

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 15, 1981
3:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy

Absent: None

INVOCATION

The Invocation was given by Dr. John Shouse, University Baptist Church.

PROPOSAL 7 WITNESS

Council had before them a resolution to consider retaining expert witnesses to testify in support of Proposal 7 at the Public Utility Regulatory Policies Act (PURPA) hearing and the Texas Public Utility Commission.

Motion

Councilmember Deuser moved that the Council select Dr. Thomas Powers, Missoula, Montana, fee not to exceed \$25,000.00. The motion was seconded by Councilmember Duncan.

Councilmember Duncan asked if the legal counsel, Mr. Don Butler, has been asked about this. Mr. DeLaRosa, Acting City Attorney, told Council that Mr. Butler will arrive in the Council Chambers shortly. Council decided to delay this matter until Mr. Butler arrived.

Motion Withdrawn

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

Later in the Meeting

Mr. Butler entered the Council Chamber and he was asked if, after reviewing the qualifications of Dr. Powers, whether Mr. Butler would recommend his being brought in. Mr. Butler said Council needs to move expeditiously and that Dr. Powers has had considerable experience working with this in Montana. Mr. Butler went on to say, "What we are about is to put together a case from the ground floor which requires a certain accounting, engineering and economic theory testimony. In the PURPA hearing it would be feasible to proceed with an economist, but before the Public Utility Commission it is absolutely essential that we have witnesses who can testify to every aspect and element of the Austin rate, the manner in which the rates were put together, the way various accounts were allocated and the very nuts and bolts of the entire system. In reviewing Dr. Powers testimony you will find he relies upon the testimony and exhibits of other parties. It is quite by coincidence that the parties he worked with in Montana were J. W. Wilson and Associates who you are all familiar with, and Mr. George Hess handled Southern Union Gas Company cases before. ... We would have the same obligation if we go before the Public Utility Commission to put together the kind of case we did there with him testifying to a segment of it."

Councilmember Deuser asked if, "as far as the cost accounting and aspects of our rate structure isn't our department fully capable of providing the information in that area?" Mr. Butler said he was sure we would not be able to put the case together without the help of our department and are fully competent to provide the type of information any expert witness would need in order to testify to certain conclusions. It is one thing to be competent in the area of accumulating data in the way that the City of Austin may have needed that data for its particular purposes and something else again to put that data together in a way that it needs to be presented before the Public Utility Commission of Texas. We are not different in that sense than any other utility...."

Motion

Councilmember Deuser moved that the Council adopt a resolution selecting Dr. Thomas Powers, Missoula, Montana, as expert witness to testify in support of Proposal 7 at the Public Utility Regulatory Policies Act (PURPA) hearing and the Texas Public Utility Commission. The motion was seconded by Councilmember Duncan.

Councilmember Duncan said he thought they may need additional witnesses if they have to go before the PUC.

Mayor McClellan stated, "I am going to vote against the motion. I think we are continuing to, and we will have to continue to hire a lot of expert witnesses because I think Proposal 7 is an error. I think it is unduly discriminatory. It is not a lifeline rate. It flies in the face of cost of service electric rates. It flies in the face of all sound utility rate making policies. It flies in the face of public utility policy. I think that whereas we don't know what the cost will be for this expert, I think you will need a lot more. I think Mr. Butler was right when he said you are absolutely going to have to build your case from the ground up because what this Council has asked to be done is to wipe out the previous testimony on PURPA that was contrary to Proposal 7 and was the testimony which staff presented which pointed out the real problems inherent in Proposal 7 and to repeat, I believe it is unduly discriminatory. I think you saw this week Bergstrom joining in the Public Utility Commission battle. I think shortly you will see a serious effort on the part of the State as to whether they should even stay in our electric utility system. It has been a serious effort in the past and I think it will be an even more serious effort since Proposal 7 is on the books. I'm sure you all received the same letter I did from Homer Forrester. You wait until the Legislature is back in town and I think you'll hear from them very directly and very clearly and I think you are going to throw a real load on the residential ratepayers in the long run from all the so called activity with Proposal 7, so I remain strongly opposed and, therefore, I will vote 'No' against hiring anyone to defend something I think is not defensible."

Councilmember Mullen stated, "I will abstain because I also agree with what you said, but don't feel like since I was not a part of putting this into motion, I should be a part of dictating who or who should not be hired by the group that wants to defend it so I'll just abstain and let the folks who put it together hire who they wish to defend it."

Councilmember Deuser said, "What the Mayor did not point out is that also movement in the direction of conservation for conservation. It moves in the direction of flying in the face of providing a lifeline to the poor, the elderly, the national recognized need that's brought about the whole aspect of lifeline as the original concept and is meeting with a wide acceptance. People opened their October electric bills and just a few of the elite's bills went up and everybody else's went down. We will continue to have a certain amount of class struggle associated with this and the rhetoric seems to be providing along the usual lines."

Mayor McClellan said, "I have one more speech left of my two..I hope you point out to those families next summer and the elderly who have to run air conditioners. You wait until they see next summer's bills and you will see the impact of Proposal 7. It is discriminatory against families with a large number of children. It is discriminatory against older citizens who have to run air conditioners and it is absolute nonsense to say it is a program to help those who really need the help. And research will show you that it doesn't do what it is purported to do for conservation either and so I guess we could debate it forever and ever, but I have said enough."

Roll Call on Motion

Ayes: Councilmember Urdy, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman

Noes: Mayor McClellan

Abstain: Councilmember Mullen

AGENDA ITEMS TO BE BROUGHT BACK

Council will consider the following ordinances on October 21, 1981:

Amending the 1981-82 Operating Budget by allocating funding for the Office of Neighborhood Revitalization.

Consider creating the Office of Neighborhood Revitalization.

CONTRACT WITH BRACKENRIDGE
AND ACC

Council had before it for consideration approval of a contract between the City of Austin and Austin Community College for the use of Brackenridge Hospital floor space. (Recommended by the Hospital Board)

Councilmember Deuser questioned why this was added to the agenda as an emergency item because he feels emergency items should be true emergencies.

A woman who did not identify herself, representing Austin Community College, told Council negotiations have been underway for six months and they are under a time constraint because they lack space.

Councilmember Deuser asked to find out from Mr. Spurck, Director of Brackenridge Hospital, whether or not this was indeed an emergency.

Later in the Meeting

Mr. Spurck appeared before Council to state ACC is under time constraint to have everything ready by January 14, 1981.

Councilmember Deuser asked that Council postpone action on the resolution until October 21, 1981 so that he will have more time to consider action.

ITEM POSTPONED

Councilmember Mullen, who had placed an item on the agenda to discuss Council's intent in approving funding allocation to the Austin Association of Retarded Citizens, asked that discussion be postponed for two weeks.

CABLE COMMISSION ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 810806-A OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY INCREASING THE NUMBER OF VOTING MEMBERS TO THIRTEEN (13); BY INCREASING THE NUMBER OF NON-VOTING EX-OFFICIO MEMBERS TO FOUR (4); SUSPENDING THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE (3) SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy, Mayor McClellan
Noes: None

The Mayor announced that the ordinance had been finally passed.

Prior to the vote, Acting City Attorney DeLaRosa said he needed to know exactly who the ex-officio members will be representing. Mayor McClellan said they will be representing the County, Austin Independent School District, and State. She said they will check with the City's legislative delegation concerning who they want, also the State and County. It will be a non-voting ex-officio member of the Cable Commission.

ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 3-A: A 266,500 SQUARE FOOT TRACT OF LAND, SAVE AND EXCEPT A 0.08 ACRE TRACT OF LAND HEREINBELOW DESCRIBED AS TRACT 3-B, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT, AND "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT, TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT;
TRACT 3-B: A 0.08 ACRE TRACT OF LAND FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT, AND "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 8720-8936 BURNET ROAD, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Bertie L. Robinson and Mrs. Jack Robinson, C14-80-010)

Councilmember Deuser moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Goodman, Mullen, Urdy, Mayor McClellan

Noes: None

Abstain: Councilmember Duncan, Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

Prior to the vote, Mr. Ray Wilkerson, representing R. T. Mayfield Company, appeared before Council to state when they purchased the land it was understood it was "C" Commercial zoning, but it has never passed.

WATER AND WASTEWATER SERVICE AREAS

Councilmember Mullen discussed the water and wastewater service areas as they relate to the Master Plan as follows:

"The development of the water and wastewater element of the Master Plan will be a crucial factor in determining whether or not our efforts to manage Austin's growth will be successful. Throughout this process we must take into consideration not only our own growth management policies but also the effect that factors beyond the City's control can have on our overall ability to achieve the growth management objectives of the Master Plan.

"Over the past several years, the Council has adopted many ordinances and policies in an attempt to implement the goals of the Master Plan by providing for a more environmentally sensitive direction to the growth which will inevitably occur outside the preferred growth corridor.

"Many of the recommendations of the Lake Austin Growth Management Plan have been implemented through the adoption of the Lake Austin Standards. Others have been achieved through the 1979 amendments to the Septic Tank ordinance, which promote alternative methods of sewage disposal and Low Density Street Standards, adopted in 1980, which reduce impervious cover and effect a more environmentally sensitive design of subdivisions. The alternatives provided by these ordinances also allowed the adoption of more stringent standards for the Barton Creek watershed than would have been possible without them. Development standards for the Williamson Creek watershed and other Edwards Aquifer related watersheds have also been recently adopted.

"Another major component in the process of implementing our growth management policies was the adoption of a MUD policy in 1980 which was recently amended to cover all types of utility districts. The significance of this policy comes from the realization that utility districts have the potential for undermining the City's growth management goals because they can be potentially created anywhere outside the city limits even without City approval. Typically they would be

created to finance water and wastewater treatment plants or to extend water and wastewater lines into areas where service by the City was not anticipated, planned or wanted. In order for the City to maintain some control over the direction of growth through its utility extension policies, the Utility District policy was developed which takes into account not only a district's impact on the City's fiscal integrity but also its impact on our growth. Districts in the preferred growth corridor, Area III, are allowed the most liberal use of bonding authority to finance development costs while that authority decreases proportionally for districts in Area IV and even more significantly for those in Area V. In the past, most utility districts have purchased water from the City of Austin. However, the recent actions of the LCRA in granting a large number of requests from districts to purchase water, as well as the additional requests still pending, are a reality which cannot be ignored. Policy 411.7 of the Master Plan states 'Oppose the proliferation of independent water and wastewater utility districts.' The Texas Water Quality Board recognizes the benefit of a single, regionalized wastewater collection and treatment system. The City should oppose independent utility district formation where municipal wastewater service can be made available in the future. If there is a demonstrated need for earlier development, interim use of package plants could be permitted with specifications approved by the City. Collection systems should be built to specifications which would permit connection to the City's wastewater collection system. Even with the controls exercised through our policy, if they can provide water themselves either from LCRA or by drilling wells and obtain a permit for a wastewater treatment plant from the state in spite of the City's objection, such districts can be created without any consideration for the City's growth management plans.

"We have adopted development standards for almost all of Areas IV and V to the west which is where we are facing the most immediate development pressures. We have a comprehensive utility district policy in place. We will soon consider new capital recovery charges and increases in subdivision engineering and inspection fees which will reduce the cost of growth currently borne by those already living here. All of these measures work in concert toward making growth management in this city a reality. They are the result of the dedicated efforts of many people often from diverse groups over a period of years. There are several difficult questions we must deal with as we undertake the development of this crucial part of our overall growth management goals. Will the designation of a service area boundary for our water and wastewater utility which excludes extensions into Areas IV and V under any circumstances be the most effective way to achieve our goals? Or will we, in reality, simply forfeit any control we might have over the growth which will inevitably occur in these areas? The importance and long-range impact on the quality of life in Austin our decision will have cannot be overstated. These are questions I believe must be heavily weighed by the Council, the Planning Commission and the Water and Wastewater Department as we work with the Consultant in developing the water and wastewater element of the Master Plan.

"These policies and any others the Council may adopt should be integrated into the development of the water and wastewater element of the Master Plan. The importance of also considering what effect outside influences, such as the recent actions of the LCRA (Lower Colorado River Authority), will have on our ability to effectively implement such policies cannot be overstated. The interdependence of all these factors must be realistically assessed in determining into what areas and under what circumstances the City should extend its utility service (i.e., when appropriate development standards and cost recovery mechanisms are in place).

"I recommend that we refer this to a joint sub-committee of the Planning Commission and Water and Wastewater Commission and direct staff to work with them to develop a report detailing the number of requests to purchase water from LCRA already granted or currently pending for utility districts and/or private systems; the cumulative effects this may have on the future water supply of the city; the availability of underground water sufficient to support development at any density in those areas; the potential proliferation of private utility systems; the total amount of land area involved and the future impact on our growth management policies including future annexations as well as our fiscal integrity."

Motion

Councilmember Mullen moved that the Council designate the make up of the subcommittee to be: 3 members from Water and Wastewater Commission, 3 members of the Planning Commission, and one member from the Environmental Board. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor
McClellan, Mayor Pro Tem Trevino, Councilmember Deuser
Noes: None

Later in the day:

Motion to Reconsider

Mayor Pro Tem Trevino moved that the Council reconsider the previous vote. The motion, seconded by Councilmember Goodman, was approved unanimously, with Mayor McClellan absent.

Motion

Councilmember Mullen moved that the Council designate the make up of the subcommittee to be: 3 members from the Planning Commission, 3 members from the Water and Wastewater Commission, 2 members from the Environmental Board, 1 member from Austin Tomorrow On-going Committee. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor Pro
Tem Trevino, Councilmember Deuser

Noes: None

Absent: Mayor McClellan

The Mayor is shown as absent, because this vote was reconsidered after she had left for the day.

LAND INFILL INVENTORY

Councilmember Duncan introduced a discussion of land infill inventory.

Motion

Councilmember Duncan moved that the Council approve referring question of land infill inventory to the Planning Commission to look at the inventory of vacant land in the growth corridor. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,
Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

WATERSHED ORDINANCE

Councilmember Duncan moved that the Council refer back to the Planning Commission and Environmental Board the Watershed Ordinance for possible revision. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Mayor Pro
Tem Trevino, Councilmembers Deuser, Duncan, Goodman

Noes: None

STORM TRACT

Councilmember Goodman discussed acquisition of the Storm Tract. He said acquisition of this land was included in the bond package which failed. His purpose today is to inform Council that the City might be able to obtain an option agreement for the land from Mr. John Watson. Mayor McClellan stated the discussion is one which should be held in Executive Session. Councilmember Mullen said Council needs to be very cautious concerning how far they go on something which was not approved in the bond package.

SOUTHERN UNION GAS RATE CASE

DON BUTLER, City's counsel in the Southern Union Gas Rate Case, referred to the memorandum he had given Council concerning the settlement agreement and outlining the details. "The settlement is basically for the amount which our witnesses have testified to at the Railroad Commission. That is not to say they won't be back again soon, but this is as favorable disposition as could be obtained had the case been tried except that it would have been another month or so coming."

Motion

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving a settlement of the Southern Union Gas Rate Case on appeal to the Railroad Commission. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen, Urdy
Noes: None

(At this point, Mayor McClellan left the Council meeting.)

COMMITTEE NAME CHANGED

BRENDA OLIVER, On-Going Goals Assembly Committee, appeared before Council to ask their consideration to change the name of the committee to Austin Tomorrow On-Going Committee.

Motion

Councilmember Urdy moved that the Council change the name of the On-Going Goals Assembly Committee to Austin Tomorrow On-Going Committee. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy
Noes: None
Absent: Mayor McClellan

Mayor McClellan will be shown as absent for the remainder of the meeting. She left the Council Chambers to catch an airplane for a business trip.

ZONING HEARING

Mayor Pro Tem Trevino announced Council would hear the zoning case scheduled for 4:00 p.m. Pursuant to published notice thereof, the following zoning case was publicly heard:

BRIGIDO MARTINEZ
By Margaret Nunez
C14-81-145

1909 East 3rd Street

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the
Planning Commission

This case was heard last week. Mr. Lillie reviewed and said staff had been directed to find out if there is any way Mrs. Nunez can sell snow cones without changing the zoning to "C" Commercial. Mr. Ed Stevens, Building Inspection, said they could find no practical way to make the change. After some discussion, Mayor Pro Tem Trevino suggested to Mrs. Nunez she put her business in a cart and push it around the neighborhood.

Councilmember Duncan moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Urdy, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan

Noes: None

Absent: Mayor McClellan

Not in Council Chamber when roll was called: Councilmember Mullen

PUN-OFF

Councilmember Urdy moved that the Council approve the request of Ms. Helen Handly, member of O. Henry Museum Advisory Board, for permission to sell beer at the Museum's First Fall Pun-Off on October 31, 1981 from 2:30 p.m. to 5:00 p.m. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Urdy, Mayor Pro Tem Trevino, Councilmembers
Deuser, Duncan, Goodman, Mullen

Noes: None

Absent: Mayor McClellan

HAUNTED HOUSE

Mayor Pro Tem Trevino moved that the Council approve the request of Mr. Kirk Jackson, project chairman, Haunted House, Austin Jaycees, for permission to place a temporary sign at the corner of South Lamar and Toomey. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Mullen, Urdy

Noes: None

Absent: Mayor McClellan

Not in Council Chamber when roll was called: Councilmember Goodman

WATER SERVICE REQUESTED

Mr. John Meinrath appeared before Council to request consent of the City of Austin for out-of-district water service from Springwoods MUD (Municipal Utility District) to proposed Mission Bend Subdivision. After some discussion in which Mr. Bill Bulloch, Director of Water and Wastewater, said there has been discussion already concerning how to get water there, Council sent the request to the Planning Commission with no recommendation from Council attached.

Motion

Councilmember Goodman moved that the Council send the request of Mr. Meinrath for out-of-district water service from Springwoods MUD to proposed Mission Bend Subdivision, to the Planning Commission with no recommendation attached. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy

Noes: None

Absent: Mayor McClellan

ANNUAL HANCOCK AWARENESS FUND RAISER

Councilmember Deuser moved that the Council approve the request of Mr. Charles Harker, President, Hancock Neighborhood Association, for permission for the sale of beer at Hancock Golf Course on November 7, 1981, for Annual Hancock Awareness Fund Raiser. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor Pro Tem Trevino

Noes: None

Absent: Mayor McClellan

SUNFEST 81

Councilmember Deuser moved that the Council approve the request of Mr. Mike Kleinman concerning sound permit for Sunfest 81. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Duncan, Goodman, Mullen, Urdy, Mayor
Pro Tem Trevino, Councilmember Deuser
Noes: None
Absent: Mayor McClellan

PARADE PERMIT

Councilmember Deuser moved that the Council approve the request for a Parade Permit from Mr. Mike Kleinman for Youth Emergency Service from 5:15 p.m. to 7:00 p.m., Saturday, October 17, 1981. (Two lanes of Riverside Drive eastbound will need to be closed for 15-20 minutes at beginning of race, also one lane closed over Barton Creek Bridge during race eastbound.) The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor Pro Tem
Trevino, Councilmembers Deuser, Duncan
Noes: None
Absent: Mayor McClellan

REDUCTION OF GOVERNMENT

Terry Parker requested to discuss reduction of government. He talked about a building inspector's complaint of the type of wiring used in his place of business.

Motion

Councilmember Goodman moved that the Council refer the complaint of Terry Parker to the Electric Board and instructed that staff take no action until the Electric Board makes a recommendation. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor Pro Tem Trevino,
Councilmembers Deuser, Duncan, Goodman
Noes: None
Absent: Mayor McClellan

WATER SUPPLY AND METERS

Mr. Frank Horsfall appeared before Council to discuss water supply and meters.

RECESS

Council recessed its meeting at 4:45 p.m. and resumed its recessed meeting at 6:45 p.m.

PUBLIC HEARING - LAKE AUSTIN REGULATIONS

Mayor Pro Tem Trevino opened the public hearing scheduled for 6:30 p.m. which was a continuation of the public hearing on Proposed Lake Austin Regulations. He stated the Mayor was not present as she was attending a meeting in Santa Barbara re humanities.

Mr. Lillie reviewed the history of the proposals. He said the ordinance before Council has a long preamble concerning preservation of water supply, creation of impervious cover, shoreline, lot width, sewer service, on-site waste disposal, variances. He told Council if they want to re-zone it would take a good deal of time. A land use survey would have to be done for suburban "SR" and that would take 9 months.

Councilmember Goodman said he likes the concept of "SR" plus limited purpose annexation.

Dr. Maureen McReynolds, Director, Environmental Resource Management, reported as follows:

"The shoreland plays an important role in the protection of lake water quality. If the shoreland is open space with vegetative cover, it can serve as a buffer for the attenuation of storm loading to the lake. If the shoreland is developed, it will contribute more pollution during storm events than does development of the inland area, due to its proximity to the lake water. In this connection, the shoreland requires more stringent control than does the inland. The following statements describe the function of the shoreland and the comparisons between shoreland and inland, with respect to the water quality of the lake.

Effect of Shoreland Development

"The pollutant loading rate for developed land is many times greater than that of open land (Reference 8). The effect of shoreland development on lake water quality is substantial, since the loadings on shoreland have little opportunity to be attenuated by overland flow. Gunner and Rho's study (Reference 5) indicated that a substantial amount of erosion and nitrate contamination were attributed to the

urbanization along the shoreland of the lake they studied. Also, heavy metals that were transported from the urbanized area were deposited on the lake bottom.

"A study by Pittman, Fruh and Davis (Reference 14) in their reconnaissance of Lake Austin found the currently developed shoreline to have higher levels of nutrients (especially nitrogen) than are found upstream of Lake Austin. They also showed that the septic tank-soil absorption field systems of homes and other shoreline establishments, if placed on unsuitable soils, steep slopes or if improperly constructed or maintained, could also be sources of pollution. Fruh and Davis (Reference 4) felt that this problem will probably increase as more homes and other establishments are constructed along Lake Austin and other area lakes.

"Since Lake Austin is a relatively shallow lake, any increase in pollutants, such as sediment, nutrients, and bacteria, is going to have more effect than if it were deeper. Because of its shallowness, it is particularly susceptible to eutrophication. Pittman's, et al, findings indicate that excessive nutrients are already present. The water released from Lake Travis and the runoff contributed from the undeveloped areas can offset some, but not all, of the impact due to shoreline development. During runoff events, the pollutants are likely to be suspended in the lake water near the contributing stream or shoreland. Some of the pollutants, such as BOD and coliform are highly reactive (Reference 2) and may create hazards prior to mixing with the lake water. The excessive turbidity due to storm loading can cause cost increases for the water treatment operation. There may also be a long-term effect, due to the accumulation of nutrients, heavy metals, and toxic pollutants in the lake sediment.

Buffer Zone Along the Shoreline

"Stormwater runoff enters the lake through tributary streams or the shoreland. A buffer zone along the shoreline is necessary for improving the runoff water quality. Either an overland flow treatment or a water quality detention basin should be secured in the buffer zone. Both of these treatment methods (Reference 1 and 6) are considered to be effective.

"There has been considerable field and laboratory research verifying the overland flow attenuation effect. Federally supported university research has particularly focused on the water pollution problems of clear-cutting (logging) and the water quality benefits derived from leaving buffer strips along the waterways in logged areas. These studies are highly relevant in that they simulate conditions present during clearing and construction. In a 1978 study for the Texas Department of Water Resources, Texas A & M University confirmed that construction near streams increases the level of organic compounds as measured by Total Organic Carbon (TOC). This study discusses the results of West Virginia research in which buffer strips of up to 66', separating streams from clear cutting, resulted in only slightly increased phosphate levels and attenuated nitrogen and dissolved solids loadings more successfully. Also cited was an Oregon study of

logged areas where concentrations of nitrogen were twice that of streams passing through undisturbed lands. The Water Resources Center at the University of California demonstrated aquatic biological communities were protected by 30 meter (100') minimum buffers (Reference 3). The U.S. Forest Service uses an in-house guideline of 300' buffers. Research has proven this buffer totally protects the water quality in streams, as stringently measured by physical, chemical and biological parameters. Please note the attenuation effects of the varying buffer widths quoted are highly dependent on soil conditions, slope and vegetative covering.

"The buffer zone may also protect a potential groundwater resource by preventing pollution entering the lake corridor. Collectively, the lake and its shoreline represent a scenic corridor typically extending 2,500 feet in width. The alluvium deposits within the Lake Austin 'corridor' have a very high potential as a groundwater resource of relatively high yields and quality. Those deposits are believed to be connected hydraulically to the lake, which serves as their major source of water recharge (Reference 16).

Building Setback and Overland Flow

"One of the main reasons for building setback in the buffer zone is to reduce the amount of erosion to the lake during runoff events. For some construction sites (Reference 11), the sediment-delivery ratio is approximated by the function:

$$S_d = D^{-0.22}$$

Where D is overland distance between the erosion site and the receiving waters in feet, and S_d is sediment delivery ratio defined as the fraction of the gross erosion which is delivered to the receiving water. A 75-foot setback, for example, would result in a sediment delivery ratio of 0.40. This implies a 60 percent reduction of sediments to be delivered to the lake.

"Nutrients are carried in the sediment load. The Shoreland Zone restrictions and building setback will reduce the amount of erosion which would otherwise be delivered to the lake during runoff events. Regarding septic system locations, the Lake Austin Growth Management Plan, based on the soil and substrata conditions, proposed that the minimum distance for the placement of systems be 1,000' horizontally from Lake Austin.

"The U. S. Environmental Protection Agency has capitalized on the attenuation effect by sponsoring grants for overland flow treatment for municipal sewage. Research results from these programs confirm the loadings reduction of several important water quality parameters. Reductions in BOD_5 , nitrogen and phosphorus have been obtained on 2 - 8% slopes with 30 meter slope lengths. Peters and Lee (Reference 12) reported BOD_5 removal efficiencies at 50-70%, total Kjehdahl nitrogen (organic nitrogen and ammonia) at 80%, and

phosphorus at 40-50%. These efficiencies vary with slope length, travel time, and soil characteristics. It is important that overland flow be maintained and that rivelets of concentrated flow be avoided.

Runoff of Inland Watersheds

"For the inland area where runoff enters a tributary stream, the pollutant concentrations of the runoff will be diluted or reduced by way of streamflow. At a point where runoff is discharged to a stream, the resulting concentration can be determined through simple mass balance calculations. Thus the fresh water flow in the stream provides dilution (References 7 and 8) to the concentration. For non-conservative substances such as BOD, NOD, coliform bacteria, and nutrients, the concentration will be decreased with time of travel. The concentration of a substance which is characterized by a singular reaction is given by (Reference 7):

$$C = C_0 e^{-kx/u}$$

Where C_0 and C are initial and last concentrations, u is stream velocity, x is downstream distance, and k is reaction coefficient, varied from 0.1 to 3.0 for different substances.

Summary and Conclusions

"A review of other shoreline ordinances has indicated that buffer zones are an essential management tool (Reference 9). In Kansas, the law requires a management zone of 600 feet from the shore, and in Wisconsin the management zone is 1,000 feet for all uses except agricultural. Increased setbacks may be required by Boards of Adjustment as deemed necessary. Vermont requires special regulations for zones of 500' to 1,000' widths. Maine requires construction setbacks of 250' from rivers. Within their management zones, Wisconsin and other states have adopted setbacks of 75' from the shore.

"It can be firmly stated that development along shorelines has a definite water pollution effect. It is also clear that reductions in levels of BOD, nitrogen, phosphates, bacteria, and organics are achieved by filtration over buffer strips of varying widths. The percent removal is also dependent on soil type and depth, slope and vegetative covering. Finally, similar laws currently have precedent in many states and local governments, and have successfully survived challenges in the courts."

Dr. Buckley discussed the proposed ordinance.

A woman who did not identify herself, but said she was from the Lake Austin Hill Country Neighborhood Association, showed slides.

GUY THOMPSON, lives near Lake Austin shores, and does not think the ordinance deals properly with the issue of density.

JACKIE JACOBSON, Lake Austin Hill Country, said the shoreland ordinance is the weakest of all ordinances.

JIM EICHELBERGER discussed Colorado Crossing development. He asked that 19 acres of the development be excused from the ordinance. Jim Nias said if the moratorium is extended and the ordinance not passed, the area will be exempt.

JERYL HART discussed the number factor of impervious cover.

MUSTY ROLLER, president of We Care Austin, said it is time to act.

CHARLES HOLT, who lives near the lake, urged Council not to slip backward.

RALPH ALDROVE thinks the variances are not definitive and everything prior to January 1, 1981 should not be exempt.

CARLIN JOHNSON, Mt. Barker Neighborhood Group, told Council they should adopt the subdivision ordinance, and then site development ordinance, and then upgrade the zoning ordinance.

SALLY SHIPMAN said the ordinance is a compromise ordinance. She said limited purpose zoning is fine but the Lake Austin shoreline should go from dam to dam. She is concerned with land platted under water.

CHARLES HAWKS thinks alternative methods should be considered.

JOE BEAL, Espy Huston Associates, speaking as an interested citizen for people along the lake, said the system of water must be considered as it is different than other lakes.

ED WENDLER, representing people who own land, told Council to remember what they are doing as they increase the cost of houses. He thought the Planning Commission should review.

DOROTHY HARBO asked for a copy of Mr. Lillie's memo.

DAVID FUERSE thinks the Lake Austin ordinance as it is now should be altered.

MARY ARNOLD, Parks and Recreation Advisory Board, said they are concerned with quality of drinking water and recreational water.

ROBERT SNEED, representing Walter Kevin, said the ordinance prohibits another park like Town Lake Park.

BETTY CLELAND, Save our Lake, told Council to read the Lake Austin Growth Management Plan.

Motion - Died for Lack of Second

Councilmember Mullen moved that the Council close the public hearing. The motion died for lack of a second.

Motion

Councilmember Goodman moved that the Council close the public hearing, direct the Planning Commission to consider limited purpose annexation, "SR" zoning, 75' set back and other provisions; complete the review in three weeks and schedule a public hearing on the amendments. The motion was seconded by Councilmember Urdy.

Friendly Amendment

Councilmember Duncan offered a friendly amendment to have the Planning Commission look into retaining walls, shoreline, retention pond set back, impervious cover and slopes, septic tanks and density. The amendment was accepted.

Friendly Amendment

Councilmember Mullen's friendly amendment to allow the Planning Commission 60 days rather than three weeks was accepted.

Motion Amended - Not Accepted

Councilmember Goodman offered an amendment that the Council extend the moratorium. This amendment was not accepted, but was voted on separately.

Roll Call on Motion with Friendly Amendments

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan,
Goodman, Mullen, Urdy
Noes: None
Absent: Mayor McClellan

Motion

Councilmember Goodman moved that the Council extend the moratorium to January 22, 1982. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,
Mayor Pro Tem Trevino
Noes: None
Absent: Mayor McClellan

ADJOURNMENT

Council adjourned its meeting at 8:12 p.m.

APPROVED

Carol Lee Wells

Mayor

10/19/84 *Refunder*

ATTEST:

Grace Monroe

City Clerk

City Clerk