



## Austin City Council MINUTES

**For** JANUARY 13, 1982 - MEETING SCHEDULED FOR 3:00 P.M. CANCELLED  
BECAUSE OF SNOW STORM

JANUARY 14, 1982 - 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

### City Council

Carole Keeton McClellan

Mayor

John Treviño, Jr.

Mayor Pro Tem

Council Members

Larry Deuser

Roger Duncan

Richard Goodman

Ron Mullen

Charles E. Urdy

Nicholas M. Meiszer

City Manager

Grace Monroe

City Clerk

### Memorandum To:

Mayor McClellan called to order the Meeting of the Council, scheduled for 1:00 at 1:05 p.m., noting that Mayor Pro Tem Treviño would be absent from the meeting because he is out of the City. She also noted the absence of Councilmembers Deuser, Mullen and Urdy, who entered the Council Chamber at 1:15, 1:15 and 1:20 respectively.

### INVOCATION

The Invocation was given by James A. Mahon, First Presbyterian Church.

### BOARDS & COMMISSIONS

Mayor McClellan announced the following board and commission appointments are due to be made:

- (1) ETHICS REVIEW COMMISSION - 1
- (2) AUSTIN TOMORROW ON-GOING COMMITTEE - 1 and 5 alternates
- (3) PLUMBING ADVISORY BOARD - 1 architect
- (4) VENDING COMMISSION - 2
- (5) DOWNTOWN REVITALIZATION TASK FORCE - 1
- (6) MANPOWER ADVISORY PLANNING COUNCIL - 1 City Manager Designee  
2 YETP  
1 Vocational Advisory Council  
Representative
- (7) HISTORIC LANDMARK COMMISSION - 1 citizen
- (8) PRIVATE INDUSTRY COUNCIL - 1 Business and Industry Representative
- (9) AFFIRMATIVE ACTION PLAN ADVISORY COMMITTEE - 5
- (10) METROPOLITAN TRANSIT AUTHORITY TASK FORCE - 5
- (11) NEIGHBORHOOD REVITALIZATION COMMISSION - 1
- (12) HUMAN RELATIONS COMMISSION - 1
- (13) MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - 1 citizen; 3 consumers
- (14) ENVIRONMENTAL BOARD - 1
- (15) HOSPITAL BOARD - 1

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BOARDS & COMMISSIONS - (Continued)

- (16) BOARD OF ADJUSTMENT - 6
- (17) ELECTRIC UTILITY COMMISSION - 1
- (18) EMS QUALITY ASSURANCE TEAM - 5
- (19) HEATING, AIR-CONDITIONING AND REFRIGERATION APPEALS BOARD - 2
- (20) LIBRARY COMMISSION - 2
- (21) MH/MR PUBLIC RESPONSIBILITY COMMITTEE - 2
- (22) POLICE RETIREMENT BOARD - 1
- (23) CITIZEN'S TRAFFIC SAFETY COMMISSION - 3
- (24) URBAN TRANSPORTATION COMMISSION - 4

CONSENT RESOLUTIONS

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, adopted the following resolutions: (6-0 Vote, Mayor Pro Tem Trevino absent)

Release of Easement

Authorized release of the following easement:

A Sanitary Sewer Easement as recorded in Volume 305, Page 85 of the Travis County Deed Records and located on Gordon's Resubdivision, 2612 San Pedro, (Requested by Gary W. Johnson)

Contracts Approved

Approved the following contracts:

- a. GAREY CONSTRUCTION COMPANY, INC. - CAPITAL IMPROVEMENTS PROGRAM -  
1910 Sam Bass Road Walnut Creek District Park  
Round Rock, Texas Phase IA Improvements -  
\$899,370.50 C.I.P. No. 73/86-46
- b. DOWELL DIVISION - Chemically Clean Holly #3  
1722 The 600 Building Boiler using Ammoniated EDTA  
Corpus Christi, Texas and Dowell's ACR process  
Not-to-Exceed \$50,000.00

CDBG Funds

Approved \$66,855.00 of CDBG funds for eight (8) standard rehabilitation loans and authorize staff to enter into the appropriate contracts.

Construction Contract

Approved a construction contract with Chapa Construction in the amount of \$11,879.00 for rehabilitation of the structure located at 1001 Comal in the Blackshear Urban Renewal Project Area.

Medical Assistance Program

Adopted Community Service Administration (CSA) guidelines as part of the Medical Assistance Program policies which will afford special consideration to permanently disabled persons on fixed income.

Item Pulled

During the consent motion, Council agreed to bring back the following resolution on February 4, 1982: Consider approval of a Master Acquisition Agreement between the City of Austin, The Uplands Company and the Saratoga Land Company.

Medical & Psychiatric Treatment  
For Jail Inmates

Authorized execution of an agreement with the Austin-Travis County Mental Health-Mental Retardation Center to provide medical and psychiatric services to inmates of the City jail in the amount of \$162,208.08.

## CONSENT ORDINANCES

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino absent)

Senior Lunch Program

Appropriated \$8,064 from the General Fund ending balance to maintain the present level of transportation service provided through the Austin/Travis County Senior Lunch Program Transportation Grant.

Street Names Changed

Changed the names of the following streets:

- a. AYLESBURY COVE to AYLESBURY LANE. (Requested by Public Works Department)
- b. PALMITO ROAD to SWEET CLOVER DRIVE. (Requested by Public Works Department)

Civil Service - A.P.D.

Passed an ordinance classifying Civil Service employees of the Austin Police Department and prescribing the number of positions within each Civil Service classification of the Austin Police Department.

Cable Television Franchise Ordinance

Passed through FIRST READING ONLY an ordinance amending the channel line-up in the Cable Television Franchise Ordinance. (This was passed through first reading on January 6th, but it became invalid when it was discovered there was an error in publication.)

Big Walnut Creek Interceptor

Councilmember Duncan introduced to Council a discussion of the Big Walnut Creek Interceptor. "I just wanted to insure that we go through all the proper board and commission review and that all the ramifications of this item are considered. This may be a very good vehicle to finance infrastructure in the growth corridor. It is a big ticket item and I would like to be sure this goes through the Planning Commission, the Environmental Board and the Water and Wastewater Commission for review and I would also like to ask that they consider the question of water availability in the same area and consider whether or not a reservoir should be part of the over all proposal and the effect water would have on subsequent users to the wastewater line in this area. I'd like a report back from staff as to when we can get through the boards and commissions and get their recommendations and it should be back on the agenda."

## PHARMACY PROVISIONS FOR MAP

Dr. Randall, Director, Health Department, reported on the update of pharmacy provisions for MAP. (REPORT ON FILE IN CITY CLERK'S OFFICE)

Councilmember Goodman said he would like a report concerning generic substitutions for drugs dispensed. Dr. Randall said the only problem he sees is if the doctor does not provide for generic substitutions. Councilmember Goodman pointed out that during the budget hearings Council asked for a working together of pharmacists and doctors to help the Health Department develop a set of recommendations. He asked that TPERF and pharmacists work together as is until they are able to work out a set of recommendations: (1) physicians and pharmacists working together on generics; (2) a list of generic replacement drugs; (3) plan, if viable, with the ten most commonly stocked drugs to save money with the City buying at cheapest wholesale cost and stocking the pharmacy.

Council did not take any action on the resolution and ordinance listed on the agenda which coincided with the above.

## DENTAL INSURANCE

Ms. Ann Robinson, Director of Personnel, discussed the question of payroll deduction for dental insurance for the Austin Police Association. She said dental insurance needs to be part of the employee package for everyone. She said when groups are allowed to splinter off some can get lower rates than others and she does not think that is right. Ms. Robinson asked for a delay until October 1982 and then put the dental deductions on a city-wide program for all employees.

Mayor McClellan said she favors a city-wide dental program, but, in the meantime favors allowing the deduction for the Police Association. After some discussion the following motion was made:

Motion

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, approved the payroll deduction for dental insurance for Austin Police Association. (6-0 Vote, Mayor Pro Tem Trevino absent).

## SOUTHERN UNION GAS COMPANY

Council had before it an ordinance to consider amending the Southern Union Gas Company Service Regulations by adding a new section thereto, Section 18.7, termination to Multiple-Residential Units, relating to notice of proposed discontinuance of gas service. Councilmember Deuser had some questions, so discussion was postponed until January 20, 1982 at 3:00 p.m.

## SANITARY SEWER EASEMENT

Council had before it for consideration a resolution to consider authorizing release of the following easement: A 15' sanitary sewer and drainage easement on Lot 1, Balcones Village Section Twelve. (Requested by Stansberry Engineering)

After considerable discussion it was decided to bring this back January 20, 1982.

GUADALUPE COMMUNITY DEVELOPMENT  
PROGRAM

Council discussed at length the resolution on the agenda to approve the contract for the East Austin Chicano Economic Development Corporation, 1212 East 9th Street, Austin, Texas to implement Phase I of the Guadalupe Community Development Program for a 12 month contract for a total of \$149,500.00.

Council agreed to bring this item back on the January 20, 1982 agenda.

## HONORARY CITIZEN

Mayor McClellan presented to Walter Shenson, movie producer of Hard Days Night, a certificate of Honorary Citizenship in Austin.

## PROCLAMATIONS

The Mayor read and presented proclamations for Arbor Day, National Day of Conscience for Public Education, Jaycees Week, and Rehabilitation Awareness week.

## RESOLUTION FOR AL ELDRIDGE

Mayor McClellan read a resolution and presented a Distinguished Service Award to Al Eldridge who is retiring as Director of the Office of Facilities, Planning and Construction after 35 years as a member of the City staff. Mr. Eldridge thanked the Mayor and said he has enjoyed his years of service to the City.

## RECESS

Council recessed its meeting at 3:10 p.m. and resumed its recessed meeting at 3:20 p.m.

## PUBLIC HEARING - OFF PREMISE SIGNS

Mayor McClellan opened the public hearing set for 3:15 p.m. to consider establishing a moratorium on the issuance of off-premise sign permits; and passage of ordinance.

Lonnie Davis, Director, Building Inspection, told Council "We transmitted some correspondence to the City Manager earlier this week. We are in support of Mr. Miller's proposal and the basic suggestion we would make is the bottom paragraph of our correspondence wherein we indicate that the section concerning the Principal Roadway Areas Ordinance should be changed to also coincide with Mr. Miller's proposal. (CITY CLERK DID NOT RECEIVE A COPY OF THE PROPOSAL) Other than that we would be supportive." (CITY CLERK DOES NOT HAVE COPY OF MEMO FROM MR. DAVIS)

Mr. Miller stated to Council, "I am somewhat repeating myself when I ask the City to enact or revise the sign ordinance to provide spacing of 1000' on the Interstate and 500' on any other street or highway in the City of Austin. The basic thinking behind this is that we are becoming cluttered and this will greatly reduce the number of off-premise sign usages equally but prevent the creation of billboard alleys."

Motion

Councilmember Mullen made a motion to approve revision of the ordinance, as was set out in the memo from Mr. Lonnie Davis changing the distances and revising the Principal Roadway Ordinance. Councilmember Urdy seconded the motion. (6-0 Vote, Mayor Pro Tem Trevino absent.) Motion includes closing the public hearing.

## REFUNDING REVENUE BONDS

The Council, on Councilmember Goodman's motion, Councilmember Duncan's second, adopted a resolution authorizing the City Manager to execute a Memorandum of Agreement between the City of Austin and Investment Banking Firms, relating to the issuance of "City of Austin, Texas, Utility System Refunding Revenue Bonds, Series, 1982" with Dillon Reed, Inc.; Smith, Barney, Harris, Upham & Co., Inc.; and Boettcher & Co. (4-2 Vote, Mayor McClellan and Councilmember Mullen voted No., Mayor Pro Tem Trevino absent)

Prior to the vote Mr. Phil Scheps, Director of Finance, reported he had sent RFP's on December 22, 1982 and received nine proposals. He had travelled to the rating agencies, also. From the proposals received he recommended Dillon Reed, Inc., Smith, Barney, Harris, Upham & Co., Inc.; and Boettcher & Co. Mr. Scheps said the market is not good at the present time for refunding revenue bonds but he said it is important to get ready now for the time when the "window opens".

Council discussed cost and the Mayor asked if anyone on the staff or any Councilmembers did any negotiating with Dillon Reed. Mr. Curlee, First Southwest Company, stated for the record that his company did what was requested of them and the company's recommended rose to the top after screening.

Mayor McClellan said she still wants it on the record that all groups understand there is no obligation on the part of the City and that the City of Austin may bail out at any time. City Manager Meiszer said that the actual cost will not be known until the day it is done.

David Smith, Senior Vice-President, Rauscher Pierce, appeared before Council to discuss the experience his firm has had. He said they have been involved in and completed every refunding in Texas. He feels they have superior qualifications and asked Council to consider them.

Mr. Norman Barker, former Director of Finance, City of Austin, told Council that the first refunding done by the City was a good deal. He said he has no opinion on the groups. Mr. Barker told Council that this is not compelling to do now and when it is done, it must be to the City's financial advantage.

Mike Holper, vice-president, Rauscher Pierce, told Council that all firms which submitted RFP's to them have done a lot of financing and that nine financings done this year have had Rauscher Pierce as the underwriter.

Mike Endross, Rotan Mosle, spoke to Council concerning his firm.

John Bergett and Charles Leek both spoke for Merrill Lynch and told Council they understand refunding is essential before the STNP can be sold. They asked Council to consider them because they have had much experience.

Phillip White, account executive, Bache-Halsey-Stuart-Shields, said they think it would be in the City's interest to use them.

## BONDS - (Continued)

Mayor McClellan asked, for the record, who served on the committee to review the proposals. Mr. Scheps listed the following participants: Phil Scheps, Jorge Carrasco, R.L. Hancock, Albert DeLaRosa (on initial screening); Norman Barker (present but not officially on the committee); Jim Curlee and Jim Gillis from First Southwest; Ken Illse and Rick Porter from McCall, Parkhurst and Horton.

## PUBLIC HEARING - STREET ASSESSMENTS

Mayor McClellan opened the public hearing scheduled for 4:00 p.m. in connection with assessments to be levied on Springdale Road and sundry other streets consisting of three units covering approximately 10 blocks, CAPITAL IMPROVEMENTS PROGRAM No. 73/62-39.

Mr. John German, Director of Public Works, told Council, "This hearing is to consider appeals from property owners regarding paving assessments on Springdale Road, also known as Manor from the intersection of Northeast Drive to Ed-Bluestein, U.S. 183. Property owners have been notified of the assessments to be levied and of this hearing. The City cannot levy assessments for an amount greater than the enhancement in value to the property as a result of the paving and drainage improvements. The City has employed an independent appraiser, Mr. Herbert Sladek, to look at each one of the parcels involved in the hearing today and to determine whether or not the enhancement has occurred. His report was included in your agenda material. This project is being constructed by the Highway Department under the Urban Systems Program. Total cost of the project is \$1.2-million. The City's share is \$347,507.00. The total of all the assessments for the 26 parcels is \$24,021 or about 2% of the cost of the total project. The current situation before the paving was a two lane rural type road and the improvements will provide a four lane divided road with sidewalks, improved drainage and a new bridge across Little Walnut Creek. The property owners are being assessed only for the cost of the curb and gutter and not for curb and gutter and paving as is the case in many of the assessments. That is primarily because the paving costs are paid for by the Highway Department. The appraiser has looked at all these parcels and has verified the assessments as valid on all but five properties. ... Based upon that I recommend that Council approve these assessments as modified by the appraiser's report unless the property owners who appear can insure the enhanced value has not actually occurred."

Mr. Jim Riggs, Assistant City Attorney, interviewed Mr. Sladek concerning his ability as an appraiser.

Rev. Marvin Carter, Greater Love Baptist Church, asked questions about the amount for his property. Mr. German told him it amounted to \$3.80 per front foot.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Urdy's second, closed the public hearing and approved the assessments to be levied on Springdale Road and sundry other streets consisting of three units covering approximately 10 blocks, CAPITAL IMPROVEMENTS PROGRAM No. 73/62-39. (5-0 Vote, Mayor Pro Tem Trevino absent, Councilmember Goodman out of the room.)



## PUBLIC HEARING - WATER &amp; WASTEWATER

Mayor McClellan opened the public hearing scheduled for 4:15 p.m. to consider extending and expanding the scope of the temporary moratorium on the processing of subdivision applications which are dependent on City Water & Wastewater service, and passage of ordinance.

Rodger White, Acting Director of Water and Wastewater, showed a chart of treatment plant capacity in Austin and also pointed out storage deficiencies. He said the City will have serious problems meeting peak demands. He said if bonds are not passed the system will be built out in 1986. Councilmember Mullen thought a moratorium should be just where it is needed and not all over.

Patricia Hayes, president, Westcreek Neighborhood Association, said they favor a continued moratorium as they have a critical water pressure problem and they want planned growth.

Chris Mazel, attorney representing Westcreek, said they are for a moratorium and against granting exemptions.

Patrick Neal is for a moratorium, as well as Eddie Howell, Carl Hays and Harvey Rodgers. Ken Davidson also agreed.

Tom Curtis appeared representing Alexander Oaks and urged Council not to include that area.

Doyle Wilson, president, Austin Association of Builders, asked how many platted lots are available. He said he has some projects which have 7-10 years capacity. He said the City does not have data for the central city. He proposes a task force to study the overall picture.

Doug Stringfellow, builder, said if the City does not provide water there are ways to get it provided. He requested an individual engineering group to study this before one of the major industries damages the supply.

Dick Beal, Homeowners Warranty Association, said a 6 month moratorium would have a bad affect on the small homebuilder.

Peggy Howell, resident in West Creek, asked for a moratorium in Southwest A and B.

Pierre Barto, said the loads should be evaluated.

Councilmember Urdy stated that if we develop we will be unable to meet our own commitments, so he asked why continue when we know we can't meet what we have.

Mr. White said the treatment plant is based on 3% increase in growth and not based on committments.

Pat Casey said revenue bonds should be issued. Mayor McClellan said this has never been done.

HEARING - (Continued)

Raymond Pruett said the jobs in the building industry are over 50% done by Mexican-American or Black and a halt to building is a halt to jobs.

John Street said moratoriums are not the answer. All should work together.

Homer Werlein said the small builder has the most problems. He supports bonds.

Leon Whitney said a moratorium would benefit no-growthers only.

George McCanse said he supported the bonds and agrees with the preferred growth corridor. He said there should not be a moratorium.

Don Reynolds, who is a small builder, said the building industry is beleaguered.

Rudy Robinson, a real estate appraiser, asked there be no moratorium.

Allen Rundell questioned having a bond sale in August.

Frank Horsfall said the small builders should go ahead but the big ones should be stopped.

Council decided not to pass the ordinance and will not continue the public hearing. There will be an item on the February 4, 1982 agenda to create a task force.

RECESS

Council recessed its meeting at 7:15 and resumed its recessed meeting at 7:40 p.m.

GRANT APPLICATION SUBMITTED

The Council, on Councilmember Deuser's motion, Councilmember Mullen's second, adopted a resolution authorizing the submission of an application for a General Operating Support Grant from the Institute of Museum Services of the U.S. Department of Education in the amount of \$35,000. (October 1, 1982 - September 20, 1983.) (5-0 Vote, Councilmember Goodman was out of the room, Mayor Pro Tem Trevino absent)

CITIZEN DID NOT APPEAR

Mr. Thomas Hayes, who had requested to appear before Council, was not present in the Council Chamber.

## DISCUSSION

Mr. Eugene Reeder Jr. appeared before Council to discuss administrative procedures use by Human Relations Commission.

## HOUSING ORDINANCE DISCUSSED

Mr. Royal Masset appeared before Council to request that Council call a moratorium on all additional amendments to the housing ordinance during the current term of office.

## PUBLIC HEARING - ROADWAY PLAN

Mayor McClellan opened the public hearing scheduled for 6:00 p.m. on an amendment to the Austin Metropolitan Area Roadway Plan - Howard Lane and Pflugerville Road.

Dr. Benson, Director of Urban Transportation, reviewed the proposed amendment.

No one appeared to be heard.

Motion

The Council, on Councilmember Mullen's motion, Councilmember Goodman's second, closed the public hearing and approved the amendment to the Austin Metropolitan Area Roadway Plan - Howard Lane and Pflugerville Road. (6-0 Vote, Mayor Pro Tem Trevino absent.)

## RAINEY STREET BARRIO PLAN

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on the Rainey Street Barrio Plan.

Paul Hernandez, representing the Rainey Neighborhood and EACEDC, passed out a map to members of the Council. (CITY CLERK DID NOT RECEIVE A COPY) He reviewed the history of revitalization threats to the Mexican-American communities which have existed since 1925. He said they have a shortage of housing and Rainey is in a state of economic decline. If land values go up in the area because of revitalization and development, the Mexican-Americans will have to leave. They want new residences for low and moderate income groups and want the Rainey district designated historical. He said they want an anti-speculation ordinance, model rent control, "A-2" zoning, traffic control, and green belt area. Mayor McClellan asked what the anti-speculation ordinance would contain and Paul Hernandez told her that if someone buys in the Rainey neighborhood for speculation purposes they would be taxed. He said the Council should be able to get legislation enacted to enable this to be done.

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RAINEY - (Continued)

Mr. Sinclair Blakk, architect, together with Tom Lee, architect, showed a map of how the area could be.

Pete Martinez, Rainey neighborhood, reviewed the history of his life. He supports the plan.

Marcos DeLeon, Francis Martinez, Maria Morales, Mr. Ramirez, Enrique Lopez, Aria Moncias, Frank Martinez, Manuel Mena, Eduardo Rendon, Jane Haney and Karen McGraw all appeared to speak in favor of the plan.

Pete Dwyer, independent real estate broker representing the Juarez-Lincoln building owners, said they do not believe in dispossessing anyone. He is vice-president of the Rainey-Waller Creek Owner's Association. They own a large group of the property in the Rainey area and want to be able to utilize their property as they please.

Betty Himmelblau appeared, stated she did not represent any group, but spoke as a former Councilwoman who was in office when it was determined the street and bridge yard would be moved if a bond election to build a new yard in a different part of town passed. The bonds failed to pass.

Laurie Hansel, Juan Pablo, Jesse Johnson, Raymond Hernandez spoke in favor of the plan.

Mrs. Mildred Miller, president of the Waller Creek-Rainey St. Owner's Association discussed the barrio plan.

Susan Potter, Jackie Starnes spoke for the plan.

Rudy R. Robinson III, real estate appraiser, said he has no personal opinion but was employed to appraise the street and bridge area. He said the seven acres is worth \$3,000,000.00.

Linda Evans spoke for the plan.

Georgia Leggett opposes the roll back zoning. She said no Latin-American occupied the Rainey area before 1935. She owns two duplexes in the area and opposes using city property as a gift.

Mike Sanders, property owner is opposed to the roll back.

Marsha Govalle supports the plan.

Carey Leggett, said the area was not developed by Mexican-Americans.

Consuelo Burning Cloud, Leslie McCulloch & Phil Conard support the plan.

Bill Thompson is against the plan.

Ari Wright supports the plan.

Council Memo

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RAINEY - (Continued)

Council discussed the plan at length.

Motion

The Council, on Councilmember Deuser's motion, Councilmember Goodman's second, voted to close the public hearing on the Rainey Street Barrio Plan and bring it back next week for action, item by item, at 6:15 p.m. (6-0 Vote Mayor Pro Tem Trevino absent)

ITEM RECONSIDERED - DID NOT PASS

Councilmember Mullen made a motion, seconded by Mayor McClellan to reconsider authorization of release of a 15' sanitary sewer and drainage easement on Lot 1, Balcones Village Section Twelve, requested by Stansberry Engineering. (2-3 Vote, Councilmember Deuser, Duncan and Goodman voted No, Councilmember Urdy out of the room, Mayor Pro Tem Trevino absent - DID NOT PASS)

ADJOURNMENT

Council adjourned its meeting at 10:55 p.m.