

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 5, 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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Goodman moved that the Council adopt a resolution authorizing purchase of 2.68 acres for the Williamson Creek Greenbelt. CAPITAL IMPROVEMENTS PROGRAM No. 75/86-13:

Lot 1-B, Cloister Miles Resubdivision, an Addition in the City of Austin, according to the map or plat thereof recorded in Book 41, Page 11, Plat Records, Travis County, Texas

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

LEASE AMENDMENT

Councilmember Goodman moved that the Council adopt a resolution approving a lease amendment between Austin Shopping Center, Inc., and the City of Austin for the Govalle Branch Library. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

FIELD NOTE CORRECTION

Councilmember Goodman moved that the Council adopt a resolution authorizing correction of field notes for an instrument recorded in Volume 7480 Page 252 of the Travis County Deed Records. (Requested by Public Works). The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

EASEMENT RELEASES

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

A Public Utility and Drainage Easement retained at vacation of Jim Hogg Avenue by Ordinance Number 680613-E. (Requested by Mesa Construction Co., Inc.)

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

A 7.5' Public Utility Easement on Lot 21, Block G The Hills of Lost Creek Section Two, 2003 Big Canyon Drive. (Requested by Mr. Eric S. Petterson)

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easements:

Three 3' by 25' Guy Wire Easements on Lot 151 and West 25' of Lot 152, Tarrytown No. 6, 2322 Townes Lane. (Requested by Mr. and Mrs. Bruce H. Robertson)

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

1.0' of a 5.0' Public Utility Easement on Lot 21, Arroyo Seca Subdivision, 3808 Paseo Del Toro Cove. (Requested by Mr. L.M. Holder, III)

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Goodman moved that the Council adopt a resolution selecting the firm of Trinity Engineering and approving the contract in connection with 3B Development of Brackenridge Hospital. CAPITAL IMPROVEMENTS PROGRAM No. 78/84-09. Engineering Testing Services. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution selecting the firm of Hamilton Drilling & Engineering Testing, Inc. and approving a contract in connection with 138 KV Transmission Circuit #928. CAPITAL IMPROVEMENTS PROGRAM No. 79/13-02. Soils Investigation and Engineering Testing Services. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

A. J. W. CONSTRUCTION COMPANY, INC. - CAPITAL IMPROVEMENTS PROGRAM -
1003 Howard Road Walsh Tarlton Lane Bridge at Dry
Austin, Texas Creek - \$294,347.66 C.I.P. No.
81/62-24

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts:

Bid Award: - Small Tools and Miscellaneous
Items, Purchases & Stores Department
Six (6) Month Supply Agreement
All items will be awarded by multiple
progressive procedures when there are
two or more bids per line item.
Estimated total \$70,000

ALAMO IRON WORKS
Montana and Hoefgen
San Antonio, Texas

BRIGGS-WEAVER, INC.
7740 Ed Bluestein Boulevard
Austin, Texas

CAPITOL BOLT & SUPPLY
300 Nueces
Austin, Texas

GALTRONIC, INC.
8132 North Lamar
Austin, Texas

GRAYBAR ELECTRIC COMPANY, INC.
7434 North Lamar Boulevard
Austin, Texas

PPG INDUSTRIES, INC.
624 North Lamar Boulevard
Austin, Texas

W. H. RICHARDSON
3708 Woodbury
Austin, Texas

WALTER TIPS COMPANY
200 Colorado
Austin, Texas

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Captive Automotive Parts, Vehicle
and Equipment Services
Twelve (12) Month Supply Agreement
Item 5 to be awarded by multiple
progressive procedure.

LEIF JOHNSON FORD
501 East Koenig Lane
Austin, Texas

- Item 1 - \$45,000

TOWN LAKE CHRYSLER/PLYMOUTH
841 West 6th Street
Austin, Texas

- Items 2, 3, 4 - \$45,000

CAPITOL CHEVROLET, INC.
501 North Lamar Boulevard
Austin, Texas

- Item 5 - \$5,000

HENNA CHEVROLET, INC.
7522 North IH 35
Austin, Texas

- Item 5 - \$5,000

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts:

- Bid Award:
- Perennial Ryegrass Seed for City's golf courses, Parks and Recreation Department - \$18,620.58
- CHEMICAL & TURF SPECIALTY CO.
10440 Plano Road
Dallas, Texas
- Items 4 - 6 and 8 - \$12,994.00
- DOUGLAS W. KING COMPANY
4627 Emil Road
San Antonio, Texas
- Items 1-3 and 7 - \$5,626.70

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

- APCOA, INC.
One Main Place, Suite 2960
Dallas, Texas
- Parking Management for Brackenridge Hospital - Five (5) year contract with total estimated revenue \$160,000 per year.

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

TEMPORARY STREET CLOSING

Councilmember Goodman moved that the Council adopt a resolution temporarily closing the 16th Street Alley between Lavaca and Guadalupe on August 23, 1981 between 5:00 p.m. and 12:00 a.m. as requested by Ms. Katherin Keating, representing Art Defense. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Waiver of fee to be placed on Agenda August 6, 1981, as an emergency item.

UMTA OPERATING GRANT

Councilmember Goodman moved that the Council adopt a resolution authorizing the acceptance of an UMTA Operating Grant, Project No. TX-05-4119, in the amount of \$1,814,899 and authorizing the City Manager or his designee to execute the appropriate grant contracts with UMTA (Urban Mass Transportation Administration) and the State of Texas. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

UMTA CAPITAL GRANT

Councilmember Goodman moved that the Council adopt a resolution authorizing the acceptance of an UMTA Capital Grant, TX-03-0066, in the amount of \$1,863,639 and authorizing the City Manager or his designee to execute the appropriate grant contracts. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

6TH YEAR CDBG CONTRACT

Councilmember Goodman moved that the Council adopt a resolution amending the 6th Year CDBG (Community Development Block Grant) contract with the Austin Tenants' Council to retroactively incorporate administrative costs incurred in the amount of \$9,980 for the rental and technical assistance program. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

WCID NO. 19

Councilmember Goodman moved that the Council adopt a resolution approving correction of a resolution of December 18, 1980 granting the consent of the City of Austin to the creation of Travis County Water Control and Improvement District No. 19 (WCID). The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

PUBLIC HEARINGS SET

Councilmember Goodman moved that the Council set a public hearing on August 27, 1981 at 3:15 p.m. for the following:

To consider amending Section 45-14.3 of the Austin City Code (Zoning Ordinance) requiring the posting of signs at least twenty-one (21) days prior to the date of the first scheduled public hearing for consideration of an application for a zoning change or special permit.

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing on September 17, 1981 at 3:30 p.m. for the following:

To consider an amendment to the Metropolitan Roadway Plan regarding the designation of Barton Skyway.

The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing on October 8, 1981 at 3:30 p.m. to consider recommendations from the Fire and Life Safety Committee. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing on October 8, 1981 at 5:00 p.m. to consider adoption of a Capital Recovery Charge for the provision of water and wastewater services. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Bell Avenue and Tweed Court)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, 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.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS; SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 4:00 O'CLOCK P.M. ON THE 7TH DAY OF OCTOBER, 1981, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Bell Avenue and Tweed Court)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, 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.

OPERATING BUDGET AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981, BY ACCEPTING AND APPROPRIATING \$5,000.00 FROM THE U.S. DEPARTMENT OF ENERGY AND "ACTION" FOR THE PURPOSE OF FUNDING A COMMUNITY ENERGY PROJECT; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, effective immediately. The motion, seconded by Councilmember Goodman, 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.

LAKE AUSTIN SHORELINE MORATORIUM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE EXTENDING UNTIL THE 28TH DAY OF AUGUST, 1981, THE TEMPORARY MORATORIUM ON THE PROCESSING OF CERTAIN SUBDIVISION PLAN AND PLAT APPLICATIONS COVERING LAND LOCATED WITHIN THAT PORTION OF THE LAKE AUSTIN WATERSHED WHICH, ON EITHER SIDE OF LAKE AUSTIN, LIES BETWEEN THE SHORELINE OF THE LAKE AND A POINT 500 FEET BEYOND THE 504 CONTOUR LINE ESTABLISHING THE AUSTIN CITY LIMITS BEYOND BEING ACCEPTED FOR FILING AND DISAPPROVED BY THE PLANNING COMMISSION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Mayor Pro Tem Trevino, Councilmembers Dueser, 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:

LOT 9, OUTLOT 23-1/2, DIVISION D, ORIGINAL CITY OF AUSTIN, LOUIS HORST SUB-DIVISION, LOCALLY KNOWN AS 2104 NUECES, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O-H" OFFICE-HISTORIC, SECOND HEIGHT AND AREA DISTRICT; 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. (J. James and Jane Martindale, C14-81-092)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, effective immediately. The motion, seconded by Councilmember Goodman, 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.

ITEMS TO BE BROUGHT BACK

Councilmember Mullen moved that the Council refer the following to the Planning Commission and bring it back on the August 20, 1981 Agenda:

An ordinance creating a Water and Wastewater Commission abolishing Water Quality Review Board.

The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Mullen moved that the Council refer back to the Planning Commission and bring back on the August 20, 1981 Agenda, the following item:

An amendment to Ordinance 810514-D (The Water and Wastewater Extension Policy Ordinance) to provide for review by and input from the Water and Wastewater Commission as to the recommendations regarding water and wastewater extension.

The motion, seconded by Councilmember Goodman, carried by the following vote:

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

SALE OF SURPLUS CITY PROPERTY

Joë Morahan, Director of Property Management, reported on Sale of Surplus City Property. He said it is basically informational in answer to Council's request to bring to them data on sale of surplus City-owned property earlier than they used to. This sale concerns two parcels on Salado Street: 801 West 29th Street; 2836 Salado Street; 2839 Salado Street; and 709 West 29th Street, which have been approved for sale by the Planning Commission. Mr. Morahan said that unless Council instructs otherwise it is their intent to put them through the appraisal process and advertise for bids.

Councilmember Mullen requested action be held until tomorrow's meeting.

WATER AND WASTEWATER CAPITAL RECOVERY CHARGES

Mr. Bill Bulloch, Director of Water and Wastewater, presented the City Manager Report on Water and Wastewater Capital Recovery Charges. "Approximately 1½ years ago the Council was interested in looking at the financial relationship of incorporated municipalities to which we were providing service and requested specific options staff should develop that would relate to recovery of the cost of developing infrastructure that other incorporated municipalities were using such as Sunset Valley, Rollingwood, West Lake Hills, etc. In response to that the proposed capital recovery charges were developed for Council and Planning Commission consideration. The specific recommendation on the capital recover charge as it relates to incorporated municipalities is that at the time of enactment of contract and before initiation of service, whether it be water service or wastewater service, that the full capital recovery charge be assessed as a part of that contractual relationship.

"Specifically, for water \$1,900 for living unit equivalent and for wastewater \$1,300 per living unit equivalent. This has been reviewed and recommended by the City Planning Commission. Also, a specific set of recommendations have been put together for enactment of capital recovery charges based upon the Growth Management Plan adopted by the City Council. The Planning Commission last night unanimously recommended the following fee structure for Council consideration which you will review with the public at your October public hearing as follows: Growth Management III, a charge of \$300 for water, \$200 for wastewater; Growth Management Area IV, \$900 for water, \$600 for wastewater; Growth Management Area V, \$1200 for water and \$800 for wastewater. These are living unit equivalents.

"We are recommending these fees be paid at time of tap sale, regardless of growth management area if the Council should choose to enact this particular recommendation or other fee schedules by growth management area. As far as the assessment of fees in Water Control Districts and Municipal Utility Districts that are attached to the City system, we recommend the contract be entered into with the subdivider at the time of final platting with that relationship to be paid back over a period of five years. This will also be considered by Council through the public hearing process on October 8."

CITY MANAGER REPORT POSTPONED

The City Manager Report on Water and Wastewater Inspection Fees will be heard on August 19, 1981.

CERTIFICATES OF OCCUPANCY FOR BARTON SQUARE MALL

Mr. Lonnie Davis, Director of Building Inspection, reported on Certificates of Occupancy for Barton Square Mall. "At last week's meeting, Council requested I contact the developers of the Barton Creek Square and make some determination if their time schedule on the detention ponds and drainage facility could be moved forward somewhat and make a further determination as to what the tenant occupancy in the balance of the mall would be. I indicated at that time that I had not had any contact from the balance of the tenants. I contacted Mr. Zigler the following day and was advised they would be most reluctant to make a definite commitment to moving up this time frame but they did furnish me with a new time frame on completing the detention facilities provided the weather, etc. does not change their schedule. It has been moved forward considerably, and he emphasized they would prefer not to be tied into that time frame and would not like to have this considered as an absolute commitment. As far as the balance of the tenants are concerned, I presume by now the Council has received that report via the news media and they were correct over the weekend, although I believe they indicated 69 to 70 more tenants would be attempting to open up at approximately the 19th of August.

"We have had one further inquiry, but I understand that the majority of them have a plan to open on the 19th and they would like to make some determination that they have brought their operation around by that time. I was back on site this morning and the detention ponds number two and three had quite a bit of work activity. I believe they undoubtedly will make the completion date by August 31, but barring bad weather, they should be able to cut one to two weeks off of the time frame.

"I'd like to give Council one more observation concerning the temporary certificates that were issued by the Department last week. The provision, as you were advised, was provided for in Section 3 of the Building Code, which in effect says that the building Official may issue temporary certificates prior to actual completion of the building or the portion of the building. Just above that in the preceding paragraph in the same section it indicates the Building Official shall issue a Certificate of Occupancy upon compliance with the provisions of this code.

"The provisions of the Building Code and the Construction Code have been complied with and as I indicated last week, the restrictive covenant filed with that does not tie into the Building Code and does not set an absolute time for completion. It is entirely possible and would suggest on future environmentally sensitive projects that we give some consideration to tying this in to some completion time, keeping in mind that sometimes, these facilities, even with an agreeable or acceptable time frame quite a bit of that is beyond their control, and it depends upon the weather."

Mr. Davis said he would keep Council advised each week as the job out there progresses and as of today they are diligently pursuing their work and he anticipates it will be completed on time.

Mr. Jim Thompson, Engineering Department, told Council the ponds are being worked upon vigorously. Pond 1 will be completed by the end of August, Pond 2 by August 19, and Pond 3 by October 3.

NOTIFICATION PROCEDURES FOR CONTINUED HEARING

Mr. Lillie, Director of Planning, presented a report on Notification Procedures for Continued Hearing on Proposed Lake Austin Shoreline Development Regulations. He said there are two options:

1. Place ads in six newspapers
2. Individual notices which would take 16-20 man hours to prepare the list and a week to get the notices out.

Councilmember Deuser said he favors the newspaper notification. Mayor McClellan asked Council's pleasure. There was no objection so she instructed Mr. Lillie to place the newspaper ads.

LOWER WALLER CREEK IMPROVEMENTS

Mr. Leonard Ehrler, Director of Parks and Recreation Department, said the Waller Creek plan is fast coming to a close and is asking Council to transfer some funds from the Waller Creek Flood Control Project in the amount of \$200,000 to provide funds for the Change Orders that have been necessary for them to complete Phase I of Waller Creek. This was something that began with the reduction of some of the aspects of Phase I. There have been four change orders because at the beginning it was noted there were a number of things omitted from the construction document and would require change orders. Utility relocation, Urban Transportation, Public Work inspection requirements, etc., made the necessary items to be added and can only be accomplished in sequence. That total sum is \$73,935 from the contractor. Along with the Change Orders there was a requirement for additional design for \$49,500. In addition to the Change Orders, the inter and intra departmental work orders amounted to some \$80,000 and that had to do with the other departments participating in the project. We feel like the \$200,000 will not effect the Waller Creek Flood Program we are now having designed by the engineers in the Public Works Department, and we can take care of those items between 15th and 10th Street. This will not, however, give us an opportunity to cure some of the ills from 10th Street on to Town Lake. The \$400,000 originally scheduled was never large enough to solve all of the flood problems. It was enough to patch up some of the areas that were latently and blatantly inefficient...Symphony Square was one of those. The Change Orders were all necessary.

Motion

Councilmember Deuser moved that the Council adopt a resolution approving Change Orders in the amount of \$30,200.28 with Randall & Blake, Inc. for the Lower Waller Creek Development Phase IA Improvements. CAPITAL IMPROVEMENTS PROGRAM No. 75/86-44. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1980-1985 CAPITAL IMPROVEMENTS PROGRAM BUDGET BY TRANSFERRING \$200,000 FROM THE WALLER CREEK FLOOD CONTROL PROJECT TO THE LOWER WALLER CREEK DEVELOPMENT PHASE I-A IMPROVEMENTS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

OPTION AGREEMENT WITH VALERO FOR LIGNITE

Mr. R. L. Hancock, Director, Electric Utility, reported on the Option Agreement with Valero for Lignite as follows: "The agreement is between the four parties to Coastal States, Lovaca, Valero lignite settlement and Valero as it relates to their execution of the option for that lignite under the settlement agreement. The agreement is essentially one to either put up or shut up by November 20, 1981. The purpose of the agreement is to preclude one of the four generating utilities from having to opt for the whole amount sometime this month. Under the settlement agreement one entity must give 90 days notice to the other entities and the remaining entities have 30 days to consider before they opt. Under the settlement agreement all parties must either opt for or against it by the last day of December this year, otherwise it reverts back to Valero and they can do what they please."

Councilmember Goodman recommended Council take no action. Mayor McClellan did not agree.

Motion

Councilmember Mullen moved that the Council adopt a resolution approving an agreement with reference to the Option Agreement with Valero for lignite. The motion was seconded by Mayor McClellan.

Substitute Motion - Ruled Invalid

Councilmember Goodman made a substitute motion to take no action today since all of the City's options will still be open; Mr. Hancock to keep Council posted if execution of the various provisions have not occurred by August 27, 1981. The motion was seconded by Councilmember Duncan.

Councilmember Mullen stated, "You do not need a motion to take no action."

Mr. Albert DeLaRosa, Assistant City Attorney, stated, "You cannot have a substitute motion that would negate a main motion."

Substitute Motion

Councilmember Goodman made a substitute motion that the Council schedule for action August 27, 1981. The motion was seconded by Councilmember Duncan.

Mr. Hancock said there should be more running room because August 28, 1981 is the last date for execution. This was in answer to a question by Mayor McClellan.

Amendment to Substitute Motion

Councilmember Goodman amended his substitute motion to schedule for action August 20, 1981. The amended substitute motion, seconded by Councilmember Duncan, carried by the following vote:

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

Noes: Councilmember Mullen, Mayor McClellan

Abstain: Councilmember Deuser

AUSTIN REDEVELOPMENT AUTHORITY TRANSITION

Mr. Ed Badgett, Assistant City Manager, reported on Austin Redevelopment Authority Transition. "On April 2, 1981, Council voted unanimously to have the City assume functions of ARA (Austin Redevelopment Authority) upon expiration of the existing contract. The contract has been extended past the original July 1 date and will expire on August 6. Staff has presented a transition plan developed by the transition teams. We've attempted to answer Council's questions. Available tomorrow is a technical report which is the staff guide for facilitating the transition plan. I last spoke to Council regarding this on July 8 and the recommendations of the transition team remain unchanged. However, an additional issue has been added in the form of a HUD (Housing and Urban Development) letter of July 8 and August 3. In these letters HUD has made several strong charges and has asked the City to show cause for \$432,475.50 not being deemed ineligible expenditures.

"Unlike a previous situation with HUD we are now hard pressed to be able to show cause for not repaying most of the questioned expenditures. The findings have been well-documented and additional information is scarce. The HUD letters have significance in this discussion because our appeal will rest pretty much with the argument that the City will take definitive actions that assure:

1. That the City has full control of its responsibilities for properly spending CDBG (Community Development Block Grant) funds;
2. That the resulting mechanisms will eliminate grounds for the type of charges that have been made;
3. The City understands that redevelopment efforts are guided by Title I of the Housing and Community Development Act of 1977 as has been amended and not Title I of the Housing Act of 1949 which we have been oftentimes led to believe is the controlling factor.

In essence, when we go to HUD on this appeal we are going to hold out our wrists to be slapped and hopefully wish we do not have to pay back any money. My request to you today is to direct staff to implement the Council decision of April 2 and to provide us with a vehicle to show cause the City not having to repay better than \$400,000.00."

Mayor Pro Tem Trevino asked how much time we have. Mr. Badgett told him the 23rd of August. Mayor Pro Tem Trevino requested this item be put back on tomorrow's agenda in order to give Councilmembers time to digest the material and the ramifications.

Councilmember Deuser asked what specifically is the response to HUD in regard to the EACEDC (East Austin Chicano Economic Development Corporation) qualification under their suggested reapplication approval. Mr. Badgett said the area office has forwarded the appeal to Washington, and "we don't know where it is there, but they have indicated some interest in trying to resolve the entire 5th year issue. We have received a letter today on the 6th year, but it does not include consideration for that agency."

Councilmember Deuser said he has heard that EACEDC can possibly be reappt and qualify under another situation and asked if "we have followed up on that." Mr. Herrera told Council he visited with the HUD area office last week and became aware they are beginning to back off on some of the issues and included in that was they feel they are not going to be able to support EACEDC. The only formal communication since that visit is the one related to the 6th year. It only includes the two groups but "we are still waiting for response regarding the 5th year for EACEDC."

Mayor Pro Tem Trevino asked the City Manager to put an item on tomorrow's agenda which would extend the contract with ARA. He said he cannot, at this time, stipulate how long.

PURPA PROCEDURES

Mr. Hector DeLeon reported on PURPA procedures. He addressed Council concerning procedures to be followed once the recommendations are presented to Council. "I have been charged by the Council to conduct evidentiary hearings and to develop a record and based upon that record present recommendations to Council. In the fall we conducted hearings relative to five PURPA standards,

those dealing with determination procedures, fuel adjustment charge, advertising, information to consumers, and master metering. Recommendations were presented to Council last fall. Since that time it is my understanding Council has asked for additional comments from City staff and those comments from City staff and those comments are in the process of being prepared.

"The purpose of the evidentiary hearing was to allow City staff, the public, and other interested individuals, whoever they may be to present their comments into the record so you would have an evidentiary record upon which recommendations could be based so that if there was any challenge relative to Council action in adopting or failing to adopt the standard, those challenges could be met in terms of an evidentiary hearing and the record as it was built. It is my request of Council that any review of the recommendations that are made with respect to the recommendations will come in September, and those will deal with cost of service, lifeline rates, declining block rates, time of day rates and a couple of other standards....that those reviews be conducted in terms of the record itself so that the record is placed before Council and they will have an opportunity to review the record and to compare the recommendations with the record as it was prepared."

Mayor McClellan told Council she thought they should follow the procedure precisely.

Councilmember Deuser asked if Mr. DeLeon is reviewing Proposal 7 as qualifying as a lifeline rate structure under the PURPA definition. Mr. DeLeon answered to the extent that lifeline rate and Proposition 7 intersect he is. Cost of service, he said, "is the cost to deliver the service to a customer's home. Lifeline rate is an exemption from that cost of service standard so that if Proposition 7 permits rates that do not reflect the cost to deliver the service, then, yes," under lifeline he is studying Proposition 7 type rates. If Proposition 7 permits rates to be charged that are less than the cost to deliver the electricity to the consumer, they are considered a lifeline type rate.

Councilmember Deuser asked if the Ordinance as passed by the Council is being specifically studied. Mr. DeLeon said there is one major hearing left and Council should instruct the City Manager to instruct staff to present the Ordinance itself and present testimony relevant to the Ordinance and the impact of the Ordinance on the rate structure as it currently exists. "As of this time the record that I have developed reflects that the City staff position is that there should not be adoption of the lifeline rate, that what should be adopted is some alternative if what the City is envisioning is some sort of subsidy to those that are in need, there be some alternative adopted to the lifeline rate."

Mr. Deuser said he finds that intolerable because that is not what has been adopted by this governing body and not the directive under which the department is operating. "I would like to see an item put on the Agenda tomorrow, if that is what is required, for our department to carry out the dictates of this Council." Councilmember Goodman said he finds this very disturbing.

R. L. Hancock, Director of Electric Utility, stated, "Under PURPA the staff presents testimony, intervenors present testimony, concerning generic issues as they relate to a number of rate making items. The staff has outside consultants who have worked in that area. They have developed certain testimony and quite frankly I am not familiar with the nature of that testimony at this time. I think that filed testimony indicates that that sort of relief is appropriate but I'm not positive." Mayor McClellan commented Proposal 7 is not a lifeline rate and does not meet the definition of a lifeline rate. Discussion followed among Councilmembers.

Councilmember Deuser said, "I think the appropriate thing is to have City staff and appropriate consultants as needed be brought in to prepare for the PURPA hearings to say we have satisfied requirements of PURPA in the lifeline area and we have satisfied it as of the date of implementation and satisfied it in intent as of the date of adoption of Proposal 7."

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, 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 AND ADJOURNMENT

Council recessed its meeting for Executive Session at 5:10 p.m. and adjourned its meeting when Executive Session was ended.

APPROVED:

Carole Ketter McClellan
Mayor

ATTEST:

Grace Morrison

City Clerk