

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 4, 1980  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Snell

Absent: Mayor Pro Tem Trevino

The Invocation was given by Reverend Richard E. McCabe, St. Theresa's Church.

RESOLUTION FOR CROCKETT BAND

The Mayor read a resolution, signed by all Councilmembers, recognizing the Crockett High School Band which was recently named Best in Class AAAA at the Hall of Fame Band Festival in Orlando, Florida, on November 24, 1980. Paula Crider, Band Director; and Mike Garza, Band President, were in the Council Chamber to receive the resolution and express their appreciation.

VIAL OF LIFE WEEK

"Vial of Life Week" will be observed December 7-13, 1980, according to a resolution read by Mayor McClellan. Mrs. Edwin Alley, Jr.; Mrs. Jane Kelsch, and Mr. Dennis Simmons, Deputy Director EMS, were in the Council Chamber to receive the proclamation with their thanks and appreciation.

## DISTINGUISHED SERVICE AWARD

Mr. Bob Oliver, Vice-President of regional Foley's stores and store manager of the local Foley store, received the Distinguished Service Award from the Mayor for Foley's participation in a program to provide jobs for older citizens and to have crafts made by senior citizens for sale at the store, as well as daily demonstrations of crafts. Ms. Madaline Hooker, from the Old Bakery; and Gloria Pennington, Supervisor of special senior services, Parks and Recreation Department, were at the podium with Mr. Oliver.

## AUSTIN POLICE DEPARTMENT CRIME PREVENTION UNIT

Mayor McClellan announced, "This last recognition this morning is one which we all know about but haven't had the opportunity to see this beautiful plaque and give our own congratulations to those we are so proud of in our Police Department." She asked Chief Dyson, Major Harvey Gann, Captain Louie White, Lieutenant John Boyd, Senior Sergeant Leonard Flores, Senior Sergeant Gene Freudenberg, Officer Ernest Biehle, Officer Mike Davis, Officer Ralph DeLaFuente, Officer Steve Garza, Officer Harold Hoffmeister, Office Ed Jones, Officer Edward Kohler, Officer Elaine Martin, Officer Travis McDonald, and Officer Rudy Woods to stand in the front of the Council Chamber.

Mayor McClellan continued, "Our Crime Prevention Unit has been very productively active for a long time in the Austin community and, if you will recall, won the Outstanding Crime Prevention Award for the State of Texas in August of 1980. As a result of our successful competition at the state level our Crime Prevention Unit was entered in the International Crime Prevention Contest and we were all delighted, Chief, we were not surprised, we were delighted that the rest of the world recognized what we in Austin already knew and that is that our Crime Prevention Unit was selected for the International Outstanding Unit Award in Crime Prevention. This award is especially appreciated because of the stiff competition not only from the United States cities but from such countries as England, Spain and Canada. The award was presented in Louisville, Kentucky on November 20. There is a beautiful plaque here which was awarded citing the outstanding contributions to the practices of crime prevention selected by a blue ribbon committee of crime prevention practitioners who unanimously elected the Austin Police Department to receive this honor in recognition of their dedication and untiring efforts in this exciting new field of public safety."

Chief of Police Dyson thanked the Mayor and Council for having the Crime Prevention Unit in the Council Chamber and letting them know how proud Austin is of the work they have done.

## MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of November 20, 1980 as corrected, and corrections of September 25, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Himmelblau, Mullen, Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmembers Cooke, Goodman

## CAPITAL IMPROVEMENTS PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acquisition of certain easements for the Upper Walnut Creek Wastewater Interceptor. CAPITAL IMPROVEMENTS PROGRAM No. 73/50-12. Various easements and lift station site in the Walnut Creek area. (B. R. Payton Estate, et al). The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acquisition of certain land for the Shoal Creek Project between 3rd and 5th Streets, CAPITAL IMPROVEMENTS PROGRAM 75/86-13:

4,030 square feet of land out of Outlot 11, Div. Z, Government  
Outlots. (Joseph P. Macken, et al)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

## RIGHT-OF-WAY FOR METROPOLITAN HIGHWAY 62

Councilmember Himmelblau moved that the Council adopt a resolution certifying that right-of-way for Metropolitan Highway 62 (Springdale Road) was acquired in accordance with applicable Federal and State policies and laws. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

## ITEM POSTPONED

The following item was postponed until December 11, 1980: Consider an exchange of land between the City of Austin and the Austin Redevelopment Authority.

## RELEASE OF EASEMENTS

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following easement:

A 7.5' Public Utility Easement located on Lot 1, Commercial Corner Subdivision, 2619-2633 Western Trails Boulevard. (Requested by Bryant-Curington, Inc., representing Mr. Gerald Kucera, owner)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following easement:

A 6.0' Public Utility Easement located on Block "B," resubdivision of Block 4, Plainview Heights, Outlot 20, Division "C," Original City, 3820 IH 35 North. (Requested by the Austin Baptist Association)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following easement:

A 7.5' Public Utility Easement on Lot 6, Kramer Lane Industrial Park III, 2111 Kramer Lane. (Requested by Billy F. Priest Surveyors, Inc., representing Mr. Ben H. Powell, Jr. and Mr. William B. Houston, Trustee)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

## CONTRACTS APPROVED

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

AUS-TEX PLUMBING, HEATING, AIR  
CONDITIONING, INC.  
6401 Haney  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
O. Henry Museum Heating and Air  
Conditioning Renovation -  
\$8,638.00 C.I.P. 79/86-06

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

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

R. L. POLK  
7618 Envoy Court  
Dallas, Texas

- City of Austin Directories, Office  
Services Division  
Item 1 - 71 ea. @ \$99.00  
Total \$7,029.00

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

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

JERRY D. DREHER, DUNCAN  
DISTRIBUTOR  
13549 Willow Bend Road  
Dallas, Texas

- Conversion of Parking Meters,  
Urban Transportation - \$14,021.25

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

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

BILL HEIL CHRYSLER PLYMOUTH  
841 West 6th Street  
Austin, Texas

- Passenger Van, Vehicle and Equipment  
Services Department  
Item 1 - 1 ea. - \$10,733.00

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

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

ELIZABETH FULLER, CONSULTANT  
2401 Rock Terrace Circle  
Austin, Texas

- Consultant for a Central Texas  
Library Resources Directory  
Library Department  
Nine (9) Month Contract  
Not to exceed \$6,000.00; (from  
grant monies)

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

#### MUNICIPAL COURT BUILDING RENOVATIONS

Councilmember Himmelblau moved that the Council adopt a resolution to select the architectural services of Wilson, Stoeltje and Martin and to approve a contract in connection with Municipal Court Building Renovations, CAPITAL IMPROVEMENTS PROGRAM No. 80/87-01. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

PUBLIC SAFETY CENTER  
EMERGENCY MEDICAL SERVICES

Councilmember Himmelblau moved that the Council adopt a resolution to select soils investigative and engineering testing services and to approve a contract in connection with the following:

Hamilton Drilling & Engineering Testing, Inc., for Public Safety Center, Emergency Medical Services, CAPITAL IMPROVEMENTS PROGRAM No. 78/93-01

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

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

POLICE PARKING GARAGE

Councilmember Himmelblau moved that the Council adopt a resolution to select soils investigative and engineering testing services and to approve a contract in connection with the following:

Snowden & Meyer, Inc., for Police Parking Garage, CAPITAL IMPROVEMENTS PROGRAM No. 80/87-02.

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

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

CETA

Councilmember Himmelblau moved that the Council adopt a resolution authorizing submission of a preapplication on the U.S. Department of Labor to operate employment and training programs under the Comprehensive Employment and Training Act (CETA) for FY 1982. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## ENERGY RELIEF FUNDS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing submission of an application to the Community Services Administration for \$250,000 in energy relief funds for FY '80 - '81. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## HUMAN SERVICE AGENCY CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing execution of 23 Human Service Agency contracts for FY 1980-81. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Contracts are as follows:

Austin Community Television - \$20,893  
Austin Area Urban League - \$30,960  
Austin Association of Retarded Citizens - \$8,068  
Austin Child Guidance Center - \$76,327  
Austin Community Nursery - \$37,500  
Austin Council on Alcoholism - \$10,248  
Austin Rape Crisis Center - \$31,940  
Austin Rehabilitation Center - \$45,000

Because of grant management considerations effecting other funds available to the agency, it has become necessary to split City funding between Wright Road Farm and the REAP program in order to accomplish the intent of the contract award. Neither the combined budgets nor operations of either program will vary from the original recommendation; however, City funding will now support services to 160 of the agency's caseload, rather than to 45 as originally anticipated.

Austin Tenants Council - \$24,301  
Capital Area Rehabilitation - \$39,230  
Caritas - \$51,870  
Center for Battered Women - \$34,049  
Child, Incorporated - \$259,121  
Development Assistance for Rehabilitation - \$67,000

As recommended by the HSRT, this agency is currently under study by the Community Council.

Legal Aid Society of Central Texas - \$66,955  
Austin-Travis County Mental Health/Mental Retardation - \$351,512



MIGHT - \$14,440  
Middle Earth - \$19,058  
People's Community Clinic - \$36,572  
Services for the Elderly, Inc. - \$57,683  
United Action for the Elderly - \$48,093  
United Cerebral Palsy - \$20,094  
Youth Employment Services - \$52,800

#### RESOURCES RECOVERY

Councilmember Himmelblau moved that the Council adopt a resolution creating a Citizen's Advisory Task Force for Resources Recovery and appointed the following:

Gwen Sederholm - Environmental Board  
Beth Brown - Ecology Action  
Bill Schubert - Renewable Resources Commission  
Celeste Cromack - Hyde Park Neighborhood Association  
Margo Thomas - We Care Austin  
Jean Feldbauer - League of Women Voters  
John C. Warren - Private refuse hauler  
David Bloch - Tarrytown Neighborhood Association  
Hal Cooper - Academic community  
Barbara Cilley - South River City Citizens  
Andy Kovar - Environmental engineer with Radian  
Mary Jude Peterson - University Hills Neighborhood Association  
Hector Mendieta - State Department of Health  
Robert A Jenkins - State Purchasing and General Services Commission  
Alicia Olvera Garcia - Govalle Association for Survival

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

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

#### TEXAS TRIANGLE PROJECT

Councilmember Himmelblau moved that the Council adopt a resolution supporting the Texas Triangle Project relating to the establishment of rail transportation by lining the cities of Ft. Worth, Dallas, Houston and San Antonio. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Goodman commented that Austin is not included at this time, but hopefully it will be in the future. Councilmember Cooke said, "I feel that

we should echo in our Resolution that we would like to be included, that we strongly support the triangle but that we want to be included if at all possible. Councilmember Goodman stated he will accept that as a statement in the resolution, gladly and enthusiastically. Dr. Benson recently attended a conference on it and Austin has not been excluded in the planning.

#### BEVERAGE CONTAINER DEPOSIT LEGISLATION

Council had before them a resolution supporting passage of Beverage Container Deposit Legislation by the Texas Legislature. Councilmember Himmelblau moved that the Council refer the subject to the lobbyist for the City, Longley and Maxwell. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

#### PUBLIC HEARING SET ON CITY CODE AMENDMENT

Councilmember Himmelblau moved that the Council set a public hearing on an Amendment to Chapter 32 (Taxation) of the Austin City Code requiring minimum Building Standards for Historic Structures receiving tax abatements for December 11, 1980 at 8:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

#### UNDERGROUND ENCROACHMENT

Councilmember Himmelblau moved that the Council adopt a resolution to enter into a license agreement with American National Bank for underground encroachment into right-of-way on West 5th at Lavaca Street. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## AUDIT OF FEDERAL GRANT FUNDS

Council had before them a resolution to select professional services and approve a contract in connection with the required audit of Federal grant funds administered by the City of Austin.

Councilmember Himmelblau moved that the Council refer the subject to the Audit Committee. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,  
Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

## BOARD AND COMMISSION APPOINTMENTS

Councilmember Cooke moved that the Council unanimously make the following Board and Commission appointments, Councilmember Goodman out of the room, and Mayor Pro Tem Trevino absent:

EMS Quality Assurance Team - Bob Honts - term to expire 1/1/82  
Dental Health Advisory Committee - Ola Johnson, term to expire 3/1/81  
Manpower Advisory Planning Council - Willis McGregor, Fanny Ussery,  
Albert Fairweather, terms to expire 9/30/81

Mayor McClellan announced the following appointments are due to be made on December 11, 1980:

Dental Health Advisory Committee - 1  
On-Going Goals Assembly Committee - 4  
Vending Commission - 1  
Human Relations Commission - 7  
Manpower Advisory Planning Council - 1  
Building Standards Commission - 1  
Austin Community Education Consortium - 3  
Parks and Recreation - 1  
Community Development Commission - 1  
Electrical Board - 2  
Elisabet Ney Museum Board of Directors - 1  
Library Commission - 1  
Medical Assistance Program Advisory Board - 5  
Police Retirement Board - 1  
Environmental Board - 1  
Building Standards Commission - 1  
Hospital Board - 1  
Ethics Review Commission - 1

According to the Mayor, the following appointments will be made on January 1, 1981:

EMS Quality Assurance Team - 5  
Construction Advisory Committee - 1  
Citizens Traffic Safety Commission - 5  
Heating, Air-Conditioning and Refrigeration Appeals Board - 2  
Library Commission - 6  
MH/MR Public Responsibility Committee - 3  
Urban Transportation Commission - 4  
Board of Adjustment - 4

#### CIVIL SERVICE JOBS EVALUATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY APPROPRIATING \$1,714,208 FROM THE GENERAL FUND ENDING BALANCE FOR THE PURPOSE OF IMPLEMENTING CIVIL SERVICE JOB EVALUATION AND CLASSIFICATION CHANGES; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Option 2)

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

The Mayor announced that the ordinance had been finally passed.

(Option 2 is as follows: Effective November 30, 1980, adjust the base pay by 50% of the additional pay called for in the proposed pay scale; and effective April 1, 1981, fully implement the proposed pay scale at a cost of \$1,285,656.)

Councilmember Cooke stated at the time of his motion, "While Option 1 certainly is a warranted option, considering we are moving to a very touchy area of amending our budget to the balance of only \$2.6 million, which I think puts the whole Council in a little bit of an uncomfortable position and ask the City Manager to judiciously manage the ending balance, hopefully back up to something the bond houses will be more comfortable with, but I feel like this recommendation is appropriate and feel that this places caution on our ending balance that this should be implemented as soon as possible."

Mayor McClellan said, "I concur that we implement this as soon as possible and we did foresee at budget time that we were doing this study. I think it was a very good one and the reclassification is most merited. Our other employees have this going on an on-going basis and these employees do not so I think it is timely and appropriate."

Police Association President Jerry Spain told Council, "To say thank you will grossly understate how the Association and members of the Police Department feel." He then thanked members of the Personnel Department for their hard work in a short time limit and also Mr. Davidson's group.

Mike VanBlaricom, Fire Association, appeared before Council to reiterate what Sgt. Spain said, and also stated he felt proper remuneration is the best way to maintain police and fire fighting units. Mr. Davidson, City Manager, expressed his thanks to the Police Department, Fire Department and Personnel Department for their careful coordination in this evaluation and classification. He said the Civil Service pay study was a truly outstanding piece of work and recommends anyone to review it.

#### BUDGET AMENDMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY ACCEPTING AND APPROPRIATING \$21,989.00 FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE PURPOSE OF FUNDING EMERGENCY NO. 911 PLANNING COORDINATION; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

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 1980-1981 BY ACCEPTING AND APPROPRIATING \$342.75 FROM THE HOGG FOUNDATION FOR MENTAL HEALTH AND \$700.00 FROM THE TEXAS COMMISSION ON THE ARTS FOR THE PURPOSE OF A PROFESSIONAL EVALUATION OF THE PROJECT ENTITLED "ACT YOUR AGE"; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman  
The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF AUSTIN FOR THE FISCAL YEAR 1980-1981 BY APPROPRIATING AND TRANSFERRING A TOTAL OF \$9,675.00 FROM THE GENERAL FUND ENDING BALANCE, \$6,300.00 THEREOF TO THE CITY PLANNING DEPARTMENT AND \$3,375.00 THEREOF TO THE CITY BUILDING INSPECTION DEPARTMENT, TO FUND THE IMPLEMENTATION BEGINNING DECEMBER 1, 1980 OF THE "PRINCIPLE ROADWAY AREA ORDINANCES", ORDINANCES NO.801120-X AND 801120-Y; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman  
The Mayor announced that the ordinance had been finally passed.

#### ORDINANCE POSTPONED

Council had before it an ordinance to amend the 1980-81 Operating Budget by appropriating funds from the General Fund ending balance for the required audit of federal grant funds administered by the City of Austin. During the consent motion, this was referred to the Audit and Finance Committee for study.

#### POLYBUTYLENE PIPE SYSTEM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42, SECTIONS 1004 AND 1008 OF THE CODE OF THE CITY OF AUSTIN, 1967, PROVIDING FOR THE USE OF POLYBUTYLENE PIPE SYSTEM FOR THE SUPPLY OF POTABLE WATER; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### SALE OF GOODS IN CERTAIN AREAS

Councilmember Mullen moved that the Council pass an ordinance prohibiting the sale of goods, wares and merchandise in certain specified areas. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

Later in the day this subject was reconsidered:

#### Motion to Reconsider

Councilmember Goodman moved that the Council reconsider the ordinance prohibiting the sale of goods, wares and merchandise in certain specified areas. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mullen,  
Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

Councilmember Goodman asked where the idea of the ordinance had originated. Mr. Albert DeLaRosa, Assistant City Attorney, told him the problem had come to light with the unauthorized sale of merchandise at the auditorium when entertainers appear. Councilmember Goodman said that was all right, but wondered about Roland DeNois being able to sell his Salvation Sandwiches. After some discussion, it was decided this issue should be referred to the Legal Department to reword the ordinance and bring it back on the December 11, 1980 Agenda.

## AUSTIN BICYCLE LICENSING AND REGISTRATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF AUSTIN, 1967, BY DELETING ARTICLE II, SECTIONS 6-5 THROUGH 6-18 RELATING TO INSPECTIONS AND LICENSES FOR BICYCLES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## CORRECTION OF RATE AND FEE ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 800925-W AND SECTION 28-19(f) OF THE 1967 CODE OF THE CITY OF AUSTIN BY CORRECTING THE FEES PROVIDED FOR THEREIN FOR MECHANICALLY HANDLED CONTAINERS IN ORDER TO REFLECT THE CHANGES PROVIDED FOR IN ORDINANCE NO. 800925-SS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 800925-X AND SECTION 28-15(a) OF THE AUSTIN CITY CODE OF 1967, INCREASING CERTAIN RATES CHARGED BY THE CITY OF AUSTIN FOR REMOVING GARBAGE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.



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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 446.84 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM HORNSBY SURVEY NO. 22 AND THE FRANCISCO GARCIA SURVEY NO. 60 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C7a-80-002)

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 32 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Maple Run, Section 2, C7a-80-009)

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE POSTPONED

Councilmember Mullen moved that the Council postpone decision until December 11, 1980 on the following zoning ordinance:

CLARENCE AND VERA WILLIAMS By Mildred Sneed C14-80-100	3211 Jack Cooke, also bounded to the north by Northeast Drive and the east by Manor Road	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

#### ORDINANCE VACATING STREET POSTPONED

Councilmember Mullen moved that the Council postpone until December 11, 1980 consideration of an Ordinance vacating the following: (Public hearing held and closed June 28, 1980)

SABINE STREET from the north property line of East 9th Street to the south property line of East 10th Street. (Requested by the Austin Redevelopment Authority, City of Austin and the Southland Corporation)

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

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

## ITEM PULLED FROM AGENDA

The following zoning ordinance was erroneously included in the agenda, and was pulled because it had already been passed on November 20, 1980.

RODA LEE PRADE  
By Richard L. Goss  
C14-80-035

6204 Farm Road 2222

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

## GUESTS IN CHAMBER RECOGNIZED

Mayor McClellan recognized the presence in the Council Chamber of County Attorney Jim McMurtry. Also present were four 6th grade classes from Graham Elementary School. Teachers present with their classes were Rod Graham, Elva Cantu, Angie Roberts and Lennie Cooke.

## CABLE TELEVISION

Mayor McClellan and Councilmember Himmelblau introduced an item to Council to consider elements of cable television consideration by City Council and an appropriate time table. Mayor McClellan asked Mr. Donald Thomas, representative of Capital Cable, to update Council on what has been going on.

Mr. Thomas told Council, "We started some two years ago our negotiations with the City for the extension of our franchise in order that we might completely rebuild our system and inject into it the substantial technical improvements that have occurred during the past 17 years, with the realization that the future years would also be blessed with advancing technology, and with a desire to continue to serve this community as we have in the past, not perfectly, but in accordance with the standards prevailing in that industry. To do that is our greatest hope and ambition, and that is a continuing first choice of the people that I represent. Unfortunately for us, at the eve of that extended franchise, rather exotic new technical equipment was announced which had not theretofore been contemplated as being presently available, so the proposal that we had made in terms of the existing technology was referred to as being a modest proposal at a very modest charge. ...a great surge of bidding and auctioning and efforts to buy the right to do business came about, which in turn precipitated a demand for those services which were then and are now publicly willing and able financially and technologically to provide.

"As the controversy heightened, some citizens viewing the future, rather than the past, felt that in this new era those of us who had been there for 17 years could not perform as well perhaps as some of the larger and relative newcomers to the industry. A suggestion was made that we should talk to major operators in terms of continuing service to Austin. The one specific operator that was suggested was Time, Inc., which, through its subsidiary, American Television Communications, is the second largest operator of cable television systems in the United States and rapidly closing on first place.

"With reluctance but with a desire to investigate that possibility we engaged in discussion with representatives of Time, Inc., which is a company with unlimited capital resources and a vast bank of technical experts and expertise to the end that we reached an agreement in principle under which we continue to participate indirectly without any management responsibilities in the provision of this service in the city that the people I represent so love. The result of that has been that we have reached a point where we feel that it is proper and necessary that we put before the public the information that we have communicated to you individually in recent days, and that is simply, that we desire to go forward with our application for the extension of our franchise, or our contract, and I think it is more of a contract than it is a franchise, but that's not an issue to debate here and say to you and to the public that subject to your approval, and certainly any transfer of the control of this company is contractually required to be approved by this body and were it not a contract, it would not be done without your approval in any event." Mr. Thomas then introduced Mr. Monroe Rifkin who heads the American Television Communications sector of Time, Inc.

Mr. Rifkin appeared before Council and gave a brief history of ATC. He said they currently operate in 32 states and 120 communities. They currently have approximately 1,300,000 cable subscribers and 700,000 plus pay television subscribers. They consummated a relationship with Time, Inc., two years ago and ATC is flourishing with that relationship. He spoke of the future of television and said, "there are those of us in the industry that have a great belief that in the next decade information services via cable, via display on the tube, may perhaps become the foremost economic source within this cable operation. Mr. Rifkin said they have studied Austin and are in agreement with the City's consultant and think there can be some improvement with them.

Mayor McClellan stated, "I would suggest in line with some of our discussions that we proceed on two fronts and schedule all these items that need a formal action on our next week's agenda. We will have the full Council here on December 11....in line with Mr. Mullen's ascertainment suggestion to have Mr. Horn prepare an RFP (Request For Proposal) for an adequate ascertainment study by December 18, and that the RFP include two types of ascertainment, the program of service mix, institutional and access requirements, that the Council select a firm to do that ascertainment study by the January 8, 1981 meeting. That we proceed to direct the City Manager to negotiate a proposed contract with Capital Cable except for those items that are governed by the ascertainment study...we can certainly leave open...but the Manager provide a report to the Council no later than January 15, 1981, on those negotiations. That we set a public hearing for February 12, 1981 in keeping with our commitment to do so on numerous occasions to consider both the City Manager's report on the negotiation and the ascertainment study result and that the Council be prepared to make a decision at our February 12 meeting. And I would suggest we put all of that on next week's agenda for formal action and approval of that schedule, if no one has any objections."

Councilmember Goodman wanted clarification as to who would represent Capital Cable in the negotiations with the City Manager. He asked if it would be Time, ATC or the present operators of Capital Cable. Mr. Thomas told him he thought it should be a joint negotiation with all three. Councilmember Cooke opined "whatever Dan and the tri-headed corporation decides still has to come back to us for consultation." Mayor McClellan made it very clear that any matter in which there is a hang up should be brought to the entire Council's attention. Councilmember Goodman said that he thinks a number of work sessions during the negotiation process would be useful to Council and ultimately Austin may have an 80-channel system.

#### SALE AND EXCHANGE OF SURPLUS PROPERTY

Mr. Joseph Morahan presented the following report on the Sale of Surplus City-owned Property:

"The City Council recently added a step to the procedure we use in selling surplus land so that we now provide as information in the form of a City Manager Report at a regular Council Meeting all Planning Commission approvals of the sale of surplus real properties.

"The purpose of this memo is thus to provide a report on two parcels of land approved for sale by the Planning Commission on November 12, 1980, as follows:

P-6	1201 Enfield Road
P-38	611-615 East 10th Street

"Attached are supporting exhibits plus a memo from Mr. Lillie indicating Planning Commission action.

"Parcel Number P-6 is the former Center for Battered Women. At the time the Special Permit for the center was approved, the City Council indicated that the property would be sold at the end of the Center for Battered Women's lease term. We expect to advertise for bids after the first of the year when appraisals and other preparations have been completed.

"Parcel P-38 would be a direct sale to the Austin Redevelopment Authority as further outlined in the attached supporting material.

"This is an informational report so no action by the City Council is necessary unless it has questions or wishes to delay the sale of either of these tracts; however, since the sale of parcel P-38 directly to the Austin Redevelopment Authority is ready for final City Council approval, it is also being submitted as an item under Resolutions on this agenda."

Mr. Davidson, City Manager, told Council that this will be the format for future transactions.

## CITY MANAGER REPORTS

City Manager Reports on "Bicycle Licensing and Registration" and "Civil Service Study" were done during the related items in the consent ordinances.

## CONGRESS AVENUE PROJECT

Mr. John German presented the City Manager Report on Congress Avenue Project: Report on Bids Received as follows:

"On November 25 we took bids for the Congress Avenue Improvements Project. We had two bidders at that time, the low bidder was Randall and Blake Construction Company at a figure of roughly \$3.5 million. Our engineer's estimate at that time was roughly \$2.5 million. We have looked at the bids very closely and considered all the information included. We talked to the various contractors involved and we feel that we have an extra high bid in this case and have outlined in our report to the Council several options that you can consider but it would be our recommendation that the Council reject the bid and that we look at the project one more time and then advertise for bids again in February."

Councilmember Cooke asked why Mr. German thinks the bids are so high. Mr. German told him the publicity connected with the project, he thinks, is a factor in the high bids. A lot of contractors did not bid because they do not want to be in a lawsuit and want to wait the outcome of the election. Mayor McClellan asked if there were no election pending whether or not there would be adequate bonding authority to complete the project. Mr. German told her there is a shortage of \$200,000 to \$300,000 on the Public Works items if the bids had come in as the engineer had estimated rather than the million dollars that is short in the actual bids. Mr. German said the low bidder is very interested in doing the work and sold on the project but his bid includes a lot of uncertainty about where the project would be six months from now and whether or not it would be a valid project.

Mayor McClellan stated, "Early on I had some professionals who are for this project come and tell me personally that we would never complete this project for what we projected and that had absolutely nothing to do with the controversy part of it. It's just that they thought it was too ambitious of a project to do for the dollar. So I think this may have made a difference in the margin perhaps, but it is my opinion that we simply do not have enough bond authorization funds to do this project even if we all want it."

Councilmember Cooke said, "I do feel we have bonding money. I feel the bids have been specifically increased in order to protect those firms because of the uncertainty of the project and I feel that while professionals might have talked in terms of the project being seemingly low in reference to the \$1.6 million that was specifically funded for the Congress Avenue Project, the \$2.4 does include utility realignment and a number of other things that Mr. German brought to us and I feel, for the price, just like for the well in excess of \$4 million that we spent to enhance Town Lake, it's certainly worth the long term economic revival of our inner city. I feel we do have the capability to

do the project and it would not be \$3-4 million dollars. Hopefully, that will be settled at the polls and that we do have the bonding authority. We do not require any additional bonding authority to do this project and we can do it within the financial and also the engineering scope that had been outlined and passed by this Council on three occasions."

Councilmember Himmelblau said she had sent a memo into the Manager's office asking about the PARD (Parks and Recreation Department) funds, if they were in the CIP (Capital Improvements Program) for the Congress Avenue Project or if these were funds that some other projects were going to have to be moved to for the \$201,624 and also from some of the other departments and I haven't had an answer back on that." Councilmember Cooke stated, "I know that when we passed this for the central city, \$200,000 in the PARD budget, it was not identified to any specific project, it was just an item in the PARD budget for consideration of improvements we might make to our central city.

Mr. German said that is correct and they have been thought to be allocated to this project for at least two years by the Parks Department. He pointed out that this is the first time such a bid has been designed for an improvement like this in the City of Austin "and we have learned considerable in the bidding process and in my personnel discussions with the contractors I have found a number of things that were included in the bid items and bid specifications that could be changed and could result in lower bids. As an example, the use of aggregate is expensive and the way the bids were put together they would have even had to use that in the planters which made the cost very, very high. There are ways we can redesign the planters, have the same effect and reduce the cost considerably. There are also a number of other items I want to sit down with the consultant and the architectural firm and consider ways we might be able to reduce the cost."

Under resolutions on the agenda, Council had before them a resolution to consider approving a contract for the construction of the Congress Avenue Improvements, CAPITAL IMPROVEMENTS PROGRAM No. 75/62-09.

Councilmember Mullen moved that the Council reject all bids for the Congress Avenue Project. The motion, seconded by Mayor McClellan, carried by the following vote:

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

#### CONGRESS AVENUE INITIATIVE PETITION

City Clerk Grace Monroe presented the following certification of the Initiative Petition received on November 7, 1980, to Council:

"Pursuant to the provisions of Article IV of the Charter of the City of Austin, Texas, I hereby certify that I have examined that certain petition styled 'INITIATIVE PETITION' filed in my office on November 7, 1980; that said petition appears to have been signed

by the requisite number of qualified voters; that 18,695 equals ten percent (10%) of the qualified voters of the City; that said petition appears to contain the names and residences of 32,123 persons; that there were on said petition the names and residences of 19,596 persons who were found to appear qualified to vote; that there were on said petition the names and residences of 5,361 who were not found qualified to vote; that there were 518 duplicate names; and that on the remaining pages of said petition which was filed on November 7, 1980, there appears the names and residences of 6,648 other persons whose qualifications to vote have not been determined.

"Given under my hand and seal of office at Austin, Texas, this 4th day of December, 1980."

Mayor McClellan stated, "Let the record reflect that a copy of the certification of the Initiative Petition has been presented to each Councilmember."

Mayor McClellan then asked Council to consider passage of the Initiated Ordinance.

#### Motion

Councilmember Himmelblau moved that the Council waive the requirement for three readings and finally pass the Initiated Ordinance. Mayor McClellan seconded the motion.

#### Substitute Motion

Councilmember Cooke made a substitute motion to call an election for January 17, 1980 but to word the ballot on December 11, 1980. Councilmember Goodman seconded the motion.

Councilmember Cooke asked for some explanation from the City Attorney and the City Clerk regarding the implications of whether this particular initiative passes or fails, what is the Council's option regarding this issue after that and then if it fails, what are the Council's options, the best you can determine.

Mr. Albert DeLaRosa, Assistant City Attorney, stated, "I need to point out that the Charter requires that the Council, if it chooses not to enact the Initiative Ordinance to submit it to the vote of the qualified voters of the City in the same form as was presented to Council without amendments. We spoke about the wording of that particular ordinance..." Councilmember Cooke said his reference was to whether that item would be the only one for the voters to consider. Mayor McClellan said that by Charter Council can put one other option on the ballot. Mr. DeLaRosa said, "The ordinance specifies that any alterations to Congress Avenue will maintain the basic elements of (1) two-way traffic, (2) six traffic lanes, (3) 45-degree angle parking; if this were to be adopted by the qualified voters of the city at the election on this particular item, Council would then be bound by this particular ordinance and any improvements to Congress Avenue would have to maintain those elements as outlined in



the ordinance. Councilmember Cooke asked if there is a statute of limitations. Mr. DeLaRosa said he is not aware of any but Council would be bound by this particular ordinance. Councilmember Cooke asked for a report on whether there is a statute of limitations on such an affirmative ordinance adoption by the citizens...whether or not the Council would have the authority to pass another ordinance that would supercede the particular initiated ordinance at a later date. Councilmember Cooke then asked, "If it fails, what will be the Council's options?" Mr. DeLaRosa said Council could proceed with any particular project that it chooses to. Mayor McClellan pointed out that "the wording on the initiative petition is precisely as advised by our City Attorney's office. They wanted to put beautification in the wording but the City Attorney's office advised they could not. ... "Everyone wants to beautify Congress Avenue. The question is how we go about that in a way that is most advantageous to our central business district."

Mr. DeLaRosa expanded further on what would happen if the initiated ordinance were to be rejected. "The Charter provides specifically that no ordinance on the same subject, which has been defeated, could be initiated by the voters within two years of the election." Mayor McClellan asked the City Attorney's office to keep them all advised of any wording of any alternate proposal, "and I would assume that since those who passed the petition were advised about this past petition that any alternate proposal would be worded accordingly where it would also not use the word 'beautification' but would use 'alterations.'"

#### Roll Call on Substitute Motion

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

#### SALE OF ELECTRIC GENERATING CAPACITY

City Manager Davidson reported as follows on the Proposed Contract Extension with Houston Lighting and Power Company for the Sale of Electric Generating Capacity:

"The City of Austin has successfully concluded its negotiations with Houston Lighting and Power for the sale of additional electric generating capacity. The agreement, described in the attached memo from Electric Utility Director R. L. Hancock, provides 800 megawatts of capacity for 1986 and 1987. Also 300 additional megawatts would be provided for the five-year period 1981 through 1985. The unit price agreed to is 35/KW per year.

"The effect of this agreement is \$108,500,000 additional revenue. Added to the \$52,000,000 revenue from our current agreement with Houston, a total of \$160,500,000 will be collected. This is clear, net revenue to the City's Electric Utility System - and is revenue that will not have to be collected from our ratepayers.

"As mentioned in Mr. Hancock's communication, all of this is subject to the availability of fuel and generating facilities. If this \$160,500,000 of capacity sale revenue is attained, it will be more than the cost of all the City's gas and oil generating facilities (approximately \$140,000,000).

"I believe that Mr. Hancock and his staff have done an excellent job of representing the City in these negotiations. I would urge that the City Council immediately refer this proposal to the Electric Utility Commission so that they might expedite their review. Since the contract is proposed to begin on January 1, 1981, and since the additional revenue will amount to some \$875,000 per month, it is imperative that we assist the Council in obtaining what you need in order to finally consider the agreement no later than December 18, 1980. Therefore, I would further suggest that the Council request the Commission to complete their review and recommendations by that time."

#### Motion

Councilmember Goodman moved that the Council refer the proposed contract extension with Houston Lighting and Power Company for the sale of electric generating capacity to the Electric Utility Commission. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmembers Cooke, Snell

#### ITEM POSTPONED

Councilmember Goodman had placed an item on the agenda for consideration of placing the sale of Austin's share of the South Texas Project on the ballot of the next Special Called Election. He said he would like this consideration postponed until December 11, 1980.

#### GUADALUPE NEIGHBORHOOD PRESENTATION

SISTER AMALIA MARI RIOS, representing the Guadalupe Neighborhood Area Association, gave a presentation concerning that neighborhood. She gave a brief history of the area and said many of the structures have historic value.

FATHER JERRY BURNETTE, Pastor, Our Lady Guadalupe Church, told Council they had protested the French Legation Park Project because 10 families would have been displaced. He asked that four City-owned lots be sold to their association where four houses would be built under the administration of East Austin Chicano Economic Development Corporation.

YGNACIO TREVINO, a member of the Association, told Council more housing in the moderate to low income category is needed in the area. He discussed the amount of demolition of houses that has occurred in the community over the past few years. He asked the Council to act on their request.

TOM HATCH, an architect working for the Guadalupe Neighborhood, asked Council's support for the acquisition of the four lots.

ARTURO GUEVARRA spoke regarding a revolving fund which financial institutions are willing to set up. He stated Human Services would make a recommendation on December 18th and asked the Council to approve that date.

#### ZONING HEARING

JOHN LOUGHLIN  
& PERRY LORENZ  
By Perry Lorenz  
C14-80-180

4907 Red Bluff

From "A" Residence  
1st Height and Area  
To "D" Industrial  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "DL" Light  
Industrial, 1st Height and  
Area

Mr. Lillie told Council that this application had come up on October 30, and because only four members of the Council were present. After review, the Planning Commission recommended Light Industrial zoning. Mr. Lillie said he understands the property does have a vacant commercial building on it and the adjacent lot is zoned "D" Industrial, as is all of the property on the north side of the street.

MR. PERRY LORENZE appeared and submitted a series of photographs of the building on the property to the Council. He said he is not proposing to build anything new but simply has a permit to reconstruct and renovate an existing building. He will accept Light Industrial zoning.

Councilmember Mullen moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Trevino

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### PUBLIC HEARING - SIDE AND REAR YARD SETBACKS

Mayor McClellan opened the public hearing, set for 9:45 a.m. on an amendment to Section 45-34(b) of the Austin City Code (Zoning Ordinance) relating to side and rear yard setbacks. She said this was to correct a section which was left out of the printing. No one appeared to be heard.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING A MINIMUM DEPTH REQUIREMENT OF FIVE FEET FOR REAR YARDS IN "AA" AND LESS RESTRICTIVE USE DISTRICTS; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND PROVIDING AN EFFECTIVE DATE.

Councilmember Snell moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance relating to side and rear yard setbacks. The motion, seconded by Mayor McClellan, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to public notice thereof, the following zoning cases were publicly heard:

MARION O. SHIRK & MRS. ELMER O. SAKEWITZ By M. K. Parsons C14-80-188	524-610 Wonsley, also bounded by East Powell Lane	From "A" Residence 1st Height and Area To "B" Residence 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Cooke moved that the Council grant "B" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CAMERON ROAD CHURCH  
OF CHRIST  
By Jeryl D. Hart  
C14-80-195

6008-6010 Cameron  
Road

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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BARTON MARKET SQUARE, 4017 Victory Drive  
INC.  
C14-80-197

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CITY OF AUSTIN  
C14-80-043

Tract 1: 6016-6018  
Westgate Boulevard  
6010 & 6106 London  
Drive

3002 Headly Drive  
Tract 2: 5908-6008

Westgate Boulevard

Tract 3: 5700-5902

Westgate Boulevard

5601 Cherry Creek Drive

Tract 4: 5604-5630 Westgate Boulevard

5600 Cherry Creek Drive

Tract 5: 5701-5903 Westgate Boulevard

2601-2619 Stassney Lane

Tract 6: 6200-6212 Buffalo Pass

From Interim "A" Residence

1st Height and Area

To "A" Residence

1st Height and Area (Tracts  
3, 4, 5 and 6,) and

"AA" Residence

1st Height and Area (Tracts  
1 and 2)

RECOMMENDED by Planning

Commission

Councilmember Cooke moved that the Council grant "A" Residence, 1st Height and Area District on Tracts 3, 4, 5 and 6, and "AA" Residence, 1st Height and Area on Tracts 1 and 2, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District on Tracts 3, 4, 5 and 6; and "AA" Residence, 1st Height and Area on Tracts 1 and 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CALHOUN-SMITH  
DISTR. CO., INC.  
By Al Stover  
C14-80-193

12440-12454 Research  
Boulevard  
12005-12009 Oak Knoll  
Drive

From Interim "AA" Residence  
1st Height and Area

To "GR" General Retail

1st Height and Area

RECOMMENDED by the Planning  
Commission, subject to U.S.  
183 study recommendations

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers  
Cooke, Himmelblau, Mullen

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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MARK GARFINKEL &  
GREGG DUNN  
C14-80-184

819-821 East 53rd  
Street  
5204-5206 Depew Drive

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to site plan and  
restrict property to Office uses only.

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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LENA M. SCHWARZER  
By John Ewald and  
James McMurtry  
C14-80-201

816 West 10th Street

From "B" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to Office  
uses only.

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JAMES R. JOHNSON  
HOUSE  
By Robert Wall  
C14h-80-025

1412 West 6-1/2 Street  
also known as 611  
Highland Avenue

From "A" Residence  
1st Height and Area  
To "A-H" Residence-Historic  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Himmelblau moved that the Council accept finding of fact a, c, f, h, i, k and grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "A-H" Residence-Historic, and the City Attorney was instructed to draw the necessary ordinance to cover.

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GEORGE W. SAMPSON  
HOUSE  
By George S.  
Nalle, Sr.  
C14h-80-026

1003 Rio Grande

From "C" Commercial  
4th Height and Area  
To "C-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Himmelblau moved that the Council accept finding of fact a, c, d, f, h, i, j, k, l, m, and grant "C-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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GILFILLAN HOUSE  
By Bell, Klein &  
Hoffman  
C14h-80-027

603 West 8th Street

From "A" Residence  
2nd Height and Area  
To "O-H" Office-Historic  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Himmelblau moved that the Council accept finding of fact c, d, e, f, i, k, l, m, and grant "O-H" Office-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "O-H" Office-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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COMMISSION-GENERAL  
PROVISIONS  
BUILDING  
By Terry Boothe  
C14h-80-028

501-503 East 6th  
Street

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Himmelblau moved that the Council accept finding of fact a, b, c, f, h, i, k, l, m, and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. B. HANCOCK  
By Mary Margaret  
Albright  
C14h-80-029

1717 West Avenue

From "O" Office  
2nd Height and Area  
To "O-H" Office-Historic  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Himmelblau moved that the Council accept finding of fact a, f, h, i, k, l, m, and grant "O-H" Office-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "O-H" Office-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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SOUTH AUSTIN  
CHURCH OF THE  
NAZARENE  
C14-80-036

6711-6713 Manchaca  
Road

Amendment of restrictive  
covenant

Councilmember Snell moved that the Council amend the restrictive covenant with South Austin Church of the Nazarene to allow all uses in "O" Office zoning, except residential. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the restrictive covenant had been amended to allow all uses in "O" Office zoning, except residential.

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MARY ALICE LUDWIG  
C14-80-198

5251-5501 U.S. 183  
also bounded by Ed  
Bluestein Boulevard

From Interim "A" Residence  
1st Height and Area  
To "DL" Light Industrial  
and "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

AND

JOHN E. MILLER,  
RICHARD W.  
MILLER AND  
CLARENCE E. MILLER  
C14-80-199

5501-5901 U.S. 183  
5650-5800 Patterson  
Road, also known as  
Johnny Morris Road

From Interim "A" Residence  
1st Height and Area  
To "DL" Light Industrial,  
"O" Office and "A"  
Residence, 1st Height and  
Area

RECOMMENDED by the Planning Commission  
"D" Industrial for Tracts 1 and 2 save  
and except for a 15 foot strip of "A" on  
the easternmost part of Tract 2 and a  
100 foot strip of "O" running east and  
west through Tract 2 to Johnny Morris  
Road, to be used for driveway access,  
subject to site plan and restrictions as  
offered by applicant and approval by the  
Planning Commission of any future  
revisions.

Mr. Lillie reviewed the applications by use of slides.

MR. ROBERT SNEED, representing the ROLM Corporation showed the plan for the industrial park they plan to build.

JIM CASHIN, member of ROLM Corporation, said they want to design and manufacture tele-communication equipment in Austin. He showed slides of their plant in Santa Clara, California and said they employ 30% minorities there. Councilmember Snell asked him if ROLM will use minorities in Austin. Mr. Cashin told him they will use percentage guidelines according to the population of Austin.

Mayor McClellan stated she is enthusiastic about having ROLM as a part of Austin. Mr. Giles, President, Cavalier Neighborhood Association, spoke in favor of zoning.

JOAN BARTZ, zoning chairman, University Hills Homeowners Association, said they are in favor of ROLM and recommend ROLM make a commitment to the local high school youth to have them work with their firm and then have them ready to work full time upon graduation from high school.

Councilmember Mullen moved that the Council grant on Zoning Case No. C14-80-198 "DL" Light Industrial and "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that Zoning Case No. C14-80-198 had been granted to "DL" Light Industrial and "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilmember Mullen moved that the Council grant on Zoning Case No. C14-80-199 "D" Industrial for Tracts 1 and 2 save and except for a 15-foot strip of "A" on the easternmost part of Tract 2 and a 100-foot strip of "O" Office running east and west through Tract 2 to Johnny Morris Road to be used for driveway access, 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted for Zoning Case No. C14-80-199 to "D" Industrial for Tracts 1 and 2 save and except for a 15-foot strip of "A" on the easternmost part of Tract 2 and a 100-foot strip of "O" Office running east and west through Tract 2 to Johnny Morris Road to be used for driveway access, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CITY OF AUSTIN  
PLANNING  
DEPARTMENT  
C14-80-115

Craigwood Drive  
Little Hill Circle  
Sherwyn Drive  
Huntleigh Way  
Craigwood Circle  
Regency Drive  
Regency Cove  
Provencial Drive  
Provencial Cove  
King Charles Drive  
Parliament Drive  
Parliament Cove  
King Henry Drive  
Duchess Drive, also bounded by Ed  
Bluestein Boulevard (US 183),  
M. L. King, Jr., Boulevard (FM 969)  
and M.L.T. Railroad

From Interim "A" Residence  
and "AA" Residence, 1st  
Height and Area  
To "A" Residence, "AA" Resi-  
dence, "O" Office, and  
"LR" Local Retail, 1st Height  
and Area (as amended)  
RECOMMENDED by the Planning  
Commission

Mr. Lillie reviewed the application by use of slides.

MR. GILES, representing the neighborhood association, said there is no opposition to the recommendations made by the Planning Commission. He said Mr. Bradshaw had requested a 30-day delay on his property.

SAM DIXON appeared and said he owns land on Ed Bluestein. He said he wants to put in a recreation center and change his acre to "C-2" Commercial zoning. Mr. Lillie told him that he can file his own application at any time for "C-2", but it cannot be included in this particular case.

Councilmember Snell moved that the Council grant "A" Residence, "AA" Residence, "O" Office and "LR" Local Retail, 1st Height and Area District, as amended, as recommended by the Planning Commission, excluding Sam Dixon's and Mr. Bradshaw's property. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "A" Residence, "AA" Residence, "O" Office and "LR" Local Retail, 1st Height and Area District, as amended, excluding the Dixon and Bradshaw properties, and the City Attorney was instructed to draw the necessary ordinance to cover.

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COMMERCE PARK  
ASSOCIATES LTD.  
By Colman Corser  
C14-80-189

600-700 Nelray  
5426 Guadalupe

From "O" Office  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED (as amended) by  
the Planning Commission "C" Commercial,  
1st Height and Area for building only,  
subject to site plan as volunteered to by  
applicant, balance to be zoned "O" Office,  
1st Height and Area District.

Councilmember Snell moved that the Council grant "C" Commercial, 1st Height and Area District for the building only, subject to conditions, and the balance to be zoned "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mullen, Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District for building only, subject to conditions, and balance to be zoned "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Zoning Cases Denied

G. E. HYDEN  
ESTATE  
By Sammy Dixon  
C14-80-186

1125 Springdale Road

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

Councilmember Cooke moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,  
Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the zoning change had been DENIED.

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M. K. PARSONS  
C14-80-187

10111 Selma  
11100-11102 Plains  
Trail

From Interim "AA" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
NOT Recommended by the  
Planning Commission

Mr. Lillie reviewed the application by use of slides.

MR. M. K. PARSONS appeared before Council and said he wants to have a store which children can go to. He said there are none in the neighborhood and the neighbors do not object. He said only two people are opposed to a store and they are not across from the proposed site. He presented a resolution with 57 names of people in favor of the store.

CHRISTINE NASSLEY, who lives in the second block, turned in a petition to the Planning Commission with 11 signatures of people in favor of the store. Mr. Lillie told Council that since this zoning is interim the petition is not valid.

Councilmember Goodman stated the intent for use of the land is a good one, but he is afraid of the spot zoning situation which will be created if Council grants Mr. Parsons' request.

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: Councilmember Mullen

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning change had been DENIED.

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DON NEUEN-  
SCHWANDER  
By Larry Landley  
C14-80-148

2906-2912 West Avenue

From "BB" Residence  
1st Height and Area  
To "BB" Residence  
2nd Height and Area  
NOT Recommended by the  
Planning Commission

MR. NEUENSCHWANDER sent a letter to Council requesting that his case be withdrawn. After some discussion and an appearance by MR. DARRELL WILLIAMS saying the applicant has said four times he would withdraw, Council decided to hear the case.

#### Motion

Councilmember Cooke moved that the Council hear the above zoning case. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmembers  
Goodman, Mullen

Later in the day, Mr. Lillie reviewed the application with slides. He said there is a valid petition on file from the property owners asking denial of the zoning change.

#### Motion

Councilmember Cooke moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Goodman

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning change had been DENIED.

WALTER SANKEY, JR.      312 Radam Lane  
By Al Atwell  
C14-80-191

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
NOT Recommended by the  
Planning Commission

Mr. Lillie reviewed the application by use of slides.

AL ATWELL, representing Mr. Sankey, said that the land from the site in question to Congress is all commercial and a railroad spur across from the lot is used for loading and unloading of freight. Mr. Sankey does not want to build apartments but wants to build offices. Because of the proposed hospital in the area many of the properties will be offices for doctors and clinics in the future.

DONALD SCONCI, 506 Radam Lane, said he had presented letters to the Planning Commission opposing the zoning change.

Councilmember Cooke moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Goodman

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning change had been DENIED.

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#### Zoning Postponed

PILGRIM REST  
BAPTIST CHURCH  
By Rev. J.M. Miles  
C14-80-183

2400 East 11th Street  
also bounded by Swenson  
Street

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area

Mr. Lillie reviewed the application by use of slides.

#### Motion - Failed

Councilmember Snell moved that the Council grant "O" Office, 1st Height and Area District with a restrictive covenant with a fence and a roll back to "A" Residence when the parking lot is no longer needed. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

Ayes: Councilmember Snell, Mayor McClellan

Noes: Councilmembers Cooke, Mullen

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmembers  
Goodman, Himmelblau



Motion

Councilmember Snell moved that the Council bring this back on December 11, 1980 at 3:00 p.m. The motion, seconded by Mayor McClellan, carried by acclamation.

## ZONING HEARING

Mayor McClellan announced that the Council would hear the zoning case scheduled for 2:00 p.m. Pursuant to published notice thereof, the following zoning case was publicly heard:

MANUEL TABOADA  
C14-80-177

8116 Waterston

From "A" Residence  
1st Height and Area  
To "B" Residence  
1st Height and Area  
NOT Recommended by the  
Planning Commission

Mr. Lillie reviewed the application by use of slides, stating that the property was just north of the Clarksville area.

MR. MANUEL TABOADA said that the Planning Commission had recommended fourplexes for the site and he agreed because that was what he had intended to build.

Mr. Lillie concurred with Mr. Taboada, but pointed out that at the Planning Commission meeting, Mr. Taboada did not state his agreement.

Councilmember Mullen moved that the Council grant "B" Residence, 1st Height and Area District for fourplexes with a site plan. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District for fourplexes, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

## PUBLIC HEARING ON SIGN ORDINANCE AMENDMENT

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. to amend Section 3-5 of the Sign Ordinance relating to the legal responsibility for the posting of unauthorized handbills, signs, posters, etc., and the littering of such signs. Jim Nias, Assistant City Attorney, stated the ordinance creates a rebuttable presumption it does not conclusively prove.

MR. BILL ROLLIS objected to the handbills being posted, but felt that the ordinance would not stand up in Court if, for example, club owners were liable for handbills posted by representatives of groups playing in the clubs.

MR. ROLAND DeNOIE thought that the proposed ordinance was bad law and asked that it not be passed.

MR. MARK KLEINMAN, representing the Phogg Phoundation for the Pursuit of Happiness, read part of a letter from MR. HUGH LOWE, a local attorney, who opposed passage of the ordinance. Mr. Kleinman asked the Council not to pass the ordinance.

MR. J. B. REAPSON suggested that the Council might pass an ordinance which would allow homeowners to advertise their homes for sale between Friday noon until Monday morning through the use of signs posted on City right-of-way or to advertise lost pets the same way. A warning would be issued for the first violation and a penalty would be imposed for additional violations occurring within a specified time frame.

MR. PHIL CONARD suggested that the City construct kiosks or billboards to accommodate handbills. He thought that the proposed ordinance was unfair. He was willing to test the ordinance in Court.

#### Motion

Councilmember Goodman moved that the Council close the public hearing.

#### Friendly Amendment - Accepted

Councilmember Mullen offered a friendly amendment that Council instruct the staff to contact other major cities to see how they had addressed the problem. Councilmember Goodman accepted the friendly amendment. At that point, Councilmember Mullen seconded the motion, and it carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Snell, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

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

#### ZONING ORDINANCE AMENDMENT

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. to consider amending Section 45-10(b)(5) of the Austin City Code (Zoning Ordinance) relating to transitional uses.

Mr. Lillie stated that Mr. John Sanford of the Hyde Park Neighborhood Association had made the Planning Commission aware of a provision in the zoning ordinance which had caused some problems in their area. In that provision, the Board of Adjustment could approve transitional uses between intensive zoning and residential zoning, which amounted to rezoning. After consideration, the Planning Commission voted unanimously to delete Section 45-10(b)(5) from the zoning ordinance text.

MRS. DOROTHY RICHTER, zoning chairman, Hyde Park Neighborhood Association, spoke in support of the proposed change.

MR. JACK EVINS, 4104 Avenue F, favored the proposed change, but felt that an additional zoning district should be included in the revised zoning ordinance to cover situations currently falling under Section 45-10(b)(5).

MR. JOHN SANFORD, 4206 Avenue F, spoke in support of deleting the zoning section and felt that whatever purpose might be achieved by the section could more properly be taken care of through the appropriate zoning channels.

#### Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45, SECTION 45-10(b)(5) OF THE 1967 CODE OF THE CITY OF AUSTIN; REPEALING SECTION 45-10(b)(5) WHICH PRESENTLY ALLOWS THE BOARD OF ADJUSTMENT TO PERMIT TRANSITIONAL USES BETWEEN "A" RESIDENCE AND LESS RESTRICTED USE DISTRICTS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### SPECIAL PERMIT FOR BEER AND WINE CONSUMPTION DENIED

Mayor McClellan opened the public hearing scheduled for 3:15 p.m. on an appeal from Ms. Diana Ruth Presley, Case No. C14p-80-063, denying Special Permit for beer and wine consumption at Sonny's Recreation Center, 1112 East 11th Street.

Mr. Dick Lillie, Director of the Planning Department, reviewed the application and stated that the Planning Commission had voted 8-0 to deny the special permit.

MS. DIANA RUTH PRESLEY appeared before the Council to request that the decision of the Planning Commission be overturned.

MR. J. E. MOSBY, representing the Blackshear residents organization and Holy Cross Community Concerns Commission, spoke in opposition to the special permit.

MRS. GERTRUDE GILMORE, representing Holy Cross Church, asked that no more liquor licenses be granted for the 11th Street area.

MRS. EMMA WOODWARD, representing Holy Cross Church Community Concerns Commission, asked that the recreation center remain a wholesome recreational center without the use of beer and wine.

In closing, Ms. Presley stated that 11th Street was changing, but that liquor would be there even if her permit was denied. She asked the Council to approve the special permit.

#### Motion

Councilmember Snell moved that the Council close the public hearing and DENY the special permit. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Mullen

In voting to deny the special permit, Councilmember Himmelblau and Councilmember Cooke cited the health, safety and welfare of the neighborhood. Mayor McClellan thought that there would be some positive development in the area.

#### TAX APPEAL HEARINGS

Mayor McClellan opened the tax appeal hearings scheduled for 3:00 p.m. to hear the following tax appeals:

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Edgar E. Hoppe	Land	\$ 13,429	\$ 52,850	\$ 52,850	\$ 52,850
3923 Sierra Drive	Imps.	<u>46,634</u>	<u>65,851</u>	<u>65,851</u>	<u>65,851</u>
ID #1-3705-0503					
	Total	\$ 60,063	\$118,701	\$118,701	\$118,701

Mr. Hoppe appeared before the Council and read a statement protesting the increase in valuation of his property, specifically the 25% increase in land valuation for view. He also felt that the increased valuation on his homestead was excessive.

Mr. Jack Klitgaard, Tax Assessor-Collector, stated that any property in Austin on the crest of a hill commanded a higher price than one with a lower location. That price was reflected in the marketplace.

Motion

Councilmember Himmelblau moved that the Council uphold the decision of the Board of Equalization. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Trevino

Ownership and Description	Property	1979	1980	Disposition by Board	Disposition by City Council
		Appraised Value 100%	Appraised Value 100%		
Edgar E. Hoppe	Land	\$ 3,950	\$ 7,406	\$ 7,406	\$ 3,950
.79 acre	Imps.	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Weidemar Lane					
ID #4-1502-0310	Total	\$ 3,950	\$ 7,406	\$ 7,406	\$ 3,950

Mr. Hoppe stated that he had no ingress or egress to the property. The County had valued the tract at \$2,600. He asked the Council to value the land at no more than \$2,500, since it was useless without a street into the area.

Mr. Klitgaard said that the property was somewhat unique due to the access to it. Land in the area was valued at \$12,500/acre, but a discount had been used in the valuation of the tract because of the access problem.

Motion

Councilmember Mullen moved that the Council assess the property at the 1979 valuation of \$3,950. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Goodman, Mullen

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8205 ID #2-3515-0803	Land Imps.  Total	\$ 3,682 <u>42,798</u> \$ 46,480	\$ 5,020 <u>61,003</u> \$ 66,023		\$ 5,020 <u>57,576</u> \$ 62,596
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8207 ID #2-3515-0804	Land Imps.  Total	\$ 3,682 <u>42,798</u> \$ 46,480	\$ 5,020 <u>61,003</u> \$ 66,023		\$ 5,020 <u>57,576</u> \$ 62,596
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8209 ID #2-3515-0805	Land Imps.  Total	\$ 3,682 <u>42,798</u> \$ 46,480	\$ 5,020 <u>61,003</u> \$ 66,023		\$ 5,020 <u>57,576</u> \$ 62,596
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8210 ID #2-3515-0713	Land Imps.  Total	\$ 3,960 <u>40,496</u> \$ 44,456	\$ 5,400 <u>54,660</u> \$ 60,060		\$ 5,400 <u>48,270</u> \$ 53,670
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8211 ID #2-3515-0806	Land Imps.  Total	\$ 3,862 <u>41,868</u> \$ 45,550	\$ 5,020 <u>60,318</u> \$ 65,338		\$ 5,020 <u>56,891</u> \$ 61,911
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8212 ID #2-3515-0712	Land Imps.  Total	\$ 4,290 <u>41,013</u> \$ 45,303	\$ 5,850 <u>55,166</u> \$ 61,016		\$ 5,850 <u>48,748</u> \$ 54,598
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8213 ID #2-3515-0807	Land Imps.  Total	\$ 3,682 <u>41,868</u> \$ 45,550	\$ 5,020 <u>60,318</u> \$ 65,338		\$ 5,020 <u>56,891</u> \$ 61,911
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8215 ID #2-3515-0808	Land Imps.  Total	\$ 3,682 <u>41,868</u> \$ 45,550	\$ 5,020 <u>60,318</u> \$ 65,338		\$ 5,020 <u>56,891</u> \$ 61,911

Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8217 ID #2-3515-0809	Land Imps.  Total	\$ 3,682 <u>41,868</u> \$ 45,550	\$ 5,020 <u>60,318</u> \$ 65,338		\$ 5,020 <u>56,891</u> \$ 61,911
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8219 ID #2-3515-0810	Land Imps.  Total	\$ 3,682 <u>41,868</u> \$ 45,550	\$ 5,020 <u>60,318</u> \$ 65,338		\$ 5,020 <u>56,891</u> \$ 61,911
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8221 ID #2-3515-0811	Land Imps.  Total	\$ 3,682 <u>41,868</u> \$ 45,550	\$ 5,020 <u>60,318</u> \$ 65,338		\$ 5,020 <u>56,891</u> \$ 61,911
C. L. Reeves By Thomas Hedrick S Rayburn Drive 8223 ID #2-3515-0814	Land Imps.  Total	\$ 9,105 <u>153,927</u> \$163,032	\$ 12,416 <u>217,618</u> \$230,034		\$ 12,416 <u>185,730</u> \$198,146

Mr. Klitgaard pointed out that the hearing was a continuation of a previous appeal heard on November 20, 1980. The Tax Department had requested an opportunity to reinspect the property on the basis of some physical conditions of apartments which were not useable or rentable. The reinspection had been made, and it was now recommended that the total valuation on the 12 parcels be reduced by \$54,706, from \$851,528 to \$796,822, based on the present condition of the properties. The applicant agreed with the reduction.

#### Motion

Councilmember Mullen moved that the Council set the valuation on the 12 parcels at \$796,822. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,  
Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

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Ownership and Description	Property	1979 Appraised Value 100%	1980 Appraised Value 100%	Disposition by Board	Disposition by City Council
Robert F. Hughes	Land	\$ 3,627	\$ 5,802	\$ 5,802	\$ 5,802
801 Floradale	Imps.	<u>41,918</u>	<u>64,434</u>	<u>64,434</u>	<u>64,434</u>
Drive					
ID #9-2-4122-0401	Total	\$ 45,545	\$ 70,236	\$ 70,236	\$ 70,236

Mr. Hughes did not appear to appeal the case.

#### Motion

Councilmember Mullen moved that the Council uphold the decision of the Board of Equalization. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen, Snell

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

#### WATER APPROACH MAIN

Councilmember Snell moved that the Council adopt a resolution approving the following water approach main as recommended by the Planning Commission, including pump:

#### BILL MILBURN

- Construction of a 24-inch and a 16-inch water approach main to serve Maple Run (excluding Sections I & II). Estimated cost participation by City will be \$260,496.00 which includes 6% for engineering if annexed within one year, or \$195,372 under the outside the City policy.

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

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

Prior to the vote, JOE RIDDELL appeared before Council and said he thought this was premature as all the water would be going to subdivisions that do not have preliminary approval. He said Mr. Milburn should be made to wait until the results of the Upper Williamson Creek Study are know. He said there is already a back log of available homes.



Councilmember said that he is concerned that if this is approved, a factory will be proposed in the area. Mr. Bulloch said this request is a following of procedures by Bill Milburn since the original request was for a 16" pipe.

MR. JOHN MEINRATH, representing Bill Milburn, discussed the size and said that they will not need a 7,000 gallon a minute pump on the approved main and did not think Milburn should be liable for payment of same.

CURTIS JOHNSON appeared and discussed the needed pump. He said the line would serve all of the Southwest Area segment.

MR. JOHN NOELL appeared and asked Council's approval.

Councilmember Himmelblau asked for a legal opinion regarding the pump. Mr. Jim Nias, Assistant City Attorney, presented a statement concerning associate facilities and stated the question is whether or not the pump is an associate facility. His conclusion was, "Yes, we think the pump is associated." Mr. Meinrath offered a rebuttal and said he disagrees with the result being that the associated facility includes pumps.

Councilmember Himmelblau stated she agrees with the approach main but does not know what to do about the pump. Mr. Bulloch, Director of Water and Wastewater told her that the pump is needed for the installation, but it is Council's decision who should pay for it. This is the first time, he said, that they have had an approach main going back to the reservoir. Councilmember Mullen opined that, looking at it as a taxpayer, it seems proper that the builder be responsible for paying for the pump.

#### ELECTRIC RATES

MR. M. A. LANG had requested to appear before Council to discuss electric rates. He asked Councilmember Mullen to put his proposed ordinance concerning electric rates back on the December 11, 1980 agenda. Councilmember Snell suggested that he have one of the other Councilmembers put it on the agenda this time. Councilmember Snell said he would have it included on the agenda but that will not guarantee he will second the motion if it is made by someone else to pass the ordinance.

#### BLACK ART

MR. BOB GARRETT appeared before Council to request support for Black art. He said the City should get artists to preserve East Austin as it is, was and will be.

## WATER SKI TOURNAMENT

Councilmember Cooke moved that the Council approve unanimously the request of Mr. James A. Rodman, representing the University of Texas Water Ski Team, for permission to use Auditorium Shores on Town Lake April 5, 1980 and April 6, 1980 for an intercollegiate Water Ski Tournament. The motion was seconded by Councilmember Mullen and carried unanimously, Mayor Pro Tem Trevino absent.

## CITIZEN DID NOT APPEAR

MR. ROBERT A. DEAN, representing the Austin Jaycee's, had requested to present the results of their Second Public Opinion Poll. He did not appear.

## SOUTH TEXAS NUCLEAR PROJECT

MRS. SHUDDE FATH appeared before Council to request them to place the sale of South Texas Nuclear Project on the January 17, 1981 ballot.

## POLLING PLACES FOR TRAVIS COUNTY

Councilmember Snell moved that the Council approve the request of Ms. Doris Shropshire, County Clerk, for use of the following city facilities for polling places on Saturday, January 17, 1980 for an election by Travis County:

- 125 Doris Miller Auditorium - 2300 Rosewood
- 322 Ullrich Water Treatment Plant - 1000 Forestview Drive
- 331 Austin Recreation Center - 1213 Shoal Creek Boulevard
- 335 City of Austin Fire Station - 506 W. Martin Luther King, Jr. Blvd.
- 346 City of Austin Fire Station - 1000 East 43rd Street
- 439 Pan American Recreation Center, 2100 East 43rd Street

The motion was seconded by Councilmember Goodman and carried by a unanimous vote, Mayor Pro Tem Trevino absent.

## SOUTH TEXAS PROJECT

MR. STEVE HARRIS, representing the Austin Chamber of Commerce, appeared before Council to discuss the South Texas Project. He said the Chamber of Commerce is concerned with energy and therefore support the South Texas Project and recommend that the City continue participation in STP. He called attention to the members of the Board of Directors of the Chamber of Commerce who were present in the Council Chamber to show their support of STP.

## COST OF HOUSING

Councilmembers Mullen and Goodman introduced an item to Council concerning fiscal notes as they pertain to the cost of housing. Councilmember Mullen stated, "It's been a concern of all of us that every time we put another ordinance or regulation on the subdivision of land or construction of houses, how much it is going to cost the homeowner and we never have asked for that information. Our intent, by putting this on the Agenda is to begin asking for that information in the future...to estimate the cost that's added to the subdivision of land and the ultimate cost of housing on every new regulation and ordinance that we put on.

Councilmember Goodman said, "I think it would be most appropriate to have the Subdivision Task Force review this issue, provide as much information as possible and have the staff prepare a final report which would then be delivered to the Council for consideration." Mayor McClellan said she would be interested in doing retroactively the things they have already done. Councilmember Mullen said he does not know how much this would cost in staff time and does not know how far back they should go. "I would prefer they look at what there may be an option to removing." Mayor McClellan said she thinks it would be interesting to look at the Barton Creek Ordinance, etc. Council decided to look at the cost impact of Barton Creek Ordinance and Lake Austin Watershed.

## B. R. REYNOLD'S DRIVE

Councilmember Himmelblau presented an item to Council to consider instructing the City Manager to remove signs over B. R. Reynold's Drive which restrict the right lane to use by buses and car pools.

Motion

Councilmember Himmelblau moved that the Council instruct the City Manager to remove signs over B. R. Reynold's Drive which restrict the right lane use to buses and car pools. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmembers Cooke, Snell

## CONTRACT AMENDMENT

Councilmember Himmelblau moved that the Council adopt a resolution amending a contract of Mr. Bobby Seaholm, Pro Manager at Hancock Golf Course, to sell wine and/or beer during hours the Hancock Recreation Center is not in operation, contingent on the proper zoning. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## AMENDMENT OF METROPOLITAN AREA ROADWAY PLAN

Councilmember Himmelblau moved that the Council amend the Metropolitan Area Roadway Plan to incorporate William Cannon Drive from Brodie Lane to U.S. 290 West according to Option 1. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Motion

Councilmember Goodman moved that the Council adopt a resolution to align Duval Road between Parmer Lane and U.S. 290 according to Figure 1 and 44' wide. The motion was seconded by Councilmember Snell.

Substitute Motion - Failed

Councilmember Mullen made a substitute motion to align Duval Road between Parmer Lane and U.S. 290 according to Figure 1 and 60' wide. The motion, seconded by Councilmember Himmelblau, failed to carry by the following vote:

Ayes: Mayor McClellan, Councilmembers Himmelblau, Mullen  
Noes: Councilmembers Goodman, Snell  
Absent: Mayor Pro Tem Trevino  
Not in Council Chamber when roll was called: Councilmember Cooke

Roll Call on Motion - Failed

Ayes: Councilmembers Goodman, Snell  
Noes: Mayor McClellan, Councilmembers Himmelblau, Mullen  
Absent: Mayor Pro Tem Trevino  
Not in Council Chamber when roll was called: Councilmember Cooke

This will be brought back on the December 11, 1980 agenda.

Prior to the vote, MR. PHIL EVANS appeared and said he feared he would be impacted. Councilmember Himmelblau asked about the alignment and Dr. Benson, Director of Transportation, told her it would be done according to the 1969 Plan.

## CABLE TV ASCERTAINMENT STUDY

Mayor McClellan and Councilmember Himmelblau introduced an item to Council asking for further information on the timing and scope of the cable TV Ascertainment Study. The Mayor said this had already been taken care of in the earlier discussion of cable television.

## ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on January 8, 1981:

JOHN R. AND GENEVA DOYLE C14-80-203	605 West St. Johns	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
GALLAGHER EQUIPMENT COMPANY By Geoffrey R. Ferguson C14-80-204	11011 Research Boulevard	From "GR" General Retail 1st Height and Area To "DL" Light Industrial 1st Height and Area
CARL A. HOBBS, CHRISTINE LARY, MARGARET WARD AND MELVIN WARD By Phil. H. Ward C14-80-205	3500,3504, 3510-A, 3510-B, 3502, 3602, 3604 and 3606 Oak Springs Drive	From "A" Residence 1st Height and Area To "BB" Residence 1st Height and Area
DURELLE AND HARRY T. EIDSON C14-80-206	1008 West Avenue	From "O-H" Office-Historic 2nd Height and Area To "LR" Local Retail-Historic 2nd Height and Area
M. J. ELLIOT PROPERTIES, LTD. By M. J. Elliot C14-80-207	1433 West Ben White Boulevard	From "GR" General Retail 1st Height and Area To "C" Commercial 1st Height and Area
MARGARET WAECHTER By E. R. Calogero, Jr. C14-80-208	4615 Spicewood Springs Road	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area

CALHOUN-SMITH DISTR. CO, INC. By Al Stover C14-80-209	5401-5411 Manchaca Road	From "O" Office and "GR" General Retail 1st Height and Area To "GR" General Retail 1st Height and Area
ROGER WILSON By Barbara Mackey C14-80-210	4804-4818 North IH 35	From "GR" General Retail 2nd and 5th Height and Area To "C" Commercial 2nd and 5th Height and Area
PALM HARBOR HOMES, INC. By Ralph Stansberry C14-80-211	830 Bastrop Highway	From "O" Office 1st Height and Area To "C" Commercial 1st Height and Area
BETTY W. PHILLIPS By Sharon Majors C14-80-212	911 West 23rd Street	From "A" Residence 1st Height and Area To "BB" Residence 1st Height and Area
FRED A. PURCELL, GRACE COVENANT CHURCH AND BART HODGES By Randy Rogers C14-80-213	9229 Jollyville Road 9422 Research Boulevard	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area
WALLACE C. BEDELL, JR. C14-80-214	402 West 44th Street	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
MID-TEXAS BROAD- CASTING, INC. By Rick Triplett C14-80-215	1904-1906 Pearl Street	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area
REVENIR, LTD. By John Meinrath C14-80-216	300-600 East William Cannon Drive	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area
DELLA B. DENSON ESTATE By Hilda Weinzapfel and Cecil Holubec C14-80-217	1601-1605 Houston Street	From "A" Residence 1st Height and Area To "B" Residence 1st Height and Area
JOSPEH A. EDELBROCK By Bob Boyd C14-80-218	200 West Lola	From Interim "A" Residence 1st Height and Area To "B" Residence 1st Height and Area

NASH PHILLIPS-  
COPUS REALTY CO.  
By Timothy Mathews  
C14-80-219

12005-12115 Dorsett Road  
4400-4407 Limewood Court  
12000-12117 Arrowwood Dr.  
4500-4508 Dorsett Oaks  
Circle  
4500-4606 Brown Bark Place  
4403 and 4405 Pamona Drive

From "AA" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area

J. W. SMALL,  
JOAVA M. GOOD  
By Sanford Gottesman  
C14-80-220

13486-13520 Research  
Boulevard  
9610-9622 Anderson Mill  
Road

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

HAYNES-DeLASHWAH  
HOUSE  
By George Gildon  
C14h-80-011

1209 Rosewood Avenue

From "C" Commercial  
2nd Height and Area  
To "C" Commercial-Historic  
2nd Height and Area

LUMBERMEN'S INVEST-  
MENT CORP.  
By Robert L. Davis  
C14-73-228

7000 Decker Lane  
8100 Loyola Lane  
8000 Loyola Lane  
7900 Loyola Lane

Deletion of subdivision  
requirements.

PILOT LIFE INSURANCE  
COMPANY  
By Richard Kammerman  
C14-76-090

903 West 38th Street

Amendment of restrictive  
covenant.

VANCLEAVE DEVELOP-  
MENT COMPANY, INC.  
By M. F. Bordelon  
C14-80-170

9620 North Lamar

From "GR" General Retail  
1st Height and Area  
To "C-1" Commercial  
1st Height and Area

ROGERS D. WILSON  
C14-80-173

7404 Geneva Drive

From "A" Residence  
1st Height and Area  
To "B" Residence  
1st Height and Area

WILLIAM B. COTTON  
By Deborah James  
C14-80-192

4104-3906 Ed Bluestein  
Boulevard

From Interim "A" Residence and  
"C" Commercial  
1st Height and Area  
To "DL" Light Industrial  
2nd Height and Area

WAYNE DAYTON,  
PURCHASE FROM JOHN  
H. CRUTCHFIELD,  
TRUSTEE  
By Craig Farmer  
C14-80-194

6804-6812 South IH 35

From "C" Commercial  
1st Height and Area  
To "C-2" Commercial  
1st Height and Area

December 4, 1980

A.P.C. INDUSTRIES,  
INC.  
By Donald Sansom  
C14-80-196

13781 and 13795 U.S.  
Highway 183

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

JOHN C. WOLLEY,  
TRUSTEE  
By Bill Scudder  
C14-80-164

400 North Loop 360

From Interim "A" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area

## MEETING ADJOURNED

The Council adjourned its meeting at 6:00 P.M.

APPROVED:

*Carole Kenton McCalla*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk