

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 23, 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

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

GET HIGH ON YOURSELF WEEK

Mayor McClellan read a proclamation setting aside the week of September 20-27, 1981 as Get High on Yourself Week in Austin. The proclamation was received with thanks and appreciation by Joseph Martinez; George Cantu, MH-MR; Gary Leach, Palmer Drug Abuse Center; Anne Davis, Narconon; and Maida Papanek, Narconon.

BEN HUR CIRCUS WEEK

Ben Hur Circus Week will be observed September 27 through October 3 according to a proclamation read by the Mayor. Mr. Harry Balagia accepted the proclamation with his appreciation and thanks.

FIRE PREVENTION WEEK

Chief Ed Kirkham and Capt. Ray Davis, Austin Fire Department, were in the Council Chamber to receive a proclamation, read by the Mayor, designating the week of October 4, 1981 as Fire Prevention Week. They thanked the Mayor for the proclamation.

RECESS

Mayor McClellan recessed the Council meeting at 3:10 p.m. to wait for a quorum of Councilmembers. Councilmember Duncan entered the Council Chamber at 3:10 p.m.; Councilmember Goodman at 3:13 p.m.; and Councilmember Urdy at 3:14 p.m. The Council meeting was resumed at 3:15 p.m. Councilmember Mullen entered the Council Chamber at 3:23 p.m.; Mayor Pro Tem Trevino at 3:23 p.m.; and Councilmember Deuser at 3:33 p.m.

BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the following Board and Commission appointments are due to be made in September:

- Arts Commission - 1
- Building Code Board of Appeals - 2
- Building Standards Commission - 1
- Dental Health Advisory Committee - 1
- Electric Utility Commission - 4
- Energy Conservation Commission - 1
- Ethics Review Commission - 1
- On-Going Goals Assembly Committee - 1
- Hospital Board - 5
- Environmental Board - 1
- Parks and Recreation Board - 1
- Plumbing Advisory Board - 1
- Renewable Energy Resources Commission - 3
- Citizen's Traffic Safety Commission - 1
- Vending Commission - 2
- Austin Community Education Consortium - 1
- Downtown Revitalization Committee - 4
- Austin Cable Commission - 11
- Manpower Advisory Planning Council - 15
- MH/MR Board of Trustees - 2
- Water and Wastewater Commission.

CONTRACT APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving a contract with Randy Morine, builder, for the purchase of 6.980 acres at \$15,000.00 per acre for the Balcones-Oak Forest Neighborhood Park and to pay one-half of the cost of construction of the street and utilities in Oak View Drive, which abuts the said 6.980 acres: 6.980 acres of land out of the James D. Goode Survey No. 30, of Travis, Texas. 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

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing execution of and entering into a construction agreement with the State Department of Highways and Public Transportation for street and drainage improvements to East Riverside Drive from I.H. 35 to Summit Street. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-03. 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

Mayor Pro Tem Trevino moved that the Council adopt a resolution to acquire certain land for Steck Avenue Underpass. CAPITAL IMPROVEMENTS PROGRAM No. 73/60-02: A portion of land out of the James Mitchell Survey No. 17. (Steck Vaughn Company) 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

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing approval of a Change Order in the amount of \$5,362.50 to Starfield Construction, Inc. for Transit Facility expansion. CAPITAL IMPROVEMENTS PROGRAM No. 76/90-04. 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

SALE OF CITY PROPERTY

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving extension of a contract for the sale of City property No. P-78(a) located at 1507 Harrell Lane. 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

CONTRACTS APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

- Bid Award: - Used street sweepers, Vehicle and Equipment Services Department
- ENVIRONMENTAL SALES & SERVICE - Item 1, 1 each - \$25,927.00
1137 West Hurst Boulevard
Hurst, Texas
- GIRARD MACHINERY & SUPPLY - Item 2, 1 each - \$46,114.00
3428 Roosevelt
San Antonio, Texas

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

- GULF OIL COMPANY - No. 2 Diesel Fuel, Electric
6300 Westpark Drive, Suite 600 Utility Department
Houston, Texas Item 1 - \$59,700.00

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

- AMERICAN ECONO-CLAD SERVICES - Catalogs, Jiffy Bags, (imprinted
507 Jackson Street mail bags) books (paperbacks) for
Topeka, Kansas book-by-mail service, Austin Public
Libraries
Twelve Month supply agreement
Items 1-3 - \$10,842.00

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Standard water and wastewater utility materials, Water and Wastewater Department
Three month supply agreement
Items 1-29 awarded by multiple progressive procedure. Estimated grand total \$11,500.00

AUSTIN PIPE & SUPPLY
300 Medina
Austin, Texas

BIG STATE UTILITY SUPPLY
9324 Circle Drive
Austin, Texas

ROHAN COMPANY
508-D East St. Elmo Road
Austin, Texas

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

VEPED TRAFFIC CONTROLS, INC.
11313 North Broadway
Oklahoma City, Oklahoma

- Mounting clamps for traffic signs,
Urban Transportation Department
12 month supply agreement
Item 1 - Estimated \$8,000.00

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

INSTRUMENTS FOR MEDICINE
177 South Patterson
Santa Barbara, California

- Smirmaul Surgical Keratometer for
surgery department of Brackenridge
Hospital - \$7,000.00

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

PARKING METER ZONE APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving for installation the following parking meter zone:

<u>METER TYPE</u>	<u>STREET</u>	<u>LOCATION</u>	<u>SIDE OF STREET</u>
300 Minute	West Avenue	1400 Block	East and West

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

TEMPORARY STREET CLOSINGS

Mayor Pro Tem Trevino moved that the Council adopt a resolution temporarily closing the following street:

Leon from 25½ to 26th Street on October 6, 1981 from 3:00 p.m. to 8:00 p.m., as requested by Mr. Barry Rubin, representing Sigma Alpha Mu and Kappa Alpha.

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution temporarily closing the following street:

Trinity from 5th Street to 7th Street on October 31, 1981 from 3:00 a.m. until November 1, 1981 at 4:00 a.m., as requested by Mrs. French Smith III, representing Pecan Street Association.

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution temporarily closing the following street:

25th Street from Pearl to San Gabriel on September 25, 1981 from 2:00 p.m. to 7:00 p.m. as requested by Mr. John Kincade, representing the Texas Cowboys.

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution temporarily closing the following street:

25th Street from San Gabriel to Pearl on Friday, October 2, 1981, from 3:00 p.m. to 7:00 p.m. as requested by Mr. Staley Wynne, representing the Southwest Greek Conference.

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

REFUND OF EXCESS TAXES

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing refund of excess taxes paid by Westgate Venture, Personal Property Account #W25760 in the amount of \$1,110.88. 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

CETA

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing submission of modification to the FY '82 Comprehensive Employment and Training Plan to the Department of Labor requesting approval for an increase in the administrative percentage from 20 to 23 percent, and authorization to negotiate and contract with the following agencies for FY '82 under the CETA program in the following amounts:

Combined Skills Training Program

SER-Jobs for Progress	\$300,000
Goodwill	207,389
Austin Area Urban League	129,250
Marc Gold and Associates	83,400
Total	<u>\$720,039</u>

On-the-Job Training Program

SER-Jobs for Progress	\$250,000
Austin Area Urban League	150,000
Austin Women's Center	150,000
Total	<u>\$550,000</u>

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

GRANT FOR SENIOR ACTIVITY CENTER

Mayor Pro Tem Trevino moved that the Council adopt a resolution accepting a grant in the amount of \$5,609 from the Capital Area Planning Council, Area Agency on Aging, to modify existing facility floor space at the Senior Activity Center located at 29th and Lamar Street. 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

SPECIAL SUPPLEMENTAL FOOD PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing continuing a contract with the Texas Department of Health to provide administration and nutrition education services for the Special Supplemental Food Program for Women, Infants and Children during the period of October 1, 1981 through September 30, 1982. 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

FAA GRANT

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving grant offers from the Federal Aviation Administration in the amount of \$1,101,769. 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

JOINT ELECTION WITH TRAVIS COUNTY

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing a joint election with Travis County on November 3, 1981. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

AUCTION OF SURPLUS VEHICLES

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the disposal by auction method on October 10, 1981, surplus vehicles and equipment including any items which may sell for \$5,000 or more. 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

PUBLIC HEARINGS SET

Mayor Pro Tem Trevino moved that the Council set a public hearing on the following:

To consider granting an easement for and construction of the Wells Branch Wastewater Line within the Walnut Creek Metropolitan Park for October 22, 1981 at 5:00 p.m.

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

Mayor Pro Tem Trevino moved that the Council set a public hearing on the following:

An appeal from Mr. William J. Schudder of the Planning Commission's decision on a Special Permit for The Villas Apartment Complex, No. C14p-81-054, November 12, 1981 at 5:00 p.m.

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

EASEMENT RELEASE

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

5.0' Public Utility Easement on Lot D, Oak Knoll Addition.
(Requested by Mr. Charles G. Anderson)

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

CONGRESS OF CITIES DELEGATES

Mayor Pro Tem Trevino moved that the Council adopt a resolution designating Mayor Pro Tem Trevino as voting delegate and Councilmember Duncan as alternate voting delegate at the Annual Congress of Cities, November 29 - December 2, 1981, Detroit, Michigan. 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

CLARKSVILLE CONTRACT EXTENDED

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing extension of current contract with the Clarksville Community Development Corporation for an additional six-month period with no increase in the present contract budget. 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

7TH YEAR CDBG FUNDING

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing execution and acceptance of a grant agreement with the Department of Housing and Urban Development for the 7th Year CDBG funding in the amount of \$5,634,000. 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

HEARING RESCHEDULED

Mayor Pro Tem Trevino moved that the Council adopt a resolution to reschedule the October 15, 1981 hearing on the recommendations from the Fire and Life Safety Committee to October 29, 1981 at 5:00 p.m. 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

SOCIAL SERVICE AGENCIES

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing to contract with Social Service agencies awarded funding by approved FY 1981-82 Operating Budget. 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

PUBLIC HEARING SET

Mayor Pro Tem Trevino moved that the Council set a public hearing for October 8, 1981 at 7:00 p.m. on an appeal of the Planning Commission's granting of variances to the Barton Creek Ordinances relating to the Brodie Tract. 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

CITY CODE AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY AMENDING SECTIONS 21-65, 21-66, 21-67, 21-68, 21-70, 21-71, 21-72, 21-73, 21-74, AND 21-75; PROVIDING FOR SOME AMENDED DEFINITIONS USED WITHIN THIS ARTICLE; PROVIDING FOR THE PURPOSES OF SAID ARTICLE; PROVIDING THAT PLANTS AND TREES SHALL NOT OBSTRUCT SIDEWALKS; PROVIDING FOR A CLEARANCE OF FOURTEEN FEET ABOVE STREET AND SIDEWALKS; PROVIDING FOR REMOVAL OF VIOLATIONS BY THE CITY; PROVIDING THAT NO FENCES MAY BE CONSTRUCTED OR REPLACED ON CORNERS IN THE CITY; PROVIDING FOR A PROHIBITION OF PARKING AUTOMOBILES ON STREETS FOR DISPLAY PURPOSES; PROVIDING FOR A PROHIBITION OF PARKING AUTOMOBILES ON STREETS FOR REPAIR PURPOSES; PROVIDING FOR A PROHIBITION AGAINST PARKING BETWEEN THE CURB-LINE AND THE PROPERTY LINE ON ANY PUBLIC RIGHT-OF-WAY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE 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 Councilmember Mullen, 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.

HOSPITAL BOARD REAPPOINTMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 2-13 OF ARTICLE II OF CHAPTER 2 OF THE 1967 CODE OF THE CITY OF AUSTIN; PROVIDING FOR A CHANGE IN LENGTH OF TERM OF REAPPOINTMENTS TO THE MEDICAL STAFF; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE 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 Councilmember Mullen, 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.

COLISEUM UPGRADE PROJECT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1980-1985 CAPITAL IMPROVEMENTS PROGRAM BUDGET BY TRANSFERRING \$66,440 FROM CIP PROJECT #807006 (AUDITORIUM - COLISEUM - PAID PARKING PROJECT ACCOUNT) TO CIP PROJECT #807003 (COLISEUM UPGRADE PROJECT ACCOUNT); APPROPRIATING \$66,440 FOR THE COLISEUM UPGRADE PROJECT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (CIP No. 79/80-03)

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 Councilmember Mullen, 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.

AUSTIN REDEVELOPMENT AUTHORITY

Council had before them for consideration several items relating to the Austin Redevelopment Authority:

1. Consider an ordinance establishing the Office of Neighborhood Revitalization.
2. Consider an ordinance creating the Neighborhood Revitalization Commission.
3. Consider a resolution rescinding the resolution expressing the intent of the City of Austin to perform internally CDBG (Community Development Block Grant) housing activities to the maximum extent permissible by law.
4. Consider expressing the intent of the City of Austin to enter into a contract for certain housing rehabilitation activities with an alternate entity caused to be created by the City.

Mayor Pro Tem Trevino asked for a representative of the CPA firm that is conducting an audit of Austin Redevelopment Authority (ARA) to give Council a report.

BUCKY CROUCH, Coopers & Lybrand, the firm presently conducting the audit for the Austin Redevelopment Authority, addressed Council as follows: "I want to define what the scope of our work was and let you know that the audit is not done. We are still in the process of finalizing some open items, talking with the ARA staff and with the Human Services people, so this is not a final report. Basically, we have been looking at ARA in two different areas. One

had to do with fiscal year 1979 and 1980, dealing with the single audit, a report we are doing for all the Federal grants for the City and that would be in the area of compliance with Federal regulations. The second area of work that we requested to do in May was a financial audit of ARA for the period of October 1, 1980 through March 31, 1981.....a six month period that coincided with the close out of the 5th year CDBG funds. Included in that scope we were going to render an opinion on the balance sheet and revenue and expenditures statement and I think to date there has never been a balance sheet prepared on ARA, and in this we were showing what the assets and liabilities of ARA were.

"In connection with this we also are going to be doing a study of the internal controls to the extent necessary to render that opinion. I talked with some of the Human Services people to make sure it is clear that there are two types of internal control reports. There is this one, which we did, and the second kind is where you do a full blown in-depth review of internal control and that was not requested, so we did not do that. Based on what we have done we did find some areas of weaknesses in internal control that existed in several areas. Basically, all of them were areas that had been brought to attention of the Council before either through HUD (Housing and Urban Development) findings or through City staff reports at ARA. Over all we found that as in most any other type of operation there are always areas where improvements can be made. I think corrections have already been taking place since we and some of the City staff went over there in April. There are areas that need to be monitored with close attention."

Councilmember Mullen asked, "Do you have the answers to finding lack of income verification documentation on loan recipients. Has that been taken care of?" Mr. Couch said that is one of the problems that has been identified. Councilmember Mullen wondered if documentation taken now is being handled properly. Mr. Couch said, "Yes, but there still needs to be further procedures and controls." Mayor Pro Tem Trevino asked if they also found lack of evidence of ownership. Mr. Couch said they were told eligibility requirements were being done, but the problem is there is no documentation on them. MR. DAVID DAVENPORT, chairperson, ARA, said he was sure that documentation had been taken but does not know where it is.

Mayor McClellan asked Mr. Couch to give a copy of their report to ARA. Mr. Couch said they have talked with ARA staff but not in the detail that is normally done. He said the report had just been handed out that morning.

Mayor Pro Tem Trevino stated, "At your request, Mayor, this item was put on the agenda because you wanted the decision made by us by the first of October. We knew that an audit was being done and the decision was going to be made by the Council prior to us having the findings. I wanted to get some preliminary discussion from the firm to give us an idea about some of the things that they are seeing. I would much rather have the final report, but, obviously they cannot have it be today. This is in response to not being able to get the information to David and board members because we, ourselves, just got this within the hour."

MOTOR BOATS ON TOWN LAKE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 29-13 OF THE AUSTIN CITY CODE OF 1967 AS AMENDED BY ADDING A NEW SUBSECTION PROVIDING FOR OPERATION OF MOTORBOATS ON TOWN LAKE UNDER CERTAIN CONDITIONS; SUSPENDING THE RULE REQUIRING ORDINANCES BE READ ON THREE 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 Councilmember Mullen, 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.

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 1: LOT 51, BEE CAVE WOODS SECTION FOUR, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-1" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

TRACT 2: LOTS 45-45, BEE CAVE WOODS SECTION FOUR, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-1" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

TRACT 3: LOT 50, BEE CAVE WOODS SECTION FOUR, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O-1" OFFICE, FIRST HEIGHT AND AREA DISTRICT;

TRACT 4: LOTS 46-49, BEE CAVE WOODS SECTION FOUR, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 1800-1907 DORIS ANN BLVD; AND 1936, 1938, 1939 HOLLY HILL DRIVE; 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. (Bee Cave Woods Development, C14r-81-019)

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 Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan suggested they wait until tomorrow to make a decision. Councilmember Deuser said he thought the only item which needed an immediate Council vote is number 3. Mayor Pro Tem Trevino said that would mean they would go back to the status quo they already have and if Council makes a motion to rescind the existing policy, which is to bring ARA into the City of Austin, then he will not support it. Councilmember Deuser told him that items 2 and 4 could be brought back on another agenda.

Mayor Pro Tem Trevino stated for the record, "In option 4, we are saying today we will rescind the existing decision of the Council which was made in April--that is, to bring it back in. If we do just that then ARA goes back and continues business as usual which does not please me at all. Option 2 we are saying we are going to create a commission and we talked about expansion of that commission, certainly keeping those board members with their powers for eminent domain under the Urban Renewal, but in Option 4 we are talking about creating a new entity and I have always been open to that but I think in all fairness to ARA they need to know that though we rescind a motion today, we do not necessarily want to continue as is, tomorrow."

Motion

Councilmember Urdy moved that the Council rescind the resolution expressing the intent of the City of Austin to perform internally CDBG housing activities to the maximum extent permissible by law.

Councilmember Urdy said, "I think Councilmember Deuser was getting at the question we've had before us for some time, whether or not we wanted to take ARA into the City or not. The answer to number 3 will answer that, but it is not predicting which way it would go, but to act on it without answering that question, in the City or out of the City...I will make that motion to rescind that resolution and I make it for this reason. Everyone recognizes there are serious problems with ARA and they are not all ARA's fault. Some of the problem is that I think we have the idea that by bringing that agency into the City that we can solve all our problems and that is wrong. We are going to open up a can of worms that we don't know what to do with, and it doesn't bother me a great deal if you want to deal with those kinds of problems we've had before us in the last week, every week, then I can do that. We did that every day at the Housing Authority, so I am accustomed to it, but I don't think this Council as a body is equipped to do that.

"There are problems and some of them cannot be solved...perhaps they could have solved some of them better than others. But to think that transforming that agency into the City is going to solve those problems that exist in that rehabilitation agency is false. This Council will not be able to solve them any better than the Board and probably not as well. We talk about all the kinds of things that ARA has not done. It's an agency that is funded 100% by Federal funds. The question is are we bringing into the City a department still funded by Federal funds or are we making additional commitment. Are we committing ourselves, and I don't think we are doing that." Mayor Pro Tem Trevino said, "I am." Councilmember Urdy continued, "...to continue those activities in the event CDBG funding may be cut out, and it may be next year."

Mayor Pro Tem Trevino said he has suggested to the Housing Authority to set up a comprehensive housing plan. He said the only time they talk about housing is when they give a few dollars to talk about housing rehabilitation. Mayor Pro Tem Trevino said he is willing to do a lot more about housing and work together with the private sector. Councilmember Duncan said he does not think ARA is doing a good job and he does not want to return to ARA, but he does not think the City will do any better, and he favors a combination of items 2 and 4. Discussion continued.

Mr. Ed Badgett, Assistant City Manager, addressed Council concerning the deadline of September 30 and alternatives we have beyond that date as follows: "We can extend the 6th year contract for a period of a few weeks past the October 1 deadline. ... We can amend operating agencies without any significant problem as long as we don't significantly alter the program. That's the concern that HUD has. ... There's one issue that has not surfaced in this discussion today, and I would like to point it out so there may be more understanding. Surely the City in monitoring and controlling contracts has certain kinds of opportunities and generally we take these opportunities and handle them very well. ARA is a different situation in terms of our contractual arrangement with them in that they claim constantly to be a creature of the state and that is correct. The City has been given authority by state statute to either create a commission or an agency to handle its urban renewal. Our position has been that we are not doing urban renewal, and when we attempt to establish a contract as we did the last time, the board refused to accept that contract with us. It was the same contract we offered to all other agencies. Their attorneys came in and argued that we are an urban renewal agency...you can't tell us what to do and we said, fine, you create under a state statute, but the state does not give us any money. Your money comes through the Block Grant, something totally different. Our nemesis is the Urban Renewal Agency, and as long as our operation is under the auspices of Urban Renewal, then we are without the opportunity to monitor effectively contracts or to even, as we experienced last time, to negotiate and have an agency accept the contract that is a standard contract approved by the City and acceptable to all of our other agencies. That is the key issue, and when we talk about the commission, one of the reasons for doing that is to expand the range and to have an Urban Renewal Board rather than a commission that can take a broader range of activities involved in housing. It has been that attitude that we have had to fight, and that attitude, which is causing much of the problem.

David Davenport, chairman of ARA, told Council, "I watched City staff as he alludes to our objection to the contract that he offered us, and I will tell you what the objection was. We feel like as commissioners, approved by the Mayor and appointed by the Council that we report to the Council. That contract had us subrogating all our authority to Carlos Hererra, and we aren't going to do it. I have watched that agency erode and erode. You've had us handcuffed, tied and gagged. We haven't been able to do anything. We can't hire an executive director. I've been serving as acting executive director for seven months. Our fiscal director has been gone since March. Our real estate director has now resigned. If you don't do something now, you are not going to have anybody because I am resigning, and as soon as I resign, you won't have a quorum, and I will resign as of October 1 if you don't do something. ... You make up your minds. We've been through it and we've had it, and I think the whole Board feels the same, at least the majority."

Motion Restated

Councilmember Urdy moved that the Council adopt a resolution rescinding the resolution expressing the intent of the City of Austin to perform internally CDBG housing activities to the maximum extent permissible by law. The motion was seconded by Councilmember Deuser.

Friendly Amendment

Councilmember Deuser offered a friendly amendment, which was accepted, for the staff to come back in two weeks with recommendations for an alternate route to upgrade and change contract with ARA.

After a little discussion, the motion was withdrawn.

Motion Withdrawn

Councilmember Urdy withdrew his motion, and Councilmember Deuser withdrew his second.

Motion

Councilmember Duncan moved that the Council rescind the resolution, create a neighborhood revitalization commission and express the intent of the City to create an alternate entity to handle housing rehabilitation; with ordinance concerning the commission containing a guarantee that a majority of the commission be low income residents of the neighborhood. The motion was seconded by Mayor Pro Tem Trevino.

Mayor Pro Tem Trevino said the state statute calls for five members to be appointed by the Mayor for urban renewal.

Friendly Amendment

Mayor Pro Tem Trevino offered a friendly amendment that there be a total of 11 people and 6 members be appointed by Councilmembers and 5 be from low-income neighborhoods.

Discussion followed.

Motion Withdrawn

Councilmember Duncan withdrew his motion, and Mayor Pro Tem Trevino withdrew his second.

Motion

Councilmember Urdy moved that the Council adopt a resolution rescinding the resolution expressing the intent of the City of Austin to perform internally CDBG housing activities to the maximum extent permissible by law; and come back in two weeks with two alternatives (1) upgrade the contract with ARA, and (2) an alternate entity the City could enter into and extend the funding to the 10th year. The motion was seconded by Councilmember Deuser.

Friendly Amendment

Councilmember Goodman offered a friendly amendment to extend 6th year funding with ARA through October 31, 1981. It was accepted.

Roll Call on Motion with Friendly Amendment

Roll call on the motion with the friendly amendment was as follows:

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

Noes: Mayor Pro Tem Trevino

No action was taken on items 1, 2 and 4 listed at beginning of discussion to be considered by Council.

STATUS OF WATER AND WASTEWATER SYSTEM

Mr. Bill Bulloch, Director of Water and Wastewater, reported as follows on the Status of Water and Wastewater System--Service Availability:

"As a result of the defeat of the August 29 Bond Election, the staff has been reviewing our capability to provide service to existing and potential customers with facilities that we have in place or under construction at this time. As you are aware, a subdivision that is platted today will not show up as a demand on our system until nine to eighteen months later. That same subdivision may not be totally built out and exhibit a total water and wastewater demand on our system for some three to ten years later.

"In the past, with an active and continuous utility construction program, we have been very comfortable with making commitments to new subdivisions knowing that all needed facilities to accommodate the ultimate water and wastewater demand of those subdivision commitments were not constructed, and in some cases not funded in full. This confidence in making those commitments was based upon a record of continuous approval by the voters of utility bond requests.

"Since 1975 the Utility has requested voter authorization four times to continue our construction program. The voters have chosen to allow us to proceed with only one of those four requests. Based upon these facts, the Utility can no longer respond to subdivisions with the confidence that future improvements would come on line through voter authorization to meet the ultimate needs of new subdivisions as the build out occurs based upon market place demand.

"Based upon the above facts, the policy of the Department is to commit service to new customers based upon capacity of existing facilities or new facilities authorized but not constructed. This policy is based upon Council concerns and directives and engineering analysis of the capability of the system.

"Since we are now in a situation of assessing how much build out our utility can absorb, treatment plant capacity becomes the primary consideration in decisions relating to the subdivision response process from the utility. I have attached to this memorandum several charts and graphs that depict on an aggregate basis our existing and near term treatment plant capacity. Several factors are evident:

"A. Water Treatment Capability

- 1) Our total water treatment plant peak capability is 181,000,000 gallons per day.
- 2) Our basic water treatment plant capability is 61,000,000 gallons per day.
- 3) Based upon existing trends concerning increased water demand, we will exhaust our basic treatment plant capacity in 1984.
- 4) Also based upon existing trends of peak water consumption, we will exhaust our peak treatment plant capability in 1984/1985.
- 5) The Green Treatment Plant project must be implemented during the summer of 1982 to bring on additional treatment plant capacity by 1984. The winters of 1982 and 1983 are necessary to complete the project since minimal construction activity can proceed during summer peak usage. If we do not begin the project next year, additional treatment plant capacity will not be available until the summer of 1985 at the earliest.

B. Wastewater Treatment Capability

- 1) Based upon existing trends concerning wastewater treatment plant capacity and demand we will exhaust that capability during 1986.
- 2) The most current schedule for construction of the Onion Creek Treatment Plant and Interceptor has plant start up in 1986.
- 3) Without the Govalle Renovation Project, it will be difficult to meet our State and Federal discharge permits. Funding for this project is needed immediately.

"A rough estimate concerning the potential number of lots to which we are legally committed for service has been generated. There are presently some 13,000 legal lots we have identified in the system. These lots are primarily single family residences, but also include multi-family and commercial properties. Based upon a tap sale estimate of 4,500 per year, we have approximately three years of commitment in the system at this time.

"Based upon the above facts, I believe the Council has several options to consider concerning how the utility should respond to the requests for new service. These are as follows:

- 1) Direct the Utility to cease responding to requests for new service through the long form and short form process. This approach would insure peaking capacity for the system and maintain a minimum margin or excess capacity to respond to any system operational problems (pump failures, internal plant problems, electrical failures, etc.). The response process could be reinstated after funding is obtained to continue the utility's construction and rehabilitation program.
- 2) Instruct the Utility to stop responding to new long and short form subdivision plats and approach main requests that are filed for property outside the City for the next 120 days. At the same time instruct the Utility to continue to respond to requests for service inside the City where existing line capacity will allow commitments to be made.

This approach will minimize risk to the Utility concerning plant operations and overcommitment, allow remaining capacity to be utilized for property presently inside the City for this interim period. Most importantly, it will give the Council time to work with staff to determine how to proceed with resuming the Utility's construction program.

- 3) Continue the response to requests for new service through the short form and long form process with the understanding that tap moratoriums may be necessary for water during 1984 and for wastewater during 1986. These are factual statements since the Utility cannot bring additional treatment plant capacity on line for water until 1984 with approved bonding authority in the Spring of 1982 and with approved bonding authority for wastewater during 1984.

"The least risk involved is to proceed with Option Number One until such time as we have additional funding to continue the construction program. Option Number Two allows the Utility to continue to respond to some requests for service inside the City where line capacity permits, and where we have the majority of our infrastructure and system redundancy. This option also presents minimum risk to the Utility, and allows us time to work with the Council concerning the utility construction program and its financing. Finally, Option Number Three represents the greatest risk to the City Council and to the Utility in over-committing the system without the capability to respond with system improvements. This may endanger the health, welfare and safety of the Utility's customers and has the potential of generating numerous law suits against the City by property owners who would not be provided with utility service.

"The attached August 31, 1981 memorandum was issued to allow us time to develop this information for Council and seek their direction. It is requested that the Council instruct the Utility at their next meeting as to how they would like us to proceed with respect to responses to new requests for service through the subdivision process. If Option Number Two is selected, an ordinance establishing the appropriate moratorium will be needed."

Option Two will be considered on a future agenda.

MONTHLY FINANCIAL STATEMENT

Mr. Phil Scheps presented the Monthly Financial Statement. He discussed the Special Called Meeting which will be held September 30, 1981 at 12:00 noon. He said he will open the bids at 10:30 a.m. and at noon the Council will adopt the resolution for the bids. The market, he said, has improved in the past two weeks and he discussed the rating.

UTILITY EXTENSIONS

Councilmember Mullen discussed an alternative method of financing utility extensions in new subdivisions. He said the City should look at the ability to lease/purchase a plant rather than use bonding.

ADJOURNMENT

Council adjourned its meeting at 4:55 p.m.

APPROVED

Carole Keeton McAllister
Mayor
Keeton
10/19/81

ATTEST:

Grace Monroe
City Clerk