



Austin City Council MINUTES

For November 19, 1981 -- 3:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

Carole Keeton McClellan
Mayor

John Treviño, Jr.
Mayor Pro Tem

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

Nicholas M. Meiszer
City Manager

Grace Monroe
City Clerk

Memorandum To:

Mayor McClellan called to order the meeting of the Council scheduled for 3:00 at 2:45 p.m. in order to read and present proclamation. The posted business of the day began at 3:02 p.m. with Councilmember Deuser, Mayor Pro Tem Trevino and Councilmember Urdy absent. They entered the Council Chamber at 3:04 p.m., 3:04 p.m., and 3:08 respectively.

INVOCATION

The Invocation was given by Rabbi Neal Borovitz, B'Nai Brith Hillel.

CORRIDORS PROGRAM

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, adopted a resolution authorizing implementation of the Corridors Program in the East 11th/Rosewood and 12th Street and East 6th and 7th Street corridors. (7-0 Vote)

Prior to the vote Councilmember Deuser inquired about the funding. Mr. Buck Apelt, Human Services Department, said the funding comes from 5th and 6th year CDBG monies. Councilmember Deuser thought he would need more time for review. Mayor Pro Tem Trevino stated that these monies were set aside two years ago for the business community to come up with a plan.

RAGSDALE HANGARS

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, adopted a resolution to revise the agreement between the City of Austin and Ragsdale Aviation regarding replacement of T-hangars destroyed by a tornado. (6-0 Vote, Councilmember Goodman out of the room.)

Motion

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, adopted a resolution approving the following contract: (6-0 Vote Councilmember Goodman was out of the room.)

SUNBELT BUILDERS, INC.
1300 East Anderson Lane
Austin, Texas

CAPITAL IMPROVEMENTS PROGRAM
Rober Mueller Municipal Airport
T-Hanger Improvements, Phase II
(Ragsdale East) - \$525,829 C.I.P.
No. 79/81-18

Motion

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed an ordinance amending the 1981-82 Operating Budget by appropriating \$11,642 from the Airport Fund ending balance to cover City's share of T-hanger replacement. (6-0 Vote, Councilmember Goodman was out of the room.)

Prior to the vote Councilmember Deuser asked questions concerning the longevity of the hangars and the money involved. Mr. Bayless, Director of the Airport, stated that hangars last approximately 20 years and that Representative J.J. Pickle helped get a grant for \$375,000.

VALERO LIGNITE OPTION

Council had before them a resolution authorizing execution of Valero lignite option and purchase of lignite leases; and an ordinance amending the Interim C.I.P. Budget in the amount of \$920,000 from the Electric Utility C.I.P. for purchase of Valero lignite leases.

Councilmember Duncan stated, "I had voted against the Camp Swift lignite reserve last time. I feel there is some environmental difference between the Camp Swift reserve and this in that it does not involve the water supply of Bastrop County. I still think lignite is the last resort and I am optimistic that we will not have to use this option. It is not clearly apparent at this time that we do not need this option so I will go ahead and vote for the Valero reserves but I hope soon it will be proved we don't need this option and I look forward to making the motion to sell it."

Mayor McClellan stated for the record: "I am not as optimistic as my Council colleague about not needing this option. I think we definitely need this option and much earlier than we would have with the South Texas Project. I think it is very critical. As I said, we did battle when we held up the Lovaca settlement for

VALERO - (Continued)

some months to be able to get this at book value for Austin rate payers so I'm pleased that we are ready to proceed now."

Councilmember Urdy stated, "I am committed to trying to provide the same kind of renewable conservation efforts as for other types of energy programs so I am voting for Valero lignite also with that in mind that in the future we will be willing to commit some additional funds to try to move our renewable and conservation efforts forward."

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, adopted a resolution to authorize execution of Valero lignite option and purchase of lignite leases. (Cost to City \$920,000 - C.I.P. No. 81/12-02 (7-0 Vote)

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance amending the Interim C.I.P. Budget by appropriating \$920,000 from the Electric Utility C.I.P. Fund for the purchase of Valero lignite leases. (7-0 Vote)

ROADWAY PLAN REAFFIRMED

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, adopted a resolution reaffirming Austin Metropolitan Area Roadway Plan. (5-2 Vote, Mayor McClellan and Councilmember Mullen voted No.)

Prior to the vote, Councilmember Duncan said he felt the reaffirmation important as there will be an important meeting of ATS next month.

Mayor McClellan said because that is coming up next month and because it has been some time since the Roadway Plan has been approved, and because she has had a number of calls and inquiries she feels there should be a re-examination of the Roadway Plan through a public hearing. Mayor McClellan said north MoPac should be discussed in particular. Councilmember Deuser said there is no problem that he sees with extending Loop 360 to 1325 to help alleviate some of that traffic problem and yet keep MoPac basically a freeway for traversing within the corporate City limits. Mayor McClellan said she has been told the Highway Department is not interested at all in extending Loop 360 to 1325 and "I would like some information back on that to the City Council." The Mayor said, "I think there is a great deal of concern about MoPac north." Councilmember Mullen said he would like the safety regulations looked at because he feels the traffic coming down 360 to 183 and then MoPac creates a dangerous situation. He said he wants the State to communicate to Council on that problem before they reaffirm the Roadway Plan. Councilmember Duncan said he does not feel they have time to do that as Council has the prerogative to decide what they think is best for the City. Mayor McClellan said, "I am amazed this Council does not have time to talk with the Highway Department when we defer for months major decisions."

Councilmember Goodman asked that a copy of the resolution be sent to the Austin Transportation Study members.

ROADWAY - (Continued)

Mayor McClellan stated, "I still want a report back from the Highway Department, even though the Council doesn't want to wait for it I have been told the Highway Department isn't even interested in that.I would suggest in the transmittal of that reaffirmation we also include some of the minority reports with why the "No's" were there. Let the record be complete for the transmittal."

TRI COMMUNITY HOSPITAL APPLICATION

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, adopted a resolution requesting the Texas Health Facilities Commission to: (a) reconsider denial of Tri Community's (Brackenridge Hospital) application for a Certificate of Need and, upon reconsideration; approve same; and (b) reconsider the granting of Lifemark's (Round Rock Community Hospital) application and, upon reconsideration, deny same. (7-0 Vote)

Prior to the vote, Councilmember Deuser inquired if there is any other method to finance not involving the City of Austin obligation.

Mr. Spurck, Director, Brackenridge Hospital, stated, "Any effort in the construction of the hospital is going to involve obligation on the part of the City either through the operation of the City Hospital in revenues covering it or losing a market share and then not having that market share recaptured which makes a larger loss and responsibility of the General Fund at Brackenridge Hospital, so I think it's a survival strategy type of thing. To reiterate that point the South Austin Hospital that was approved by the Texas Health Facilities Commission, which will be a reality in July of this year...their expert witness during the hearings stated that hospital would probably draw 8% of our 30% market share that we now enjoy. That 8% represents about \$4,000,000 in private revenue. We only made, on our income statement last year, \$1.4 million. That means that if all things remain the same, given the same utilization rate, we would experience a \$2.6 million loss which would be a responsibility to the General Fund."

DOWNTOWN MORATORIUM NOT ACTED UPON

Council had before them for consideration an ordinance to establish a moratorium on the issuance of building permits and demolition permits in the downtown area (as defined by Planning Commission, i.e. North-side M.L.K., East-side I-35, West-side of Lamar and the South-side of Barton Springs) until December 10, 1981.

Councilmember Duncan stated he had put this ordinance on the agenda due to incorrect information concerning a rush of building permits for downtown Austin. He has found the information to be inconclusive so he would not like to make a motion concerning a moratorium for downtown at this time. Councilmember Duncan discussed the development of downtown Austin and stressed the importance of private/public enterprise.

Mayor McClellan said she is pleased there will be no motion for a moratorium because for the past decade there has been an effort to interest the private sector

DOWNTOWN - (Continued)

in revitalization of downtown Austin.

PUBLIC HEARING SET - ELIGIBLE BLIGHTED AREA

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, adopted a resolution setting a public hearing on the designation of an Eligible Blighted Area pursuant to the Rules of Issuing Industrial Development Bonds issued by the Texas Industrial Commission for December 17, 1981 at 6:00 p.m. (7-0 Vote)

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor McClellan's second, adopted a resolution authorizing the submittal of notice to the Texas Industrial Commission of the intention to hold a public hearing on the designation of an Eligible Blighted Area. (7-0 Vote)

ELECTION CALLED

Council had before them for consideration items related to the Fair Housing Ordinance Initiative Petitions.

1. Consider passage of the initiated ordinance.
2. Consider calling an election for the purpose of submitting the initiated ordinance to the voters.

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance calling an election for the purpose of submitting the initiated ordinance concerning the Fair Housing Ordinance to the voters on January 16, 1981. (7-0 Vote) (Punch card ballot to be used.)

DECISION ON SPECIAL PERMIT

Council was scheduled to take action on the following: An appeal from Mr. Pete Martinez, president, Rainey Area Neighborhood Association, of the Planning Commission decision on a Special Permit, File/Case No. C14p-81-065.

Councilmember Mullen stated Mr. Pence, the property owner, is willing to roll back the property to the minimum zoning, which would be "0".

Mr. Pence appeared before Council and stated he would restrict the land usage to multi-family residential housing.

PERMIT - (Continued)

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, DENIED an appeal from Mr. Pete Martinez, president, Rainey Area Neighborhood Association, of the Planning Commission decision on a Special Permit, File/Case No. C14p-81-065; and granted contingent on request by the applicant for a roll back to "0" 3rd H&A and a restrictive covenant that the use will be multi-family residential. (7-0 Vote)

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraph (e) of Article 6252-17, Texas Revised Civil Statutes annotated to discuss with attorneys continued litigation re South Texas Nuclear Project and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for executive session at 3:55 p.m. and resumed their recessed meeting at 4:08 p.m.

CITIZEN DID NOT APPEAR

Mrs. Vivian Naddef who had requested to appear before Council to discuss her connection to the City sewer, did not appear.

GREAT HILLS MALL OPPOSED

Ms. Jill R. Manlove appeared before Council to discuss her opposition to the site of the proposed Great Hills Mall.

NONCONFORMING PARKING FACILITY

Ms. Natalie DeBlois, member, Steering Committee, Heritage Neighborhood Association, appeared before Council to discuss a nonconforming parking facility at 2906 West Avenue. She discussed the committee's appearance before the Board of Adjustment and asked Council to help them with their problem. Councilmember Duncan said Council could bring back on the December 3 agenda an option to amend 31.24, Section B of the Code concerning head-in parking.

Councilmember Mullen requested a staff report concerning action taken.

Ms. Jane Burton Allen, member, Steering Committee, Heritage Neighborhood Association, appeared before Council to discuss the Board of Adjustment action

FACILITY - (Continued)

concerning the variance for the parking facility. She said they had never received notice. Councilmember Deuser asked if action taken is valid when notice is not given.

Mayor McClellan requested the City Attorney to report back concerning this.

BERGSTROM WEST AIRPORT PLANS SUPPORTED

Mr. Sam Griswold, president, Delwood II Neighborhood Association, appeared before Council to speak in support of Bergstrom West Airport plans. He said Bergstrom West would alleviate air and noise pollution from their neighborhood and would be an answer to the dreams of Austinites who came before Council two years ago asking that the airport be moved from its present location.

Mayor McClellan thanked Mr. Griswold for speaking and said the Council is waiting to hear from the Air Force.

PUBLIC HEARING - BERGSTROM WEST PLAN

Enrique Lopez, chairman, Montopolis Neighborhood Association, appeared before Council to request a public hearing on "Bergstrom West Plan" December 9, 1981.

Mayor McClellan suggested the public hearing be held at a time when the City has a better idea of what the Air Force approves or disapproves.

After some discussion, Mayor McClellan suggested using a larger facility than the Council Chambers.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, set a public hearing on December 16, 1981 at 7:00 p.m. in Palmer Auditorium to discuss the Bergstrom West Plan. (5-0 Vote, Councilmembers Duncan and Goodman were out of the room.)

WATER & WASTEWATER COMMISSION

Council continued a discussion begun at the November 18 meeting concerning the Water and Wastewater Commission report on request for clarification on duties and responsibilities of the Service Area Task Force as it relates to the Water and Wastewater Master Plan.

Councilmember Mullen stated: "Mayor, yesterday I made a suggestion that we form a new task force made up of seven and six and accept it. The whole purpose in forming this joint committee was to try and get communication, it was not to try and get people upset at each other, and I think my purpose is going to be defeated so I

WATER - (Continued)

would suggest that we do this. We should ask Water and Wastewater Commission to answer the questions I have asked on my three page memo. And between now and two weeks from now you come up with a method of either you are going to come up with a document finally, with no input from any other boards and commissions and that document will then have to go through the other boards and commissions and will probably take 3 to 4 months extra time. Or, you come up with a plan with joint communications that you think will work that we could present to the other boards and commissions and see if they would accept it. Can you do that?"

Ms. Leda Roselle, chairman, Water and Wastewater Commission, said, "I agree with that thoroughly and I see the problem that could exist if that was not proposed now." Councilmember Mullen told her, "O.K., so if you all can meet and decide, (1) do you want no communication and then have to present your document with no input from the other boards and commissions, then I see that as a problem. But if that's what you're going to do, that's what you're going to do; or come up with some kind of plan for joint communication, joint meeting or whatever." Ms. Roselle said, "But a formal plan of some kind?" Mr. Mullen said yes. Ms. Roselle said O.K. Councilmember Mullen said, "I think it would be better if we had the Council's approval. Mayor Pro Tem Trevino said, "Ron moves and I second." Motion passed by a vote of 5-0 with Councilmembers Duncan and Goodman out of the room.

SUBDIVISION RIGHT-OF-WAY POLICY

~~The Council, on Councilmember Mullen's motion, Mayor McClellan's second, adopted a resolution amending the section of the subdivision right-of-way policy which requires a subdivider to reserve, without compensation, a portion of subdivider's property which is planned for future purchase or condemnation by the City or other appropriate jurisdiction and instruct City staff not to require a 50' set back.~~
(7-0 Vote) *voted to*

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, on litigation or boards and commissions, decision or vote with regard to any matter considered in the closed or executive session will be made in open session. should such action, decision or vote be necessary.

RECESS

Council recessed its meeting at 4:45 p.m. and resumed its recessed meeting at 5:53 p.m.

BOARD & COMMISSION APPOINTMENTS

Council made the following appointments to boards and commissions:

Building Code of Appeals

Claude Morton and Fred Robinson, term to expire 7/1/83, on Councilmember Mullen's motion, Councilmember Goodman's second, unanimous vote.

On Going Goals Assembly

Dr. Harry Evans, term to expire 6/1/83, on Councilmember Mullen's motion, Councilmember Goodman's second, unanimous vote.

Hospital Board

Roy Rushing, William Summers, Thomas Hatfield, David Warner, terms to expire 7/1/83, on Councilmember Mullen's motion, Councilmember Goodman's second, unanimous vote.

Betty Witt was nominated by Councilmember Deuser and received a vote of five Yes. Nazik Smith was nominated by Councilmember Mullen and received a vote of two Yes. Betty Witt won the nomination.

Manpower Commission

Luther Black, William Parr, Madeline Palmisano, term to expire 9/30/82, on Councilmember Duncan's motion, Mayor McClellan's second, unanimous vote.

Historic Landmark Commission

Ina Ray Smith to represent Travis County Historical Commission, on Councilmember Goodman's motion, Councilmember Duncan's second, unanimous vote.

Private Industry Council

Bert Adams, Henry Guerrero, Karl Zimmerman, term to expire 9/30/82, on Councilmember Goodman's motion, Councilmember Mullen's second, unanimous vote.

Affirmative Action Plan

Theodora Davis, term to expire 12/1/83, on Mayor Pro Tem Trevino's motion, Councilmember Mullen's second, unanimous vote.

Neighborhood Revitalization

Council appointments are Regina Henderson, Robert Lee, Victor Baez and Larry Jordan, Helen Van Dyke, on Councilmember Mullen's nomination, unanimous vote.

Mayor's appointments are Carol Fowler, Bill Casteel, Katherine Johnson, Richard Castruita, Van Cain, on Mayor McClellan's nomination, unanimous vote.

BOARD & COMMISSION - (Continued)

Construction Advisory

James Dossett, Ira Crofford, James Wise, term to expire 10/1/83, on Councilmember Goodman's motion, Mayor McClellan's second, unanimous vote.

Human Relations Commission

Janna Zumbrum, Merle Miles-Adams, John Darrouzet, Neal Barovitz, Pat Pounds, term to expire 11/1/83, on Councilmember Goodman's motion, Mayor McClellan's second, unanimous vote.

Downtown Task Force

Robert Barnstone, no date set for term to expire, on Councilmember Goodman's motion, Councilmember Mullen's second, unanimous vote.

PUBLIC HEARING - DEMOLITION APPEAL

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on an appeal of Order of Demolition issued by the Building Standards Commission on structure located at 500 Powell Street.

No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, closed the public hearing, rescinded the demolition order and allowed 90 days for repair. (7-0 Vote)

SPECIAL TRANSIT SERVICES REVISION

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on proposed Special Transit Services Policy Revision. Dr. Benson, Director of Urban Transportation, presented a report which is on file in the City Clerk's office.

Martha Arbuckle thanked the Council for their support of Special Transit and commended the drivers on their patience.

Steve Cannon read a statement which is on file in City Clerk's office.

Laddy Jackson suggested some changes and recommended there be a blind person on the Urban Transportation Commission.

Malcolm Graham, with National Association of the Blind, said the riders would have to reapply for advanced bookings and trip restrictions proposed are against Federal law.

TRANSIT - (Continued)

Andrea Moore, National Federation of the Blind, said open returns would save cab and transit money and heartache. She said all trip restrictions should be dropped after 6 p.m. and on weekends.

Charles Eskridge, Urban Transportation Commission, reviewed what the task force has done.

Theodore Botello said he has been treated very well and has no complaints.

Pat Nozack expressed pleasure with the Special Transit System.

Faye Gardman asked for a later Sunday time so that she can go to church.

Velma Cruze, National Federation of the Blind, praised the Special Transit drivers.

James Templeton asked that the Sunday time be extended.

Becky Gallowan, National Federation of the Blind, asked that open returns be kept.

Judy Watford, a blind law student representing Concerned Blind for Austin, thought the proposals should be sent back for further study, or defeated.

Steve Conrad said he belongs to several blind organizations. He appreciates the Special Transit Service.

A woman who did not identify herself said that the Special Transit Service is helpful for senior citizens who have a physical disability.

Mayor McClellan told the speakers that their comments will be studied.

Motion

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, closed the public hearing. (6-0 Vote, Councilmember Duncan was out of the room.)

PUBLIC HEARING - SIGNS IN NATIONAL REGISTER DISTRICT

Mayor McClellan opened the public hearing scheduled for 6:30 p.m. on amending the Zoning Ordinance to allow the Historic Landmark Commission to approve/disapprove signs within the National Register Districts.

Donna Kristoponis, Assistant Director of Planning, discussed the amendment and showed slides of signs.

No one appeared to be heard.

HEARING - (Continued)

Motion

The Council, on Councilmember Goodman's motion, Councilmember Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Zoning Ordinance to allow the Historic Landmark Commission to approve/disapprove signs within the National Register Districts. (6-0 Vote, Councilmember Duncan was out of the room.)

PUBLIC HEARING - PARKS & RECREATION DEPARTMENT POLICY MASTER PLAN

Mr. Leonard Ehrler, Director of Parks and Recreation, asked Council to adopt the Parks and Recreation Department Policy Master Plan, or allow a public hearing to take place. He introduced Dr. John Crompton from Texas A&M and Mr. Sprague from Memphis. Dr. David Reed showed slides of the plan and said both the Parks Board and Environmental Board have approved the plan.

Brenda Oliver, member of Austin On-Going Tomorrow, recommended adoption of the plan.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, closed the public hearing and asked this be placed on the December 3, 1981 agenda for action.

ADJOURNMENT

Council adjourned its meeting at 7:55 p.m.