

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Council Meeting

February 7, 1980
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Absent: None

The Invocation was given by Reverend Jack Heacock, First United
Methodist Church.

BLACK HISTORY MONTH

Vera Givens was in the Council Chamber to receive a Proclamation
designating the month of February, 1980 as Black History Month. She is
chairman, NAACP Black History Month. Mayor McClellan read the proclamation.

LULAC WEEK

Councilmember Trevino read a proclamation designating the week of
February 11-17, 1980 as Lulac Week. The following people were in the Council
Chamber to receive the award: Ernest Perales, District Director of LULAC;
Marie Velasquez, District Youth Director; Joe Ramos, President, Council #85;
Mr. and Mrs. Justin Dart; Gilbert Velasquez; Coro Rodriguez, president, Council
#4513; Rafael Quintanilla, and John Castillo. president, Youth Council.

VOCATIONAL EDUCATION WEEK

Mayor McClellan read a proclamation designating the week of February 10-16 1980 as Vocational Education Week. Members of Dr. Davidson's AISD Advisory Committee on Career Education who were present in the Council Chamber to receive the proclamation were Charles W. Garner, C. Van Kirby, Wilma P. Griffin, Gordon Wilkison, Louis Igo and Ken Zimmerman; plus several high school students from the various high schools in Austin. Mr. Wilkison thanked the Mayor and Council for the proclamation.

FBLA-PBL WEEK

Future Business Leaders of America and Phi Beta Lambda Week will be observed the week of February 11-16, 1980 according to a proclamation read by Mayor McClellan, Laurie Holder, president, Austin High Chapter, was in the Council Chamber to receive the proclamation, along with Debbie Hagt, reporter; Joyce Harkenell, secretary; Laurette Boydsdon, vice president; and Diana Meeks, Treasurer. Ms. Holder thanked the Mayor and Council for the proclamation.

Mayor McClellan recognized the presence of Kay Killough, Assistant Superintendent of the Office of Vocational Education, in the Council Chamber. Ms. Killough thanked the Mayor and Council for presenting the proclamations for Vocational Educational Week, FBLA-PBL Week and Office Education Association Week. She asked the career development coordinators who were in the Council Chamber to stand.

OFFICE EDUCATION ASSOCIATION WEEK

Office Education Association Week will be observed February 10-16, 1980 according to a proclamation read by Mayor McClellan. Clara Cortez, president Vocational Office Education Chapter of Johnson High School, thanked the Mayor and Council for the proclamation. The following chapter presidents were also in the Council Chamber: Kim Lerche, Anderson; Ruth Harrington, Austin High; Christine McPhail, Crockett; Cindy Wilcox, LBJ; Blanco Lopez (along with Clara Cortez) Johnson High; Laura Glockzin, Lanier; Sandra Taylor, McCallum; Brenda Voight, Reagan; and Sandra Rodriguez, Travis. Miss Myrtle Johnson, Supervisor, Vocational Office Education, was also in the Council Chamber and expressed her thanks for the proclamation.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the Meetings for January 17 and 24, 1980; and Special Meetings of January 4 and 9, 1980. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino
Noes: None

Councilmember Himmelblau moved that the Council approve the Minutes of Special Meeting of January 21, 1980. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mayor Pro
Tem Mullen, Councilmembers Snell, Trevino
Noes: None
Abstain: Councilmember Cooke

EXECUTIVE SESSION

Mayor McClellan announced Council will convene in a closed or executive session at 1:50 P.M., 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.

EASEMENT RELEASE

Councilmember Trevino moved that the Council adopt a resolution to release the following easement:

A portion of a ten (10.00') foot Sanitary Sewer Easement and a seven and one-half (7.50') foot Public Utilities Easement located on Lot 4, Barton Market Square Section 3, 4200 South Lamar Boulevard. (Requested by Steven Hodges for Vanguard Properties)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to release the following easement:

Four fifteen (15.00') foot Sanitary Sewer Easements located on a 705.75 acre tract, conveyed to Farm & Home Saving Association, adjacent to Trailwood Village Two. (Requested by Harvey Brandenburg for Bryant-Curington, Inc.)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to release the following easement:

A fifteen (15.00') foot Sanitary Sewer Easement located on Lot 1, Block A, Barton Creek Square, 2901 Loop 360 South. (Requested by Mark McNeal for Bryant-Curington, Inc.)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to release the following easement:

A five (5.00') foot Electric Easement located on Lot 2, Luedecke-Edwards Subdivision, 8131 North Lamar Boulevard. (Requested by Gene Braun for Thomas Brothers Construction Company)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

CHANGE ORDER

Councilmember Trevino moved that the Council adopt a resolution to authorize approval of a Change Order in the amount of \$118,430 to M.G. Bravo Construction Company for addition to FAA Flight Service Building, Municipal Airport. CAPITAL IMPROVEMENTS PROGRAM No. 73/81-03. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

Bid award:

- CAPITAL IMPROVEMENTS PROGRAM -
Cluster-Mounted Capacitor Banks,
Electric Utility Department
C.I.P. No. 80/14-02

WESTINGHOUSE ELECTRIC SUPPLY
COMPANY
9230 Research Boulevard
Austin, Texas

- Item 1, 7 ea. @ \$1,849.00
Item 2, 7 ea. @ \$2,870.00
Total: \$33,033.00

GENERAL ELECTRIC COMPANY
1600 N.E. Loop 410
San Antonio, Texas

- Item 3, 200 ea. @ \$309.00
Total: \$61,800.00

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

CENTRAL TEXAS EQUIPMENT
127 E. Riverside Drive
Austin, Texas

- Air Compressor, Diesel, Vehicle
and Services Department
Item 1, 1 ea. - \$9,467.00

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

Bid award:

- Industrial Gases, in cylinders
Various City Departments
Twelve (12) Months Supply Agreement

BIG "3" INDUSTRIAL GAS
4927 E. 5th Street
Austin, Texas

- Items 1, 2, 5, 10, 18, 20-22 -
Est. Total: \$42,160.50

WILSON OXYGEN COMPANY
150 E. Ben White
Austin, Texas

- Items 3, 4, 11-17, 19 - Est. total
\$6,833.00

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

JENNINGS & COLLINS
4515 Manchaca Road, Suite 20
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Givens Park Picnic Shelter -
\$16,000.00 C.I.P. No. 73/86-14

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

23rd ANNUAL FLORA-RAMA

Councilmember Trevino moved that the Council adopt a resolution to approve a one dollar donation entrance fee to Zilker Municipal Gardens for two days (Saturday & Sunday, May 3 & 4, 1980) for 23rd Annual Flora-Rama. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

LOG BARN

Councilmember Trevino moved that the Council adopt a resolution to enter into a use agreement with the Lower Colorado River Authority for use of a log barn to be dismantled and reconstructed at the Jourdan-Bachman Poiner Farm for public purposes. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

CETA EMPLOYMENT AND TRAINING PROGRAMS

Councilmember Trevino moved that the Council adopt a resolution to submit a pre-application to the U.S. Department of Labor to operate employment and training programs under the Comprehensive Employment and Training Act (CETA) for FY 1981. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

AGENDA ITEM PULLED

Councilmember Trevino moved that the Council postpone until February 14, 1980, consideration of approval of the Clarksville Community Development Corporation's application to HUD for a self-help housing program and expression of intent to sell certain municipally owned land at fair market value to the corporation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

ALCOHOL COUNSELING SERVICE

Councilmember Trevino moved that the Council adopt a resolution to renew the contract with Travis County through its Austin-Travis County Counseling Service, for Alcohol Counseling Services to the Municipal Court of the city. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

COMMON DRIVEWAYS FOR TOWNHOUSES - HEARING SET

Councilmember Trevino moved that the Council adopt a resolution to set a public hearing to amend the Zoning Ordinance to allow common driveways for townhouses where such townhouses are in units of four or more for March 6, 1980 at 9:30 A.M. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

ANNEXATION PUBLIC HEARING RESET

Councilmember Trevino moved that the Council adopt a resolution to reset a public hearing for February 21, 1980 at 7:30 P.M. to consider annexing the following:

2.35 acres of land requested by owner and known as Westcreek,
Phase Two, Section 1. (C7a-79-020)

245.64 acres of land (55.74 acres requested by owner and known as
Cliff Over Lake Austin and Lake Austin Trails, and 189.90 acres
initiated by the City). (C7a-79-021)

108.71 acres of land (53.63 acres requested by owner and known as
McNeil Road Commercial Section 1 and 2, and 55.08 acres initiated
by the City. (C7a-79-022)

316.14 acres of land (221.10 acres requested by owner and known
as Great Hills IX, X VIII-A and Great Hills Street Dedication "C":
and 95.04 acres initiated by the City). (C7a-79-024)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

LICENSE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution authorizing the issuance of a License Agreement to allow the installation of fire escape over the sidewalk area at the 500 block of Trinity Street, Lot 1, OCA Block 59, 410 East 6th Street. (Requested by Alan Marburger) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

PUBLIC HEARING SET - PAVING ASSESSMENTS

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 10:00 O'CLOCK A .M. ON THE 13TH DAY OF MARCH, 19 80 , 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.

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 Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember
Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

ANNEXATION ORDINANCES

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 535.89 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES COLEMAN SURVEY NO. 25, WILLIAM BELL SURVEY NO. 44, L. LINDSEY SURVEY NO. 287, ROBERT FOSTER SURVEY NO. 43, JAMES JETT SURVEY NO. 1, T.J. CHAMBERS 8 LEAGUE GRANT AND M.D. WILLIAMS SURVEY NO. 49, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. (C7a-79-002)

The ordinance was read the first time, and Councilmember Goodman moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Mayor McClellan, Councilmember Cooke
Noes: Councilmember Trevino
Abstain: Councilmember Goodman

The Mayor announced that the ordinance had been passed through its first reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY OF 57.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T.J. CHAMBERS GRANT, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C7a-79-019)

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 Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Mayor McClellan, Councilmember Cooke
Noes: Councilmember Trevino
Abstain: Councilmember Goodman

The Mayor announced that the ordinance had been passed through its first reading only.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 8.57 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C7a-79-010)

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 Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Mayor McClellan, Councilmember Cooke
Noes: Councilmember Trevino
Abstain: Councilmember Goodman

The Mayor announced that the ordinance had been passed through its first reading only.

NON-FIXED WING AIRCRAFT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING ORDINANCE) OF THE 1967 CODE OF THE CITY OF AUSTIN, ADDING A NEW SECTION 45-28(h) THERETO, REQUIRING A SPECIAL PERMIT FOR LANDING FIELDS FOR NON-FIXED WING AIRCRAFT WITH CERTAIN CONDITIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; 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 Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the ordinance had been finally passed.

PAVING ASSESSMENTS

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (C.I.P. No. 73/62-25)

The ordinance was read the third time, and Councilmember Goodman moved that the ordinance be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

FEEES FOR ZONING & SPECIAL PERMIT CASES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE (ZONING ORDINANCE); PROVIDING NEW FEES FOR THE PROCESSING OF ZONING APPLICATIONS; PROVIDING NEW FEES FOR THE PROCESSING OF APPLICATIONS FOR SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ 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 Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

MEDIUM TERM PARKING METERS AND PARKING LOT ZONES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE IV, SECTION 57 OF THE CODE OF THE CITY OF AUSTIN OF 1967: AMENDING THE MAXIMUM TIME LIMITS FOR MEDIUM TERM PARKING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; 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 Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember
Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

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 6, BLOCK 1, R. NILES GRAHAM ADDITION, LOCALLY KNOWN AS 1611 WEST 6TH STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST 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 PROVIDING AN EFFECTIVE DATE. (James W. Person, TAO/ONO, INC. C14-79-238)

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 Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember
Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmembers Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

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:

A 1.350 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 3804-3806 MANCHACA ROAD, ALSO BOUNDED BY BYRON DRIVE AND KEATS DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST 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 PROVIDING AN EFFECTIVE DATE. (Sid Hurwitz & Keith Noret, C14-79-191)

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 Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 14,650 SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 6.92 ACRE TRACT OF LAND, MORE OR LESS, FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 3: A 16,269 SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 4: A 3,665 SQUARE FOOT TRACT OF LAND, FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF ABOVE PROPERTY BEING LOCALLY KNOWN AS BEING BOUNDED TO THE NORTH BY MARTIN LUTHER KING JR. BOULEVARD, TO THE SOUTH BY WEST 17TH STREET, TO THE EAST BY WEST AVENUE AND TO THE WEST BY PEARL STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (City of Austin, C14-79-270)

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 Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember
Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Snell
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 14.257 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: AN 1.961 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 0.581 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF ABOVE PROPERTY BEING LOCALLY KNOWN AS 9425-9721 NORTH LAMAR BOULEVARD AND 501-701 WEST LONGSPUR BOULEVARD (PROPOSED);

SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Edward Wendlandt, et al, C14-79-224)

The ordinance was read the third time, and Councilmember Goodman moved that the ordinance be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmembers Goodman, Snell

REPEAL OF CAPITAL INCREMENT FEES

The Council had before it for consideration an ordinance repealing Capital Increment Fees for out of the city water and wastewater customers. Councilmember Goodman stated that Councilmember Himmelblau requested this be postponed until February 28 because she wants more information; Councilmember Goodman said he would like some cost figures. Councilmember Mullen felt that the staff had not placed the stipulation in the ordinance as instructed by Council; Councilmember Cooke agreed. Mayor McClellan faulted Council and thought they should have read the ordinance. Assistant City Attorney DeLaRosa felt Council needed to have a discussion of the ordinance wording and then bring it back for vote. It was City Manager Davidson's interpretation Council wanted to look at the ordinance again before voting on final form. It was agreed they all wanted more information.

Motion

Councilmember Goodman moved that the Council vote to consider an ordinance repealing capital increment fees for out of the city water and wastewater customers on February 28, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

PUBLIC HEARING ON MUD POLICY

Mayor McClellan opened the public hearing set for 9:30 A.M. on the MUD Policy. Daron Butler referred Council to the draft proposal for Municipal Utility District Policy which had been distributed to them. He told them they had also received an analysis of House Bill 1974, a copy of House Bill 1974, and a copy of the state rules and regulations under which the state governs its relationship with the creation of Municipal Utility Districts. He outlined some of the components of the proposed MUD policy as follows: "Initially when the request comes to Council for creation of a MUD, staff proposes the first consideration Council begins at that point is consideration of annexation. In many cases the consideration may be immediately or it could be annexation in a time specific, 3-5 years. That decision would be conditioned by location in the ETJ, priority growth area that the MUD is proposed for, its relationship to existing utility services, market studies presented by proponents of the MUD concerning build out and development, and other factors.....Depending on the proposed location of the MUD within the ETJ of the city and its location in relationship to the annexation plan and/or existing city and wastewater system it is conceivable the Council may agree to the consent to the creation of the MUD and allow that MUD creation to proceed under state rules and regulations. It is conceivable this would occur only when the MUD would be located in the extremities of the city's 5 mile ETJ and where annexation is not a possibility and will not be seen as a likely possibility within the near term. The policy would require an examination of the potential fiscal impact of the MUD upon annexation and in the time period of five plus years following the MUD's creation. Should a MUD proposal not include provisions concerning financing of internal water and wastewater lines the considerations by the City Council at that point would be along the lines of the deliberations of prior consent agreements. It would be similar to types of considerations this Council made early in January with the creation of Northwest Travis County MUD No. 1. However, there are certain incentives and provisions built into the policy even if internal line financing is not proposed by proponents of the MUD. For example, the total bond package is based upon the proposed MUD's location in relation to the city limits and in a priority area..... The basic consideration of a MUD not financing internal lines is that in most cases it should meet the self supporting criteria, that is, when it is annexed into the city that there not be any excess fiscal liabilities stemming from that annexation and that the city would then pick up through its own water and wastewater debt retirement system those types of costs normally associated with development that may occur inside the city or outside the city but not inside a MUD. The key difference in the policy centers on the issue of internal

line financing and that is where the section on debt retirement fee comes into play. A MUD that is proposing to finance internal lines, those lines 8" or smaller, which as a parallel we do not allow any special incentives for financing on to developments inside the city limits would be required to collect a debt retirement fee to retire the remaining principal and interest on internal line debt at the period of annexation. The debt retirement fee is the calculated present value of the amount required to retire internal line debt on the date of annexation. It does give a credit to the utility district for the fact it will exist for a period of time and make principal and interest payments on that portion of the debt before annexation. The intent of the debt retirement fee is to fund the excess burden of internal line debt retirement at the front end of the development, hold that money in a sinking fund for the purposes of debt retirement....That is the section around which, in my opinion, there will be the most discussion. The last section of the policy outlines components of consent agreements very similar to items found in previous agreements adopted by this City Council such as standards for development, street lighting, etc. designed to insure that at annexation we bring in a development unit or subdivision that is similar in many aspects to the types of development that have occurred inside the city limits. A recent piece of legislation, House Bill 1974, provides another alternative for the management of this but we have chosen to call excess fiscal burden associated with the retirement not only with debt associated with internal lines but with all the debt associated with the MUD.There are at least two ways to handle it. The policy that we have presented to you is the beginning point for your deliberation based upon the debt retirement fee and based on a preference for recovering the front end on the development as opposed to on the back end in that analogy on that development. The draft policy is long and complicated, but in summary we'd like to remind Council that we think it contains policy in past agreements with the Council, that it outlines the decision making process, the types of reviews that will occur and consideration of consent agreement...it provides incentive for development in accordance with the master plan, that it clearly states a preference for recovering the excess fiscal burden of internal line financing on the front end of development and that clearly for the Council that issue is the one that is at the heart of the policy."

Councilmember Goodman passed out copies of his draft of a MUD policy.
(COPY ON FILE IN CITY CLERK'S OFFICE)

Mayor McClellan requested staff to compare Councilmember Goodman's proposal and staff's proposal. Mayor Pro Tem Mullen stated, "I'd like staff to look at this draft and write any negatives they feel we should be aware of or negative impact they may see the city may incur if we go with the draft that was just handed out. I'd like to have that information very clearly set out by staff before we vote. Do you think you can do that in a week?" Mr. Davidson said yes, but "We may not be able to do it until Thursday." Councilmember Goodman said "We'll have the opportunity to continue at next week's public hearing, if any of that has not been completed. It's a difficult process." Mayor Pro Tem Mullen said, "O.K." Councilmember Goodman said, "If we're not ready to act, we'll simply postpone. We also have a letter from the Environmental Board asking that this be reviewed by them. What I

would suggest is that we let them be given all consideration and in this particular case I would hope next Wednesday's meeting will allow them to review this. If they have any remaining questions they can communicate them to us at the public hearing and we can take appropriate action then." Mayor McClellan said both drafts should be sent to the Environmental Board and also whatever has been worked on to that point.

Mr. Davidson acknowledged the help of Mr. Ed Wendler Sr. and Mr. Bill Gurasich in drafting the MUD policy.

Mr. Ed Wendler, who said he represents a number of people in the building community, appeared before Council to say people look at the industry as if they are trying to find a way to line their pockets whenever they propose something but "we really are trying to find a way to reduce the cost of housing. It's become a real problem and we'll be back at different times as we come up with ideas and ways we can make housing affordable to a larger number of people and so that the beginning mortgage is smaller so more people can afford them. There used to be a refund policy in the city and I and a lot of other people opposed that for a long number of years. Council abolished it and I concur that was the right decision." He went on to say that the next thing that happened the use of a utility district changed and related his feelings on that. As the cost of housing rose the building industry began to look to utility districts to help finance the up front costs of the development... water, drainage, sewage, etc. so they could be financed through bonds and therefore you would not have to put that cost in the mortgage. The mortgage could be properly done through a district and reduce the beginning mortgage by \$4-6,000 a lot...even more, so a larger number of people can qualify for loans. "To do that we had to find a way to insure the citizens of Austin that upon ultimate annexation they wouldn't have to pay those bills. That's why we passed House Bill 1974 which absorbs that debt upon annexation in an increase in the water and sewer rate. The people that live in the territory of the district, after they are annexed, still have to pay a higher rate to compensate the city for the assumption of those debts."Mr. Wendler brought out the idea that in the consent agreement for a MUD, there should be a provision which picks the date when the city would like to annex. He went on to say growth should be encouraged in corridor development. Also that the old idea that a MUD is bad can be eliminated. He stressed the need for help so builders can continue to build houses people can own. He felt that it would be beneficial to be able to negotiate a week or two longer with the staff on the proposed MUD policy.

BUD FLYNN, private citizen, cited the California taxpayers revolt and said the housing industry is doing its best to help people have their homes and he joins the housing industry in their efforts.

KEN MANNING appeared and discussed the proposed policy. He said he prefers the approach of House Bill 1974.

Motion

Councilmember Goodman moved that the Council continue the public hearing on the MUD policy until February 14, 1980 at 2:00 P.M.; staff to continue to work on the policy, and work with Mr. Wendler and Mr. Gurasich. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

ETJ AGREEMENT WITH VILLAGE OF LAKEWAY

Council had before it for consideration a resolution for approval of ETJ Allocation Agreement with the Village of Lakeway. Mr. Richard Lillie, Director of Planning, reported as follows:

At the request of Mayor McClellan, this Department has been working with officials of the Village of Lakeway, and the Lakeway Land Co. to establish an extraterritorial jurisdiction area for Lakeway.

Our initial meeting was with Lakeway Mayor Pro-Tem Stell on December 27, 1979 to discuss elements for inclusion in the allocation agreement, method of property owner notification and to provide him with a map showing a suggested ETJ location. After several additional meetings with both Mr. Stell and also representatives of the Lakeway Land Co. the attached map was developed for review by both parties.

On January 12, 1980 the Village of Lakeway passed the attached Resolution agreeing to honor the Lakeway Conceptual Plan as approved by Austin in 1978. The Conceptual Plan included the Hutto tract and Rough Hollow tract shown on the attached map as a cross-hatched area.

On January 22, 1980 the Village of Lakeway held a public hearing to discuss the proposed ETJ allocation. At that time, representatives of the Lakeway Land Co. requested that their undeveloped properties be excluded from the agreement.

Subsequently the staff has met with both parties and recommends the following for consideration:

1. Both parties come to an agreement on properties to be included in the allocation prior to consideration by the City of Austin; or
2. The suggested ETJ be included in the allocation agreement with the provision that properties owned by the Lakeway Land Co. be subject to subdivision review and approval by the City of Austin; or
3. The Hutto and Rough Hollow tracts be excluded from the allocation agreement at this time, but be included as subdivision are approved and recorded by the City of Austin.

MIKE WILLET, speaking for Lakeway Company, said this ETJ agreement is the most important item which Lakeway has under consideration at this time. He said there cannot be an agreement until they review the legality and overlap of the ETJ. He said there has to be a legal review of what can be done as well as what one would like to do. Secondly, they would like to review for their own benefit the legal effect of what commitment this city has made in the past on this question. The Austin Planning Commission, a year ago, voted unanimously to not relinquish any ETJ to the Village of Lakeway. They also need to peruse the legal effect of the 1974 ordinance when the village was created under a provision "that it would explode and self destruct if it ever thought about ETJ". Mr. Willett asked Council to postpone any action on this item until "we have had a chance to work out an amiable agreement with the Village. I have no way of knowing at this time if we can or cannot do this. So far we have not seen any insuperable obstacles."

Mr. Albert DeLaRosa, Assistant Attorney, stated: "The action by the Planning Commission recommending that the Village of Lakeway not be allocated any ETJ is not binding on this particular Council. Council of course has the authority to do any action it wants to do and is not bound by any recommendation by the Planning Commission. The ordinance of 1974 that authorized the creation of the Village is action the Council took and if Council would like to take action different than that they can proceed to do so as well."

Mr. Willett said they are concerned because, "a city, being a creature of government can only do what some law says it can do, particularly with the Village which does not have a home rule charter you have got to find some statute which says the Village can do all of this and the only statute you can find is the municipal annexation act which is a somewhat vague document which does not speak to this question. It divides allocation of ETJ where there was an overlap of ETJ in 1963 when the act was passed. Lakeway did not exist in 1963 so this situation was not present and therefore the act is sound on that point."

Mr. DeLaRosa stated, "On that particular point, all I can tell you is that the Council and the City of Austin has consistently taken the position that these types of allocation between the City of Austin and another city within the ETJ are valid. I agree with Mr. Willett's point that the Municipal Annexation Act would only give the Village of Lakeway a $\frac{1}{2}$ mile ETJ at the very most because of the population and the City of Austin could not in any way grant to the Village of Lakeway any additional ETJ beyond $\frac{1}{2}$ mile. We will look at this again, but it has consistently been the ruling that these types of allocation agreements are proper."

Councilmember Goodman said, "For the record I want to comment on one other point that Mike made concerning Lakeway's request for ETJ and that they will self destruct, or explode, or whatever....Well over a year ago I was contacted by a citizen of Lakeway who asked what the possibilities were for such a thing, so in my view that issue began at that time when a citizen, and he was no office holder, had no position with the Village of Lakeway, simply asked about the possibilities. I initiated those proceedings at that time and asked the City Planning Director Dick Lillie to comment on it. We had a couple of meetings at that time and there hasn't been a whole lot of action on that issue since then."

Mayor McClellan said that after she met with Mayor Gribble last fall they asked staff to please start working.

MAYOR GRIBBLE of Lakeway appeared and said this has been an on-going problem. He discussed what has happened and said this is one of the things that could go on forever if they wait for ultimate approvals and assumes their interests will be protected if someone decides the conceptual design is no longer in existence and wants to do something else.

Mr. Willett, who has stated earlier that the Lakeway Company is controlled by an insurance company in the east, said they had not seen a specific proposal until January 4 of this year when it was shown to them by Dick Lillie. Since that time they have been in constant negotiation with Mayor Pro Tem Stell and have no reason to believe it cannot be worked out, but their problem is they cannot move that quickly with the layer of bureaucracy they have to go through. They ask for a reasonable time to work this out.

Motion

Mayor Pro Tem Mullen moved that the Council bring this back with Option 3, (The Hutto and Rough tracts be excluded from the allocation agreement at this time, but be included as subdivisions are approved and recorded by the City of Austin) and vote on March 6th. The motion was seconded by Councilmember Himmelblau.

There was discussion as to when this item should be brought back.

Substitute Motion

Councilmember Goodman offered a substitute motion to bring this back February 28, and if not ready, then March 6, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Goodman, Snell

Noes: Councilmember Himmelblau, Mayor Pro Tem Mullen

Not in Council Chamber when roll was called: Councilmember Cooke

Motion

Councilmember Goodman moved that the Council instruct the City Manager to instruct the staff to draw up Option 3 with Extraterritorial Jurisdiction Allocation Agreement with the Village of Lakeway. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 9:45 A.M., on the following applications. Pursuant to published notice thereof, the following zoning was publicly heard:

JOHN G. TREVINO
by Donald E. Bird
C14-79-289

7300-7400 East Ben
White Boulevard

From Interim "AA" Residence
1st Height and Area
To "C" Commercial and
"C-2" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED "C" Commercial
1st Height and Area by the
Planning Commission

Mr. Lillie reviewed the application by use of slides. He said this is for a night club. Mr. Don Bird, representing the applicant, appeared and said they would have no problem with restricting "C-2" to building only.

Motion

Councilmember Goodman moved that the Council grant "C-2" Commercial, 1st Height and Area District on Building only and tie to site plan and special permit. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke,
Mayor McClellan

The Mayor announced that the change had been granted to "C-2" Commercial District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

AMENDMENT TO ELECTRIC ORDINANCE

Council had before it an ordinance amending Section 37-37 of the Austin City Code (Electric Ordinance) to provide for a hearing concerning automatic suspension of an electrical license.

"The proposal to amend Chapter 37 of the Austin City Code is a result of an opinion by the Court of Civil Appeals for the Ninth Judicial District, Beaumont, Texas. As a consequence, it has been requested that this department, in conjunction with the Legal staff, prepare a change to the City Electrical Ordinance that will rectify defects found in the present Ordinance. Essentially, this will modify the Code by removing automatic suspension elements of the present Code and provide for a limited board review of any alleged violations before any action can be taken to suspend the license of an electrician.

This matter was precipitated by circumstances surrounding the case of Mr. M.B. Denton, licensed master electrician operating in the City of Austin since 1971. On July 27, 1978, Mr. Denton was charged in Municipal Court with employing as a journeyman electrician one not then so licensed, contrary to Section 37-35 (g), Section 37-1, and Section 37-20 of the Austin City Code. Mr. Denton, on July 21, 1978, subsequently pleaded guilty of the charges and paid a fine of \$13.50.

Accordingly, upon learning of his conviction and acting pursuant to Section 37-37 of the Austin City Code, the Electrical Board automatically suspended Mr. Denton's electrician's license. An appeal to the Court of Civil Appeals resulted in that Court finding that Section 37-37 of our Ordinance was invalid because it provided for the automatic suspension of an electrician's license without benefit of notice or hearing when such electrician had been convicted for violations of the Electric Code.

Therefore, the proposed amendment was drafted by our Legal Department and submitted to the Electric Board for their review at the November 28, 1979, meeting. Present at that meeting was Ms. Sheila Finneran, Assistant City Attorney, and Mr. Barr McClellan, Attorney representing Mr. Denton. Ms. Finneran explained the proposed amendment to the Board and stated the core question was whether or not the license of an electrician can be automatically suspended upon conviction of certain offenses. She explained that the draft amendment states that after the final conviction, a person can be brought before the Electrical Board after receiving notice that a hearing will be conducted. Moreover, she stated that the Electrical Board would be required to make three findings of fact dealing with the identity of the licensee and the jurisdiction of the convicting Court. Then, if the Board finds that the licensee should be suspended, the licensee can appeal to the City Council."

Mayor Pro Tem Mullen asked if Council objected to hearing from Mr. Denton's attorney. Council said they did not.

BARR MCCLELLAN, attorney for Mr. M.B. Denton, appeared before Council and said they asked for this review since the Court ruled favorably back in July. One part of their objection to the procedures in considering this ordinance is that it was brought before the Electric Board and he did not see it until it was ready to be acted upon. Mr. McClellan suggested this be sent back for the Electric Board to look at with Mr. Denton and some of the other electricians so they will know what's going on. He said the ordinance should go further than to just determine whether or not the electrician who appears before the Board is the one charged. It should be considered whether or not to take away a man's license after a very limited review as proposed in this ordinance.

Councilmember Goodman said he did not know what would be accomplished by sending the ordinance back to the Electric Board. Mr. Davis said that if exceptions are going to be built into the law it would have to contain an extremely lengthy set of standards for each objection.

Sheila Finneran, Assistant City Attorney, stated: "It would be the Council's option to allow the Electrical Board leeway and discretion to either revoke the license or not based upon a conviction, however it is our position that if the leeway is granted to the Electric Board that there has to be specific articulated standards in the ordinance that the Board and Council can follow, otherwise both the Council and the Board could be subject to acting in an arbitrary and capricious manner. So if the Council desires to give the Council more leeway than is already in the draft ordinance we would be glad to draft standards for the Electric Board and the Council to follow into the Ordinance. I believe that the ordinance as drafted satisfies the opinion of the Court of Civil Appeals and if it is the Council's desire to go further I will be glad to draft further amendments, however I do believe that this satisfies the Court of Civil Appeals opinion."

Councilmember Goodman said, "I understand Mr. McClellan's objections to the ordinance and I understand what the Legal Department has done is in compliance with the court order and to go beyond it would be a very lengthy and difficult process."

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF AUSTIN OF 1967 BY AMENDING SECTION 37-37 THEREOF; PROVIDING FOR THE SUSPENSION OF LICENSED ELECTRICIANS UPON CONVICTION OF CERTAIN OFFENSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Goodman moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan, Councilmembers Cooke, Himmelblau

The Mayor announced that the ordinance had been passed through its first reading only.

RECESS

Council recessed its meeting at 12:00 Noon and resumed its recessed meeting at 2:35 P.M.

CITIZEN DISCUSSES PUBLIC ISSUES

MR. BUD FLYNN, president, RFA Advertising, appeared before Council to discuss several public issues. He stated that the cocaine found in his pocket was a frame up; the Alamo Hotel should be closed; there are no sidewalks in north Austin; use grain for gasahol and let Iran make their bread out of oil; Dan Love threw him out of a private club, and Barbara Jordan may run as vice-president in his presidential race.

REQUEST FOR EXCEPTION TO BARTON CREEK
MORATORIUM

MR. JOE VELASQUEZ JR., appeared before Council to discuss an exception of the Barton Creek Moratorium on his subdivision. He said his house was in the process of being built when the moratorium was created and wondered if he can get an exception to the moratorium for his house. Mayor McClellan inquired whether his situation fits into any of the previous exceptions. Mr. Albert DeLaRosa, Assistant City Attorney, said he would check on it and if he does not qualify he will process an amendment to the moratorium and bring it back to Council next week.

ROBERTSON HILL PROJECT

MR. FREDDIE B. DIXON appeared before Council as chairperson of Robertson Hill Redevelopment Project to discuss 11th Street implementation of Robertson Hill Project and Council approval of Neighborhood Self Help Development Application to Federal government. He asked that \$750,000 be set aside to begin implementation of design for malls, etc. They want the area restored back to a respectable neighborhood, the way it used to be.

Councilmember Snell commented that quite a few people think this will never happen, but he feels this is a vital happening for Austin.

Motion

Councilmember Snell moved that the Council ask the City Manager to bring back to the City Council a contract with the Austin Redevelopment Agency in the amount of \$750,000 for the purpose of implementing the first phase of the East 11th Street Robertson Hill Project. The motion was seconded by Councilmember Goodman.

Councilmember Snell added that if this requires going back to the Human Resource Department for them to look at it, he would also be in favor of that.

Councilmember Himmelblau asked why "we would be working with the old Urban Renewal if this is going to come under Mr. Herrera's office:"

Mr. Dixon said the Austin Redevelopment Authority has been one of the prime movers in this project and "we have established a working relationship with them and would like to keep it."

Mr. Herrera, Director, Human Resources, said they would like to see the project get underway and wanted the opportunity to look at the cost elements in the proposal and be in the posture to come back to the Council with a favorable response.

Mr. Dixon asked what the Human Resources Department has to do with the funding. Councilmember Himmelblau told him they are responsible for all HCD funding. She said she is in favor of the project but thinks it should go through the proper staff channels for the city's protection. Mr. Dixon said a lot of people want to see the project succeed. Mayor McClellan said she applauds the Redevelopment Authority for doing this type of activity.

Councilmember Snell asked how long it would take to bring the contract back to Council. Mr. Jim Miller, Assistant City Manager, stated "This is a contract the city currently has with the Austin Redevelopment Authority to plan this area. While this is a conceptual plan at this point the more detailed plan has to go through the Austin Redevelopment Authority Board and come back to you as a recommendation from the Board. I understand the request is to set aside \$750,000 contingent on the plan coming back which would be reviewed by Mr. Herrera's staff and a recommendation from the staff as well as the Austin Redevelopment Authority Board. It will take 30 days to complete the details as I understand the time schedule in the current contract."

City Manager Davidson added, "Either review by Mr. Herrera, or more detailed planning by the Redevelopment Authority could result in some variation in that amount so you may want to indicate approximately what the amount will be."

Councilmember Trevino approved of the concept. He said since HCD money will be utilized in this project something should be done in order to insure minority contractors being used. One of the biggest problems, he said, in the minority community is their not being able to obtain bonding so he asked Council to commit itself to provide at least 50% of the monies to be expended in that and other projects be provided to minority contractors if they are able to be bonded. Councilmember Trevino asked Mr. Herrera if it is possible to use some of the HCD money to assist minority contractors in obtaining the bonding. Mr. Herrera said they have been looking into several areas in financing minority businessmen, including contractors, and one of the topics they are studying is bonding. He said they will research it further and will have a more definitive statement when they come back in 30 days.

Roll Call on Motion

Roll call on Motion to set aside HCD funds in approximately the amount of \$750,000.00 for the purpose of implementing the first phase of the East 11th Street, Robertson Hill Project, showed the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

Mr. Dixon said he had another item to address. He said they wanted to make sure the redevelopment project is a mixture of residences as well as business and said they are in the process of applying to the Department of Urban Development of the United States Government for funding to initiate a neighborhood self development plan and according to the guidelines for the application it is necessary for the City Council to endorse the project before the application can be submitted. He said they are seeking no financial assistance from the city for this project but only their support. The application involves requesting a \$100,000 grant from HUD to be used to renovate the existing St. Joseph's grand lodge located on East 11th Street. It will be turned into a fine arts cultural center which will provide a permanent center for the performing arts.

Motion

Councilmember Cooke moved that the Council endorse the proposed fine arts cultural center to be housed in a renovated St. Joseph's Grand Lodge located on East 11th Street. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None
Not in Council Chamber when roll was called: Mayor Pro Tem Mullen

CITIZEN DID NOT APPEAR

MS. SUSANNE KELLY, who had requested to appear before Council concerning bicycle transportation, did not appear.

NAME CORRECTION

It was announced that at the last listing of Board and Commission appointments, there had been an error in the name of one of the appointees to the MH/MR Board. The name should have been Jose Saenz rather than Rudi Saenz.

SWIMMING AREA IN BULL CREEK

MR. JIM SPENCE appeared before Council to request approval of construction of a swimming area in Bull Creek. He said they want to dredge the area while the lake is down. The Parks Board and Building Inspection Departments have given their approval. Mr. Ehrler, Director of Parks and Recreation, said the Department of Engineering has checked it out and the request has been referred to the Corps of Engineers who have contacted the city and Mr. Spence. They do not mind the dredging or removal of soil, but to put sand back in as requested by Mr. Spence at this time, might require removal as well at this early date. Mr. Ehrler said they are willing to approve. Mr. Davidson asked, "What about Council passing a motion approving the request subject to any requirements of your department and the Corps of Engineers?" Mr. Ehrler said that would be his recommendation. Mr. Spence stated, "We propose to not put the sand in or fill in prior to the permit granted by the Corp."

Motion

Councilmember Cooke moved that the Council approve the request for construction of a swimming area in Bull Creek, subject to any requirements of the Parks and Recreation Department and the Corps of Engineers. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Mullen,
Councilmembers Goodman, Himmelblau

PUBLIC HEARING DATE CHANGED

Councilmember Snell moved that the Council approve the request of Mr. Harold Chapman, representing Mr. Rafael Quintanilla, to change the date for the public hearing on application for variance from Sign Ordinance to March 13, 1980 at 11:00 A.M. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Mullen, Councilmembers
Snell, Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

PARADE PERMIT

Councilmember Cooke moved that the Council approve the following parade permit:

Request for a Parade Permit from Ms. Velma Roberts for East Austin Minority Coalition, from 10:00 a.m. to 1:00 p.m., Saturday, March 1, 1980, beginning from Montopolis Drive to Felix, to Vargas Road, to Highway 71, west on 71 to East 7th, to Comal, to Rosewood, east on Rosewood to East 11th Street, to West Frontage Road of I.H. 35, south on west frontage road to Police and Courts Building, 700 East 7th Street.

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

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Himmelblau, Mayor McClellan
Noes: None

AUSTIN NATURE CENTER

Councilmember Himmelblau moved that the Council approve the Austin Nature Center as the name for the new Natural Science Center to be constructed in Zilker Park. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None
Not in Council Chamber when roll was called: Councilmember Trevino

AUSTIN REDEVELOPMENT AUTHORITY REPORT

MR. DAVID DAVENPORT, Chairman, Austin Redevelopment Authority, appeared before Council to present the following:

1. Annual Report - Austin Redevelopment Authority
2. Basic General Specifications for Housing Rehabilitation
3. Policy Guidelines for Housing Programs
4. FY 1980 - First Quarterly Report

He requested Council to pass a resolution reaffirming the policy. He referred to an audit made by the firm of Garcia, Morrison and Company, which found everything in the agency in the condition it should be in compliance with all accounting standards and verifies the past four years' performance. He said the Board will continue to seek opportunities to be involved in neighborhood revitalization and economic development in the inner city.

Mr. Davenport referred to report (2) and said they had found there were inconsistencies in the type of work they were doing so they authorized staff to contract with architects to make general specifications which have been given to ARA contractors and shown to city agencies. As a result the quality of the work done has gone up with no complaints about their work done in the past four months. He next referred to report (3) and said their Board has approved these plans to be submitted to Council. When they are adopted the ARA is ready to implement them as best as they can. Mr. Davenport stated (4) is a report of their progress from October 1, 1979 to January 8, 1980. They are ready for an additional \$400,000 that has been set aside so they can complete more units than they planned on at the first of the year. They had budgeted for 175 to 180 units. He thinks they can do between 250 and 300 units during this program year so the report requests an additional \$400,000 to allow that to happen.

Mr. Tom Knickerbocker, Director, Austin Redevelopment Authority, answered Councilmember Himmelblau's question regarding rehabilitation in the Rainey Street area by saying they have assisted two houses there and that it is an eligible area and as people come forward they can help them. He said quotas are set for the elderly, large families, or small families. Their quotas in the last month have been almost exclusively in dealing with large families, so those who are elderly face a longer waiting list than those who are large or small families. Councilmember Goodman said he wanted to commend ARA on their accelerated program in order to expend the funds allocated by Council for rehabilitation.

Motion

Councilmember Snell moved that the Council direct the City Manager to amend the contract of the Austin Redevelopment Authority and report back to Council with an amended contract to reflect additional \$400,000 from the HCD account which was set aside for this purpose in October. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmember Snell, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

PUBLIC HEARING ON HISTORIC ZONING

Mayor McClellan opened the public hearing scheduled for 2:00 P.M. to amend the Historic Zoning Ordinance to clarify the appeal procedures.

Mr. Richard Lillie, Director of Planning, told Council, "When you were considering the Woodburn House last fall the issue of notice and appeals times was raised by Council and you requested the Landmark Commission to look into the possibility of reducing the amount of time that appeals might be filed and the amount of time public hearings might be held as a result of the appeals."

The issue was referred to the Landmark Commission and after study and with a recommendation to the Planning Commission who concurred, it was felt that a 60 day period for written notice of appeals should be maintained and that within 30 days, at the end of the 60 day period, a public hearing be scheduled. "What was clarified in that language is that there may be multiple appeals during that period of time but that the 60 day period does go by and at the end of that period, no matter how many appeals were filed, a public hearing is scheduled by Council as a recommendation of both Commissions. The Planning Commission, in further consideration of testimony that was raised at their public hearing, felt that at the public hearing scheduled by the Landmark Commission for removal or demolition that not only the owner should be notified of that but also property owners within 300 feet. All other features of the ordinance remain the same."

MR. PHILIP CREER, Chairman, Historic Landmark Commission, appeared before Council to state that the proposed amendments will save the Council a lot of time, and that they have been compared with the zoning ordinances for 10 cities and comparisons are favorable.

Motion

Councilmember Goodman moved that the Council close the public hearing, accept the recommendations of the Historic Landmark Commission and the Planning Commission and direct the City Manager to direct the staff to bring the ordinance back February 14, 1980 for approval. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

INTERIM REPORT ON LOW DENSITY STANDARDS

Mr. John German, Director of Public Works, reminded Council he had made a presentation on this subject last week and said he would make the presentation again if they wish.

Mayor Pro Tem Mullen said he had some proposed changes to the proposed ordinance. They are as follows:

"Suggested revisions to proposed draft ordinance for low density standards.

Intent

Delete the last three words "of utmost importance" and add "considered in addition to cost and environmental impact."

Section 41-38.3 Local Street Design

A. Design Criteria - Local Streets and Cul-de-Sac Streets.

Minimum Building Set Back - 25'-Delete the words "including side lot line" and add "front set back."

C. Options for Local Streets

- (2) Change 24' width to 22' and reduce width of paved or sealed shoulder from 4' on each side to 2' on each side.

D. Options for Cul-de-Sacs

- (1) Reduce width of paved or sealed shoulder from 4' on each side to 2' on each side.

Add the following new subsection:

- F. Subdivisions utilizing streets without curb and gutter shall have an average lot of size of 1 acre with a minimum lot size of 3/4 acre.

Section 41-38.4 Collector Street Design

A. Design Criteria - Collector Streets.

Maximum Grade	- change 12% to 15%
Maximum Sustained Grade	- change 8% to 12%
Minimum Horizontal Curve	- change 300' at centerline to 200' at centerline
Minimum Building Set Back	- 25'-Delete the words "including side lot line" and add "front set back."

C. Options for Neighborhood Collector Streets

- (2) Change 36' width to 26'.

D. Options for Residential Collector Streets

- (2) Reduce width of paved or sealed shoulder from 4' on each side to 2' on each side.

Substitute the following under subsection F:

F. Subdivision utilizing streets without curb and gutter shall have an average lot size of 1 acre with a minimum lot size of 3/4 acre.

Change existing subsection "F" to "G".

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE 1967 CODE OF THE CITY OF AUSTIN, BY ADDING CERTAIN NEW SECTIONS THEREOF; PROVIDING FOR ALTERNATIVE URBAN STANDARDS FOR THE DESIGN OF LOCAL AND COLLECTOR STREETS IN URBAN SUBDIVISIONS IN THE LAKE AUSTIN WATERSHED AND IN THE BARTON CREEK WATERSHED; PROVIDING FOR THE DELETION OF SECTION 41-35.3 (a); PROVIDING FOR THE DELETION OF SECTION 41-14 (d)(3); SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council close the public hearing, waive the requirements for three readings and finally pass an ordinance on Low Density Standards as amended. The motion was seconded by Mayor Pro Tem Mullen.

Mr. German, Mayor Pro Tem Mullen, Councilmember Goodman, and Assistant City Attorney DeLaRosa discussed the proposed ordinance and the proposed amendments. Harvey Smith and Jay Evans discussed the width and material of the road shoulders. Ken Manning appeared and said 36' collector streets are not wide enough...they should be 44'.

DAVE PREABLE, Travis County Engineer, further explained the ordinance which had been coordinated between John German and himself.

GARY BRADLEY appeared before Council to compliment Mr. German on his excellent job and told what areas might be addressed in the future.

Amendment to Motion

Send to Commissioner's Court for their approval.

Roll Call on Motion with Amendment

Roll call on Motion with Amendment showed the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell
Noes: None

BOARD AND COMMISSION APPOINTMENTS

Councilmember Goodman moved that the Council approve the following appointments to boards and commissions:

Urban Runoff

Neal Graham
Michael Humenick
Stewart Henry
Frank Booth
Robert Mann
Dianne Du Bois
Ted Siff
Gerald Hill
Richard Goodman
and ex-officio members
H.M. Locker
Burt Calter

Civil Service Commission

Diane Downing

Human Relations Commission

(Instruct City Attorney to bring back an ordinance to reduce the Human Relations Commission to 13 members.)

Lydia Gardner
Merle Miles
Janna Zumbrun
John Darrouset
Charles Eskridge
Ricardo Grijalua

Library Commission

(Instruct City Attorney to bring back an ordinance to reduce the Library Commission to 9 members.)

Willie Mae Kirk
Helen Spear
Marta Cotera

EMS Quality Assurance

Dr. Roy Leamon
Dr. Glen Johnson
Dr. Robert Tate
Mary Campbell
Alfred Castilla

Electric Utility

William (Peck) Young
Rich Ellmer
Sam Graham

Heating and Air Conditioning

Larry Zunkel

Medical Assistance

Virginia Agnew

Energy Conservation

Dr. Joel Barlow

Police Retirement Board

Les Gage
Darwin McKee

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino
Noes: None

FUTURE APPOINTMENTS

Mayor McClellan announced Board and Commission appointments to be made February 14, 1980 are: Manpower Advisory Planning Council. February 28, 1980 appointments will be made to the Board of Adjustment, Police Retirement Board, On-Going Goals Assembly Committee. March 6 appointments will be Community Development Commission, Building Standards Commission, Dental Health Advisory Committee, Environmental Board and Commission on the Status of Women.

DECISION ON SUNSET ORDINANCE HEARINGS

The City Manager's Report on the Decision on Sunset Ordinance Hearings will be brought back to Council on February 28, 1980.

CITY MANAGER EVALUATIONS

Councilmember Goodman moved that the Council adopt a resolution to repeal the September 22, 1977 resolution relating to the policies and procedures on City Manager evaluations. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Abstain: Councilmember Cooke

Prior to the motion and vote, Councilmember Trevino stated, "In repealing the resolution I want to insure the Council still intends to conduct and evaluate the Manager. We don't restrict ourselves to any given time, but to continue the practice which gives both the Council and the Manager the opportunity to discuss problems. In repealing this all we're talking about is the time frame." Councilmember Goodman said that is his understanding. The Mayor said previously they felt compelled to do it at a certain time, now they can evaluate at any time. Mayor Pro Tem Mullen thought if the time is just left open, then if they have an evaluation it will seem like something is wrong and that is why the evaluation. Councilmember Cooke thought that the evaluation system is not working at all.

A discussion followed between Mayor McClellan and Mayor Pro Tem Mullen concerning a point of parliamentary procedure.

TRANSFERS TO GENERAL FUND FROM UTILITY FUND

Mr. Monty Nitcholas, Director of Finance, presented the following report:

"The 1978-79 transfer to the General Fund was discussed by the City Council on January 3, 1980 at a regular Council meeting. The staff recommended at that meeting, that the transfer be reduced from \$19.3 million to \$17.3 million in order to maintain appropriate budget balances fo fund the Utility Fund budget in 1979-80. Such a reduction would result in both the 79-80 General Fund and Utility Fund budgets being funded in approximately the same manner as estimated and approved, as shown below:

	<u>General Fund</u>	<u>Utility Fund</u>
	(in millions of dollars)	
With a \$17.3 million transfer opening		
79-80 balances would be -----	\$6.9	\$3.5
The 79-80 opening balances were estimated at \$7.4		\$3.6
A \$19.3 million transfer would result in		
79-80 opening balance of-----	\$8.9	\$1.5

The Utility Fund requires an opening balance of some \$3.5 million to fund the 79-80 operating budget and maintain a positive cash available position at year end."

The City Council had requested further transfer information prior to making a final decision. Mr. Butler has furnished that basic information and a more detailed schedule of transfers since fiscal year 1973-74 is attached.

It is respectfully requested that this item appear on the next City Council agenda and necessary action on the recommendation be taken.

Motion

Councilmember Himmelblau moved that the Council approve the 1978-79 transfers to the General Fund from the Utility Fund as recommended by the Finance Department. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan
 Noes: None
 Not in Council Chamber when roll was called: Councilmembers Cooke, Goodman

REALLOCATION OF LBJ TENNIS CENTER FUNDS

Mr. Leonard Ehrler, Director of Parks and Recreation, reported on the Reallocation of LBJ Tennis Center Funds as follows:

"The Parks and Recreation Department recently met with representatives from the Topspin Racquet Club and the Center Court Racquet Club to discuss the possible reallocation of L.B.J. Tennis Center funds. Both of these representatives fully support the Parks and Recreation Department recommendation.

As directed by the City Council, meetings were also held between Parks and Recreation Department staff and representatives from the University Hills Association, Pecan Springs Integrated Neighborhood Association, and the Dottie Jordan Recreation Center Advisory Board. The proposal was carefully explained to the representatives and the conclusion reached was that they

would prefer that the money be spent on tennis projects in the northeast section of the city. Neighborhood residents were contacted by Parks and Recreation staff last September as directed by City Council. The proposal was explained to each person contacted and the impression given by the majority of these people was that the implementation of the L.B.J. Tennis Center itself was not as important as the use of the funds allocated.

Parks and Recreation Department staff feels the L.B.J. Tennis Center should not be implemented because of the following economic concerns:

1. In March 1979, Triad Engineering, consultant for the project, estimated a cost overrun of approximately \$51,000 and due to inflation costs the overrun would be much higher by now.
2. A current statistical study shows that use of the courts at Pharr Tennis Center (a northeast location/Airport Boulevard and Wilshire Boulevard) has dropped every year for the past three years. The strain of another tennis center would not be financially feasible to the pro-manager or the City.
3. The L.B.J. courts are presently free play, but would become a cost play area if a tennis center existed, and low revenues would probably be received from this area.

After receiving recommendations from the Parks and Recreation Board and the Tennis Advisory Board, the Parks and Recreation Department staff requests that the L.B.J. Tennis Center Capital Improvements Program Project be deleted or delayed until future years. The completed construction plans will be retained for future use and the funds reallocated as follows:

Unencumbered Balance to Date \$117,396

Reallocation:

Givens Tennis Courts

Light 2 existing courts.....	\$ 20,000
Color coat all (4) courts.....	1,000
Fence on (2) old courts.....	2,400
Guard on backboard.....	600
Install windscreens.....	100
Miscellaneous.....	900
	<u>\$ 25,000</u>

Pharr Tennis Center

Backboard with lights \$ 25,000

Tennis Center

Additional funds for 16 court center \$ 67,396 "

After some discussion the following motion was made:

Motion

Councilmember Snell moved that the Council allocate \$25,000 to Givens Tennis Courts and \$25,000 to Pharr Tennis Center from money reallocated from the LBJ Tennis Center Funds. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmembers Cooke, Goodman, Mayor Pro Tem Mullen

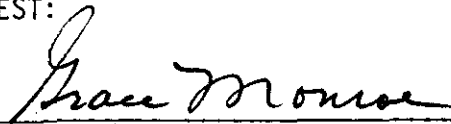
ADJOURNMENT

Council adjourned its Council Meeting at 5:10 P.M.

APPROVED


Mayor

ATTEST:


City Clerk