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MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 10, 1980
9:00 A.M.

Council Chambers
301 West Second Street

Mayor McClellan called the meeting to order.

Roll Call:

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

Absent: None

MRS. AUGUST WATKINS HARRIS DAY

Mayor McClellan read a proclamation declaring the 10th of April as Mrs. August Watkins Harris Day in Austin. Mrs. Harris has served 44 years on the Library Commission, and was in the Council Chamber to thank the Mayor for the proclamation. Library Director David Earl Holt said that although Mrs. Harris is resigning from active participation on the Library Commission, she will be called upon as a consultant.

PRIVATE PROPERTY WEEK

Ms. Virginia Dinan received a proclamation, read by Mayor Pro Tem Mullen, which designates the week of April 13-19 as Private Property Week. She thanked the Mayor and Council for the recognition.

MEDICAL LABORATORY WEEK

Mr. Bob Weir, President, Austin District Society for Medical Technology, was in the Council Chamber to receive a proclamation, read by Councilmember Himmelblau, proclaiming the week of April 13-19 Medical Laboratory Week. Mr. Weir thanked the Council for the recognition, on behalf of all medical technologists.

DANCE WEEK

Mayor Pro Tem Mullen read a proclamation designating April 14-20, 1980 as Dance Week. Cynthia Alexander accepted the proclamation with her thanks and appreciation.

AREA 13 SPECIAL OLYMPICS DAY

Mayor McClellan presented a Proclamation to Gordon Israel, coordinator of the Area 13 Special Olympics Day. Several contenders in the Special Olympics, as well as Ed Floyd, Bill Moores and Jim Roberson of the Bastrop Vocational Work Activity Center; and Ron Peterson and Martin Payne of the Texas Cowboys, were with Mr. Israel to accept the proclamation. Mr. Israel thanked the Council for their recognition of the special event.

IMPRESSIONIST MONTH

Later in the morning, the Magic Oak Quartet performed for the Council and Chamber audience in recognition of Impressionist Month. They were introduced by Miss Cyndy Allen representing the Austin Symphony Orchestra. Diana Eblen, youth director, Austin Symphony, and Nancy Young, board member, Austin Symphony, received a proclamation, with their thanks, which was read by the Mayor.

CLASS RECOGNIZED

Mayor McClellan recognized the presence in the Council Chambers of the 1st grade class from Linden Elementary School and their teacher Mrs. Rogers.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of March 27, 1980 and Special Meeting of March 19, 1980. 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

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving a change order in the amount of \$10,055.00 to Olmos Construction Company for Vargas Road Project. CAPITAL IMPROVEMENTS PROGRAM NO. 76/62-15. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving a change order in the amount of \$3,973.86 to Olmos Construction Company for Scenic Drive Bridge. CAPITAL IMPROVEMENTS PROGRAM NO. 75/62-21. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing a contract for professional engineering planning services of Lockwood, Andrews and Newman in connection with West First Street at Lamar Boulevard Improvements. CAPITAL IMPROVEMENTS NO. 78/62-25. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

CONTRACTS APPROVED

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

FOX-SCHMIDT, INC.
P.O. Box 1785
Austin, Texas

- Air Conditioning Units at P.A.R.D.
Administration Building - \$21,459.00

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

MILLER CONCRETE, INC.
7400 Berkman Drive
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Oakwood Cemetery Gate Widening -
\$14,900.00 C.I.P. No. 79/60-02

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

WHITE'S MINES
112 Travis Street
San Antonio, Texas

- Cold Mix Limestone Rock Asphalt,
Street and Bridge Division of Public
Works Department
Twelve Months Supply Agreement -
Estimated annual amount \$80,690.00

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

GENTEC HOSPITAL SUPPLY
2131 Theo Drive
Austin, Texas

- Surgeon's Disposable Sterile Gloves,
Brackenridge Hospital
Twelve Months Supply Agreement -
Estimated total \$27,475.20

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

RADX CORPORATION
1390 West Belt North
Houston, Texas

- Radx Panoramascope Model 200Das
(High Capacity Film Viewer),
Brackenridge Hospital
1 ea. - \$9,750.00

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

THE MONROE COMPANY
316 N. Walnut
Colfax, Iowa

- Folding Tables & Replacement Leg
Assemblies, Municipal Auditorium
Item 1, 100 ea. @ \$44.44
Item 2, 200 pr. @ \$17.50
Total \$8,500.00

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

AUSTIN MACHINE AND GRINDING
201 East 1st Street
Austin, Texas

- Shop & Parts Room Equipment, Urban
Transportation Department
Item 3, 10 ea. @ \$155.98
Item 4, 54 ea. @ \$119.02
Item 5, 5 ea. @ \$229.18
Total \$9,132.18

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

MAIL WELL ENVELOPE COMPANY
227 East Formosa Boulevard
San Antonio, Texas

- Manufacture & Printing of Envelopes,
General Services Division
Items 1-9 - \$6,914.78

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

GARCIA SAFETY
211 South Avenue A
Freeport, Texas

- Rubber Safety Boots,
Central Stores Division
Twelve Months Supply Agreement
Items 1, 100 pr. @ \$10.43 ea.
Total \$10,430.00 estimated

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contracts:

Bid award:

- Mobile Radios, Vehicle & Equipment
Services Department

GENERAL ELECTRIC COMPANY
5555 N. Lamar Boulevard
Austin, Texas

- Items Nos. 1.0, 2.0, 3.0, 4.0, 5.0,
6.0, 7.0, 10.0 & 11.0 - \$95,066.59
Total of 117 Units

MOTOROLA, INC.
7710 Wood Hollow Drive
Austin, Texas

- Items Nos. 8.0 & 9.0 - \$14,208.00
Total of 6 Units

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

CHEMICAL & TURF SPECIALTY COMPANY
105 Main Street
Dallas, Texas

- Annual Supply Agreement, furnishing
& application of bulk fertilizer for
Golf Courses, eight month period,
Parks & Recreation Department
Items 1-4 - \$18,649.79

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

EARL'S AIR COOLED ENGINE
6218 North Lamar
Austin, Texas

- Flexible Line Weed Trimmers and
Backpack Type Power Blowers, Parks
& Recreation Department
Item 1, 22 ea. @ \$249.50
Item 2, 4 ea. @ \$147.90
Item 3, 1 ea. @ \$124.90
Total \$6,205.50

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

SUMMER'S ELECTRIC SUPPLY COMPANY
505 East 2nd St.
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Circuit Breaker Panelboards
for use at Lytton Springs
& Holman Substations, Electric
Utility Department
Items 1-6 - \$10,079.00
C.I.P. Nos. 77/16-05 & 78/16-01

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

WHOLESALE ELECTRIC SUPPLY COMPANY
4040 Gulf Freeway
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Automatic Transfer Switches,
Electric Utility Department
Item 1, 4 ea. @ \$3,005.00
Total \$12,020.00

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

WAGGONER CONSTRUCTION COMPANY, INC.
1825 Oak Hill Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Electric Ductline & Concrete
Foundations at Burleson Sub-
station - \$40,203.25 C.I.P. No.
80/16-01

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contracts:

Bid award:

- Furnishings for the South
Austin Multi-purpose Center,
Health & Library Departments

ABEL STATIONERS
10300 Metric Boulevard
Austin, Texas

- Items 4, 8-9, 31, 36-44, 47-49
& 77 - \$31,231.81

ROCKFORD FURNITURE
5524 West Bee Cave Road
Austin, Texas

- Items 1-3, 12-18, 29, 30, 45
46, & 48 - \$14,891.91

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

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

Mr. DeLaRosa, assistant City Attorney, pointed out the above is an amendment to a contract approved April 3, 1980.

BLUEBONNET ELECTRIC COOPERATIVE

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing an agreement with Bluebonnet Electric Cooperative to provide service modifications for the supply of service to Lytton Springs Substation. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

RETIRED CITY AMBULANCES

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing an agreement with Texas A & M University for use of retired city ambulances for emergency vehicle driver training. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

SOUTHWEST AIRLINES CONTRACT AMENDMENT

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing a contract amendment with Texas International Airlines relating to the assignment of gate number 2 holding area to Southwest Airlines. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

LAGUNA GLORIA FIESTA

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing temporary closing of 35th St., Foothill Drive & Mt. Bonnell Drive from 5:30 p.m. to 11:30 p.m., May 16, 1980, 7:00 a.m. to 11:00 p.m., May 17, 1980 and 7:00 a.m. to 11:00 p.m., May 18, 1980 as requested by Mr. Scott Keller, representing Women's Art Guild/Laguna Gloria Fiesta. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

SAFARI INTO THE 80'S

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing temporarily closing Barton Springs Road, Bee Caves Road, Stratford Drive & Rollingwood Drive to through traffic from 6:00 a.m., April 26, 1980 to 9:00 p.m., April 27, 1980 as requested by Leonard Ehrler, Director of Parks and Recreation Department for "Safari into the 80's". The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing the sale of beer & wine and allowing exhibitors to stay in Zilker Park during the nights of Friday, April 25, 1980 and Saturday, April 26, 1980 in connection with "Safari into the 80's" to be held in Zilker Park, April 26 & 27, 1980, as per request from the Parks & Recreation Department and Austin Natural Science Association. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

SUMMER YOUTH RECREATION PROGRAM

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing the submission of a grant application in the amount of \$16,891.00 to the Community Services Administration to conduct a Summer Youth Recreation Program. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PUBLIC HEARINGS SET

Mayor Pro Tem Mullen moved that the Council set a public hearing on May 1, 1980 at 2:00 p.m. to amend the Historic Zoning Ordinance (Section 45-51.1 & Section 45-44.1) of the Austin City Code. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor Pro Tem Mullen moved that the Council set a public hearing for May 15, 1980 at 7:30 p.m. on an appeal from Tim Mathews, Nash Phillips/Copus Land Company Land Development Manager, regarding the Planning Commission's decision denying a Special Permit. (C14p-80-10) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor Pro Tem Mullen moved that the Council set a public hearing on an appeal from Tim M. Trickey, attorney for M.D. "Hoot" Thomson, regarding Building Inspection Department's decision denying an amendment to an original boat dock permit for April 24, 1980 at 9:45 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

AGENDA ITEMS PULLED

Mayor Pro Tem Mullen moved that the Council pull the following items off the agenda and not consider them:

Bid award:	- Photographic Supplies, General Services Department Twelve Months Supply Agreement
TWIN OAKS CAMERA SHOP 5839 Berkman Drive Austin, Texas	- Items 1-29, 36-42, 53-80, 83, 85, 88-92, 93b, 94-97 - \$42,475.72 est.
UNIVERSITY CO-OP 2247 Guadalupe Street Austin, Texas	- Items 30-33, 81, 84, 86, 87 & 93a - \$40,727.18 est.

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

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

AGENDA ITEM POSTPONED

Mayor Pro Tem Mullen moved that the Council postpone until May 8, 1980, consideration of rescinding the contract with the City of Rollingwood for the provision of wastewater services to "The Corners" Subdivision. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

BUDGET AMENDMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$8,732.00 FROM THE HOGG FOUNDATION FOR MENTAL HEALTH UNIVERSITY OF TEXAS AT AUSTIN, FOR THE PURPOSE OF SPONSORING AND PRODUCING A CREATIVE DRAMATICS PROGRAM, "ACT YOUR AGE"; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: 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.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$15,402.00 FROM THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS UNDER AN INTERGOVERNMENTAL PERSONNEL ACT GRANT FOR THE PURPOSE OF DEVELOPING AND DELIVERING AN ACCIDENT PREVENTION TRAINING PROGRAM FOR ALL CITY EMPLOYEES; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: 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.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING \$898,854.00 FROM THE UNITED STATES DEPARTMENT OF LABOR; APPROPRIATING \$1,286,357.00 FROM THE UNITED STATES DEPARTMENT OF LABOR FOR THE PURPOSE OF FUNDING A COMPREHENSIVE EMPLOYMENT AND TRAINING ACT (CETA) TITLE IV SUMMER YOUTH EMPLOYMENT PROGRAM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: 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.

CPR TRAINING FEE SCHEDULE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR THE CARDIO PULMONARY RESUSCITATION PROGRAM OF THE EMERGENCY MEDICAL SERVICES DEPARTMENT OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

LOOP 360 CORRIDOR ANNEXATION

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 FOR THE LIMITED PURPOSES OF "PLANNING AND ZONING" AND "HEALTH AND SANITATION"; SUCH TERRITORY CONSISTING OF 1,006.24 ACRES OF LAND BEING OUT OF AND A PART OF THE BURKE TRAMMELL SURVEY NO. 3, JOHN BECKHAM SURVEY NO. 94, T.J. CHAMBERS GRANT NO. 94, PATTERSON MOORE SURVEY NO. 70, ALEX EANES SURVEY NO. 307, JOHN P. ROZIER SURVEY NO. 77, C. ARNOLD SURVEYS NO. 77 AND 78, HENRY P. HILL LEAGUE NO. 21, ALEX EANES SURVEY NO. 812, CHARLES H. RIDDLE SURVEY NO. 19, AND JAMES TRAMMEL SURVEY NO. 4, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN; 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 Trevino moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Goodman, 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 passed through its first reading only.

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 4.397 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9408-9504 GREAT HILLS TRAIL, FROM "A" RESIDENCE, 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. (Cotton Texas, LTD. by Robert Sneed, C14-79-134)

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

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 47.548 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1400-1700 BRAKER LANE, 11200-11210 PARKFIELD DRIVE, 1700-1710 KRAMER LANE, 11000-11200 N. PTARINGAN AND 1700-2050 W. PTARINGAN, FROM INTERIM "AA" 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, By Phil Mockford, C14-79-201)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. 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
Abstain: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduce 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 A, FAULKNER SOUTH SUBDIVISION, LOCALLY KNOWN AS 2600 BEN WHITE BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND INTERIM "AA" RESIDENCE, INTERIM 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. (Ben White/Burleson Joint Venture, By Phil Mockford, C14-80-019)

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

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

Noes: None

Abstain: Councilmember Cooke

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 13-16, BLOCK 31, HYDE PARK I, LOCALLY KNOWN AS 200 EAST 40TH STREET (WOODBURN HOUSE); FROM "A-H" RESIDENCE-HISTORIC, 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 DECLARING AN EMERGENCY. (Woodburn House, C14-78-034)

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

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

Noes: None

Abstain: Councilmember Cooke

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:

LOT 6 PLUS THE SOUTHEAST TRIANGLE OF LOT 5, BLOCK 4, OUTLOTS 2 & 3, DIVISION B, ORIGINAL CITY, LOCALLY KNOWN AS 1013 EAST 9TH STREET (NEWTON HOUSE), FROM "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B-H" RESIDENCE-HISTORIC, 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. (Newton House, C14-80-005)

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

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 2 OF GREAT HILLS COMMERCIAL ONE, LOCALLY KNOWN AS 9306-9406 GREAT HILLS TRAIL, FROM "A" RESIDENCE, 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. (Cotton Texas, LTD., By Robert Sneed, C14-79-157)

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

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 OF GREAT HILLS, COMMERCIAL ONE, LOCALLY KNOWN AS 9208-9302 GREAT HILLS TRAIL, FROM "A" RESIDENCE, 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. (Cotton Texas, LTD., By Robert Sneed, C14-79-152)

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

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 7.631 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2508-2510 EAST RIVERSIDE AND 1910 PLEASANT VALLEY ROAD, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, 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. (First Wisconsin National Bank, C14-79-258)

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

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

Noes: None

April 10, 1980

CITY OF AUSTIN, TEXAS

CLASS RECOGNIZED

The Mayor recognized the 3rd grade class from Highland Park Elementary School who was in the Council Chamber to watch the proceedings. Their teacher is Mrs. Wayne Lebeck.

PUBLIC HEARING SET

Councilmember Snell moved that the Council set a public hearing for April 24, 1980 at 7:30 p.m. on the authorization of creation of the Austin Industrial Development Corporation with members of the Board of Commissioners of the Austin Redevelopment Authority Serving as the Board of the Corporation. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PUBLIC HEARING - MODIFICATIONS TO
HYATT REGENCY HOTEL

Mayor McClellan opened the public hearing set for 9:30 a.m. on modifications of a special permit granted to Criswell Management Company, Inc., by the City Council on August 9, 1979, for the development of property known as 200 Barton Springs Road (Hyatt Regency Hotel) C14p-79-027

Marie Gaines, Planning Department, appeared before Council to discuss the proposed modifications. They are:

1. Change from a revolving to a stationary restaurant.
2. Reduction of the floor area at the ground level of approximately 4,000 square feet.
3. Revision of the hike and bike trail from the cove to the east of the property and the trail instead to be on land.
4. A deletion of the hike and bike trail from the cove to the east of the property of the Binswanger tract on the southern side along Barton Springs Road with a corresponding redesign of the parking area.
5. A Board of Adjustment variance regarding parking requirements.

Ms. Gaines stated the revisions have been approved by the Parks and Recreation Board, Environmental Resource Management Board, and Planning Commission.

Mayor McClellan stated the following resolution has been passed by the Environmental Board: "To recommend approval of the landscape and drainage plans for the Austin Hyatt Regency Hotel and to express appreciation for the cooperation of developers in planning this project so as to have minimal impact on Town Lake".

MR. BILL HURD, representing the applicant, showed Council the proposed changes in site plans.

MS. INA RAY SMITH appeared to say they should put garbage elevators in the building. Mr. Hurd said they are provided for.

Councilmember Cooke commented staff has worked fast and productively to accomplish what was needed for the revisions.

Motion

Councilmember Cooke moved that the Council close the public hearing and approve the modifications of special permit granted to Criswell Management Company, Inc., by the City Council on August 9, 1979 for the development of property known as 200 Barton Springs Road, C14p-79-027. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

PAVING ASSESSMENTS

Mayor McClellan opened the public hearing, scheduled for 10:00 a.m. on an ordinance in connection with paving assessments to be levied on the following:

CAPITAL IMPROVEMENTS PROGRAM - SPICEWOOD SPRINGS ROAD AND SPICEWOOD LANE, covering approximately 14 blocks, C.I.P. No. 73/62-23.

Mr. German, Director of Public Works, reviewed the assessments, and pointed out some corrections to the assessments. Mr. James Riggs, Assistant City Attorney, questioned Mr. Herbert Sladek regarding his qualifications as an appraiser.

Mr. Terrence Kendall, attorney for the Woodlands of Austin, appeared to state he does not believe there will be any enhancement to the property because you cannot enter into the land at the point in question.

MS. MARY LOU SHIRER appeared before Council to state she owns Parcel 3 at Mesa and Spicewood and there is a mistake in the property line.

Motion

Mayor Pro Tem Mullen moved that parcels three (3) and eight (8) be deleted and the public hearing on these two parcels be scheduled for 9:30 A.M. April 24, 1980. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor McClellan introduced the following ordinance:

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 AN AMOUNT AT LEAST EQUAL TO 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. 73/62-23)

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

The Mayor announced that the ordinance had been finally passed.

VACATION OF PROPERTY

Mayor McClellan opened the public hearing scheduled for 10:15 a.m. on vacation of the following and passage of ordinance:

OLD U.S. HIGHWAY 183 at the northeast corner of the Great Hills Trail/Old U.S. Highway 183 Intersection. (Requested by Walter Young for Yarings)

Mr. German said the vacation is in order and they recommend approval. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF OLD U.S. HIGHWAY 183 (JOLLYVILLE ROAD), IN THE CITY OF AUSITN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Councilmember Goodman, carried by the following vote:

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

APPEALS FROM DECISIONS OF THE
PLANNING COMMISSION

MR. JOHN WARFIELD, chairperson, Austin Community Radio-KAZI, who was scheduled to appeal the decision of the Planning Commission on Special Permit No.C14p-80-004 withdrew his appeal.

The next appeal was from Mrs. Dora (Dinkie) Essary, Dinkies Darlings Day Care Center, File No. C14p-80-002.

Marie Gaines of the Planning Department, said the Planning Commission had denied the request of Mrs. Essary to be allowed to expand her care for 18 children rather than 12.

MS. ESSARY appeared and explained her operation. She said the nursery is in her home.

DANA PROPHET, BOB GOMEZ, PATRICIA NUNEZ, a man who did not identify himself, DARRELL HORN, BEATRICE SNEAD, and GLORIA HAWKINS all spoke in favor of the day care center and said it was well run and was not a detriment to the neighborhood.

MR. RICH GORMAN who lives 3 doors away from the property said that he has a petition of 21 neighbors who do not want the day care center in their neighborhood. He said 6 more children would cause a traffic hazard and they want to keep the neighborhood residential.

PETE QUINLAN appeared and stated the Essary's are fine people but he objects to a child care center for the same reasons as Mr. Gorman.

MRS. WOLFE who lives across the street is opposed to the child care center. Mrs. Joan Erin expressed the same views.

MRS. ESSARY reappeared to read a letter from the Austin Civic Association who said they are not opposed to the enlargement of the day care center to 18 children. She also told Council she intends to widen the driveway and put up a privacy fence as soon as she gets the permit to care for 18 children.

Mayor Pro Mullen said this is a difficult decision to make as both sides of the question are represented by good people and good arguments.

Motion

Mayor Pro Tem Mullen moved that the Council amend the application for Mrs. Dora (Dinkie) Essary, Dinkies Darlings Day Care Center, File No. C14p-80-002 to include 18 children, fencing and driveway enlargement. 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: Councilmember Himmelblau

ROADWAY PLAN DISCUSSED

MR. KERMIT HENNINGSON, representative of SONA (45th Street Neighborhood Association) appeared before Council to discuss the Roadway Plan. He told Council they are opposed to the widening of 45th street.

DEANNEXATION DISCUSSED

MR. ROBERT D. LIPMAN, attorney, appeared before Council to discuss the deannexation of 7.23 acres of land near West Lake Hills/Austin border. He presented a petition to the City Clerk for verification.

Motion

Councilmember Cooke moved that the Council accept the petition and instruct the City Clerk to validate the petition. 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

EEYORE'S BIRTHDAY

Councilmember Cooke moved that the Council approve the request of Mr. Richard Hammer, member, Board of Directors, University of Texas YMCA, to use Pease Park for the 17th Annual Eeyore's Birthday Party May 2, 1980, (rain date May 5, 1980) from 4-7:30 p.m. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

AUSTIN RUGBY CLUB

Councilmember Himmelblau moved that the Council approve the request of Mr. Ronnie Romines, president of the Austin Rugby Club, to sell beer and food at the Rugby Union Championships on April 12 and 13, 1980, and the Western Rugby Union Championships on April 19 and 20, 1980; and to charge non-participants for the dance and barbeque at Fiesta Gardens; Council did not grant waiver of fees for use fees and deposits for Zilker Park as requested. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

PECAN STREET ASSOCIATION

MR. JERRY CREAGH, who had requested to appear on behalf of the Old Pecan Street Association concerning closing of certain portions of East 6th Street and Trinity Street for 6th Street Spring Festival, May 3 & 5, 1980, requested this be postponed until April 17, 1980. It will be brought back as a resolution.

CITIZEN DID NOT APPEAR

MR. BUD FLYNN, who had requested to speak to Council, did not appear.

PARADE PERMITS

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

A request for parade permit from Rosemary Castleberry for CROP - The Community Hunger Appeal of Church World Service, from 8:30 a.m. to 12:30 p.m., Saturday, April 26, 1980, beginning from LBJ Parking Lot, 23rd to San Jacinto to 18th, to Congress, thru Capitol Grounds to 1st UMC, to Congress, to 7th, to Neches, 4th to Red River, Waller & Willow to 1st, to Comal 7th to Chicon to Grant Chapel, to Manor Road to LBJ Parking Lot. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

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

A request for a parade permit from Ira Jon Yates for Austin & Travis County Humane Society, from 11:00 a.m. to 12:00 noon, Sunday, May 4th, beginning from 1st Street at Humane Society, east to Congress along 1st Street, south across Congress Bridge and turn right on Barton Springs Road, right on Riverside, right on Lamar to 1st, back to Humane Society. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

FIESTA del BARRIO

Councilmember Trevino moved that the Council approve the request of Mr. Manuel Mena, chairperson, Fiesta del Barrio Coordinating Committee, to use Festival Beach area west of Fiesta Gardens area, from 12:00 noon to 8:00 p.m., Sunday April 20, 1980, for Third Annual Fiesta del Barrio. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

REAL ESTATE PURCHASE FROM AISD

MR. ROBB SOUTHERLAND appeared before Council to discuss possible purchase of real estate from AISD. He said the property is on St. Elmo behind the Travelodge. On February 27, 1980 bids were opened. The City of Austin bid \$490,000 and Mr. Southerland bid \$570,000. He said he asked for his earnest money back and was told the bids were extended to March 30th. The City Council then met with the School Board and decided to file eminent domain proceedings for the land. Mr. Southerland said he attempted to withdraw his bid, but it was disallowed. Then he was asked to reject and received his earnest money. He asked, 1. What does this action by Council do to the integrity of the bidding process? 2. How will this effect the ability of AISD to sell property in the future?

Mayor McClellan informed him that he had referred to a matter under litigation and it cannot be discussed. She recommended he address his questions to AISD.

PUBLIC/PRIVATE PARKING GARAGE

Council had before it for consideration authorizing the leasing of city parking lot area located north of and adjacent to the Municipal Building to BWC Associates for the purpose of construction of a public/private parking garage.

CARL BURNETTE appeared before Council to state that BWC is a private enterprise group who wants to secure an option to lease the property located north of City Hall in order to construct a parking garage.

JOE HOLT, architect for BWC Associates, showed plans of the garage which will hold 500-600 cars; as well as plans for a proposed building at Congress and 9th streets.

Councilmember Cooke pointed out there had been a lot of criticism last year to the American Cities plan for downtown revitalization. He said it was felt that out of town people do not have sensitivity to our area, but that the BWC people are a local group and he would rather go with them. He said there should be a mixture of old and new in downtown Austin; it has been proved voters are reluctant to approve money for a parking garage so if private enterprise wants to build one it is for the good of the City of Austin. He said this is an excellent opportunity and before we slam the door, we should let it go through a full hearing.

Motion

Councilmember Cooke moved that the Council proceed with the adoption of the option for a parking garage built on the land north of the Municipal Building by BWC Associates. The motion was seconded by Councilmember Himmelblau.

MR. JOE MORAHAN, Director of Property Management, described the terms of the lease. He said it must go through all board and commission requirements and the option period provides for approval of the design. He said there will be two leases, one for a ground lease for the building at 9th and Colorado to the alley and the other one is a parking lease. Term of the lease is for 99 years. He said the rent on the ground is 10% of the appraised value of the property which is yet to be determined. The parking lease will provide for 150 spaces for city employees. Presently there are 43 spaces on the lot. He said the parking lease is guaranteed through the life of the ground lease. Parking fee will be \$55.00 per month. Mr. Morahan pointed out that Congress Avenue has been declared a National Historic District.

Councilmember Goodman asked what specific processes need to be accomplished regarding the Historic District. Mr. Holt said there will be a review according to normal procedures by the Historic Landmark Commission. Mr. Davidson, City Manager, said the number of boards and commissions that will have to look at this application will depend on the plans and schematics they come up with. They must comply with all the codes and ordinances of the city and comply fully with the zoning ordinance and Historic Landmark Ordinance. They have to review in connection with the Landmark District.

Councilmember Himmelblau said that she believes the concept is fine but wants time before she votes. She referred to the documents which had been given to them during the meetings and said she wanted time to study them and wondered if they could be voted on one at a time. Mr. Harris, City Attorney, told her that they needed to be voted on all at once. Mayor McClellan suggested they consider this topic further at 3:00 in the afternoon. Councilmember Goodman said he wanted to be appraised of the processes before the Planning Commission and the Historic Landmark Commission.

Motion Withdrawn

Councilmember Cooke withdrew his motion and Councilmember Himmelblau withdrew her second.

Betty Baker, Planning Department, appeared before Council and said Phil Conard had filed a petition for "H" zoning for one of the buildings earlier in the day. Councilmember Goodman also asked for a summary of the option agreement in the afternoon.

Later in the afternoon Council resumed its discussion of the public/private parking garage. Mayor Pro Tem Mullen discussed some changes to the lease option with Mr. Harris, City Attorney. Councilmember Goodman also asked some questions, as well as Councilmember Himmelblau.

Councilmember Cooke said he would like the city staff to look at all four structures for historic zoning so they can consider them all at one time if there are any that warrant historic consideration. He also asked that the Historic Landmark Commission look at the buildings and then all cases can be considered together.

Mayor McClellan stated: "For clarification purposes. We are discussing the lease arrangement on the southeast quarter of the block, plus the aerial rights over the alley. It does not preclude any of the provisions of our existing ordinances or codes, any subsequent consideration of construction of proposed buildings will be subject to all applicable processes, including a review by the Historic Landmark Commission and with the request that all four structures be processed for historic zoning at the same time."

Councilmember Goodman asked about the proposed plan for parking for city employees. Mr. Davidson said the plan has been distributed to members of the City Council and all city department heads asking that the information be made available to potentially effected employees. We intend to bring this back on the City Council Agenda in the near future so the Council can approve the concept. He feels approval of the lease options will not have any negative effect on the city's ability to implement the plan if the Council desires to approve it and eventually, with the 100 additional parking spaces it will assist the implementation of the plan as recommended. Councilmember Goodman asked if it is certain there is no better deal for building the parking garage by another entity such as Southwestern Bell or a bank. Mr. Davidson said he thought the city should pursue additional opportunities for partnership arrangement either with private enterprise or with the State of Texas or any other property owner or developer that may be planning a parking facility.

Motion

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing the leasing of city parking lot area located north of and adjacent to the Municipal Building to BWC Associates for the purpose of constructing a public/private parking garage, with additions, corrections and deletions. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Substitute Motion - Failed for Lack of Second

Prior to the roll call, Councilmember Goodman made a motion to hold a public hearing on April 17, 1980. There was no second to the motion.

Mayor McClellan said, "It's a good thing we have some Austin folks who care about downtown because you certainly have to go through a lot of hassle to do anything. I very clearly wanted to state, and I have reiterated it several times that we're not in any way doing away with any of the processes that must be gone through as far as the Historical District and Congress Avenue is concerned and with any structures there on. We're talking only about our city's parking lot and that alley airway now, but I think that over and over again, and Lee said it very well initially, but over and over we hear speaking to the parking needs in the central area. We hear people say to not give them an overall grandiose plan for central revitalization, but let us do it step by step Austin, Texas style. I think to have successful revitalization we need private/public cooperation. We've done all sorts of things from Zilker Park Railroad concession with no public hearings to Battered Women's Center \$1.00 a year lease with no public hearings. I think this parking activity is most appropriate and I am pleased it is happening. Councilmember Himmelblau said she is glad to see an enhancement to our tax base in the near future.

Councilmember Goodman said he had heard public concern about the rush to approve the lease option. Mr. Burnette explained there had been a proposed hotel project on this site for the past year. They kept postponing it and never could get it done. BWC needs a decision today because they have options which will expire tomorrow. Councilmember Goodman said the final approval will be made by Council only after acceptance of the plan. Everyone agreed.

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

Councilmember Snell: "I register my abstention because I feel this is coming back to us and we are putting ourselves in a position where we couldn't change our vote if we wanted to, so I certainly want this understood that this has to come back to us and I will be able to vote like I want to when it comes back."

Councilmember Goodman: "I don't object to the project per se and the reason I voted no is I think things could have been handled differently and I think we could have not had the public suspicion which I think exists and that's what I have encountered in the contact I've had. I think we could have handled my concerns by dealing with this in a more open fashion by public hearing."

Mayor McClellan: "I'd just like to say we probably dealt with this lease agreement in a more open fashion than most any lease agreements we have talked about. We've talked about the provisions publicly. We've showed everything they have up front and publicly and I would disagree with you that there is anything suspect about it."

Councilmember Himmelblau: "Everything we asked in Executive Session came out here. I wanted to get some of the legal...I don't read legalese real well, but I have no problems in sharing it once my questions were answered. So I agree with the Mayor that everything was completely open."

Councilmember Cooke: "Since you've gone on record with that point of view I want to go on record too. In the three years since I have been sitting here we've never gone so public with a lease for city property as we did on this one. I'm not saying whether that is good or bad on previous ones, but I am just saying that I do take a different point of view on your comment because I think this one is the most public one I've ever seen."

Councilmember Goodman: "It wasn't very public and was totally private until a week ago while negotiations were being conducted by the city staff."

Councilmember Snell: "My reason for abstaining is not the same as Richard's and mine was that if this has to go before Boards and Commissions I don't see why we couldn't act on it after it goes to Boards and Commissions because anything could happen."

Mr. Dan Davidson, City Manager, stated: "You know some of the discussion today, I believe, is a little misleading because it would imply that this project has not been worked on for many months. As a matter of fact, I want to thank Jerry Harris, the City Attorney, Joe Morahan and Jim Miller for hundreds of hours that they spent on weekends and evenings in order to try to work out this innovation as a means to adopt a City Council goal and objective. Further, I think the people that have proposed this project ought to be commended for the willingness to do something different. It's a lot easier to do something plain vanilla, something that does not require special approvals or special considerations. It's a lot easier for the city staff, for example to just do what they must do instead of stretching

to figure out an innovative way to accomplish a City Council goal. I think everyone involved ought to be commended on this project and I appreciate the courage of the City Council in your willingness to strike out for one more innovation toward economic redevelopment of the downtown Austin."

RECESS

After the morning part of this discussion, Council recessed its meeting at 12:34 and resumed the recessed meeting at 2:10 p.m.

AUSTIN TENANTS' COUNCIL REQUEST
FOR SUPPLEMENTAL FUNDING

Mr. Davidson, City Manager, presented the following report to Council:

The Austin Tenants' Council has requested the conversion of two CETA-supported positions to Community Development Block Grant funding. The additional requested funding totals \$12,357, of which all but \$684 would be required to continue the present occupants of the two positions through December 31, 1980; the remainder would be used for other administrative costs, specifically telephone and typewriter rental.

In its application for 6th year CDBG funding, the agency has requested funds for both positions. Therefore, we have examined the agency's present request from the standpoint of extending the two positions through the end of the agency's present CDBG contract and have found the following options to be available:

1. Do not extend the positions beyond the April 27, 1980 expiration date of the agency's CETA contract.
2. Extend the agency's CETA contract through July 18, 1980, when the period of CETA eligibility for the two persons presently employed will expire. This, however, may establish a precedent for extending other CETA contracts accordingly.
3. Negotiate a new CETA contract with the agency to cover either the period from April 27, or from July 18, through the end of this fiscal year. This, of course would imply the termination of the two current CETA personnel concerned as of July 18, and the agency would have to take its chances with FY 1980-81 CETA funding.
4. Convert the positions to CDBG support, either as of April 27 or as of July 18.

If the continuation of the two employees is desired, option (4) is the simplest, while a combination of (2) and (4) results in the least burden upon CDBG funds.

In any case, Mr. Wattles has made certain statements in connections with his request that appear to indicate that the agency's efforts are being increasingly devoted to its Rental Repair Assistance Program than to its basic Tenant Counseling program. We expect, therefore, to examine the agency's administrative cost allocation system for appropriateness and if necessary, return to Council with recommendations for budget revisions.

Motion

Councilmember Trevino moved that the Council approve Option (4) (convert the positions to CDBG support, either as of April 27 or as of July 18) for supplemental funding as requested by the Austin Tenant's Council. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

SUNSET VALLEY WASTEWATER CONTRACT

Mr. Curtis Johnson, Director of Water and Wastewater, presented the following City Manager Report on the Sunset Valley Wastewater Contract:

" On March 13, 1980 Mr. Allan Haywood addressed the City Council (under Citizens Communications) representing the owners of an approximately 56 acre tract of land within the city limits of Sunset Valley. He was desirous of obtaining water and wastewater service for the subject tract.

On this date the City Council requested that he meet with me and Mr. Albert DeLaRosa of the Legal Department. We met in my office on March 17, 1980; also present was Mayor Underwood from Sunset Valley.

During the above mentioned meeting Mr. Haywood expressed his concern that his client's tract, if developed commercially, would utilize a large percentage of the living unit equivalent capacity allotted to the total Sunset Valley area under the contract which currently exists between the two municipalities. The current contract between the City of Austin and the City of Sunset Valley specifies a maximum of living unit equivalents to be served within Sunset Valley of 800. This number was arrived at by considering the approximately 100 existing residences plus an allowance of an additional 700, which was derived from the current residential density specified by Sunset Valley of two units per acre times the approximately 350 remaining undeveloped acres within Sunset Valley.

It is my understanding of the contract that the 800 living unit equivalents could be located anywhere within the limits of Sunset Valley, which would allow the development of the Miller tract in a more dense condition if approved by the City of Sunset Valley. This would, of course, create a situation in which Sunset Valley would not have adequate capacity to serve all of its area unless it requested an increase from the 800 living unit equivalents mentioned in the current contract and such an increase was approved by the Austin City Council.

Mr. Haywood also asked if it would be physically possible for the Miller tract to be served by the existing portion of the Wastewater Collection System which serves the Austin Independent School District's Toney Burger Center complex. After investigating this matter my staff finds that the existing Collection System has only a very small unused capacity, and thereby could not provide adequate service to the Miller tract. This existing system was designed to serve the existing City of Austin residential area, however, it did have adequate capacity to serve the Toney Burger complex also.

As previously stated, the point of service for the area within Sunset Valley should be either the existing Williamson Creek Wastewater Interceptor along the south boundary of Sunset Valley, or the future interceptor to be installed along the north branch of Williamson Creek which would go through the Sunset Valley area. It is my opinion that if Sunset Valley wishes to provide wastewater service to its area and can obtain adequate capacity from the Austin City Council, it should conduct an Engineering Study of how to provide service to the area within its city limits including the Miller tract.

Mr. Haywood also inquired about the possibility of providing water service to his client's tract. It is my recommendation that, if the Austin City Council does wish to enter into a Water Supply Contract to serve Sunset Valley, that such a contract should have a stipulation that Sunset Valley would have to extend its water system to a point in the vicinity of South Lamar and Westgate Boulevard, and take service from the end of the Southwest Austin Transmission Main, which will extend to this point. Service from this facility should be available in approximately March of 1982."

Councilmember Himmelblau stated, "I think to change the contract before we have the work session and amended the Water and Wastewater Policies would be detrimental. I guess I'm the one that worked on the contract long and hard and am pleased with it and have no desire at this time to amend it. I have some very definite ideas on serving incorporated municipalities that can never be in our tax base and when we get to that part of the work session I'll want to see some different ground rules. That goes not only for the wastewater but for the water. ...Also the 800 taps were agreeable to Sunset Valley at the time of the contract and I don't know if anything has changed with their Council."

At this point Council discussed having a work session on Water and Wastewater policy and also a work session on Economic Projection Policy.

Mr. Davidson pointed out that he expects to name an interim director of the Water and Wastewater Department next week and suggested the work session on that subject be delayed for 30 days. His purpose for making the statement is there should be some continuity after a policy might be adopted. However he stated that if there is some urgent policy to be adopted they can have the work session earlier. Councilmember Himmelblau said, "I understand what the Manager is telling us but I feel there are some the city is losing money on and there are some, as far as incorporated municipalities that I would like a moratorium on, and I don't want to wait 30 days." Mayor McClellan suggested having the work session on Wednesday the 30th of April at 4:00 p.m. All Councilmembers agreed on this date.

Councilmember Himmelblau asked, "Is there any chance going ahead this afternoon with a moratorium on contracts with incorporated municipalities until we have a definite water and wastewater policy? ... There were some suggestions from staff on increased fees and privilege fees for incorporated municipalities where we don't have the annexation power. What I'd like to do is suggest that we place a moratorium on contracts until a policy can be worked out to serve these jurisdictions."

Motion

Councilmember Himmelblau moved that the Council vote to have a moratorium on contracts with incorporated municipalities, where we have no jurisdiction, until the City of Austin has a Water and Wastewater Policy. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Mr. Albert DeLaRosa, Assistant City Attorney clarified that this would be on new proposed contracts.

Consideration of the resolution on the agenda to consider amendments to the Water and Wastewater Policy will be discussed after the work session.

WORK SESSIONS SET

Mayor McClellan reiterated the following:

Work Session on Water and Wastewater set for April 30, 1980 @ 4:00 P.M.

Work Session on Economic Projection set for April 16, 1980 @ 4:00 P.M.

REPORT ON OBSTRUCTING STREETS, SIDEWALKS, ETC.

MR. TERRENCE IRION, Assistant Attorney, presented the City Manager's Report on the Review of Section 31-4, Sidewalk Obstruction Ordinance, of the Austin City Code. He reviewed the following memo he had sent to the City Council:

This memo is in response to a citizen communication at the March 13, 1980 City Council meeting concerning the placement of newspaper racks on public streets. Section 31-4 (g) of the 1967 Code of the City of Austin excepts from the ordinance's prohibition against vendors selling any wares on the City streets, the "placing or displaying of newspapers, pamphlets, or periodicals, whether in dispensing devices or otherwise, upon any sidewalk or sidewalk area". The question to be addressed in this memo is whether this provision denies any particular group or individuals equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution.

Regulation of use of streets and highways in this state is a field into which the State as well as the City has entered. Article 42.03 of the Texas Penal Code makes it a Class B misdemeanor to obstruct highways or other passageways. The Article defines "obstruction" as "to render impassable or to render passage unreasonably inconvenient or hazardous". In 1972, the City Council passed an ordinance in compliance with the State law to prohibit obstructions of City streets and sidewalks. This ordinance, codified at Chapter 31, Section 4 begins with a blanket prohibition from selling any wares on the public streets. It then lists several exceptions to this blanket prohibition. Among these exceptions is Section 4 (g) (1):

"Nothing herein contained shall apply to the placing or displaying of newspapers, pamphlets or periodicals, whether in dispensing devices or otherwise, upon any sidewalk or sidewalk area so long as any such newspapers, pamphlets, periodicals and dispensing devices are confined to an area extending no more than three (3) feet from the curb line or an area extending no more than three (3) feet from the lot line."

It should be pointed out prior to any discussion of the Fourteenth Amendment issue that this ordinance is not in conflict with State law. The City Council has been granted broad discretion to determine what constitutes an obstruction of its streets, sidewalks and walkways. Consequently, it is within the Council's discretion to determine that newspaper stands, properly placed, are not obstructions under State law or City ordinance. The issue becomes whether the ordinance exceptions unlawfully discriminate against vendors of other wares or any other individuals or groups not covered by an exception.

April 10, 1980

CITY OF AUSTIN, TEXAS

The United States Supreme Court addressed a similar issue in City of New Orleans v. Nancy Dukes, 96 S. Ct. 2513 (1976). In that case, a seller of foodstuffs from a pushcart in the French Quarter brought action against the City challenging the constitutionality of an ordinance which prohibited such sales except for vendors who had continually operated in the French Quarter for at least eight (8) years. The appellant had only been selling in the French Quarter for two (2) years, and so was prohibited from continuing such sales under the ordinance. The grandfather Clause did permit several vendors to continue operating in the French Quarter. The Court found that the challenged ordinance was clearly a local economic regulation. As such, the Court indicated it would defer to the local legislative determinations as to the desirability of the particular statutory discrimination. Finding that the classification did not trammel fundamental personal rights, and was not drawn upon inherently suspect distinctions such as race, religion or alienage, the Court declared that it would presume the constitutionality of the statutory discrimination. Consequently, the only requirement the Court scrutinized was whether the classification challenged was rationally related to a legitimate state interest. It found that the classification was so related to a legitimate state interest.

The Court refused to judge the wisdom or desirability of the New Orleans ordinance, since it determined the ordinance effected neither fundamental rights nor proceeded along the suspect lines of race, religion, national origin or sex. In the area of economic regulation the Court said that only the invidious discrimination, the wholly arbitrary act cannot stand consistently with the Fourteenth Amendment. Taking this hands-off position with respect to local economic regulations, the Court specifically overruled a 1957 case that was inconsistent with this position. (Morey v. Doud, 354 U.S. 457, 77 S. Ct. 1344, 1 L. Ed.2d 1485 (1957)).

There is, then, sufficient legal precedent for determining that Section 31-4(g) furthers the legitimate City objective of keeping sidewalks free from unnecessary obstructions, while still making news information readily accessible to the public. Attached for your reference are copies of various ordinance provisions used by other major cities in Texas to regulate vending on public streets, which I have gathered at the request of the City Council. I have also discussed the various ordinance provisions with Assistant City Attorneys in the City of Houston, San Antonio, Dallas and El Paso. San Antonio, I am informed, regulated only peddlers on City sidewalks in the central business district. Its ordinance does not apply to dispensing devices, whether that be a Coca-Cola vending machine, gumball machine or newspaper dispenser. The City takes the position that if dispensing devices are placed on City property, the City can always tell the owner of such devices to remove it whenever it feels that there is some problem with permitting the device to remain there. Where no particular problem arises, the City takes a generally permissive approach to such devices. The City of Dallas, I was advised, has a new general ordinance, Chapter 50-157, which prohibits vending on City streets. The City has taken the position, however, that citizens' rights to be informed creates a special need for newspaper

dispensing devices. Consequently, they have developed a procedure of granting minor franchises by ordinance to any newspaper company which makes application with the City for such a franchise to install, operate and maintain self-service coin operated newspaper racks on the public street right-of-ways. The City charges a fee of \$5.00 per machine per year for the privilege of obtaining such a franchise.

All of the approaches utilized by the cities just mentioned are legitimate and constitutionally sustainable means of regulating economic activity on City streets and sidewalks. The City of Austin approach articulated at Chapter 31, Section 4 is a rational regulatory scheme, and is not in contravention of the Fourteenth Amendment or any other fundamental right of any individuals or groups.

Nevertheless, we stand ready to assist the Council in the preparation of any ordinance amendment which the Council in its discretion wishes to consider.

MR. DAN JARDINE told Council that the newspaper is not the only way of getting the news and the public does not need to buy the newspapers on the street corner.

Councilmember Goodman wondered if any vending machines obstruct the sidewalks. Mr. Davidson told him that any time there is a complaint the owner is notified to move the stand.

Mayor McClellan stated that there would be no way a 1st Amendment (United States Constitution) issue could be settled in the Council Chamber.

Councilmember Goodman asked for a report outlining the list of locations where vending machines are located on streets and sidewalks.

DISTRIBUTION OF PUBLIC DOCUMENTS

Mr. Davidson told Council they had asked him to study the matter of the distribution of public documents and bring back a report Council could use to insure the cost, work load, etc. would be reasonable, while at the same time implementing the policy goal that they understand was stated by Council. He asked Budget Director Lee Thomson to outline the proposal.

Ms. Thomson addressed Council as follows: "You have before you a proposed document distribution policy which speaks to the distribution of certain proposed and approved documents to citizen groups which would be eligible under the policy. A group would be a non-profit civic organization. Documents which would be included would be service or facility plans. It would not include statistical documents or documents for internal administrative purposes, but more documents for public policy for Council consideration. We have distinguished between Operating Budget and C.I.P. documents as opposed to other types of plans that would be made available under the policy. We have proposed that the Operating Budget and CIP both approved and proposed documents would be available to these qualifying organizations at any time during the fiscal year. Other types of documents

would be available while they are actively being considered by Council or for 30 days after last Council action has been taken and no further action is scheduled, and also for 90 days after the approval of the document. One feature which would help the city departments administer the policy would be for groups to register with the City Clerk's office once a year and indicate when they register what types of documents they are interested in. This way the City Departments would be able to anticipate the volume of documents they should print. A fiscal note is attached which would cover the personnel in the Clerk's office. We have reviewed this with the Clerk and would be requesting an additional part-time clerk in the Clerk's office. That would be a 20-hour a week person to assist in administering this policy. The capital is for a desk and support equipment. The first year cost would be about \$2,577 and it would be double that the second year."

Councilmember Himmelblau stated, "I want to make sure that in the documents we delete the full Council Agenda because this is something the 75-76 Council did because we found it to be such a burden. I don't see where it's spelled out in here." Ms. Thomson said they assumed the existing policy would continue on that and did not address it. She said she thought the xeroxing policy would still apply at a cost of 25¢ a page to items in the back-up-material.

The Mayor said that items under consideration by Council would include the back-up-material and assumed the groups could get one copy and then make their own copies for the rest of the group. She said this is what she assumed. Councilmember Himmelblau said she wouldn't. "What started this was when we deleted the budgets and CIP and then we talked last year about providing them again but on a cheaper type material." Mayor McClellan said she does not mean the whole agenda but the back up material in the agenda which relates to the items they are interested in. Discussion followed.

It was unanimously agreed to put the question of distribution of public documents on the April 17, 1980 agenda for action.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for an Executive Session at 3:10 p.m. and resumed its recessed meeting at 3:40 p.m.

At this point Council continued its discussion, begun in the morning session, concerning the lease of the parking lot north of the Municipal Building to BWC Associates for the construction of a parking garage. See pages 14-17 of these Minutes.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed its meeting for an Executive Session at 4:30 p.m. and resumed its recessed meeting at 4:45 p.m.

BOARD AND COMMISSION APPOINTMENTS

Councilmember Himmelblau moved that the Council make the following board and commission appointments:

BOARD OF ADJUSTMENT

Elizar Lucia; term to expire 1/1/82

Human Relations

Pat Pounds; term to expire 11/1/81

The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

April 10, 1980

Mayor McClellan announced the following board and commission appointments will be made on April 10, 1980:

Board of Adjustment, 1
Building Standards Commission, 1
Community Development Commission, 1
Dental Health Advisory Committee, 9
Human Relations Commission, 1
Environmental Board, 1
On-Going of Goals Assembly Committee, 1
Elizabeth Ney Museum Board, 4
Medical Assistance Advisory Board, 1
Commission of the Status of Women, 2

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution authorizing an agreement with V.E. Grove for a one-year option on certain land along the Colorado River near Montopolis for parkland and greenbelt purposes. CAPITAL IMPROVEMENTS PROGRAM 75/86-13. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

CONTRACT APPROVED

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

CULLUM & DICKEHUT
1004 Highway 1431 West
Marble Falls, Texas

CAPITAL IMPROVEMENTS PROGRAM
Southwest Austin Water Transmission
Main, PH B-1 - \$983,011.40 C.I.P. No. 73/22-23

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

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

Not in Council Chamber when roll was called: Councilmember Cooke

Before the motion was made and votes recorded, Councilmember Goodman asked Mr. Curtis Johnson, Director of Water and Wastewater, to give Council a brief description of the continuing project and include what areas will be served with the transmission line and how. He said he is particularly interested in knowing if it will serve the Barton Creek area.

Mr. Johnson displayed a map showing the portion of the Southwest Transmission line which is funded and explained how each section is being funded.

Councilmember Goodman asked "How will it actually occur physically? Will there be distribution lines coming off of the transmission main?" Mr. Johnson recommended that any development that does occur along the route of the line should not be serviced directly from the transmission line. There needs to be a local distribution system installed in connection with any development or subdivision activity that might be tapped. That distribution system may receive some supply from the line but that distribution system would need to go back to the existing distribution system, either in the area of the mall and the subdivision previously mentioned in the northerly direction, or possibly if the area was closer to South Lamar, come back to the existing distribution system along South Lamar. This line is basically to transport water. There can be connections with distribution systems that might eventually occur along it. However, there will be no customer served directly off this transmission line. How the system will occur will depend entirely upon what sort of development and regulations Council finally adopts for the Barton Creek area. Mr. Johnson continued, "My main point is I don't think it is proper to make customer services directly off of a large facility like this. It would almost be the same as trying to serve an individual house off a 138,000 volt electrical transmission line." Councilmember Goodman said, "So as presently conceived it would be two distribution systems? Or more?" Mr. Johnson told him, "It simply depends on how much development takes place in that area. It would serve the distribution system that may eventually be installed in that general area. I certainly have no way of knowing what sort of development might take place, and that will be dependent upon the final approval of the Council on the Barton Creek controls."

Councilmember Goodman asked, "It would be your recommendation that we have not any direct taps, or anything other than distribution lines coming off of the Southwest Transmission Line?" Mr. Johnson said, "Definitely."

Councilmember Goodman stated: "I think we should proceed with an agenda item next week to establish that as a policy and I move approval of this item today."

Joe Riddell appeared and made a brief comment. He said the line originally was supposed to serve the southern service zone, but it has been tapped along the way.

CONTRACT APPROVED

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

MBC FLATWORK
6112 Fairway Drive #104
Austin, Texas

CAPITAL IMPROVEMENTS PROGRAM -
Rosewood Avenue Sidewalks, Phase
1 - \$6,702.24 C.I.P. No. 80/61-04

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

Prior to the vote, Councilmember Snell said he had not received a report on the bidding procedure. Mr. German, Public Works Director, told him this is the second contract award the city has given to this particular minority contractor. He told Councilmember Snell there must have been a misunderstanding about the report and he will obtain one. Mr. Davidson also said he would contact Councilmember Snell about this.

AGENDA ITEM POSTPONED

Consideration of scheduling, format and procedures of City Council Meetings and public hearings will be discussed at a later date. Mayor McClellan brought to Council's attention an electronic voting system to be used in the Council Chamber which would cost about \$4,000.00. Mayor Pro Tem Mullen said he is in favor of such a system.

MOPAC SOUND BARRIER PROJECT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1979-1984 CAPITAL IMPROVEMENT PROGRAM BUDGET BY APPROPRIATING \$346,560 FROM THE STREET AND BRIDGE CIP FUND TO PAY FOR THE CITY'S COST OF THE MO PAC BOULEVARD SOUND BARRIER FENCE; 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. 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

The Mayor announced that the ordinance had been finally passed.

Councilmember Trevino asked where the money would be obtained and Mr. German told him from the 38th Street project. Councilmember Himmelblau asked if there would be enough money left in the project. Mr. German told her there will be.

ZONING ORDINANCES

Council had before it for consideration the second and third readings of ordinances amending Chapter 45 of the Austin City Code, Zoning Ordinance) to cover the following changes:

TOM W. BRADFIELD, DONALD H. CUMMINS & ROBERT MULLER, JR. By Bryant-Curington C14-78-105	Tracts 1, 3, 5, 7, 8 & 10: 1398-1200 Loop 1, 1213-1209 Spyglass Drive, 901-831 Loop 1 and 702-708 Columbus	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area
TOM W. BRADFIELD, DONALD H. CUMMINS & ROBERT MULLER, JR. By Bryant-Curington Inc. C14-78-105	Tract 9: 2099-1101 Loop 1 (MoPac)	From Interim "A" Residence 1st Height and Area To "BB" Residence District 1st Height and Area and "A" Residence 1st Height and Area

Motion

Councilmember Goodman moved that the Council deny the zoning request. The motion was seconded by Councilmember Cooke.

Substitute Motion

Councilmember Himmelblau moved that the Council postpone the voting on the zoning ordinance changes until after the Barton Creek Ordinance is adopted. The motion was seconded by Councilmember Snell.

Substitute Motion Withdrawn

Councilmember Himmelblau withdrew her motion and Councilmember Snell withdrew his second.

Motion Withdrawn

Councilmember Goodman said, "There is a legal technicality on the main motion so I am going to withdraw the motion and make a motion for the approval and then vote against it. I've been advised that is the legally proper way to do it." Councilmember Cooke withdrew his second.

Motion - FAILED

Councilmember Goodman moved that the Council pass through second reading an amendment to Chapter 45 of the Austin City Code, Zoning Ordinance as follows:

TOM W. BRADFIELD,	Tracts 1, 3, 5, 7, 8	From Interim "A" Residence
DONALD H. CUMMINS &	& 10: 1398-1200 Loop	1st Height and Area
ROBERT MULLER, JR.	1, 1213-1209 Spyglass	To "O" Office
By Bryant-Curington	Drive, 901-831 Loop 1	1st Height and Area
C14-78-105	and 702-708 Columbus	

The motion, seconded by Mayor Pro Tem Mullen, FAILED to carry by the following vote.

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell

Noes: Mayor McClellan, Councilmembers Cooke, Goodman, Trevino

Motion - FAILED

Councilmember Goodman moved that the Council pass through second reading an amendment to Chapter 45 of the Austin City Code, Zoning Ordinance as follows:

TOM W. BRADFIELD,	Tract 9: 2099-1101	From Interim "A" Residence
DONALD H. CUMMINS &	Loop 1 (MoPac)	1st Height and Area
ROBERT MULLER, JR.		To "BB" Residence District
By Bryant-Curington		1st Height and Area
C14-78-105		and "A" Residence
		1st Height and Area

The motion, seconded by Mayor McClellan, failed to carry by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen

Noes: Councilmembers Cooke, Goodman, Snell, Trevino, Mayor McClellan

SR ZONING PROPOSED ALONG LOOP 360

Councilmember Goodman moved that the Council approve the request of the Planning Commission to review SR zoning for the Loop 360 Corridor Annexation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

AUDIT FINANCE COMMITTEE

Councilmember Goodman moved that the Council appoint Councilmembers Goodman, Himmelblau, and Mayor Pro Tem Mullen to the Audit Finance Committee. The motion, seconded by Mayor McClellan, carried by the following vote:

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

ITEMS CONSIDERED BY COUNCIL

Mayor McClellan introduced several items to Council which were considered as follows:

1. Selection procedures and duties of independent financial auditor.

Mr. Monty Nitcholas, Director of Finance, told Council an established procedure is already in use.

2. Procedures for selecting depository institutions.

Mr. Nitcholas reported the city follows the resolution adopted by the City Council in May, 1957. Participation of banks is renewed year to year if they are not terminated. All banks in Austin, except those who do not wish to participate, are used for investment purposes. One bank is used for operations.

Mayor McClellan requested a written report from staff on Mr. Nitcholas' comments as well as a written report on the Council resolution of May 1975.

3. Recommendations of the Austin Study Group:

(1) Scheduling an additional monthly City Council meeting to review city's financial budgetary condition including a detailed report on the status of each CIP project.

Mr. Nitcholas pointed out to Council this is already being done.

(2) Hiring an independent certified public accounting firm to provide a monthly audit of all city accounts.

Mr. Bob Binder said there should be an audit of city accounts each month. Mr. Michael Moore, Peat, Marwick and Mitchell, explained the audit system as an on-going report of the financial condition of the city ...not a report of numbers only.

Councilmember Cooke stated for the record that a new internal auditor and ten additional personnel had been hired for the city. At the time this was done he had been skeptical of the effectiveness of the hiring, but now feels there have been great strides made in the auditing system.

Mayor McClellan reiterated the city received on-going financial reports and the auditor is in constant contact.

Mr. Binder asked what the cost would be for a monthly audit. Mr. Bramlett, City Auditor, explained the charge would be \$140,000 for a general audit. This is now the yearly cost for a once a year audit of the city. If it were done monthly, the charge would be 12 times \$140,000.

Mayor Pro Tem Mullen pointed out that a City Manager, in the City Manager form of government, hires an internal auditor who report to the City Manager rather than the Council. Mayor Pro Tem Mullen stated he is personally bothered that the internal auditor does not report to the Council.

Councilmember Cooke reminded him that the proposal to have the city auditor and city attorney report directly to Council was presented during the discussion of the City Charter meeting. The idea was not found to be acceptable.

Mr. Binder stated as follows: "Statement to Austin City Council Supporting Truth-in-Government Recommendation - On behalf of the Austin Study Group, I want to express our appreciation for your consideration of the Austin Study Group truth-in-government recommendations. Councilmember Mullen advised me of his long standing active concern in this area, and it is commendable.

"As you know, we feel that government writes its policies and priorities with its checkbook. It is essential for any policymaking body to know where the money is going and where it is coming from, what approved projects are stalled and which are over or under budget and the reasons for all these. We believe a monthly meeting devoted to an explanation in simple terms to the Council, the press and the public would have a most beneficial effect for Austin government.

"Your own auditor along with appropriate sanctions for false reports would be a contribution to credibility and public confidence.

"As a package, we believe these recommendations will insure a more accurate carrying out of Council and public wishes in Austin, and will enhance accountability. All Councils would do a better job. It would not be too time consuming nor extravagant to regularly review the status of all projects and departments by their common names and state whether they were on schedule, delayed, unfunded, complete, showing a savings or whatever.

And if there was money to be returned, you would know it promptly and could consider an entire array of options for what to do with it. That would certainly prevent money set aside to acquire land along Barton Creek from sitting idle for years without the Council being conscious of it. Double capacity lift stations could not be installed without Council knowledge or active deception of the Council and publish which money would be used strictly for its intended purpose. All in all, we feel this is an excellent proposal and we recommend you implement it."

- (3) Amending personnel policies to provide automatic dismissal of any senior city official who is responsible for a false report to the City Council, City Manager, or to the public who does not report any deviation within 30 days from the designated budgets for projects within his/her Department.

Mayor McClellan said that this would be in line with the City Charter. The only point which may cause some trouble is "automatic" dismissal. She said there are due process hearings.

Mr. Jimmy Flakes stated, "It's not automatic dismissal it's immediate dismissal. This provides an opportunity for someone to speak to the charge that has been brought against them. Automatic dismissal seems to be to me that once it is determined something has happened, no one has an opportunity to defend him/herself." Mr. Harris said, "There are certain offenses and personnel policies which are listed and said they may be grounds for immediate termination. That does not mean that a person cannot go through the grievance procedure and contest his/her dismissal on whatever grounds the person might come up with."

Councilmember Cooke said he thought the word "senior" should be deleted. He felt this to be discriminatory and if you work for the city it should apply to all officials. "What I am looking at is "dismissal" where it says department heads will furnish the Director of Personnel with written statements indicating the reason for dismissal. I'm just trying to determine whether the words we have before us are excluded from this. Is there definitely a void in our policy that the study group is speaking to that are not currently there. Or is it already in place?" Mayor McClellan asked Mr. Harris to give Council a report in writing on this. It was decided Mr. Harris and Mr. Flakes would prepare the report together for distribution to Council.

CONGRESS AVENUE PARADES

Councilmember Cooke introduced an item to Council to consider no longer blocking off parking spaces on Congress Avenue for parades. Exceptions to this would require concurrence of business owners along Congress. He cited the Livestock Parade which was held recently. Congress Avenue was blocked off at 6:00 in the morning and the parade did not occur until the afternoon. This prevented shoppers from visiting business places on Congress Avenue. Mayor McClellan thought there had been a break down of

communication in this instance and said she would hate to see adoption of a policy which would state you could not have a parade on Congress Avenue unless you have concurrence of every business. Mayor McClellan requested a City Manager report on what procedures should be taken. Councilmember Cooke said there should be something different than what happened at that parade.

DRAINAGE ON MOPAC SOUTH

Councilmember Cooke introduced an item to Council concerning current drainage construction on MoPac south, between Bee Caves Road and Loop 360. He said this is a potential problem and feels staff should determine as quickly as possible what options should be considered. He realizes this is a state contract but feels it is imperative to address the 96" storm drainage to set some policy to slow the sedimentation into the creek bed and also look at other drainage into the creek bed which is closer in. Councilmember Cooke asked for a report back in a reasonable length of time so they can consider some options.

RECESS

Council recessed its meeting at 6:00 P.M. and resumed its recessed meeting at 7:00 p.m.

BARTON CREEK ORDINANCE

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on the proposed Barton Creek Ordinance.

Dr. Maureen McReynolds, Director of Environmental Resource Management, discussed the proposed ordinance. Her memo, which she reviewed, and a copy of the proposed ordinance, are on file in the City Clerk's office.

Neal Graham, representing the Environmental Resource Commission, stated the overriding goals of the ordinance are to protect the environs of Barton Creek Watershed. He discussed some of the points of the ordinance and concluded by saying in the writing of the ordinance every consideration has been given to statements of individuals concerning the impact of the controls of Barton Creek on them.

David Armbrust, a member of the Task Force and a representative of some of the owners of land in the Barton Creek area, stated one of the options of the ordinance is one acre for each two acres. He pointed out this does not take into consideration the slopes and the bad land which cannot be developed. He asked Council to take a reasonable approach to the development of the watershed and to attempt to come up with something which is reasonable on every proposal.

Gibson Randle, a member of the Task Force and an attorney representing owners of 1700 acres of land in the watershed, asked for a better balancing of the scales. So far he feels they have been tipped by costly studies and costly staff time, plus regulatory recommendations by the consultants.

Philip Blackerby, 1400 Foxwood Cove, spoke in favor of the Task Force. He questioned whether the ordinance is directed at water quality or growth and commented any development in the watershed will pollute the water.

A man who did not identify himself felt there would be problems even if a restrictive ordinance is adopted.

Tom Curtis, representing Texas Commerce Bancshares, said they have purchased 5 acres for a drive in bank and the proposed ordinance would prohibit them from building it. If 18% impervious cover is approved, it would permit a drive-in bank driveway, but no bank. 35% impervious cover would still prohibit the building of a bank. He talked about the concern for water quality, and said they, as a bank could control the quality of the run-off from their site and asked Council to allow them to build as intended.

Gary Bradley appeared before Council to discuss the difficulty of determining the bluff line. He said he owns 500 acres and the slope varies a great deal. This causes him much concern.

Hoyle Osborn, Planning Consultant, spoke about the advisability of wise planning for the area.

Doug Ramsey appeared to state he acquired property in the area several years ago to develop a low density home and shopping development. He said he will use the ET system which does not allow any leakage. He told Council he wants to develop his land in an orderly basis.

Larry Peal appeared to say the 15% grade proposed is too restrictive. He felt there is a need to react to each site to determine how it will be handled.

John Lloyd, representing the Brodie tract, which is 166 acres at the corner of 360 and North Lamar, said they want to dedicate 75 acres of the tract to the city for a park. The remainder is to be used for development of homes and commercial development. He pointed out to Council the land is across from K-Mart and they should think about its location before restrictive controls on it which would make it impossible for development.

Bobby MacIntosh asked Council to keep the creek as it is.

Bill Gunn, a local developer who said he does not own anything on Barton Creek, pointed out the cost of lots in Woods of Westlake is \$15,000 per lot because of the restrictions and regulations builders must adhere to. He said the additional requirement proposed by Council will cause inflation to the lot price. He felt Council should do something to accomodate those who want to live in the area.

Frank Horsfal appeared and asked Council to still have more patience before rushing into adoption of an ordinance. He felt even more study is needed. He urged Council to deny private enterprise when it is detrimental to public enterprise.

Ann McAfee appeared before Council to state seven generations of her family has enjoyed Barton Springs. He said the apartments on the bluffs of the creek are a travesty and Council should not continue to ruin the unique beauty of the area.

Joe Riddell felt the moratorium should be continued until the ordinance can be fully studied. He said there is a need for stream standards and protection for the aquifer. As the ordinance is written, he feels it would mean more pollution for the creek. He said Council would not show care if they adopt the proposed ordinance.

Connie Moore told Council she feels the ordinance is a compromise. She showed slides of the shopping center which is being built, pointed out silt in the stream, and said it was from the shopping center. She also said there should be a law against herbicides and pesticides.

Charlie Graves appeared and showed slides of proposed ways to develop the property around Barton Creek with different densities. He concluded by stating "Let's do all we can to protect Barton Creek, but don't kill it with kindness."

Patricia Hanley told Council they should have a complete and permanent moratorium on further development in the Barton Creek Watershed.

Roy Bechtol, landscape planner and architect, urged the Council to use wisdom in the adoption of the ordinance.

David Gurst, appeared and asked Council to put controls on site development. He felt this would be the best way. He wants a master plan which will be an enforceable plan.

Dorothy Richter urged Council to adopt the most restrictive ordinance possible.

John Hartman said he likes Barton Creek and urged Council to be careful.

Motion

Councilmember Cooke moved that the Council close the public hearing on the proposed Barton Creek Ordinance and schedule it for action on the April 17, 1980 Agenda. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

ADJOURNMENT

Council adjourned its meeting at 9:40 p.m.

APPROVED

Carole Keeton McClellan
Mayor

ATTEST:

Grace Monroe
City Clerk