

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 14, 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 Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Absent: Councilmember Cooke

ENGINEER'S WEEK

Mayor McClellan designated, by proclamation, the week of February 17-23, 1980 as Engineer's Week. BEN ALLEY and GERRY FOX were in the Council Chamber to receive the proclamation with their thanks and appreciation.

RETIRED FEDERAL EMPLOYEES DAY

MR. BOYCE IRWIN, President, Chapter 1415, National Association of Retired Federal Employees; and MR. LYLE HAMNER, were present in the Council Chamber to receive a proclamation setting aside February 19, 1980 as Retired Federal Employees Day. They thanked the Mayor, who read the proclamation, and members of the Council.

SUSAN B. ANTHONY DAY

Susan B. Anthony Day will be observed February 15, 1980, according to a proclamation read by the Mayor and accepted with appreciation by Victoria Worsham, National Organization for Women Coordinator, and Gloria Sprinkle.

DISTINGUISHED SERVICE AWARD

Mayor McClellan announced a Distinguished Service Award would be presented to MRS. ADA SIMON for her years of service and contributions to the City of Austin in her capacity as teacher, writer, health worker, etc. The Mayor discussed six books which Mrs. Simon has written depicting a turn of the century Black family living in Austin. The City has received autographed copies of the books, which will be placed in the Austin Public Library. In addition to presenting Mrs. Simon with a Distinguished Service Award, the Mayor also gave her a City of Austin emblem. Mrs. Simon thanked the Mayor and Council and said she is grateful for the recognition.

HERO OF THE MONTH

Mayor McClellan announced that the Hero of the Month award for saving a life with CPR (Cardio-pulmonary resuscitation) would be presented to JOHN EDDINS, SR. and his son, JOHN EDDINS, JR. On January 12, John Jr. and his brother Jim were doing some work in their home when Jim exhibited signs of having a seizure. John Sr. and John Jr. administered CPR while waiting for the Emergency Medical Service to arrive to take him to the hospital. Mayor McClellan presented them with certificates and T-shirts, which read, "Be a Hero - Learn CPR." Mayor McClellan mentioned that Mr. John Eddins Sr. is Scoutmaster of the oldest consistent Scout troop in the nation. Mr. Eddins told her that the Boy Scout program had taught him CPR and that is something everyone should know.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the Meeting for January 31, 1980. 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
Absent: Councilmember Cooke

BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the following appointments to Boards and Commissions will be made on February 21, 1980:

Board of Adjustment - 3
Manpower Advisory Planning Council - 11
Police Retirement Board - 1
On-Going of Goals Assembly Committee - 1

EMINENT DOMAIN PROCEEDINGS

Councilmember Goodman moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tract of land for the widening and improvement for Yellow Jacket Lane in C.D.D. #12:

1,484 square feet of land out of the Santiago Del Valle Grant.
(Leslie Kunze et ux, Mary Kunze, owners)

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

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

Noes: None

Absent: Councilmember Cooke

RELEASE OF EASEMENTS

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

A fifteen (15.00) foot Public Utility Easement located on Lot 2A, Resubdivision of Block A, Anderson Lane Office Park, 7900 Block Great Northern Boulevard. (Requested by Robert M. Ratliff for Lela Jane Akin, owner)

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

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

Noes: None

Absent: Councilmember Cooke

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

Three ten (10.00) foot Public Utility Easements located on Lots 13 and 14, 15 and 17, and 19 and 20, Block C, The Enclave at Balcones Forest, Block C, Cardin Drive. (Requested by City Electric Utility Department)

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

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

Noes: None

Absent: Councilmember Cooke

CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution authorizing approval of the following contract:

DAVIS TRUCK & EQUIPMENT CO., INC. - Captive parts and service to repair/
520 Crescent overhaul Heil Hydraulic Refuse Units,
Waco, Texas Vehicle and Equipment Services
Twelve Month Supply Agreement
Item 1 through 14 - \$10,429.45

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

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

Noes: None

Absent: Councilmember Cooke

Council to be informed if contract will be extended and what prices will be.

Councilmember Goodman moved that the Council adopt a resolution authorizing approval of the following contract:

Bid Award: - Concrete, Ready-Mix Multiple Progressive,
Various Using Departments
Twelve (12) Months Supply
Bid items 1.0, 2.0 and 3.0 awarded
by line item to appropriate vendors
based on 1st, 2nd and 3rd low bidder, etc.
Estimated total \$210,000 per year

CENTEX MATERIALS
2525 Wallingwood Avenue
Austin, Texas

TEXAS INDUSTRIES
825 Ed Bluestein Boulevard
Austin, Texas

CAPITOL AGGREGATES
Bolm Road
Austin, Texas

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

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

Noes: None

Absent: Councilmember Cooke

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

GILFORD INSTRUMENT LABS
Oberlin, Ohio

- Clinical Chemistry Analyzer
System, Austin-Travis County
Health Department - \$18,600.00

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

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

Noes: None

Absent: Councilmember Cooke

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

CENTRAL TEXAS EQUIPMENT
129 East Riverside Drive
Austin, Texas

- Asphalt Street Resurfacer,
Street and Bridge Division and
Public Works Department
Item 1 - \$7,597.00

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

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

Noes: None

Absent: Councilmember Cooke

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

NATIONAL RECORD PLAN OF AMERICA, INC.- Musical and Spoken Recordings,
151-12 West Industry Court Library Department
Dew Park, New York Twelve Month Supply Agreement
Item 1 - \$28,000

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

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

Noes: None

Absent: Councilmember Cooke

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

GAREY CONSTRUCTION COMPANY
1910 Sam Bass Road
Round Rock, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Channel Improvements to Shoal
Creek in Northwest Park -
\$22,730.00 C.I.P. No. 78/07-03

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

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

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

Bids received February 12, 1980	- CAPITAL IMPROVEMENTS PROGRAM -
OLMOS CONSTRUCTION COMPANY	Scenic Drive Bridge
	C.I.P. No. 76/65-01
	\$75,406.83

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

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

SOUTH AUSTIN TENNIS COURT FACILITY

Councilmember Goodman moved that the Council adopt a resolution to select the firm of Brytest, Inc., for professional soils investigation and engineering testing services for a South Austin Tennis Court Facility. CAPITAL IMPROVEMENTS PROGRAM No. 77/86-12. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

AGENDA ITEM POSTPONED

Councilmember Goodman moved that the Council postpone until February 28, 1980 consideration of entering into a Contractual Agreement for land acquisition services with the Austin Redevelopment Authority for the French Legation Neighborhood Park. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

TEXAS LIBRARY SYSTEM MEMBERSHIP

Councilmember Goodman moved that the Council adopt a resolution to renew Austin Public Library's membership in the Texas Library System. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

RESOURCE CENTER STUDY

Councilmember Goodman moved that the Council adopt a resolution to authorize submission of an application for funds totaling \$1,500.00 to the Texas Commission on the Arts for a project entitled "Resource Center Study." The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Cooke
The Mayor stated this would be in-kind match with no City funds.

CAPITAL ASSISTANCE GRANTS

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of the following grant application to UMTA (Urban Mass Transportation Administration) for the following Capital Assistance Grant:

a. TX-05-OPRO in the amount of \$1,731,727

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

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

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of the following grant application to UMTA for the following Capital Assistance Grant:

b. TX-05-CAPO in the amount of \$721,260

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

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

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of the following grant application to UMTA for the following Capital Assistance Grant:

c. TX-03-CAPO-1 in the amount of \$1,267,866

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

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

Noes: None

Absent: Councilmember Cooke

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of the following grant application to UMTA for the following Capital Assistance Grant:

d. TX-03-CAPO-2 in the amount of \$612,570

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

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

Noes: None

Absent: Councilmember Cooke

Councilmember Himmelblau commented that d. is not in the current CIP budget and will have to go through the CIP process.

Motion

Councilmember Goodman moved that the Council approve public hearings for April 3, 1980 at 9:30 A.M. for the Capital Assistance Grants listed above. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

PUBLIC HEARINGS SET - APPEALS

Councilmember Goodman moved that the Council set a public hearing on the following appeal:

Vincent Giles, President, Cavalier Park Neighborhood Association,
C14p-79-076 -- March 20, 1980 at 7:00 P.M.

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

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

Noes: None

Absent: Councilmember Cooke

Councilmember Goodman moved that the Council set a public hearing on the following appeal:

William D. Brown, attorney for Mr. E. G. Priesmeyer and
Mr. Jerry D. Holley, C14p-79-064 -- March 6, 1980 at 2:00 P.M.

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

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

PROCESSING FEE FOR STREET NAME CHANGES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31, "STREETS, SIDEWALKS AND PUBLIC PLACES," OF THE AUSTIN CITY CODE, 1967, AS AMENDED, BY ADDING THERETO A NEW ARTICLE, ARTICLE VIII, "STREET NAME CHANGES"; PRESCRIBING RULES, DUTIES, AND FEES; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO BARTON CREEK MORATORIUM ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 790809-U, AS AMENDED BY ORDINANCES NO. 791018-H, 791220-N AND 800110- (THE BARTON CREEK WATERSHED MORATORIUM ORDINANCE); PROVIDING THAT THE MORATORIUM ON SUBDIVISION PLAT APPLICATIONS COVERING LAND LOCATED WITHIN THE BARTON CREEK WATERSHED SHALL NOT APPLY TO PLATS COVERING A ONE (1) ACRE TRACT OF LAND UPON WHICH BUILDING CONSTRUCTION HAD COMMENCED PRIOR TO SEPTEMBER 1, 1979; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

ELECTRIC CODE AMENDMENT

Mayor McClellan brought up the following ordinance for its second 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 second time, and Councilmember Himmelblau moved that the Council waive the requirement for third reading, declare an emergency, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

HISTORIC ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING ORDINANCE) OF THE 1967 CODE OF THE CITY OF AUSTIN; AMENDING SECTIONS 45-51(a) AND (d) THEREOF; PROVIDING FOR HEARINGS TO BE HELD BEFORE THE HISTORIC LANDMARK COMMISSION ON APPLICATIONS FOR DEMOLITION AND REMOVAL PERMITS; PROVIDING REQUIREMENTS OF NOTICE TO CERTAIN PROPERTY OWNERS OF SUCH HEARING; PROVIDING FOR NOTIFICATION TO THE BUILDING OFFICIAL OF THE DECISION OF THE LANDMARK COMMISSION; PROVIDING FOR AN APPEAL TO THE CITY COUNCIL FROM THE DECISION OF THE LANDMARK COMMISSION BY AN AGGRIEVED PERSON WITHIN SIXTY DAYS OF SUCH DECISION; PROVIDING FOR A DEFINITION OF AN AGGRIEVED PERSON; PROVIDING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON SUCH APPEALS WITHIN THIRTY DAYS OF THE EXPIRATION OF THE TIME PERIOD FOR THE FILING OF SUCH APPEALS; PROVIDING THAT NO DEMOLITION OR REMOVAL PERMIT SHALL BE ISSUED DURING THE PENDENCY OF SUCH APPEALS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Absent: Councilmember Cooke

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:

A 4.39 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3417-3545 DUVAL ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (City of Austin, C14-79-278)

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

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

Noes: None

Absent: Councilmember Cooke

Abstain: Mayor Pro Tem Mullen

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:

TRACT 1A: A 221.12 ACRE TRACT OF LAND, MORE OR LESS, AND,

TRACT 1B: A 18.796 ACRE TRACT OF LAND; AND,

TRACT 1C: A 35.91 ACRE TRACT OF LAND KNOWN AS CHERRY CREEK, PHASE VII, SECTION 3; AND,

TRACT 1D: A 5.04 ACRE TRACT OF LAND KNOWN AS SOUTHWEST OAKS, SECTION 3;

TRACTS 1A, 1B, 1C, AND 1D ABOVE ARE LOCALLY KNOWN AS 7712-7802, 7713-7803 AND 7815-7827 MANASSES DRIVE, 2400-2602 AND 2401-2605 ROEHAMPTON DRIVE, 2600 AND 2601 AYLESBURY COVE, 2600 AND 2601 BRISBANE ROAD, 7700-8004 AND 7701-8005 SEMINARY RIDGE CIRCLE, 7700-7906 AND 7701-7907 DONCASTER DRIVE, 7700-7906 AND

7701-7907 KESWICK DRIVE, 7700-7906 AND 7701-7907 LOWDES DRIVE, 7606-7704 AND 7609-7705 WHISPERING WINDS DRIVE, 2500-2600 DAVIS LANE, 3254-3306 LONGVIEW ROAD, 7001-7003 STAGE COACH TRAIL, 6901-7107 BRODIE LANE, 6902-7108 AND 6901-7111 STIRRUP BEND, ALSO BOUNDED BY LEO STREET, PAISANO TRAIL AND WILLIAM CANNON DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 24.62 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2300-2308 AND 2301-2309 BURLY OAK DRIVE, 2010-2306 AND 2001-2307 LEAR LANE, 7602-7704 AND 7601-7705 GAINES MILL LANE, 2105-2207 TREDE DRIVE, 7602 AND 7603 BURLY OAK CIRCLE, 7500-7506 AND 7501-7507 ARBOLEDA COVE, 7500-7604 AND 7501-7605 HELECHO COURT, 7504-7614 MANCHACA ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;
ALL OF 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, C14-79-251)

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

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

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 63.46 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6000-6506 AND 6001-6507 DANWOOD DRIVE, 6000-6010 AND 6001-6017 SALTON DRIVE, 6306-6512 AND 6307-6513 HARROGATE, 11300-11406 AND 11301-11407 BUNTING DRIVE, 11500 AND 11501 Q RANCH ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (City of Austin, C14-79-281)

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

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

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 21.97 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7600-7624 AND 7603-7626 CRYSTALBROOK DRIVE, 5400-5514 AND 5401-5517 HISBISCUS DRIVE, 5400-5516 AND 5401-5517 BURGUNDY DRIVE, 7502-7600 AND 7507-7601 LIRAY DRIVE, 7600-7608 AND 7601-7607 CRYSTALBROOK COVE, 7504-7516 AND 7503-7515 TUMBLEWEED DRIVE, 5500 AND 5501 SAND BAR DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (City of Austin, C14-79-280)

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

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

Noes: None

Absent: Councilmember Cooke

Abstain: Mayor Pro Tem Mullen

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 73.10 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8204-8600 SOUTH FIRST STREET, 600, 710 AND 601-713 GREAT BRITIAN BOULEVARD, 700-748 AND 701-745 WALES WAY, 600-604 AND 601-605 HYDE PARK PLACE, 700-708 AND 701-709 DULWICH STREET, 8400-8516 AND 8401-8517 ROMNEY ROAD, 8400 AND 8401 CORNWALL DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (City of Austin, C14-79-279)

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

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

Noes: None

Absent: Councilmember Cooke

Abstain: Mayor Pro Tem Mullen

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:

THE SOUTH 70 FEET OF LOT 8, LOTS 9, 10, 13-17 AND THE EAST 20 FEET OF LOT 18, BLOCK P, LOTS 2-4, BLOCK Q AND LOT 10, BLOCK R, HIGHLAND PARK WEST; LOT 12, BLOCK P, RESUBDIVISION OF A PORTION OF BLOCK P AND C, HIGHLAND PARK WEST; LOT 8A, RESUBDIVISION OF LOTS 6-8, BLOCK R, HIGHLAND PARK WEST; LOTS 2, 3, AND 5, RESUBDIVISION OF LOTS 1-5, BLOCK R, HIGHLAND PARK WEST, LOCALLY KNOWN AS 4600-4602 AND 4601-4609 AND 4613-4615 LAUREL CANYON DRIVE, 4603, 4615, 4602-4604, 4608, 4614 AND 4618 CRESTWAY DRIVE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (City of Austin, C14-79-284)

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

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

Noes: None

Absent: Councilmember Cooke

Abstain: Mayor Pro Tem Mullen

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:

TRACT 1: LOT 23, BLOCK A, CIRCLE "S" RIDGE, SECTION 1, SAVE AND EXCEPT A TEN FOOT STRIP OF LAND ALONG THE WESTERNMOST AND NORTHERNMOST BOUNDARIES, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A TEN FOOT STRIP OF LAND ALONG THE WESTERNMOST AND NORTHERNMOST BOUNDARIES OF LOT 23, BLOCK A, CIRCLE "S" RIDGE, SECTION 1, AS DESCRIBED IN TRACT 1 ABOVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF ABOVE PROPERTY BEING LOCALLY KNOWN AS 705-707 CHAPARRAL, ALSO BOUNDED BY I.H. 35; 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. (A. Sachs, C14-79-288)

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

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

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:

LOTS 1-3 AND 20-29, CHERRY CREEK PHASE VI SECTION FOUR, LOTS 1-12, CHERRY CREEK PHASE VI SECTION FIVE, AND A 1.9874 ACRE TRACT OF LAND OUT OF THE THEO. BISSEL LEAGUE, LOCALLY KNOWN AS 6714, 1716, 6700-6710, 6600-6604 DEATONHILL, 6723, 6724, 6725, 6726 AND 6728 LANCRET, 6602, 6604, 6607, 6609, 6611, 6711-6717, 1719 WESTGATE BLVD., 2600-2604 AND 2601-2605 BRICKFORD COVE, 2616, 2618 BERKELEY AVENUE AND THE 6700 BLOCK OF BLARWOOD DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, 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. (NPC Realty Company, C14-79-290)

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

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

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:

BALCONES PARK, SECTION 8A, LOCALLY KNOWN AS 4406, 4408 AND 4410 BALCONES DRIVE, 3417, 3419 SHINOAK DRIVE, 3400-3401, 3403, 3405, 3407, 3409, 3411, 3413 AND 3417 LEDGESTONE DRIVE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (Edward R. Rathgeber, Jr. C14-79-292)

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

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

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 200 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 13441-13475 RESEARCH AND 9607-9601 ANDERSON MILL ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, WILLIAMSON COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (William J. Clark, C14-79-259)

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

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

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 12,662 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 8127 MESA DRIVE, FROM "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, 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 DECLARING AN EMERGENCY. (Mesa Woods, Ltd., C14-79-287)

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

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

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:

AN APPROXIMATE 1.4 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 2810 SOUTH FIRST STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, 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. (Ballard Family, C14-79-189)

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

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

Noes: None

Absent: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

CITIZEN DID NOT APPEAR

MR. A. HAMMONS, who had requested to appear before Council to discuss airport issues, did not appear.

COMMUNITY DEVELOPMENT CORPORATIONS

MR. MIGUEL GUERRERO, MR. GABE GUTIERREZ, JR., MRS. BAMBI RAMIREZ and MR. GUS GARCIA appeared before Council. Each spoke discussing their ideas for the procedures for funding and implementing work to be done by the Community Development Corporations.

ECONOMIC DEVELOPMENT ACTIVITIES

Council had before it for consideration resolutions to enter into an agreement to fund the following Community Development Corporations:

- a. Austin Minority Economic Development Corporation for \$156,500.
- b. Austin Community and Economic Development Corporation for \$100,000.

from available Community Development Block Grant funds to provide much needed and long overdue economic development for Austin.

and

A resolution to enter into an agreement to fund a proposal from the National Business League - Austin - Cen-Tex Chapter for Economic Development Activities in the amount of \$61,081.00 from available Community Development Block Grant Funds for the purpose of improving the economic development of Austin.

and

Consideration of a resolution approving the guidelines for Community and Economic Development Non-Profit Corporation funded under Community Development Block Grant funds.

CLYDE McQUEEN appeared before Council and asked their consideration for the National Business League proposal.

PAUL HERNANDEZ appeared before Council and said he wanted a chance to compete for funds. Councilmember Trevino told him there will be enough money for him and for another.

Motions

Councilmember Trevino moved that the Council adopt a resolution approving guidelines for Community and Economic Development Non-Profit Corporation funded under Community Development Block Grant funds. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Trevino moved that the Council adopt a resolution to set aside money to fund the following:

Austin Minority Economic Development Corporation for \$156,000
Austin Community and Economic Development Corporation for \$100,000

and instruct the City Manager to come back February 28, 1980 with appropriate contracts. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Councilmember Trevino moved that the Council adopt a resolution to set aside money to fund the following:

National Business League - Austin - Cen-Tex Chapter for Economic Development Activities for \$61,081.00

and instruct the City Manager to come back February 28, 1980 with appropriate contract. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

FEDERAL MATCHING FUNDS DISCUSSED

MR. BUD FLYNN appeared before Council to discuss Federal matching funds. He stated that because he is not receiving any support in Austin for his Presidential campaign, he is leaving for California.

NEW RATE STRUCTURE FOR TAXICAB SERVICES

Mayor McClellan opened the public hearing set for 10:30 a.m. on amending Section 34-42 (b) of the Austin City Code, establishing a new rate structure for taxicab services.

Mr. Joe Ternus, Director of Urban Transportation, reported as follows:

"In September, Mr. James Townsend, representing the taxicab industry, requested the following rate increase:

- 1.00 - for the first one-fifth mile or fraction thereof
- .20 - for each succeeding one-fifth mile
- .20 - for each one and one-third minute of waiting time or fraction thereof.

Following a public hearing on this matter, the Urban Transportation Commission recommended the following fare structure:

- .80 - for the first one-fifth mile or fraction thereof
- .20 - for each succeeding one-fifth mile
- .20 - for each one and one-third minute of waiting time or fraction thereof.

The Urban Transportation Department concurs with the Commission's recommendation.

A comparison of the requested and recommended rate is provided below:

	<u>Requested Rate</u>	<u>Recommended Rate</u>
Estimated Revenue	\$3,892,525	\$3,704,135
Estimated <u>net</u> revenue	467,168	278,778
% increase in revenue	+25.5%	+19.4%
Operating Ratio*	0.88	0.92

*nationally accepted range 0.92 - 0.96

It is important to note that the requested rate is \$188,390 more than the rate recommended by the Commission. With either rate, Austin will have the highest taxicab rate of any of the seven largest cities in Texas (Ft. Worth is currently the highest with a \$3.50 fare for a 3-mile trip). In fact, it is the highest known fare of any Texas city.

I believe that it is essential for an effective taxicab industry to be financially strong. It is equally important, since fares are fixed by the City, that the fares are not so high as to impose a severe financial penalty on low-income citizens, such as the elderly, the poor, etc., who depend so heavily on taxicab service.

There are a number of measures which might be taken to improve efficiency and revenues without a high fare structure. The Urban Transportation Commission has established a special task force to discuss with franchise holders, drivers, staff and the public, methods to improve the taxicab industry. It is anticipated that this report will be complete in 90-120 days. Their final recommendation will be submitted to the City Council at that time."

Mayor McClellan said she felt the taxi companies need a fare increase and thought it should be as the taxicab industry had requested rather than the fare suggested by the Urban Transportation Commission.

Councilmember Goodman asked if the individual earnings of drivers had been checked in order to determine what the fares should be so they can get a livable income. Mr. Ternus said they were unable to obtain those figures and so it left a big void in their analysis.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34-42(b) OF THE 1967 CODE OF THE CITY OF AUSTIN; PROVIDING FOR INCREASED TAXICAB RATES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Absent: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

New rate structures are as follows:

- 1.00 - for the first one-fifth mile or fraction thereof
- .20 - for each succeeding one-fifth mile
- .20 - for each one and one-third minutes of waiting time or fraction thereof.

Before the vote was taken, the following persons spoke:

Mr. Velasquez appeared before Council and stressed the fact that the fare increase is needed as soon as possible.

JIM CODY, President, Austin Taxi Drivers, informed Council the daily earning records of cab drivers are available for perusal. They make a maximum of \$2.00 an hour, after expenses.

SLAPPY GILSTRAP, owner of Roy's Taxi, said he is upset because it has taken so long to receive a fare increase. It was first requested in September and in February it is still not passed.

THOMAS E. WALLACE told Council he is a cab driver, but does not know how long he will be able to survive as a cab driver.

BOBBY PEARSON, Yellow Checker Cab Company, stressed the need to pass the ordinance on an emergency basis.

ROBIN CRAVINS spoke for the rate increase.

CLARKSVILLE SELF-HELP HOUSING PROGRAM

Council had before it for consideration the approval of the Clarksville Community Development Corporation's application to HUD (Housing and Urban Development) for a Self-Help Housing Program and expression of intent to sell certain municipally owned land at a fair market value to the corporation.

Councilmember Himmelblau said, "I'm in favor of the Clarksville proposal, but I had some concern with the memo received yesterday from Mr. Lillie.

Mr. Lillie said that competition for Section 8 money is very stiff and even with approval by the Council there will be great difficulty in receiving money for the Self-Help Housing Program. "In the second instance, Item 2 in the memorandum, I think that is being addressed by Mr. Morahan to the Council with respect to selling of the City property for the purpose of development within the Clarksville area. In number 3, there are four tracts within the project that are proposed for some development. Two of the lots are substandard. One is too small and one is too narrow. They are not contiguous so cannot be combined by subdivision. One lot is proposed for six units which is multi-family and would require apartment zoning. ... If there is going to be an application for apartment zoning in the Clarksville area it will be in conflict with positions taken by staff, Commission and Council with respect to multi-family zoning within the neighborhood. ... We just wanted to raise these questions with respect to the project, but at the same time tell you that the proposal complements the City's efforts toward implementation of the Clarksville area, but wanted to make you aware that there still are problems with funding or resubdivision or zoning that we are going to have to take care of locally. ... The program is fine, we just are saying that there are some issues that are going to be coming to Council and if you are willing to make the adjustment through re-zoning or in the sale of the property to the corporation or to support very strongly the Section 8 program to HUD, then we ought to be doing that and we are just bringing them to your attention."

February 14, 1980

Councilmember Himmelblau said, "I'd like to support them. The only thing that concerns me are the two lots that are substandard. But I think we can help them with the zoning and whatever else they need as far as the subdivision. I don't know about putting structures on a sub-standard lot." Mr. Lillie said, "Even if we make a fairly strong supportive statement, HUD is very strict on these standards, especially when there is a sub-standard condition existing and we can't correct it. It may be that they will not give us funding for sub-standard lots." Councilmember Himmelblau wondered if there is anything that can be done about the lots. She suggested a cover letter be sent from Council to HUD expressing their desire to see the program go forth.

Mr. Albert De La Rosa, Assistant City Attorney, addressed the following to Council:

"On January 31, 1980, the Clarksville Community Development Corporation (CCDC) presented a proposal for a Neighborhood Self-Help Development Program to the City Council. As a part of this program, the CCDC requested the City of Austin's commitment to sell municipally owned properties in Clarksville to the CCDC. The City Council directed staff to examine the proposal and specifically requested the Law Department to report back on the legal question surrounding a commitment to sell City property to the CCDC.

A legal question arises because Article 5421c-12, V.T.C.S., establishes certain bidding and publication procedures with which a municipality must comply before it may sell public land. An exception to these procedures is created in those instances where the municipality desires to have public land developed by contract with an independent foundation [Section 2(e) of Article 5421c-12, V.T.C.S.]

The Attorney General of Texas in Opinion NO. MW-46 dated August 17, 1979, addressed the question of whether a city may dispose of public land at fair market value under Article 5421c-12, Section 2(e), V.T.C.S., to a private non-profit, neighborhood oriented corporation so that low cost housing may be constructed for resale to low income citizens. (This represents in essence the proposal made by CCDC.)

The Attorney General stated, "Although it is not clearly embraced within the traditional concept of 'foundation,' we cannot say as a matter of law that the legislature intended to exclude from the Section 2(e) exception the kind of non-profit corporation you have described." The Attorney General stressed, however, that "the exception operates only so long as the foundation agrees, under the contract of sale, to develop the land as the city may determine" (in accordance with the city's specifications.)

Based on this opinion, we must conclude that the City may commit to sell public land to the CCDC if the City Council agrees with the proposed plan as outlined by the CCDC. To meet the Attorney General's proviso, this plan could form the basis for the City's specifications as to how the land would be developed.

Other practical details exist which are being examined by the Property Management Division of the Public Works Department. But at this point the Council can make a commitment to sell public land to the CCDC at fair market price without the necessity of complying with the bidding and publication procedures established in Article 5421c-12, V.T.C.S.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to approve 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 and authorize a cover letter to HUD expressing Council's desire to strongly support the program. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

ADDITIONAL HOUSING REHABILITATION

Council had before it a contract with the Austin Redevelopment Authority for additional amount of \$400,000 from HCD funds for additional housing rehabilitations.

Councilmember Trevino said he would like consideration for money to be set aside for the Rainey Street area, as well as the area around Guadalupe Parish.

TOM KNICKERBOCKER, Director, Austin Redevelopment Authority, advised Council that HUD bases their recommendations for a city on quotas of family size and age of individuals. This has been a problem. There are now 425 people on the waiting list for housing rehabilitation. They have to wait until their category fits into the particular quota being filled. Mr. Knickerbocker pointed out the difficulty in the Guadalupe parish area is that over 60 of the substandard homes are rental units and funding does not provide assistance to rental property. He said this can be looked into and he can come back in two weeks with suggestions. Councilmember Himmelblau's concern is that rents will not be raised if the houses are rehabilitated with Federal funds. Mr. Knickerbocker said this step can be included in the contract.

Motion

Councilmember Trevino moved that the Council adopt a resolution to amend the contract with the Austin Redevelopment Authority for additional amount of \$400,000 from HCD funds for additional housing rehabilitation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

At the time of roll call the following remarks were made:

Councilmember Snell stated: "I wholeheartedly support this concept but because of the boundaries, and I have a business located within the boundaries, I'm just wondering..if I vote for this I don't want it said I voted in favor because I have a business located there." Councilmember Trevino said, "I think the record will reflect, Mr. Snell, that I was addressing owner-occupied and tenant-occupied." Councilmember Snell said, "This is what I would like brought out." Mr. Albert De La Rosa, Assistant City Attorney, said, "There would only be a conflict of interest if you would feel there is some type of direct financial involvement on your part. I think the way the motion is stated, and with that understanding, there is not a conflict of interest on your part."

SIGN CONTROLS

Councilmember Himmelblau introduced an item to Council for their consideration. It concerns additional sign controls along scenic thoroughfares such as MoPac and Loop 360. She stated, "I would like to strengthen the old MoPac Interim Ordinance and add the following:

1. Prohibit all off-premise signs within 200 feet of the nearest curb line of and visible to the main traveled portion of MoPac Boulevard and Loop 360 (including the remainder of Loop 360 currently proposed for annexation.)
2. Prohibit all on-premise signs within 200 feet of the nearest curb line of and visible to the main traveled portion of MoPac Boulevard and Loop 360 (including the remainder of Loop 360 currently proposed for annexation) except as follows:
 - a. on-premise signs placed flatwise against the building not exceeding 70% of the normal signage allowed (70% x one-third of the area of the facade of the building visible to traffic);
 - b. no on-premise sign of a flashing or intermittently lighted type shall be erected;
 - c. no on-premise sign shall exceed 35 feet in height.

I would like to refer this to the Sign Committee for their meeting of February 19 for them to review and amend the Section 3-5 of the Sign Ordinance. This would apply to 360 and 620 as well as MoPac."

Mayor Pro Tem Mullen said, "I would like us to make a clear statement that this doesn't pre-empt anything we might end up doing on the peninsula, too. For instance, that we in fact do give up the land, which I doubt we will, but if we do, this should not pre-empt that." Councilmember Himmelblau said, "We can only control it within the city limits and of course we will be looking at the corridor annexation next month." Councilmember Mullen answered, "I just want that as an intent, though, if you don't mind." Councilmember Himmelblau answered, "No."

Motion

Councilmember Himmelblau moved that the Council consider additional sign controls along scenic thoroughfares such as MoPac and Loop 360; and refer to the Sign Committee for their February 19, 1980, meeting. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

(Moratorium to last for 60 days -- see Page 29 of these Minutes.)

STREET NAME IDENTIFICATION REPORT

City Manager Davidson reported as follows on Street Name Identification: "This explores a problem that was brought to our attention by Councilmember Himmelblau. It describes an administrative procedure that we're prepared to undertake unless the Council has a problem with it. We think it would solve most of the difficulties for the future and we want to bring it to your attention and would ask that we be made aware of any problems or questions Council might have."

Motion

Councilmember Himmelblau moved that the Council instruct the City Manager to proceed with Street Name Identification as outlined in the report and approved as a departmental policy. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

Councilmember Himmelblau said, "I'd like to thank Mr. Davis for his work on this and the work on the previous item that was on the agenda."

WATER AND WASTEWATER POLICIES

Mr. Davidson reported on Water and Wastewater Policies. "This item is on the agenda as a follow-up to the request made by Mrs. Himmelblau concerning some legal questions on what the City can and cannot do within other political jurisdictions. You may need more time to study this. We'll stand by to assist you and determine any changes you might require in connection with this. Every time the Council is looking at one of these growth management opportunities, even though the Council may go ahead and adopt some changes to the existing policy, we'd like to keep those before the Council in connection with any work sessions that you might schedule on the growth management program itself. A lot of these things should be considered together ultimately so the Council would have all the tools that you possibly could in carrying out the Master Plan."

Councilmember Himmelblau said, "I don't want to ask for a higher rate in the incorporated, I was asking for payment in lieu of taxes so it wouldn't affect us as a utility."

Mr. Albert De La Rosa, Assistant City Attorney, said, "The memo points out that under the Texas law as we read it, it seems to say a city can only charge, to out-of-city customers, the increased cost of service. As long as the charge and rate can be based on special facts, and these facts would be, for instance, the additional cost to the City in supplying that additional service beyond the City limits. It's only that type of aspect that can be used by the City to determine the rate that will be charged those out of state customers. While customers of the City of Austin are called in-city or out-of-city customers, it must essentially treat all customers the same unless there is some type of rational basis on which to charge higher rates. That could only be based on the cost of service."

Councilmember Himmelblau wondered how this was allowed on Boca Chica. "They volunteered to pay in lieu of taxes to have the line run to them." Mr. De La Rosa said the Boca Chica situation was an urgent matter which needed attention because of severe pollution problems. In order to correct it the owners of Boca Chica plus the City of Westlake Hills and the City of Austin desired to correct the situation, therefore, the Boca Chica Apartments were put on the Austin sewer line. ... What we are saying in this memo to the Council is that we cannot recommend that it be established as a uniform policy. If that situation occurs again we might be looking at that type of situation again, but it cannot be recommended as a uniform policy to be adopted."

Mayor McClellan suggested, "We have a number of things relating to the Water and Wastewater Policy. The MUD (Municipal Utility District) public hearing that's on this afternoon at 2 p.m. We have also set for the 28th our action in the Capital Increment Fee outside of the city. I would suggest we take all those related items and set them for February 28, 1980 at 7:00 p.m." Council agreed.

OFFICE OF ENERGY CONSERVATION AND RENEWABLE RESOURCES

Mr. Davidson, City Manager, reported as follows:

"At the December 12, 1979, City Council meeting, the Energy Conservation Commission submitted a proposed Energy Conservation Plan as requested by the Council in the Goals and Objectives. One recommendation made by that Commission was the establishment of an "Office of City Conservation Coordinator." The Renewable Resources Commission submitted a similar proposal for creation of a "City Office of Energy." Grant proposals were prepared to help fund the office and various research projects.

With the increasing emphasis on the wise use of energy by government I propose the creation of an Office of Energy Conservation and Renewable Resources in the General Government budget to accomplish a phased approach to energy conservation and renewable resources activities for Austin.

Given the City Council's constraints in deliberation of the 1979-80 Operating Budget, I recommend that existing funding from several energy related departments be reallocated to fund the creation of the Office of Energy Conservation and Renewable Resources and that, where possible, existing staff be used to staff the Office. The recommended Office of Energy Conservation and Renewable Resources would be under the direct supervision of the Assistant City Manager responsible for federal and state liaison activities since numerous grants are anticipated in the future.

The Office of Energy Conservation and Renewable Resources would be responsible for the following:

Phase I - immediate - assume administrative responsibility and support for the meetings and other activities of the two commissions and assume responsibility for grants as received.

Phase II - Commencing June, 1980 - assemble and coordinate a Task Force of City personnel from existing departments involved in all phases of energy conservation and develop an Energy Conservation Plan applicable to all City Departments.

Phase III - subject to consideration of the 1980-81 Budget - consolidate City of Austin energy conservation personnel involved in direct public contact into one office to provide an energy resource point for all Austin citizens.

Subject to Council approval, the proposed Office would operate from March 1, 1980 for the remainder of the 1979-80 fiscal year with resources totaling \$46,260 as outlined in the attached fiscal note. This office would employ an Administrator, an Assistant Administrator, and a Secretary. The office would be expanded as necessary when grants are received.

This effort will result in a consolidation and strengthening of all energy conservation and renewable resource activities in one office and provide increased emphasis on conservation which the Council has identified in the Goals and Objectives.

If the Council approves this concept, staff will prepare the appropriate budget amendment, utilizing existing funding sources, for Council approval.

Councilmember Goodman moved that the Council endorse the concept of the proposed Office of Energy Conservation and Renewable Resources. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Mayor Pro Tem Mullen,
Councilmember Snell

RECESS

Council recessed its meeting at 11:35 a.m. and resumed the recessed meeting at 2:25 p.m.

STREET CLOSING

Councilmember Goodman moved that the Council adopt a resolution to temporarily close San Pedro from 26th Street to Poplar Street from 3:00 p.m. to 6:30 p.m., February 22, 1980, as requested by MR. PHILIP J. KANTOR, representing Alpha Epsilon Pi Fraternity. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

The above resolution was passed during the consent motion in the morning session. When Council resumed its meeting, Mayor McClellan announced Council should reconsider the Parade Permit. She said this is for the muscular dystrophy relay.

Motion

Mayor Pro Tem Mullen moved that the Council reconsider. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor McClellan stated: "What we want to do is to help Mr. Kantor carry out this event and it is not quite clear whether he needs to get a parade permit to do the run or whether it takes a closing of the streets for a certain length of time." Mr. Davidson, City Manager, said that Mr. Kantor has a form filled out that the Police Department can comply with if the Council will include in their motion "and all other departmental requirements in connection with this event." City Attorney Harris suggested they include "a parade permit or additional street closing as necessary to accomplish your purpose."

Motion

Councilmember Goodman moved that the Council adopt a resolution temporarily closing San Pedro from 26th Street to Poplar Street from 3:00 p.m. to 6:30 p.m., February 22, 1980 by Parade Permit or additional street closing as necessary to accomplish the purpose, as requested by Mr. Philip Kantor, representing Alpha Epsilon Pi Fraternity. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

CLARIFICATION ON SIGN CONTROLS
DISCUSSED EARLIER

Councilmember Himmelblau commented, "I can't remember if I asked for a 60-day moratorium on free standing signs until the Sign Committee can get back to us." Councilmember Goodman said, "I think you did, Betty. You said their meeting was February 19th." Mayor McClellan asked City Clerk Monroe to make sure the record reflects the 60-day moratorium.

PUBLIC HEARING ON MUD POLICY

Mayor McClellan opened the public hearing on the MUD (Municipal Utility District) Policy, scheduled for 2:00 p.m. She announced the public hearing will be continued the night of February 28, 1980 when there is a full Council in attendance and also, that same evening a work session will be scheduled at 7:00 p.m. on all water and wastewater policies, capital increment fees outside the city and MUD Policy. All of these items will be scheduled for action during the evening session of the Council Meeting so that after Council has its work session they will be ready to act.

No one appeared to be heard.

Motion

Councilmember Goodman moved that the Council continue the public hearing on the MUD Policy to February 28, 1980, at 7:30 p.m. The motion, seconded by Mayor McClellan, carried by the following vote:

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

ADJOURNMENT

Council adjourned its meeting at 2:30 p.m.

February 14, 1980

APPROVED

Carde Keeton McEllen
Mayor

ATTEST:

Grace Monroe
City Clerk