

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Council Meeting

April 23, 1981
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: Councilmember Goodman

The Invocation was given by Dr. Ray Chester, Minister, Brentwood Church of Christ.

RAUL "ROY" G. GUERRERO DAY

Mayor McClellan read a proclamation naming April 24, 1981 Raul "Roy" G. Guerrero Day in honor of Mr. Guerrero's retirement after 34 years as an employee of the City of Austin. Mr. Guerrero thanked the Mayor and Councilmembers for the proclamation and expressed appreciation for his years with the City of Austin. Accompanying him at the podium were his wife Tootsie, his son, Charles, and his daughters Linda Guerrero and Laura Brookshire.

RUGBY WEEKEND

Members of the British Royal Air Force Rugby Club and the Old Reendonians Rugby Club were in the Council Chamber to receive with their thanks, a proclamation read by Councilmember Mullen designating April 25-26, 1981 as Rugby Weekend. The recipients were Ronnie Romines, president, Austin Rugby Club; Dave Potter, Rugby tour manager, United Kingdom; Austin Paddon, Rugby Tour Captain, United Kingdom; Neil Coyne; Royal Air Force Rugby Union; Graham Still, Royal Air Force Rugby Union; John Orwin, Royal Air Force Rugby Union.

CLEAN AIR WEEK

Mayor McClellan read a proclamation designating the week of May 3-9, 1981 as Clean Air Week. Joe K. Wells, treasurer, American Lung Association, accepted the proclamation with his thanks.

NATIONAL HANDICAPPED AWARENESS WEEK

Dr. Ben Wallace, Education Service Center, and Ann Robertson, West Williamson County Co-op were in the Council Chamber to receive a proclamation, read by the Mayor, designating the week of April 26-May 2, 1981 as National Handicapped Awareness Week.

AUSTIN SHINES FOR AUTISM WEEK

April 20-26, 1981 has been proclaimed Austin Shines for Autism Week, according to a proclamation read by Councilmember Himmelblau, and received by Michael Twombly, Executive Director, Texas Society for Autistic Citizen's; and Cheryl Luedecke, philanthropy chairperson, Gamma Phi Beta Sorority.

INDUSTRIAL ARTS DAY

Jennifer Brydson, president, Industrial Arts Club, Murchinson Jr. High School; Randy Shurr, sponsor Industrial Arts Club, Murchison, Perry Suter, Austin Independent School District, and several students from schools in Austin, were in the Council Chamber to receive a proclamation designating April 25, 1981 as Industrial Arts Day in Austin. Mayor McClellan read the proclamation.

SAFARI WEEKEND

Mayor McClellan read a proclamation naming April 25-26, 1981 as Safari Weekend in Austin. It was accepted with appreciation by Kay White, Safari Chairperson, Austin Natural Science Association; and Chris Attal, president, Austin Natural Science Association.

ANNOUNCEMENT

Mayor McClellan announced that Councilmember Himmelblau has been appointed as a member of the State Health Commission.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the Meeting for April 9, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

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

BOARDS AND COMMISSIONS

Mayor McClellan announced the following board and commission appointments will be made on April 23, 1981:

Building Standards Commission - 2 (1 low income tenant; 1 home builder)
EMS Quality Assurance Team - 1 physician
Ethics Review Commission - 1
On-Going Goals Assembly Committee - 5
MH/MR Public Responsibility Committee - 1
Urban Transportation Commission - 4
Renewable Energy Resources Commission - 1
Water Quality Review Board - 5 (1 engineer; 1 water quality specialist;
1 environmental specialist; 1 attorney; 1 member having technical expertise
pertinent to the duties)
Community Development Commission - 6 (3 Council representatives; 1 AFL-CIO
representative; 1 Jaycee representative; 1 Urban League representative)

Dental Health Advisory Committee - 9 (1 CDC representative; 3 Dental Society; 1 Dental Hygienists Society representative; 1 AISD representative; 3 interested citizens)
Downtown Revitalization Committee - 1
Joint Airport Zoning Board - 1
Elizabeth Museum Board of Directors - 3 (Hyde Park representative; 2 citizens)
Medical Assistance Program Advisory Board - 1 citizen - to expire 12/1/81
MH/MR Board of Trustees - 1 citizen - to expire 9/30/81
Environmental Board - 1 to expire 7/1/82
Commission on the Status of Women - 2 to expire 6/30/81

COUNCIL REPRESENTATIVES ARE TO BE CHOSEN FOR THE FOLLOWING:

Police Department Internal Affairs Committee - 1
Employees Retirement System of the City of Austin - 1
Social Policy Advisory Committee - 1

Hospital Board-1 emergency appointment

EMINENT DOMAIN PROCEEDINGS

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for the widening and improvements of Banister Lane:

819 square feet of land out of Lot 4, Resubdivision of a portion of Lots 17 and 18 Banister Heights. (Marvin S. Shelton, et al owners)

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

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

SPACE LEASED TO AUSTIN CIVIC BALLET

Councilmember Mullen moved that the Council adopt a resolution to lease the Old Fire Station at 30th and Guadalupe Street to the Austin Civic Ballet. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

RELEASE OF EASEMENTS

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

A Drainage Easement as dedicated on Lots A and B, Arroyo De Oro Subdivision, E. Anderson Lane and Northcrest Blvd.
(Requested by L.S.A. Engineers, Inc., representing Chase National Bank)

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

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

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

A Water Line Easement on Lots 7, 8, 9, 10, 20 and 21, Outlot 68 Block 3 and Recorded in Volume 57, Page 569 of the Travis County Deed Records, 2815-2815½ Rio Grande. (Requested by Ms. Hertha Rowe Robinson, owner)

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

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Mullen moved that the Council adopt a resolution approving a Change Order in the amount of \$8,136.25 to Cullum & Dickehut Construction Company for Southwest Austin Transmission Main, Phase A-2. CAPITAL IMPROVEMENTS PROGRAM No. 73/22-23. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution approving a Change Order in the amount of \$196,000.00 to Seward Construction Company, Inc. for 345 KV Transmission line, South Texas to Lytton Springs. CAPITAL IMPROVEMENTS PROGRAM No. 77/13-04. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

LICENSE AGREEMENTS WITH MOPAC

Councilmember Mullen moved that the Council adopt a resolution authorizing the City Manager to enter into License Agreements with MoPac for electric transmission and distribution systems with the MoPac right-of-way for amounts not exceeding \$5,000. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

POWER FOR SMALL POWER PRODUCERS

Councilmember Mullen moved that the Council adopt a resolution establishing a policy for interconnection, metering and purchase of available power for small power producers. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CONTRACTS APPROVED

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

KOPPERS COMPANY, INC.
16630 Imperial Valley Drive
Houston, Texas

- Wood Electric Utility Poles,
Electric Utility Department
Twenty four (24) Month Supply
Agreement
Items 1-16 - \$657,009.00

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

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

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

RANDALL & BLAKE
2525 Manana
Dallas, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
1978-79 Safe School Sidewalk
Program Denson and Delafield -
\$28,695.00 C.I.P. No. 78/61-02

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

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

Noes: None

Absent: Councilmember Goodman

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

CEN-TEX DATSUN
1400 South Congress
Austin, Texas

- Compact Pickup, Vehicle and
Equipment Department
Item Sheet No. R-1, 2 ea. @ \$5,818
Total: \$11,636.00

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

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

Noes: None

Absent: Councilmember Goodman

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

S.W. SALES COMPANY
909 E. Rancier
Killeen, Texas

- Rescue Style Bunker Coats,
Emergency Medical Services Dept.
Twelve (12) Months Supply Agreement
Item No. 1, 71 ea. @ \$103.00
Total: \$7,313.00

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

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

Noes: None

Absent: Councilmember Goodman

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

BALZER'S LANDSCAPING & TRACTOR
SERVICE COMPANY
8215 Rockwood Lane

- Weed Lot Clearance Program, Health
Department
Twelve (12) Month Contract
Total: \$85,800.00

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

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

Noes: None

Absent: Councilmember Goodman

CETA TITLE VII

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of a modification to the Capital Area Manpower Consortium's FY' 81 Comprehensive Employment and Training Plan for CETA Title VII, Private Sector Initiative Program, to reflect the new funding authorization from the Department of Labor from \$408,562 to a new level of \$430,067. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

REVERSIBLE LANES ON SOUTH LAMAR

Councilmember Mullen moved that the Council adopt a resolution directing the staff to develop a plan for having reversible lanes on South Lamar between Ben White Boulevard and West 5th Street with three lanes moving north during morning traffic peaks and three lanes moving south during afternoon rush hours. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

DUAL TURN LANES

Councilmember Mullen moved that the Council adopt a resolution requesting staff to provide a complete list of major intersections that lend themselves to dual turn lanes such as was recently completed at South 1st and Ben White and provide an estimated cost of streamlining traffic flow at these intersections. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

**SOUTH 1ST AND BEN WHITE BOULEVARD
GRADE SEPARATION**

Councilmember Mullen moved that the Council adopt a resolution to set a priority participation in the construction of a grade separation at South 1st and Ben White Boulevard and urging the State Department of Highways and Public Transportation to move up their plans for this project. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

SUNSHINE PARK PLAY SLAB

Councilmember Mullen moved that the Council adopt a resolution approving a second addendum to Use Agreement between the City of Austin and the Young Men's Business League to allow for construction of a multipurpose play slab on the west side of the main "Sunshine Camp" building in Zilker Park. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution setting a public hearing for May 7, 1981 at 4:30 p.m. on the proposed development controls for the area of the Lake Austin Waterfront. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE 1, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (C.I.P No. 73/62-39)

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 Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

ELECTION OFFICIALS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPOINTING ELECTION OFFICIALS TO CONDUCT THE MUNICIPAL ELECTION TO BE HELD MAY 2, 1981; PROVIDING COMPENSATION FOR THE ELECTION OFFICIALS; DESIGNATING THE UTILIZATION OF AN ELECTRONIC VOTING SYSTEM FOR SAID ELECTION; DESIGNATING A CENTRAL COUNTING STATION FOR SAID ELECTION; ESTABLISHING A DATE FOR A PRECOUNT TEST OF THE AUTOMATIC TABULATING EQUIPMENT; PROVIDING NOTICE OF SAME; PROVIDING FOR SUCH OTHER ASPECTS AS ARE INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

AGENDA ITEM POSTPONED

Councilmember Cooke moved that the Council vote to postpone for one week consideration of an ordinance amending Chapter 41A relating to the platting of subdivisions within the Barton Creek Watershed. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

ZONING ORDINANCES

Councilmember Cooke moved that the Council waive the requirement for three readings and finally pass an ordinance amending the Austin City Code of 1967 (Zoning Ordinance) to cover the following changes:

L. PAUL ROCHESTER
by Roger L. Eames
C14r-81-046

11001 Research Blvd.

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

The motion, seconded by Councilmember Mullen, did not carry, by the following vote:

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

The Mayor announced that no action was taken and this will be on April 30, 1981 Agenda.

Councilmember Cooke moved that the Council waive the requirement for three readings and finally pass an ordinance amending the Austin City Code of 1967 (Zoning Ordinance) to cover the following changes:

GULF OIL CORPORATION
by K.L. Vaughn
C14r-81-045

10947 Research Blvd.

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

The motion, seconded by Councilmember Mullen, did not carry, by the following vote:

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

The Mayor announced that no action was taken and this will be on April 30, 1981 Agenda.

Mayor McClellan introduced the following ordinance:

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

A 48 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 11862 RESEARCH BOULEVARD, FROM "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Richard Caps, C14r-81-023)

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

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

A 1500 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 805 EAST WILLIAM CANNON DRIVE, SUITE 3, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Allied Development Company, C14r-81-041)

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

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

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

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

TRACT 1A: LOT 1, AUSTIN BUSINESS PARK, SAVE AND EXCEPT A 13,860 SQUARE FOOT TRACT OF LAND AS SET OUT IN TRACT 1B BELOW, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 1B: A 13,860 SQUARE FOOT TRACT OF LAND, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND,

TRACT 2A: LOT 2, AUSTIN BUSINESS PARK, SAVE AND EXCEPT A 17,535 SQUARE FOOT TRACT OF LAND AS SET OUT IN TRACT 2B BELOW, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2B: A 17,535 SQUARE FOOT TRACT OF LAND, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; ALL OF THE ABOVE PROPERTY BEING LOCALLY KNOWN AS 8874-8896 RESEARCH BOULEVARD, 8866-8848 RESEARCH BOULEVARD AND 8728-8744 PUTNAM DRIVE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (James Holden, C14-80-136)

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

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

Noes: None

Abstain: Councilmember Cooke

Absent: Councilmember Goodman

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

Mayor McClellan introduced the following ordinance:

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

A 2,993 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2901 CAPITAL OF TEXAS HIGHWAY SOUTH, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Austin Mall Company Aladdin's Castle, Inc. C14r-81-031)

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

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

TRACT 1: A 100 FOOT STRIP OF LAND AND A 200 FOOT WIDE STRIP OF LAND, FROM INTERIM "D" INDUSTRIAL, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 165.69 ACRE TRACT OF LAND, FROM INTERIM "D" INDUSTRIAL, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, SECOND HEIGHT AND AREA DISTRICT;

ALL OF THE ABOVE PROPERTY BEING LOCALLY KNOWN AS 13900-14512 BURNET ROAD (F.M. 1325), 3600-4402 HOWARD LANE AND 13801-14599 MCNEIL-MERRELLTOWN ROAD; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EFFECTIVE DATE. (Abbott Laboratories, C14r-81-037)

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

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

TRI-COMMUNITY HOSPITAL ADVISORY BOARD

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

AN ORDINANCE CREATING THE TRI-COMMUNITY HOSPITAL BOARD; PROVIDING TERMS AND CONDITIONS FOR MEMBERSHIP; PROVIDING DUTIES AND AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

ZONING ORDINANCE

Councilmember Cooke moved that the Council waive the requirement for three readings and finally pass an ordinance amending the Austin City Code of 1967 (Zoning Ordinance) to cover the following changes:

CITY OF AUSTIN	5517-5603 Montview	From "B" Residence District
PLANNING DEPARTMENT	Street	1st Height and Area
C14-81-043		To "AA" Residence District
		1st Height and Area

The motion, seconded by Councilmember Mullen, did not carry, by the following vote:

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

The Mayor announced that no action was taken and this will be on April 30, 1981 Agenda.

NO ACTION TAKEN ON OPERATING BUDGET AMENDMENT

Councilmember Cooke moved that the Council waive the requirement for three readings and finally pass an ordinance amending the 1980-81 Operating Budget by appropriating \$75,782.00 from the General Fund ending balance and transferring \$55,567.00 to the Public Works Department and \$20,206.00 to the Planning Department to provide for implementation of the Williamson Creek Ordinance. The motion, seconded by Councilmember Mullen, did not carry by the following vote:

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

The Mayor announced that no action was taken and this will be on April 30, 1981 Agenda.

AGENDA ITEM POSTPONED

Councilmember Cooke moved that the Council postpone consideration of the following resolution until April 30, 1981:

Consider approval of the following approach main:

George Yonge	- For construction of 12"/10" Wastewater Approach Main to Williamson Creek Subdivision (Growth Management Area II & III). Estimated City cost participation will be \$62,656 which includes 6% for engineering.
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The motion, seconded by Councilmember Mullen, carried by the following vote:

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

FLIGHT ACTIVITY AT BERGSTROM AFB

Dr. Maureen McReynolds, Director, Office of Environmental Resources, presented the City Manager Report on Draft Environmental Impact Statement for Increased Flight Activity at Bergstrom AFB. "The report has been reviewed by the Environmental Office, Aviation, and Planning. We have submitted to you several comments. The Draft EIS addresses the environmental impact, mainly of noise, of the proposed relocation of 42 to 48 RF-4C's and 18 to 24 F-4D aircraft to Bergstrom AFB. Currently they have 36 aircraft in this category and this would bring it up to an additional 60-72 aircraft. The two most significant areas of impact and of interest to the City are the effect of air traffic associated with Robert Mueller Airport and the increase in noise. We have requested that a formal air space study be performed to address the compatibility of air traffic between Mueller and Bergstrom and we feel the Draft Environmental Impact Statement does not adequately address this interface, particularly as it relates to the effect on commercial air traffic at Mueller."

Mayor McClellan stated, "I circulated a memorandum to the Council earlier this week. Have you seen a copy of it?" Dr. McReynolds said she had not. (CITY CLERK DID NOT RECEIVE COPY) Mayor McClellan went on to say, "I made several requests and it ties into what you are saying. If any needs formal action and I think several of them will, I would like to put on next week's agenda for action such things as what you just mentioned and it may not take formal action on the part of the Council to get a formal air space study conducted by FAA. I also suggested that Council should officially request the Air Force to schedule a presentation before the Council at a Special Meeting called for that purpose within a 30 day period. I have more of the details in that memorandum so I don't need to re-read it for all the Councilmembers but I would request Mr. Muehlenbech, that we put on next week's agenda any of these items in my memorandum that would take Council action to do."

Dr. McReynolds continued with her report. "The comments on the Draft Environmental Impact Statement must be submitted by April 27th. The second area of effect is the noise impact and that will be significant. The Air Force measures noise in terms of weighted index of noise that takes into account the time of flight and the duration and frequency known as an LDN. It is generally agreed that above the 65 LDN contour, most people experience annoyance from aircraft noise. EPA has set the 55 LDN contour as the desirable goal for community noise level. 65 LDN contour is not even identified in the draft EIS. The total land area which would be within the heaviest noise impact areas will increase from a present 13,000 acres to a 1982 level of 22,500 acres. This additional 9,500 acres contains approximately 1,500 acres of residential use. The Planning Department has reviewed an earlier study performance by the Air Force which is known as their Air Installation Compatible Use Zone Study. This study designates land use districts based on noise and safety factors. Those AICUZ zones are being used in the development of the new zoning ordinance as a guide to designation of appropriate land use districts. It is estimated in the draft EIS that the total number

of housing units within the 65 to 85 LDN contours will increase from a current approximately 3500 to 7200 and the number of schools from 5 to 8. The draft EIS is sufficient in that it does not address the litigation measures that should or could be followed by the City to deal with its existing residential and school structures. The document does indicate that residential use in those areas is not desirable unless a 23-30 decible reduction is achieved in the housing structure. HUD estimates that typically 10-15 decibles is achieved by ordinary residential construction. That means that a lot of existing houses may need to be modified in order to reach that desirable decible rating. The cost of implementing that we feel would also be desirable to be included in that impact report. Even with that reduction from the building structure, the impact of noise on outdoor life would continue to be significant. The draft EIS also addresses numerous possible mitigation measures but does not indicate whether these will result in a reduction in noise levels or in a reduction in the number of housing units or people effected." Staff comments, she said, have been relayed to the Air Force representative.

Mayor Pro Tem Trevino asked if there is any financial relief that the U.S. Government could provide to help with modification of housing structures. Dr. McReynolds said she is not aware of any available funds. Mayor Pro Tem Trevino said he would like staff to begin to inquire about funds.

Motion

Councilmember Mullen moved that the Council bring back on next week's agenda requests for action from the Mayor's memorandum and approved comments. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 9:30 a.m., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

WILSON FOREMAN
C14-81-006

3416-3418 Duval Rd.

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT RECOMMENDED
RECOMMENDED by the Planning
Commission, "LR" Local Retail
subject to site plan approval
for development and proper
buffering.

Mr. Lillie reviewed the application by use of slides.

Wilson Foreman said there has been a unanimous agreement between the neighborhood and himself to go "A-2" with the assurance he can continue to operate his business there under the existing use statute for ten years.

Jim Hocum, representing Northwood, said they all agreed to "A-2" Condominium Residence which allows for town houses or condominiums, but with a restriction against duplexes. He expressed his appreciation for Mr. Foreman's understanding of the neighborhood's request.

Bob Cromer, representing Milwood, identified Tract 4 on a map as a 10' buffer strip which will be zoned "AA" Residence as a statement of intent that zoning to the east will be of a residential nature. He asked the City Attorney to confirm that the deed restrictions they have agreed to and a description of the property is in proper order.

Mr. Albert DeLaRosa said Council can pass the zoning and he can look at the restrictive covenants.

Bob Richardson, representing Walnut Crossing Homeowners Association, discussed the zoning and thanked Council for its cooperation in this matter as well as Mr. Foreman.

The 1977 Plan's goals were derived from the 1975 Austin Tomorrow Goals report, a red book developed by 3500 citizens during months of discussion about goals. The Plan's goal elements, converted from these citizen goals, were themselves to undergo continuing reassessment, and then conversion into ordinance form. The rewriting of Chapter 4, however, undermined these ongoing procedures for goal revision and implementation, a consequence only publicly recognized during the past few months.

How the 1979 chapter approval damaged the goal revision process is clarified by reviewing the three goal classifications. The reassessment of goals in the 1977 Plan included a 2-year cycle for review and revision of the goal elements in Chapter 2, a 6-year cycle for redevelopment of the target pattern, and a 15-year cycle for re-initiation of the Goals Assembly process for developing new citizen goals, upon which new Plan goals would then be based.

First, the 1977 Plan affirmed the biennial review and modification of the goals, objectives, and policies in Chapter 2.

The "goals and objectives" are based on the citizen goals and changing conditions (legal, technological, economic, and political), and must be updated periodically. "An important element that must be repeated on a regular basis is a city-wide program for identification of goals and objectives. The existing plan is based on the results of the Austin Tomorrow Goals Program. These results can be refined and modified concurrently with the Comprehensive Report every two years: (p. IV-4). The 1979 removal of this whole provision from Chapter 4 implies that no Chapter 2 goals or objectives should be revised until after the entire 15-year cycle.

The "policies" in Chapter 2 are specific short-term means for goal achievement and also need revision. Here is a crucial sentence removed by the 1979 changes: "Recommendations will be made for continuing, deleting, or modifying each policy as differing conditions or full implementation of the policies occur" (p. IV-3). The 1980 Comprehensive Plan Monitoring Report demonstrates that the staff has indeed eliminated this monitoring and revision function from consideration.

Second, the 1977 Plan affirmed a 6-year review of alternative 20-year growth patterns so that the preferred one could be chosen as a goal to decisively change Austin's growth away from current development trends. The 1979 version no longer calls the adopted pattern a "target future," nor is it contrasted with current trends. The rewriting eliminated this key sentence: "Each decision, project and program is intended to move the city incrementally closer to the adopted development plan" (p. IV-2). In short, the revised Plan suggests that the adopted growth pattern is a projection or prediction, not a goal or target that requires selective effort.

Motion

Councilmember Mullen moved that the Council close the public hearing, approve as worked out subject to review by City Attorney, "AA" 10' strip eastern boundary, "A-2" Condominium Residence with Deed Restriction for remainder. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the change had been granted as worked out subject to review by City Attorney, "AA" 10' strip eastern boundary, "A-2" with Deed Restrictions for remainder, and the City Attorney was instructed to draw the necessary ordinance to cover.

FREEDOM AND PERFECTION

Mr. Bob Garrett Kinta appeared before Council to discuss various City policies. He asked for freedom and perfection.

REQUEST TO AMEND CHAPTER 4
AUSTIN TOMORROW COMPREHENSIVE PLAN

Mr. Palmer Wright, editor of MAGNET Monitor, appeared before Council to request the restoration to the Comprehensive Plan the procedures and guidelines for revising and implementing the Master Plan goals that were removed by Council in 1979. He asked that the following be put into the record:

Although the Austin Tomorrow Comprehensive Plan was adopted as Austin's new master plan in May 1977, Chapter 4 was referred back to the staff and commissions for what the City Manager and Mayor agreed would be minor, editorial changes to incorporate the selected 20-year growth pattern (minutes, 5-12-77). The actual rewriting became more extensive. It required over two years. The results were apparent only in 1980, with publication of the completed Comprehensive Plan and its first Monitoring Report.

An obvious change introduced by the revised Chapter--adopted February 19, 1979--was the assignment of five growth-area designations (p. 148). Less obvious were certain changes to the Plan's goal revision and implementation procedures. These were never publicly discussed, and it is questionable how much they were even intended.

Third, the 1977 Plan, as adopted, scheduled a full-scale citizen goals program in 1989: 15 years from the last Goals Assembly, in 1974. While the rewritten chapter retains this new goals program, it delays initiation four years until 1993, with goal revision not completed until 1995, a full 20 years from the 1975 Goals report. At that time, according to the recently revised Plan, the Chapter 2 goals should finally be re-assessed, but not earlier. Thus, the Plan has now been transformed into a hard-bound blue book that suggests a permanency never intended by citizens. Neither citizen goals nor master-plan goals and objectives are allowed modification until the mid-nineties. Did the present Council intend this result?

Besides damaging the processes for goal revision, the Chapter 4 changes eliminated processes for goal implementation, especially for systematically converting goals into ordinances. In the 1977 Plan was Appendix "A", affirming that growth-management achievement depends upon "a coordinated group of ordinances," a Comprehensive Development Code. The Appendix is not referred to in the present Plan, nor was it ever adopted by resolution, as were the four chapters--though it was printed at the end of the 1980 blue book. It has thereby been eliminated as a key element of the Plan's growth-management strategy, while the CIP process is made "the single most important element" (p. 158). Did the present Council intend this?

Mayor McClellan said the Planning Commission should be asked to set a public hearing and address this issue. She said if any citizen participation is left out in the process it should be addressed.

Motion

Mayor Pro Tem Trevino moved that the Council instruct the City Manager to instruct the Planning Commission and staff to hold a public hearing and submit to Council, within 30 days, recommendations for amending Chapter 4 of the Comprehensive Plan to restore the goal revision and implementation procedures and schedule present in the Plan as originally approved in 1977. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Cooke

PUBLIC OPINION POLL

Mr. Joe D. Powers appeared before Council to present the results of a Public Opinion Poll. He referred to charts in the report. (CITY CLERK DID NOT RECEIVE A COPY)

CITIZENS DID NOT APPEAR

Ms. Ruth L. Willis and Ms. Ethel L. Fresch had requested to appear before Council to ask them to reopen the Alamo Senior Citizen Luncheon Program. They did not appear. Their problem had been solved.

"PUN-OFF"

Mayor Pro Tem Trevino moved that the Council approve the request of Ms. Ruth Goddard, president, O. Henry Museum Advisory Board, for permission for the sale of beer at the museum's annual "Pun-Off" on May 3, 1981, from 2:00 p.m. to 4:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Cooke

REQUEST TO USE BARTON POOL

Mr. Stephen Taylor appeared before Council to request their assistance in funding Ms. Lisa Kelsey's attempt to swim the English Channel and permit Ms. Kelsey to use Barton Springs Pool while in training at no charge. Council asked Mr. Ehrler, Director of Parks and Recreation, to contact Mr. Taylor and bring this back on the April 30, 1981 Agenda.

ROSES

Mr. Ray Miranda appeared before Council to discuss the possibility of making Austin "The Rose Garden Capital" with neighborhood rose garden competition. Mayor McClellan suggested he talk with Mr. Ehrler.

INFANT-PARENT TRAINING PROGRAM

Colonel Don F. Rettberg, USAF (Ret), appeared before Council to discuss the concept of permanent, specifically-designed building to house the Austin-Travis County Infant-Parent Training Program. He said the program is for handicapped children ages 0-3 and they would like to build a facility on city owned property. They would like to have an option lease for 2-3 years to allow them time to obtain funding. Col. Rettberg requested 3 acres on Oak Springs Drive and suggested the funding could come from philanthropists, etc. The cost is estimated at \$444,000 built at a cost by a local builder.

Mayor McClellan said she would like Council to go on record in support of the specifically designed building to house the Austin-Travis Infant-Parent Training Program.

Mayor Pro Tem Trevino said the neighborhood associations are asking questions and he asked that the record reflect that the site is negotiable and he does not support that site specifically without neighborhood agreement. Councilmember Himmelblau pointed out most of the clients will be coming from that area.

Motion

Councilmember Cooke moved that the Council support the project and instruct the City Manager to instruct the staff to proceed with negotiations and building configuration. The motion, seconded by Mayor McClellan, carried by the following vote:

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

(Also consider other locations.)

PARADE PERMIT

Councilmember Cooke moved that the Council approve the request for a parade permit from Mr. Dan Jordan, for Brotherhood of Vietnam Veterans, Inc., from 9:30 a.m. to 11:00 a.m., Friday, May 8, 1981, beginning at 3rd Street and Congress Avenue, north on Congress to 11th Street, end at State Capitol. The motion, seconded by Mayor McClellan, carried by the following vote:

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

WITHDRAWAL OF ZONING CASE

Councilmember Himmelblau moved that the Council approve the request of Mr. Mark Lane Hayslip, for withdrawal of Zoning Case No. C14-81-047, scheduled for April 30, 1981 zoning hearings. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

SPRING COMMUNITY CELEBRATION

Councilmember Cooke moved that the Council approve the request of Ms. Mariann Wizard, for permission to sell beer, food and drinks in Waterloo Park on May 15, 1981 from 2:00 p.m. to 10:00 p.m. in connection with Spring Community Celebration. The motion, seconded by Mayor Pro Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

ZONING CASE POSTPONED

Councilmember Himmelblau moved that the Council approve the request of Mr. Don Walden, Sr., vice president, Cornerstone Development Corp., to postpone Zoning Case No. C14-81-015, Cornerstone Development Corporation, Loop 360 and Lakewood Drive, until May 14, 1981 at 7 p.m. (previously scheduled for April 30, 1981 zoning hearings). The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

PARKS AND RECREATION BOARD REPORT

Mr. Leonard Ehrler, Director of Parks and Recreation, appeared before Council to report on the recommendation of the Parks and Recreation Board, concerning support of House Bill 994 and request resolution be sent to the State Legislature. He explained the Bill concerns the retention and recycling of cans and glassware. Councilmember Himmelblau suggested this be referred to the City's lobbyist, Mr. Longley, and put it on the Agenda next week for Council support.

Motion

Councilmember Himmelblau moved that the Council refer recommendation concerning support of House Bill 994 to Mr. Longley. The motion, seconded by Mayor McClellan, carried by the following vote:

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

CARNALES, INC.

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing priority status to homes identified by Carnales, Inc. that require renovation. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Prior to the vote, Mayor Pro Tem Trevino stated, "There were some questions regarding this item when it came to Council two weeks ~~ago~~. Apparently the documents that had been communicated to Washington included some items that some Councilmembers, including myself, were not aware of. However, there has been a discussion with HUD officials in Washington and I understand it seems to be all right." Mr. Carlos Herrera, Director of Human Services, told Council, "We have been meeting with the people representing Carnales, Inc. who are in the audience today, and also with ARA, and have been in communication with people in HUD. In looking over documents forwarded to us for this project there were some considerations the City may be required to make in the future unless they are removed from the contract itself. We discussed it with the corporation and with HUD and they agreed they would remove the requirements to have CETA funds and land donations

from the City to this so in considering the request made by Carnales for priority consideration for those units that come out of their program, we will advise you at this point, if you want to add this project as priority consideration for the standard rehabilitation program we don't see any problem with it." Mr. Herrera explained a specific number of homes should not be designated because this would begin a new program. He also noted that families who buy must qualify.

RECESS

Council recessed its meeting at 11:30 a.m. and resumed its recessed meeting at 2:35 p.m.

CDBG CONTRACTS

Mr. Tom Muehlenbeck, Deputy City Manager, told Council, "Staff has submitted a report on CDBG contracts for the three CDBG agencies (East Austin Chicano Economic Development Corporation, National Business League, and Austin Minority Economic Development Corporation). We've also supplied you with additional information about continuing funding. There have been some questions regarding that until May 15, 1981. The staff is prepared to respond to any additional questions or any additional information you may need at this time."

Motion

Mayor Pro Tem Trevino moved that the Council approve the extension of CDBG contracts to May 15, 1981 with no additional funding and put item on May 14, 1981 Agenda. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

NO ACTION TAKEN ON REQUEST FOR CONTRACT EXTENSION

Council had before them a resolution extending the contract of Paul Smolen and Associates, now doing business as Tele-Techniques, to provide monitoring and other services during the first year of Cable TV transition contingent on passage of Cable Television Franchise Ordinance.

Mr. Smolen made his presentation. Mayor McClellan said it is premature to consider the contract now and Council should wait until the time when the franchise votes are scheduled. No action was taken.

MERIT PAY TASK FORCE

Councilmember Mullen discussed the recommendation of the Merit Pay Task Force.

Motion

Councilmember Mullen moved that the Council have each department head represented on the Merit Pay Task Force appoint one person to a task force and in addition add a person from Vehicle and PARD who has been appointed by the department head or director, to represent the employees in reviewing the Merit Pay Task Force Report. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Himmelblau

APPEAL

Councilmember Cooke moved that the Council send an appeal by Mr. Joe Riddell of the Planning Commission decision to grant a variance in Subdivision File No. C8-80-40.3 (Maple Run Section 3) back to the Planning Commission for further finding of fact. The motion, seconded by Mayor Pro Tem Trevino, carried by unanimous consent. (Councilmember Goodman absent)

RECESS

Council recessed its meeting at 2:50 p.m. and resumed its recessed meeting at 3:05 p.m.

PUBLIC HEARING - CHAPTER 41A & CHAPTER 29A AMENDMENTS

Mayor McClellan opened the public hearing, scheduled for 3:00 p.m. to consider amendments to Chapter 41A and Chapter 29A concerning development controls for land within the Aquifer-related Slaughter, Bear, Little Bear, and Onion Creek watersheds.

Mr. David Bodenman, chairman of the task force, appeared and discussed the amendments. He said they had done in six months what it has taken other states years to do.

Mayor McClellan read a letter from Mr. Cooksey asking the public hearing be continued at an evening hour.

Motion

Councilmember Cooke moved that the Council continue to May 7, 1981 at 6:00 p.m. the public hearing on consideration of amendments to Chapter 41A and Chapter 29A concerning development controls for land within the Aquifer-related Slaughter, Bear, Little Bear, and Onion Creek Watersheds.

Mayor McClellan said Council would now hear anyone present in the Council Chamber who wants to speak at today's hearing.

Mr. David McPhaul appeared and said he has been through the moratorium and has found no proof of what has been served by the ordinance. He has had the first subdivision approved in Williamson Creek. He cited an example of how the ordinance has changed the cost to the developer. He said under the old ordinance two 10' inlets would have been \$1100.00 apiece and 300' of 8" pipe would have been \$18.00 a foot for a total of \$5200.00. Under the regulations imposed by the Williamson Creek Ordinance, the cost for accomplishing the extra requirements will total \$41,000. This added expenditure will be added to the price of the duplex units which are being built. He said the Council is passing ordinances and not realizing what they are doing. He said they have to be practical in this world, and the ordinance requirements imposed are impractical. He urged Council not to make anything a law until it is workable.

Gile Jackson, president, Austin Association of Homebuilders, explained the meaning of a home to people. He asked Council not to adopt the amendments but to use the Williamson Creek Ordinance.

J.B. Stalworth, president, Austin Board of Realtors, told Council they are pricing homeownership out of the reach of individuals by over regulation.

Mayor McClellan said fiscal notes are needed to determine the cost to the City of the amendments and the cost to the homeowner.

A man who did not identify himself, who lives in Southview Estates, said immediately adjacent to him is planned a development in the watershed area which will spoil his living. He said they are on septic tanks in his area and sewage will go into Slaughter Creek. He urged the adoption of the plan so there will be controls.

Joe Riddell appeared and asked where Austin will grow. He said the main question will be the overall density limits. He suggested the Master Plan include 20 acre lots for the entire watershed. Councilmember Himmelblau cited her land where she runs cattle who enter the stream. She asked if it isn't better to have people living on the land with control? Mr. Riddell said there are provisions created by people that nature cannot handle. He went on to say data is needed to show how well or how poorly controls are working. He suggested Council look at the whole Aquifer when adopting the amendments.

Thomas Watts, representing Carl Putman, said his client has 70 acres and the ordinance would take out 24 acres. This added to terrian problems will mean that only 20 acres of the land is salable. He said large lots will lead to high density use.

John Street, a realtor, said the impact of the amendments will make owning one's own home an impossibility. He said the quality of water can be protected technically.

Pierre Bartell discussed the feasibility of the amendments and showed a chart.

Alley Abbey, the engineer who put through the subdivision plan for John McPhaul, said the City should protect its natural environment but that on the ponds required by Williamson Creek Ordinance, the City will maintain the ponds, but who will mow the grass around them. He said it took him ten times the normal amount of time to comply with the ordinance requirements because each department had their own idea of the interpretation.

Kent Butler, member of Edwards Aquifer Task Force, recommended Council adopt and protect with land protection controls for Area 5; asked Council to adopt the 12 specific recommendations they received earlier; and adopt a conservative ordinance using 1978 Lake Austin Interim Ordinance.

Sam Paul, a geologist, discussed the Edwards Aquifer fault zone. He said it should be considered as part of the re-charge zone.

Ira Yates told Council it is unfair to implement controls which are not needed and over restrictive.

Leon Whitney, a city planner, told Council that property owners can file against excessive land restrictions. He said the way to ruin the Edwards Aquifer is for the approval of large lot sizes and each owner will drill his own well and septic tank over the Edwards Aquifer.

Phil Savoy, a hydrologist who lives in South Austin, said the watersheds are not in the electric service area. He said they will never sustain the extension of utilities.

Roll Call on Motion

Roll Call on Councilmember Cooke's motion, Councilmember Himmelblau's second, to continue the public hearing to May 7, 1981 at 6:00 p.m., carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

Mayor McClellan introduced the following ordinance:

AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE PROCESSING OF SUBDIVISION PLAT APPLICATIONS PERTAINING TO LAND LOCATED WITHIN THOSE PORTIONS OF THE SLAUGHTER CREEK AND BEAR CREEK WATERSHEDS WHICH ARE WITHIN THE EDWARDS AQUIFER RECHARGE ZONE OR THE EDWARDS AQUIFER CONTRIBUTING RECHARGE ZONE, BEYOND BEING ACCEPTED FOR FILING AND DISAPPROVED BY THE PLANNING COMMISSION, UNTIL THE 7TH DAY OF MAY, 1981; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

NO ACTION TAKEN ON AGENDA ITEMS

Council took no action on the following Agenda items:

1. A resolution to consider appointing members of a Citizens Technical Task Force for Alternative Analysis of major transit operations for Austin.
2. Action scheduled on the following zoning case:

BALCONES ASSOCIATES, LTD.
by James W. Moritz
C14r-81-032

3301-3309 Northland
5400-5618 MoPac Blvd.

From "LR" Local Retail
2nd Height and Area
To "LR" Local Retail
3rd Height and Area
NOT RECOMMENDED

ADJOURNMENT

Council adjourned its meeting at 4:33 p.m.

APPROVED

Carole Keeton McEllister
Mayor

ATTEST:

Grace Morice
City Clerk