

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 20, 1981
3:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

INVOCATION

The Invocation was given by Mr. Hagar Thomas, pastor of the First
Seventh Day Adventist Church.

MINUTES APPROVED

Councilmember Mullen moved that the Council approve the Minutes for
Special Meetings of July 21 and 29, 1981, and Regular Meetings of August 5 and
6, 1981. The motion, seconded by Mayor McClellan, carried by the following
vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem
Trevino, Councilmember Urdy

CONTRACT APPROVED

Mayor Pro Tem Trevino moved that the Council approve the following contract:

FISK TELEPHONE SYSTEMS, INC.
5501 North Lamar, Suite A-101
Austin, Texas

- Acquisition of New Police
Department Telecommunication
System
Lease Purchase Agreement
Total cost over 10 years -
\$567,440.00

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

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

Noes: None

Abstain: Councilmember Goodman

CONGRESS AVENUE PLAN

Councilmember Mullen moved that the Council adopt the Congress Avenue Plan as proposed by the Congress Avenue Task Force. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Mayor McClellan, Mayor Pro Tem Trevino

Prior to the vote, Councilmember Deuser said he thought they should wait until another plan is introduced that will fit all considerations. Councilmember Mullen likened that to sitting at an intersection and waiting until all the lights in all the intersections are green before proceeding. He does not think all the lights will ever be green for a plan.

Mayor McClellan stated, "I appreciate the work of the Task Force but I do not support the plan of the Task Force and want to make that point clear for the record. I also appreciate those who have their other plans. I still think we do not have a strong consensus in this community for a particular plan and I too would like to see it go back through the process. I realize the problems of parallel parking. I also realize the problems of the Task Force Plan. We have our own City department heads recommending against it and I think probably there is a lot of public who know something must be done with Congress Avenue but want a more simplified plan. It's one that apparently...the Task Force Plan is difficult from a maintenance standpoint, drainage, etc. I think as long as it has taken Austin on this and as many years as it has been that it would be well worth our while to take this a little bit longer. We had a great deal of discussion right here in the Council Chambers and you will find that same discussion out on the street. I believe we ought to wait for more consensus before voting on this plan."

Councilmember Urdy said that he cannot see that there is anything else to study since the Task Force has studied it all.

OPTION AGREEMENT WITH VALERO FOR LIGNITE

Council had before it a resolution to consider approval of an agreement with reference to the Option Agreement with Valero for Lignite.

Mr. Albert DeLaRosa, Assistant City Attorney, stated Councilmember Duncan had inquired if the City would lose any of its rights under the Option Agreement if this agreement was not approved and another party took action to exercise the option. Mr. DeLaRosa stated, "The City of Austin is not losing any of its rights if another entity takes action and the City of Austin does not approve this agreement." Mr. R. L. Hancock, Director of Electric Utility, said, "If one of the other parties, by the 28th of August says, we will take it all, then Austin will have a period of time until the 28th of November to determine whether it wants its portion or not. The downside of that is the purpose of the agreement is to preclude any one of the parties from having to make that total commitment but as far as Austin's rights are concerned, if that party makes that indication, then those rights are preserved until the 28th. ... If no action is taken prior to August 28th, then there is the opportunity for Valero to retain all of those rights themselves because there would not be enough lead time to go through the procedural program that is anticipated in the settlement agreement to get a decision within the time frame required under the settlement agreement."

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

Councilmember Deuser made a substitute motion to bring the resolution back on the August 26, 1981 Agenda. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Deuser said he wanted more time to study the question.

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution selecting Brytest Engineering for soils investigating and engineering testing services and approving a contract in connection with Parks Central Maintenance Complex. CAPITAL IMPROVEMENTS PROGRAM No. 73/86-09. The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Mullen
Noes: None
Not in Council Chamber when roll was called: Councilmember Goodman

HISTORIC REVOLVING LOAN FUND

Councilmember Urdy moved that the Council adopt a resolution approving a Historical Revolving Fund Loan not to exceed \$30,000 to Chang-Gildon Ventures for exterior restoration of the structure located at 1209 Rosewood Avenue, Austin, Texas. The motion, seconded by Councilmember Deuser, carried by the following vote:

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

Noes: None

Prior to the vote, Mayor McClellan stated the structure is architecturally significant and it is appropriate for restoration to take place. She said \$30,000 is not enough and wondered what other funding is available.

Mr. Gildon appeared and said an application they made through ARA for \$100,000 has been nullified and they wondered if the Historical Revolving Fund Loan money can be used for the interior. Paula Manning and Mayor McClellan both told him the funds can only be used on the exterior. Discussion was held concerning funds and Mr. Buck Apelt, Human Services, appeared to state they are negotiating with financial institutions.

WATER AND WASTEWATER COMMISSION

Council had before it an ordinance to create a Water and Wastewater Commission and abolish the Water Quality Review Board.

Motion

Councilmember Deuser made a motion to waive the requirement for three readings and finally pass an ordinance creating a Water and Wastewater Commission.

Mr. Albert DeLaRosa asked, "What version are you talking from? There are several. Councilmember Duncan has circulated his version, and the Planning Commission held a public hearing and came up with their own version which is different from Councilman Duncan's."

Motion Withdrawn

Councilmember Deuser withdrew his motion. He asked Councilmember Duncan to address the two differences in the Water and Wastewater Commission.

Councilmember Duncan said, "The major differences in the two commissions are the number of people involved and the qualifications of the people involved. The original proposal was not specific and this proposal specifies the qualifications better. The oversize review by the Commission is included and my draft is not included in the staff or Planning Commission recommendation. Also, on the Water Quality Review Board, the original draft, my draft, includes the duties of the Commission and I am willing to look at phasing in these duties. I feel at least the first six months of the Water and Wastewater Commission will

be taken up acting as a policy advisory committee on the Water and Wastewater Master Plan. But after that time I believe this Commission should take up the duties of the Water Quality Review Board as well. ... This will not take any authority away from the Planning Commission.the Commission will present their recommendations both to the Council and to the Planning Commission, in fact, the same procedure that is current with the Environmental Board. It is not an unusual procedure. I just want to be sure the Council receives recommendations from this Commission and that the Planning Commission receives their recommendation to proceed with their regular C.I.P. (Capital Improvements Program) review and all the other reviews the Planning Commission undertakes."

Mr. DeLaRosa said, "Your proposal would have the Water Quality Review Board remain in existence until six months after passage of this ordinance and at that time the Water and Wastewater Commission would assume those duties."

Motion

Councilmember Duncan moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance creating a Water and Wastewater Commission (Councilmember Duncan's draft). The motion was seconded by Councilmember Deuser.

Councilmember Mullen stated, "My preference is to split the Planning Commission into a Zoning and Planning Commission. Let the Planning Commission handle this as a part of that function and that hasn't been done, and we haven't voted on that. I think we are getting ready to go into a duplication of effort and a lot of staff time, education time and discussions in going to the Planning Commission and then coming to us, and I do not think it is necessary. If we are not going to split up the Planning and Zoning Commission I would prefer to go to the Planning Commission's recommendation, so on the motion on the floor I am going to vote no because I think these things need to be looked at by a different group than what you are talking about, and this is a duplication of efforts."

Discussion followed.

MAURY HOOD, Water Quality Review Board member, recommended the Board remain in existence, separate from the Water and Wastewater Commission.

Friendly Amendment to Motion

Councilmember Goodman offered a friendly amendment to strike "review of oversize water mains." His friendly amendment was not accepted.

JOHN NOELL, member of the Water Quality Review Board, stated their Board has a specific and technical charge and said their Board should be maintained.

ED WENDLER, representing a group of builders, said some are being taken off and some are being put on.

Councilmember Deuser said he favors a six month phase out of the Water Quality Review Board. He thinks members of the Water Quality Review Board should be able to apply for the Water and Wastewater Commission. Mayor McClellan said that after hearing comments she has real concern about abolishing the Water Quality Review Board.

Substitute Motion - Failed

Councilmember Mullen offered a substitute motion to accept the Planning Commission version to maintain the Water Quality Review Board and have no duplication of line sizing. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

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

Roll Call on Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CREATING A WATER AND WASTEWATER COMMISSION FOR THE CITY OF AUSTIN, TEXAS; ESTABLISHING THE DUTIES OF THE WATER AND WASTEWATER COMMISSION; ESTABLISHING PROCEDURES FOR THE WATER AND WASTEWATER COMMISSION; PROVIDING THAT THE WATER AND WASTEWATER COMMISSION WILL COOPERATE WITH ALL CITIZENS, THE CITY COUNCIL AND OTHER INSTITUTIONS AND AGENCIES; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Councilmember Duncan's version of Ordinance)

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

Motion

Councilmember Goodman moved that the members of the Water Quality Board may apply and become a member of the Water and Wastewater Commission at the same time. The motion, seconded by Mayor McClellan, carried by the following vote:

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

NO ACTION TAKEN ON AGENDA ITEMS

The following ordinances were included in the agenda for consideration. No action was taken.

Consider amending Ordinance No. 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.

Consider amending Sections 41A-205.1, 29A-105.1, 41A-306.1, and 29A-206.1 by deleting references therein to the Water Quality Review Board and substituting therefor the Water and Wastewater Commission and suspending the thirty day time period requirement for the holding of a hearing by the Water Quality Review Board for any and all requests for use of alternate strategies pursuant to such sections until such time that the Water and Wastewater Commission is created and appointed and the Council rescinds this suspension.

M.A.P.-CPAC vs CITY

MR. C. WILLIAM BODE, JR. appeared before Council to present new information on future direction of M.A.P.-CPAC vs City. He handed out a proposal to members of the Council and discussed it. (CITY CLERK DID NOT RECEIVE A COPY.) Mayor McClellan said she wants a prompt review of the proposal.

LABOR DAY PICNIC

Councilmember Deuser moved that the Council approve the request of Mr. Walter Timberlake, President, Austin AFL-CIO Labor Council, for permission to use the Gazebo area on Auditorium Shores picnic area to hold annual Labor Day Picnic on September 7, 1981, from 9:00 A.M. until dark. The motion, seconded by Mayor McClellan, carried by the following vote:

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

HOUSING AMENDMENTS

MR. JOHN L. KIRSCHMAN appeared before Council to speak concerning housing amendments.

FIESTA GARDENS CURFEW

MR. MARCOS DE LEON, Vice-President, East Town Lake Citizens Neighborhood Association, appeared before Council to request that Mayor and Council pass a resolution banning any exemptions from the current curfew hours at Fiesta Gardens.

After some discussion, Mayor Pro Tem Trevino recommended looking at special days during the year and saying at those times an exemption in the curfew will be allowed.

MONEY REQUEST FOR EMERGENCY REPAIRS

MR. LEROY M. HAVERLAH, JR., executive director, Capital Area Rehabilitation Center, appeared before Council to discuss amending the budget to cover emergency repairs. He said their office has a leaky roof and they have a bus that does not function. He asked if the items can be fixed since they are a part of the City.

Mayor McClellan advised him United Way may be able to help him quicker than the City can. She asked Mr. Muehlenbeck to work with the staff and recommend options.

PARADE PERMIT

Councilmember Mullen moved that the Council approve the request for a Parade Permit from Mr. Glenn A. Richter, for The University of Texas at Austin, from 11:00 a.m. to 12:30 p.m., Saturday, September 26, 1981, beginning from Congress Avenue, from 3rd Street to Capitol grounds. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

PROBLEMS WITH ARA DISCUSSED

MR. BERNABE SABANA appeared before Council to read a statement concerning his problems with Austin Redevelopment Authority. He said he and his family were moved out of their home in July of 1980 so repairs could be made. They still have not been able to move back in. He said the work has been improperly done and there have been many delays.

Mayor Pro Tem Trevino told Council he has been working with Mr. Sabana for several months. Mr. Sabana was told originally the work on his house would take 45 days and \$11,000 has been spent so far for questionable workmanship. It is estimated it will take another \$10,000 to finish the work required on Mr. Sabana's house.

Mayor McClellan asked staff to put in writing Mr. Sabana's list of concerns. Ms. Paula Manning, Human Services Department, said a full report will be prepared and brought back to Council.

COLONY PARK PLAYGROUND

MS. DOROTHY TURNER, president, Colony Park Neighborhood Association, appeared before Council to discuss a playground for Colony Park. She presented a petition to Council, and said there are serious problems because the children have no place but the street to play.

Mayor McClellan requested Mr. Muehlenbeck to have a report back from staff as soon as possible.

**SERVICE AREA BOUNDARIES
WATER AND WASTEWATER UTILITY**

The Council had before it an ordinance to consider establishing service area boundaries for the water and wastewater utilities.

After some discussion, various members of the Austin asked to speak.

IRA YATES addressed Council and said it is important to work with the people of the City. He has 600 acres near Williamson Creek which he would like to develop, but he wants to see the intent of the Council spelled out. He said the sewer lines are sized too small. He asked Council if they intend to serve his property. He said the Master Plan states Area IV will be serviced. Mr. Yates said there should be cooperation and working together, but not during a public hearing. He said he wants to cooperate.

JOE ROCK, Dahlstrom Corporation, said his company has followed the Master Plan, and now they are finding rules and regulations changing. He felt the ordinance was discriminatory in nature.

Discussion followed between Mr. Bulloch, Director Water and Wastewater, and members of the Council.

Motion

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass an ordinance establishing service area boundaries for the water and wastewater utility. The motion was seconded by Councilmember Duncan.

Substitute Motion

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass an ordinance establishing service area boundaries for water and wastewater utility as recommended by the Planning Commission. The motion was seconded by Mayor McClellan.

STUART HENRY discussed the recommendations of the Planning Commission's proposed boundaries and said he recommends them.

JOE RIDDELL discussed what he called the ambiguities of the ordinance.

MAURY HOOD, representing Juster Development Company, urged Council to adopt the Planning Commission's proposed boundaries.

Mr. Albert DeLaRosa stated the ordinance will create obligations for the City of Austin. We will be committed to provide service within the boundaries.

Roll Call on Substitute Motion - Failed

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

Motion Amended

Councilmember Goodman amended the motion to include phraseology stating the ordinance will be reviewed in six months.

Roll Call on Motion with Amendment

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CREATING A SERVICE AREA FOR THE WATER AND WASTEWATER UTILITY OF THE CITY OF AUSTIN, TEXAS; COMMITTING UTILITY SYSTEM SERVICE CAPACITY TO LEGALLY SUBDIVIDED PROPERTY WITHIN THAT SERVICE AREA; RECOGNIZING ALL EXISTING COMMITMENTS TO PROVIDE SERVICE OUTSIDE OF THAT SERVICE AREA; PROVIDING A MEANS TO AMEND THAT SERVICE AREA; INSURING THAT WASTEWATER WILL NOT BE LIFTED FROM ONE DRAINAGE BASIN TO ANOTHER WITHOUT THE APPROVAL OF THE CITY COUNCIL OF AUSTIN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

BOND ELECTION

Motion

Councilmember Duncan moved that the Council waive the requirement for three readings and finally pass an ordinance pledging to the voters that Bond proceeds from Proposition 14 and 15 on the August 29, 1981 Bond Election will be used only within certain geographic areas including service area boundaries for water and wastewater utilities just passed. The motion was seconded by Councilmember Deuser.

Mayor McClellan stated for the record: "I think it is bad policy. I don't think anyone has a crystal ball to know what is going to happen in this City this month or the next or the next. This ordinance would do two things. One, it would remove the flexibility to move to meet any real emergency needs, whether it be flooding or whatever. ... Number 2, you have absolutely no protection against inflation. If there were a specific program authorized in any bond issue and you had a bid that came in tremendously over what was authorized for that project, which has occurred many times, unless you got monies from some other source to put with it, not only could you not complete that project, but you couldn't do anything in the way of prioritizing other projects and using that money to do something that may become very critical and very important. I think it is bad policy and will vote No."

JOE RIDDELL appeared before Council and pointed out the water and wastewater boundaries just passed allow the services to go way beyond the growth corridor. He said the bonds therefore would not be confined to the growth corridor or even to the map. He said there is a question concerning the legal enforceability concerning the restrictions. The election has been called and voting is already occurring. He said there have been two Supreme Court rulings which say once you have called an election and later make a list of the way the bonds should go, you do not have to abide by that list because conditions change. Mr. Riddell said it would have been different if, when the election was called the list had been made and incorporated the service areas then. He challenged Council to show the voters where the services really will go and not the Goodman-Duncan map. He said the map to be looked at is the one which includes Lost Creek, Water District 14 and all the other areas where we have legal commitments, approach mains, etc.

Councilmember Duncan stated he thinks there is validity to the point the Mayor made.

Motion Amended

Councilmember Duncan amended the motion to say the specific dollar amount included will not be included in the motion, but specific projects will.

Councilmember Duncan explained, "That means that we are committed to build the projects included in the bond package. There will not be new projects built with this bond money which is not included in the bond package. The Ordinance states that if any particular project is completed and there is excess money, then it can be used on another project included in the bond package."

Mayor McClellan asked, "Can you use it for a water or wastewater project that is not on there, for instance a flood or natural disaster that wipes something out and you need emergency repair?" Councilmember Duncan said, "No. The problem we have is starting new projects with money which has not been authorized." Mayor McClellan said she thinks this would be a bad policy.

Roll Call on Motion with Amendment

Mayor McClellan introduced the following ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN; PROVIDING FOR A PLEDGE TO THE VOTERS IN THE AUGUST 29, 1981, BOND ELECTION THAT PROCEEDS FROM THE ISSUANCE OF BONDS ASSOCIATED WITH PROPOSITIONS 14 AND 15 OF SUCH ELECTION SHALL BE USED ONLY WITHIN CERTAIN AREAS; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

Councilmember Duncan 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 Deuser, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN; PROVIDING FOR A PLEDGE TO THE VOTERS IN THE AUGUST 29, 1981, BOND ELECTION THAT PROCEEDS FROM THE ISSUANCE OF BONDS ASSOCIATED WITH THE SIXTEEN (16) PROPOSITIONS OF SUCH ELECTION SHALL BE USED ONLY FOR CERTAIN EXPRESS PURPOSES; PROVIDING AN EFFECTIVE DATE; 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 Duncan, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

MEETING TIME CHANGED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN; CHANGING THE STARTING TIME OF THE WEDNESDAY, AUGUST 26, 1981, CITY COUNCIL MEETING FROM 3:00 P.M. TO 2:00 P.M.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman 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 Duncan, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

(At this point Councilmember Mullen and Mayor Pro Tem Trevino left the Council Chamber and did not return for the remainder of the meeting.)

EMPLOYEE RETIREMENT BOARD

Ms. Ann L. Robinson, Personnel Director, reported on revised election procedures for the Employee Retirement Board. (Copy in City Clerk's Office). After some discussion the following motion was made:

Councilmember Urdy moved that the Council approve the revised election procedures for the Employee Retirement Board. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Councilmembers Deuser, Duncan
Noes: None
Absent: Mayor Pro Tem Trevino, Councilmember Mullen
Not in Council Chamber when roll was called: Councilmember Goodman

LAKE AUSTIN SHORELINE

Mayor McClellan opened the continued public hearing on the Proposed Lake Austin Shoreline Development Regulations scheduled for 6:00 p.m. She discussed what the proposed jurisdictions are as enumerated at the previous public hearing. Mr. Lillie, Director of Planning, also reviewed the proposed regulations.

MR. WILSON, Save Our Lake Association, said the key issue is the density for housing. He requested 100-foot lot frontage and no duplexes.

MARILYN SIMPSON, president, Austin Neighborhood Council, said they did not know about the Austin Shoreline public hearing until their last meeting. Councilmembers Goodman and Deuser said the moratorium will be extended and the public hearing will be continued in two weeks.

JACKIE JACKSON, Lake Austin Hill Country Association, thinks the ordinance is based on high property value and profits.

DICK STANFORD wants a better ordinance.

SUE QUENTAS, Lake Austin Hill Country Association, believes the proposed ordinance is inferior to the Lake Austin Watershed Ordinance or the Barton Creek Ordinance.

DR. TED DAVIS, representing Lake Austin Hill Country Association, said there is nothing in the ordinance concerning public access to the lake and asked for more restrictions.

JOHN EMERSON said Lake Austin is being walled in. We should continue to provide close to home water activity resource.

DOROTHY HARBO, member of Lake Austin Hill Country Neighborhood Association, discussed the ordinance and showed a map.

A letter was read from DR. ROSTOW in which he asked Council to resist any further dilution of the ordinance.

MRS. WILLIAM HOWARD appeared to state she has owned a lot for 20 years and wants market value for her land.

MILLIE DOUGLAS has land on the lake and wants to use it sensitively.

DON LOVE said the development should be low density housing.

JOAN RICHARDS endorses the regulations in principle. She is a member of North Capital of Texas Highway Alliance and she said they want wise development.

CARL JOHNSON, Save Our Lake Association, said the ordinance could have undesirable impact but the owners are protected by variances.

A man who did not identify himself talked about impervious cover.

RALPH HOLLIDAY told Council this is not the way to draft an ordinance if they are serious about having control. He went over points he thought should be changed.

Motion

Councilmember Goodman moved that the Council continue the public hearing on Proposed Lake Austin Shoreline Development Regulations on September 3, 1981 at 5:30 p.m. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman
Noes: None
Absent: Councilmember Mullen, Mayor Pro Tem Trevino
Not in Council Chamber when roll was called: Councilmember Urdy

PUBLIC HEARING - SPECIAL PERMIT APPEAL

The Mayor opened the public hearing set for 6:30 p.m. on an appeal from Mr. Richard Gravois, Glenna Balch, the Zilker Barton Heights Neighborhood Association and Cicily Simms, Richard and Elizabeth Murphy, on a Special Permit for Kinney Avenue Condominiums, 1307 and 1407 Kinney Avenue. C14p-81-029.

Mr. Lillie, Director of Planning, reviewed the Special Permit and stated the Planning Commission voted to approve the permit subject to department requirements.

TOM CURTIS, representing the applicant, appeared and introduced the owner, MR. SPENCER, who showed slides of the property and a graph.

RICHARD GRAVOIS appeared before Council to discuss the appeal. He said the plan shows entrances on Kinney, which is a small street and in his estimation would not take the added traffic congestion. He also objected to the number of units, saying he does not object to the development but does object to the number of units. Mr. Gravois said Mr. Spencer does have the option of using Lamar as the entrance to the condominiums.

Tom Curtis discussed the number of units. He said 188 are allowed under present zoning but they want to build 63. They also want to roll back the zoning from "LR" Local Retail and "B" Residence to "BB" Residence. Councilmember Deuser asked him about the access to the property from Lamar. Mr. Curtis said the property belongs to Mr. Reissig, and they have attempted to buy it, but Mr. Reissig wants \$800,000 for it and his client cannot afford that much for an entrance to the property.

CICILY SIMMS discussed an access on Lamar and showed slides. She also gave the title history.

LAURA EISENHOWER appeared in opposition to the development. She said 400 extra cars on Kinney are too many.

JOHN CROSBY, 1401 Kinney, said more traffic would be a real problem.

GLENN BALCH, 1206 Kinney, does not want the neighborhood serenity interrupted.

VIRGINIA KEELER discussed their neighborhood and feels Mr. Spencer wants to capitalize on their neighborhood. She said he would have access to Lamar.

MARSH BARTON, 805 Kinney, speaking for MRS. VOGEL, 803 Kinney, who is a senior citizen, said Mrs. Vogel does not feel the proposed plan fits in with the neighborhood.

SHUDEDE FATH said Mr. Reissig should dedicate his land for a street to Lamar from the proposed condominiums.

RICHARD MURPHY appeared and said he is opposed to the project.

Tom Curtis appeared for the summation. He discussed traffic and density and said neither would impact the neighborhood.

Richard Gravois appeared for their summation and discussed access to Lamar through Mr. Reissig's property. He feels exit from the condominiums into Kinney will destroy their property.

Motion

Councilmember Goodman moved that the Council close the public hearing, with the item to be brought back for action on August 26, 1981. The motion, seconded by Councilmember Duncan, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Trevino, Councilmember Mullen

PUBLIC HEARING ON APPEAL OF MONITORING AND MAINTENANCE FEES

Mayor McClellan opened the public hearing, scheduled for 7:00 p.m., to consider an appeal by John Meinrath from the imposition of monitoring and maintenance fees related to Maple Run, Sections 4 and 6.

Mr. Lillie reviewed the appeal.

Mr. Meinrath stated the reason for the request is that an undue hardship would be worked on the subdivider if the fees are required, since the subdivision normally would have been disapproved well before enactment of the maintenance fee ordinance had the City staff been able to apprise the engineers for Bill Milburn, Inc., of all pertinent requirements for engineering reports of subdivision in the Williamson Creek Edwards Aquifer area. Thirty day disapproval of the subject subdivision occurred only three days after the effective date of the maintenance and monitor fee ordinance in February of this year.

Motion

Councilmember Goodman moved that the Council close the public hearing, with the item to be brought back for action on August 26, 1981. The motion, seconded by Councilmember Urdy, carried by the following vote:

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

AGENDA ITEM POSTPONED

Councilmember Goodman postponed until August 26, 1981, his item from Council to consider retaining legal counsel regarding Proposal 7.

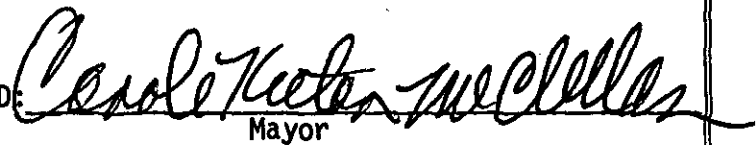
NEIGHBORHOOD ADVISORY ZONING COUNCILS

Councilmember Duncan asked that a report be prepared for discussion during the proposed Zoning Ordinance revisions concerning neighborhood advisory zoning councils.

ADJOURNMENT

Council adjourned its meeting at 9:30 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk