements, and by transferring \$1,101,753.00 from the Liability Reserve Fund to the General Fund.

Carnival Activity

Waived the requirement that any carnival activity be conducted at least 1,000 feet from any property developed for residential use, pursuant to Austin City Code Section 8-3-56(c)(12).

Dumping Violations

Amended Section 1-1-7, General Penalty of the Austin City Code of 1981 as amended and established a maximum penalty of \$1,000 for violations involving dumping of refuse, vegetation and litter.

Pitch and Putt

Approved dedication of Public Utility Easements out of a City-owned tract of land, known as the "Pitch and Putt".

Building Occupancy

Amended Ordinance No. 850117-N (Release and Vacation of City right-of-way at East Third Street and Brazos), to allow Trammel Crow Company to occupy their new building prior to completion of the Congress Avenue Beautification Project.

Annexation

Passed through FIRST READING ONLY of annexation of approximately 318.42 acres of land out of the Samuel W. Hamilton Survey No. 16 and the Theodore Bissel Survey No. 18 for limited purposes. C7a-86-001. (4-0 Vote, Mayor Pro Tem Trevino abstained due to conflict of interest, Mayor Cooksey and Councilmember Rose absent.)

Legal Description Corrected

Amended the following ordinances to correct the legal description:

- a. Ordinance No. 850411-X (Zoning Case No. C14-84-318)
Local Address: 10500 Jollyville Road
- b. Ordinance No. 840906-F (Zoning Case No. C14-82-080)
Local Address: Rear of 8222-8300 North Lamar Boulevard

Zoning Ordinances

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

CONCORDE CENTER	4631 Airport Blvd.	From "CS" to
By Armbrust & Brown		"CS-1"
C14r-85-271		

Second and third readings. First reading only January 9, 1986, (6-0). Mayor Pro Tem John Trevino, Jr. absent. Conditions have been met as follows: (1) Restrictive Covenant incorporating conditions imposed by Council has been executed; (2) Right-of-way on East 46th Street has been conveyed by Street Deed; (3) Development restricted to that shown on Site Plan attached as Exhibit "A" to the Ordinance.

CITY OF AUSTIN
By Office of Land
Development Services
C14-85-244 (part)

Generally bounded
on the north by
McNeil Drive, Council
Bluff Drive, proposed
Farmer Lane, on the

From Interim "SF-2",
"SF-2", "MF-2"
Interim "LI", "LI",
"GR" & "SF-3" to
appropriate zoning

CITY OF AUSTIN (continued)
By Office of Land
Development Services
C14-85-244 (part)

east by El Camino Rd.,
Palfrey Drive, Darny
Drive, Leaf Lane, Burnet
Road, on the south by
U.S. Hwy. 183 and on the
west by Conrad Road.

Second and third readings. First reading only January 30,
1986 (part), and February 13, 1986 (part), (7-0).
Conditions have been met.

STANLEY P. SMITH
By John Richey
C14r-85-089

6319-6403 U.S. 290 West
6103-6109 McCarty Lane

From Interim "SF-2"
to "GR"

Second and third readings. First reading only January 9,
1986, (6-0). Mayor Pro Tem John Trevino, Jr. absent.
Conditions have been met as follows: (1) Right-of-way
dedication has been obtained through subdivision process;
(2) Development restricted to that shown on Site Plan
attached as Exhibit "A" to the Ordinance.

LAKEWIND PUD
By Karen Steingraber
C814-85-023

RM 620 & Hudson Bend Road From "LO", "GO"
& "GR" to "PUD"

Second and third readings. First reading only February 6,
1986. (7-0). Conditions have been met.

Zoning Postponed

Postponed until March 20, 1986, is consideration of the following
zoning case:

ORIN & MAJORIE CLUCK
C14-85-192

6505 Manchaca Road

From Interim "SF-3"
to "GR"

Heard and granted on September 5, 1985, (4-2). Council-
members Smoot Carl-Mitchell and Sally Shipman voted
"No". Councilmember George Humphrey out of room.
Conditions have been met as follows: Right-of-way on
Manchaca Road has been conveyed by Street Deed.

CONSENT RESOLUTIONS

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions in one consent motion: (5-0 Vote, Councilmember Rose and Mayor Cooksey absent.)

Lease Amendment

Amended lease with Aspen Properties for additional space for the meter readers of Utility Customer Service.

Lease Renewal

Approved lease renewal with Austin Geriatric Center, Inc. for space in the Rebekah Baines Johnson Nursing Center for the Health Department.

Item Postponed

Postponed until March 20, 1986 is consideration of approval to enter into a Professional Services Agreement for Real Estate Acquisition Services with Acquisition Associates.

Release of Easements

Authorized release of the following easements:

- a. The Drainage Easement of record in Volume 9527, Page 614 of the Travis County Real Property Records and located on the common lot line of Lots 34 and 35, Block N, Milwood 17. (Request submitted by Carlson and Dippel Surveying)
- b. The 20' X 40' Public Utility Easement on Lot 1, Northwest Hills Section 15, Hart Lane at MoPac Southwest Corner. (Request submitted by Jeryl Hart Engineers, Inc.)
- c. The 7.5' Public Utility Easement across the rear of Lot 82, Block A, Great Hills Section 10. 6301 Mercedes Bend. (Request submitted by Mr. & Mrs. Richard D. Relyea)
- d. A portion of an Electric Easement of record in Volume 545, Page 87 of the Travis County Real Property Records insofar as it affects an 11.556 acre tract of land out of the Thomas Eldridge Survey No. 26 in Travis County Texas. (Request submitted by James A. Huffcut, Jr.)
- e. Portions of the 5' Public Utility Easements along the side lot lines of Lot 28, Enfield H., 1413 Newfield Lane. (Request submitted by Mr. Robert C. Easter)

- f. A portion of an Electric Easement of record in Volume 680, Page 20 of the Travis County Real Property Records insofar as it affects that 1.872 acre tract of land out of the James M. Mitchell Survey located at Spicewood Springs Road at Forest Mesa Drive, 3901 Spicewood Springs Road. (Request submitted by Mr. Joe Sher)

License Agreement

Entered into the following License Agreement:

To allow the encroachment of a retainer wall into the public right-of-way at 10500 Painted Valley Cove.
(Request submitted by Mr. Fred Schulte)

Capital Improvements Program

Approved acquisition of right-of-way for the Spicewood Springs Road Improvements Project, Phase I. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-31.

Approved a Supplemental Amendment to the Professional Services Agreement between the City of Austin and Martinez and Wright Engineers, Inc. to provide design of water and wastewater adjustments in connection with the Riverside Drive paving improvements. CAPITAL IMPROVEMENTS PROGRAM No. 83/23-05 and 83/22-05 (\$40,000)

Contracts Approved

Approved the following contracts:

UNDERGROUND UTILITIES COMPANY
P. O. Box 790
Del Valle, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Water and Wastewater Relocations
in Hwy. 290 East, from Cameron
Road to U.S. Hwy. 183, Water and
Wastewater Utility Department
Total \$589,180.00 C.I.P. Nos.
83/23-05 & 83/22-05

C. E. AMERICAN POLE STRUCTURES
8700 Fairbanks, North Houston
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Galvanized Steel Transmission
Poles, Electric Utility Department
Total \$294,093.00 C.I.P. No.
83/13-02

PORT ENTERPRISES
P. O. Box 17305
Austin, Texas

- Reroofing of Rosewood Zaragosa
Community Center, Public Works
Department
Total \$37,276.00 86-C089-JJ

HOLLEMAN PHOTO LAB, INC.
919 West 12th Street
Austin, Texas

- Film Processing & Printing
Communications Department
Twelve (12) Month Service Agreement
Total \$41,045.78 85-S879-KM

AUSTIN ENGINEERING COMPANY,
INC.
6304 West Bee Caves Road
Austin, Texas

CAPITAL IMPROVEMENTS PROGRAM -
Montopolis Lift Station Pumping
& Electrical Improvements for
Govalle/South Austin Regional
(Onion Creek) Wastewater Treatment
Main System, Water and Wastewater
Department
Total \$246,500.00 C.I.P. No.
72/23-83

Right-of-Way for Fayette Power Project

Entered into a right-of-way easement agreement across a portion of the Fayette Power Project.

Paving Policy

Approved amendments to the Paving Assessment Policy.

Travis Settlement MUD Item Postponed

Consent to the creation of the Travis Settlement Municipal Utility District #1 has been postponed to March 20, 1986.

Grant Application

Supported the grant application for funds to apply for accreditation through the Commission on Accreditation for Law Enforcement Agencies.

Public Hearings Set

Set public hearings on the following:

- a. Council Goals: March 27, 1986 at 5:00 p.m.
- b. Remaining North Lamar Area Study cases: May 22, 1986 at 5 p.m.

EMERGENCY WATER CONSERVATION PLAN

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 850207-B, the Emergency Water Conservation Plan, limiting it to Phase III. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

DAVENPORT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 851031-K approving site plans for Davenport Branch Towne Square and Davenport Ranch Village. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

PUBLIC HEARINGS SET

The Council, by unanimous consent, approved the following public hearings:

1. Cox Investment Builders on an appeal of the Planning Commission's decision regarding Thurman Center Apartments, Phase I. C14P-85-053: March 27, 1986 at 3:00 p.m.
2. Mr. Jessie L. Hopkins on an appeal of the Planning Commission's decision regarding site plan of Pecan Springs Plaza, 5612 Springdale Road. SP-85-192: April 10, 1986 at 6:00 p.m.

CONTRACT APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, approved the following contract: (5-0 Vote, Mayor Cooksey & Councilmember Rose absent.)

HONEYWELL, INC.

111 East Rhapsody
San Antonio, Texas

- Maintenance of Automated Building
Service System, Police Department
Twelve (12) Month Service Agreement
Total \$42,600.00 86-S298-KM

IMPROVEMENTS OF WASTEWATER SYSTEM ITEM POSTPONED

Postponed until March 20, 1986 is consideration of authorizing execution of the agreement regarding the construction of improvements to the City of Austin's Water System in the Southeast Area of the City between the City, Lewis Industries, Inc., and other participants.

BANNER DENIED

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, DENIED authorizing a banner to be hung across Congress Avenue for the period of March 15, 1986 - April 15, 1986. (5-0 Vote, Mayor Cooksey, Councilmember Rose absent.)

PUBLIC HEARING - STREET VACATION

Mayor Pro Tem Trevino opened the public hearing set for 3:00 p.m. on vacation of a portion of William Cannon Drive right-of-way at Deatonhill.

Richard Ridings, Director of Public Works reviewed and said everything is in order and all departments affected approve. No one else spoke before Council.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of William Cannon Drive right-of-way at Deatonhill as dedicated in Volume 5748, Page 834 of Travis County Real Property Records and requested by Mr. James M. Nias. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

PAY EQUITY TASK FORCE RESOLUTION

Councilmember Shipman introduced a resolution to Council to form a Pay Equity Task Force to work to achieve pay equity for all City employees. She asked Council to adopt her proposal "but that we change the composition of the task force who will be working with the consultant and City staff deleting the one member from the Austin Interfaith Council, they have not been contacted to consent but the Black Citizens Task Force has expressed a desire to be on it so, delete Austin Interfaith and place in that slot one member from the Black Citizen's Task Force."

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted a resolution to form a Pay Equity Task Force to work with the Compensation Consultant and City staff to ensure the City of Austin achieves pay equity for all employees. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

VISUAL ART FOR COUNCIL RECEPTION AREA

Council approved the suggestion of Councilmember Humphrey to develop a process whereby local artists may exhibit visual art in the Council reception area on rotational basis.

WATER CONSERVATION RATE STRUCTURE

Councilmember Humphrey directed the City Manager to direct the staff to work with the Water and Wastewater Commission concerning a water conservation rate structure.

HEARING POSTPONED ON UPPER WILLIAMSON CREEK AREA STUDY

Mayor Pro Tem Trevino announced the 4:00 public hearing on Upper Williamson Creek Area Study will be postponed so that the Planning Commission can comment. The hearing will be held April 16, 1986 in the Public Library Auditorium from 4:00 to 7:00 p.m. If the hearing is not finished it will probably be scheduled again for April 23, 1986 from 4 to 7 p.m.

RECESS

Council recessed its meeting from 4:07 p.m. to 4:55 p.m.

ZONING HEARING POSTPONED

Council approved continuance until March 20, 1986 at 4:00 p.m. of the following zoning hearing:

C14r-85	P, P & R JOINT	3203-3211 Riddle	From Pending Annexation
317	VENTURE	Road	To "LR" (Tract 1)
	By Kathryn Allen		"MF-1" (Tract 2)
			"RR" (Floodplain)
			RECOMMENDED
			CONTINUE TO MARCH 20, 1986
			AT 4:00 P.M.

CITY MANAGER REPORTS

Allen Brecher, Director of Urban Transportation, presented the report on Status of Short Term Transportation System Improvements. He said some more downtown parking spots have been converted to diagonal parking rather than parallel parking. There are new meter fees and several intersections are being improved. Councilmember Shipman asked him to look into the congestion at 5th and 6th and Lamar and he said that would be done.

Tom Young, Director of Brackenridge Hospital, presented the quarterly report.

City Manager Carrasco reported on the 12th Year CDBG Program. He said HUD is calling for a 29.3% reduction, reducing the amount from the 11th Year CDBG Program by 1.5 million dollars. Funding will amount to \$3,899,000 for the 12th Year as opposed to \$5,456,000 in the 11th Year.

PUBLIC HEARING ON ANNEXATION

Mayor Pro Tem Trevino opened the public hearing set for 5:30 on annexation of the following for limited purposes:

a. Approximately 196 acres in the vicinity of U.S. 183 and F.M. 620, consisting of the following areas:

- (1) Oakline - 21.06 acres;
- (2) Wilson Tract - 98.50 acres;
- (3) Parkline - 66.42 acres;
- (4) Arnold Tract - 10.28 acres

Luther Polnau spoke.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing. (5-0 Vote, Councilmember Rose and Mayor Cooksey absent.)

PUBLIC HEARING - REDUCTION OF ELECTRIC RATES

Mayor Pro Tem Trevino opened the public hearing set for 5 p.m. on consideration of reducing electric rates by approximately 7% using proceeds of the first year Brown & Root Settlement monies and savings resulting from updated fuel cost projects.

Paul Isham, City Attorney, reported to Council as follows: "I would like to bring to the Council's attention the current status of the appeal of our electric rates as it is now before the Public Utility Commission because, at least in my mind it relates to what the Council may want to consider regarding the current rates being charged by our electric system. As you will recall, a number of out of city rate payers circulated a petition and filed that with PUC which gave PUC jurisdiction to review the rates as it pertains to out of city customers. The PUC has consistently, not only in this rate case, but previous appeals that have been brought up before them concerning Austin's rates has taken the position that a review of a municipal utility should be on the same basis as a privately owned utility company. We took issue with that but our arguments fell on deaf ears at the PUC. We did commence the rate case and had a very lengthy hearing. At the same time we filed a petition for injunction in the District Court in Travis County and last week one of the District Judges did enjoin the PUC from applying investiture on rules and standards to a municipally owned utility. I want to mention this because the City has spent and your consultants as well as your staff, has spent many long hours working on this case in addition we have spent substantial sums of money defending the rates that were adopted by the Council as part of their total budgetary process last fall. One of the motivations for pursuing this is that we feel that in some point in time this City, as well as other municipally owned utilities in the State need to have defined for them the rules and regulations and standards under which reviews of municipally set rates are going to be made by the PUC. Without knowing what the standards are it is hard for us to predict what might happen with regards to rates set by this Council. If the rates are changed

in mid-stream while this rate case is going on, it's going to have an impact on that particular rate case and specifically it may require us to start all over which, of course, would be a waste of the time and money that has already been spent on that case. As a result of the District Court's ruling we feel that we are in a very favorable position at this time. I wanted to bring that to your attention.

"More specifically, with regards to the Brown and Root settlement proceeds, I asked our regular bond counselors, Dumas, Hugunin, Boothman and Morrow who are affiliated with Fulbright and Jaworski; as well as the McCall, Parkhurst and Horton firm, which has not been involved in any of the STP litigation as such, to review our bond ordinances and other legal documents to reach a decision as to how the money in the Brown and Root settlement could be legally characterized. In addition, the Michigan firm that has been assisting us in the litigation, the Miller, Canfield, Paddock and Stone firm, although they are not bond lawyers in the State of Texas they are the leading bond counsel in Michigan and one of the top fifty bond firms in the United States and they also reviewed the ordinances and their findings were consistent with the findings of the two Texas firms that reviewed this. Very briefly, the settlement proceeds could either be characterized as growth revenues of the system or as proceeds from the sale or other disposition of all or part of the City's interest in STP. If they are characterized as growth revenues of the system then of course the Council could direct those proceeds as they saw fit considering good utility practices. After reviewing the documentation, our bond counsel has concluded that the proceeds from the Brown and Root settlement under the document should be characterized as proceeds derived from the sale or other disposition of all or part of the City's participating interest in the South Texas Project. Being characterized as such, the bond ordinance under which the City has issued bonds, specifically Section 22b list the purposes for which those funds may be expended and there are three purposes. The first one would be for the purpose of making capital additions to the electric light and power system. Another purpose would be for cost effective projects or purposes which reduce the peak demand requirements of the electric light and power system, basically perhaps a conservation program. The third purpose would be for the redemption of purchase at a price not to exceed par of outstanding prior lien bonds or subordinate lien bonds all as shall be in sole discretion and determination of the City Council. With regards to this purpose I would point out we are talking about the redemption or purchase of the bonds themselves, that is a payment on principle as opposed to a payment on debt service. We do have representatives of both firms here and we are available and willing to answer any questions you might have with regard to our legal process."

Joe Mulaski, Chief Financial Officer, Electric Utility, reviewed two financial factors which the Council needs to keep in mind. He stated: "The main concern, as Mr. Isham stated, if you cannot use the funds to be classified as growth revenues, you cannot

include them in the calculation of the debt service coverage. If you do anything aside from the purposes that Mr. Isham stated, the debt service coverage will deteriorate from a projected 1.42 in Fiscal '86 to a projected 1.30. That puts us in a very precarious situation that could make it difficult for us to issue securities later in the year. The second concern for the Electric Utility for its ratepayers is the concept of rate shock and rate continuity. If we would lower rates in this current summer billing period and then as we project rates into the Fiscal Year 1987, we would have to raise rates approximately 5% more in the gross sense than we now project that to be. Originally we projected 8%. If you refund the proceeds at this time your projected increase would be around 13%. These are two important aspects for all utility ratepayers, all classes should be tremendously concerned with this."

Virginia Rutledge addressed future STP expenses as well as other items having to do with tax reform and the possible impact of that. She said there are several unknowns and one of the biggest is the possible impact of tax reform HR 3838 or any of its possible additional bills that might be in some similar form that may impact the ability of the electric system to issue bonds. Ms. Rutledge said there are also concerns about STP and the ultimate costs when it comes on board. She said it would be a good option to wait until "we know some of these things because these funds are a kind of one time opportunity to take care of some things...."

The following people spoke at the public hearing: Bill Oakey, Paul Norris, Max Nofziger, Dan Harrison, Daniel Llanes, Tom Smith, Regina Schultz, Paul Robbins, Steve Beers, Rebecah Howard, Bob Mausman, Michael Gelaris and Pat Akin.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing and said this would be brought back March 20, 1986 for action. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

EXECUTIVE SESSION

Mayor Pro Tem Trevino announced Council would enter into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to discuss matters of land acquisition, litigation and for personnel matters. No official action of the City Council will be taken on any of these matters unless such item is specifically listed on the agenda.

- a. Board and Commission Appointments - Section 2, Paragraph g.

RECESS

Council recessed its meeting from 7:25 to 8:30 p.m. for executive session and then resumed its recessed meeting.

PLANNING COMMISSION APPOINTMENTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, appointed Charles Miles & James Cousar IV as members of the Planning Commission. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

PUBLIC HEARING - ZONING HEARINGS

Mayor Pro Tem Trevino announced Council would hear the following zoning case. Council heard, closed the public hearing and voted to bring the case back for action on the March 20, 1986 agenda under Old Business at 2:00 p.m.

-85 CITY OF AUSTIN
244 By Office of
Land Development
Services

Generally bounded
on the north by
McNeil Drive,
Council Bluff
Drive, proposed
Farmer; on the east
by El Camino Road,
Darry Drive, Leaf
Lane, Burnet Road;
on the south by U.S.
183, and on the west
by Conrad Road.

From "GR", "LI", "SF-3"
"I-SF-2", "I-LI",
"SF-2" & "MF-2"
To Appropriate Zoning
NOT RECOMMENDED
RECOMMENDED "IP", "LI"
ACTION 3/20/86 AT
2:00 P.M.

Marie Gaines, OLDS, reviewed the case and said "RR", "SF-2" and "SF-3" is recommended.

Larry Deuser, representing Angus Valley Neighborhood Association, told Council the issue is whether to grant non-residential zoning on the side of the street where none currently exists.

John Joseph, representing the owner of the property, J.W. Small, said he wants to develop a convalescent home and office complex on the property.

Larry Deuser summed up the neighborhood presentation by stating they do not support non-residential uses on the property.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearing. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

SEPTIC SYSTEMS AND WASTEWATER

Council had before them four ordinances concerning septic systems and wastewater. Jim Thompson, Director of Water and Wastewater, discussed the capital recovery fee. He said homes on approved septic tanks are not mandated to hook into the City system. Mr. Thompson stated if a homeowner has a failing septic tank and can furnish proof of financial hardship for connection to the City system, then a system of paying the City for hook-up can be set up.

Larry Deuser, Angus Valley, discussed the ordinances. Charlie Sonwell, representing Angus Valley and Mockingbird Hill neighborhood associations, expressed his support of the proposed ordinances. John Oakes spoke, as did a woman who questioned the rise in price from \$450.00 first quoted, to the present price of \$5,000. Betty Purney, president, Mockingbird Hill Neighborhood Association spoke, as did Janet Klotz, who supports the ordinances.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 851003-J to provide for exemption from payment of fee for properties served by septic tank under certain conditions and to provide for a financing program for hardship cases with an amendment to Section 5 - b&c, grandfathering the date to September 3, 1983. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

Motion

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 850925-H to eliminate wastewater service charge to properties served by septic systems that also have City service available. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 780525-L, eliminating a stand-by wastewater service charge for properties served by septic systems that also have City service available. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance amending the Austin City Code Section 13-9-1101,

to allow for use of existing septic systems until such time as the system fails to meet the permit requirements of the City Code Chapter 4-3-22 and all other City requirements for legal operation of a septic system. (5-0 Vote, Mayor Cooksey and Councilmember Rose absent.)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, adopted a resolution granting a credit toward payment of the Capital Recovery Fee for septic tank properties which have paid City wastewater charges without connections to the wastewater system. (5-0 Vote, Mayor Cooksey, Councilmember Rose absent.)

ADJOURNMENT

Council adjourned its meeting at 9:24 p.m.