

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Council Meeting

February 12, 1981  
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 Himmelblau, Mullen,  
Mayor Pro Tem Trevino

Absent: Councilmembers Cooke, Goodman

AUSTIN BALLET THEATRE WEEK

Mayor McClellan read a proclamation setting aside the week of February 14-21, 1981 as Austin Ballet Theatre Week in Austin. Johanna Bartosh, Co-Director of the Austin Ballet Theatre Dancers' School; Lucy Garrison, member of the Board of Directors Austin Ballet Theatre Dancers' School; and Jo Webber, president, Board of Directors, thanked the Mayor and Council for the proclamation.

PURPLE MARTIN WEEK

Purple Martin Week will be observed February 14-21 according to a proclamation read by the Mayor and accepted with thanks by Donna Carter, member of the Travis Audubon Society; Tess O'Brien, Wildlife Coordinator, Natural Science Center; and George Perry, Supervisor, Natural Science Center, who presented Purple Martin buttons and Nature Center cups to the Councilmembers.

## BIG BROTHERS/BIG SISTERS APPRECIATION WEEK 3

Members of Big Brothers/Big Sisters, Rick Gerber, executive director; Bill Hudspeth, president; Taffy Powell, member of the board and chairperson of the publicity committee; and Sammy Joseph Jr., treasurer, were in the Council Chamber to accept with their appreciation a proclamation read by the Mayor designating February 15-21, 1981 as Big Brothers/Big Sisters Appreciation Week.

## MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of February 5, 1981. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmembers Cooke, Goodman

## CAPITAL IMPROVEMENTS PROGRAM

Councilmember Mullen moved that the Council adopt a resolution acquiring one-quarter interest in Williams Elementary School Playground, C.I.P. No. 75/86-14: 9.8920 acres of land out of Lot 1, Block M, Beaconridge I, Subdivision. (Austin Independent School District) The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Cooke, Goodman

RELEASE OF EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution releasing the following easement:

A 10' Sanitary Sewer Easement on a tract of land containing 6.947 acres out of the Santiago Del Valle Grant, 1720 South Lakeshore Drive. (Requested by J. Leroy Bush, R.P.S. representing Racquet Club Investments, Ltd.)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution releasing the following easement:

A portion of a drainage easement recorded in Volume 3015, Page 710 of the Travis County Deed Records and shown on a survey of a portion of Lot 8, Block 7, Westfield "A", 3421 Enfield Road. (Requested by W. Harvey Smith, representing Norwalk Square, Inc.)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution releasing the following easement:

4.0' of a 7.5' Public Utility Easement located on Lot 2, Block D, Woods of Westlake Subdivision, 1403 Camp Craft Road. (Requested by Mr. David B. Armbrust, owner)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution releasing the following easement:

Two 10' Public Utility Easements on Lots 13, 14, and 15, Pecan Park Subdivision, Southwest corner of U.S. 183 and R.M. 620. (Requested by Mr. Larry Niemann, owner)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution releasing the following easement:

A 5.0' Electric Easement on Lot 2, Old Tarlton Center II as recorded in Volume 1798, Page 341, 3300 Block Bee Caves Road. (Requested by Jeryl Hart Engineers, Inc.)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution releasing the following easement:

A 5.0' Electric Easement located on Lot 145, Block D, Springwoods Section I as recorded in Volume 720, Page 548 of the Williamson County Deed Records, 8905 Babbling Springs Trail. (Requested by Nolen and Associates)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution releasing the following easement: 7

Three 5.0' Electric and Telephone Easements on Allen Acres, Tract A and B as recorded in Volume 492, Page 51 & Volume 524, Page 524 of the Williamson County Deed Records, 13450 Research. (Requested by Billy F. Priest Surveyors, Inc., representing Mr. Jim Lindsey and Mr. Jerry Beeson)

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

#### CONTRACTS APPROVED

Councilmember Mullen moved that the Council approve the following contract:

PEARSON AND ASSOCIATES  
307 West Seventh Street  
Austin, Texas

- Robert Mueller Municipal Airport  
Terminal Access Road - Airport  
Islands Concrete Block Pavers -  
\$24,391.00

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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

AUSTIN ROAD COMPANY  
428 East Anderson Lane  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Tillery Street - Phase II Street  
and Drainage Improvements -  
\$474,282.64 C.I.P. No. 73/62-37

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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

PUMP UNLIMITED  
5730 Kenwick  
San Antonio, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Water Pumping Units and additional  
equipment, Water and Wastewater  
Department  
Items 1-3 - Total \$164,533.00  
(\$90,531.00 Water Utility Operating  
Budget & \$74,002.00 C.I.P.)  
C.I.P. No. 81/22-04

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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

A & B REFLECTORIZING COMPANY  
1250 E. Ontario Blvd.  
Ontario, California

- Traffic Cones, Central Stores  
Division  
Twelve (12) Month Supply Agreement  
Item 1 - estimated 5,000 ea. @ \$2.77  
Total \$13,800.00

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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

SOUTHWEST LIFT TRUCKS COMPANY  
825 E. Locust  
San Antonio, Texas

- Stacking Racks and Transport Carts,  
Auditorium-Coliseum Department  
Items 1-61 ea., 2-61 sets, 3-4 ea.  
Total \$5,786.62

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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Councilmember Mullen moved that the Council adopt a resolution<sup>10</sup> approving the following contract:

LES FERGUSON COMPANY, INC.  
307 E. Evergreen  
San Antonio, Texas

- Stock Paper for various City  
Departments  
Items 1 & 2 - \$11,538.87

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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

TOM FAIREY COMPANY  
5005 East 7th Street  
Austin, Texas

- General Purpose Tractor, Vehicle  
and Equipment Services  
Item 2 - 1 ea. - \$10,820.79

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

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

R.E. HARRINGTON, INC.  
1545 W. Mockingbird Lane  
Dallas, Texas

- Unemployment Compensation Cost  
Control Program, Personnel  
Department.  
Thirty-six (36) month agreement  
Estimated cost: \$13,900.00 per/year  
or \$41,700.00 over term of agreement

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

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

Noes: None

Absent: Councilmembers Cooke, Goodman

#### LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to authorize termination of a License Agreement with West Pecan, Inc. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Cooke, Goodman

#### CONTRACT EXTENDED

Councilmember Mullen moved that the Council extend a contract with Peat, Marwick, Mitchell and Company in the amount of \$30,000 to develop an expense projection model and prepare expense projections for 1981-86. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Cooke, Goodman

## CTIC CONTRACT 12

Councilmember Mullen moved that the Council adopt a resolution authorizing a contract with the Cable Television Information Center and CTIC Associates, Inc. to substitute CTIC Associates, Inc. for the Cable Television Information Center for consultant services. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

## CORRECTION OF RESOLUTION

Councilmember Mullen moved that the Council adopt a resolution correcting a resolution adopted October 30, 1980 concerning Interim Standards for Parmer Lane. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

## CETA

Councilmember Mullen moved that the Council adopt a resolution authorizing negotiation of contract with public service agencies and organizations and City of Austin Departments for the FY '81 Public Service Employment Program of CETA from February 16, 1981 through September 30, 1981. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

## ITEM WITHDRAWN

Consideration of a request by Mr. Manuel Taboada for the City of Austin to enter into a License Agreement for the use of public right-of-way for private parking, 1211 Baylor Street, was withdrawn.

## PUBLIC HEARINGS SET

Councilmember Mullen moved that the Council set a public hearing for March 12, 1981 at 9:45 a.m., to terminate a restrictive covenant relating to Zoning Case No. C14-76-060. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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Councilmember Mullen moved that the Council set a public hearing for March 5, 1981 at 9:30 a.m., to amend Chapter 45 (Zoning Ordinance) of the Austin City Code Section 45-22, to allow facilities where newspapers are received for distribution by local route carriers as permitted use in "GR" General Retail Districts. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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Councilmember Mullen moved that the Council set a public hearing for March 12, 1981 at 10:15 a.m. to amend Section 45-51 (a) of the Austin City Code (Zoning Ordinance) providing that an application for demolition or removal of a designated Historic Landmark shall be accompanied by an application for removal of Historic designation. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

(At this point, Councilmember Cooke entered the Council Chamber.)

CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF STASSNEY LANE, PHASE II IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY AUSTIN ROAD COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES TO THE CITY IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

OPERATING BUDGET AMENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1980-81 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING \$30,000.00 FROM THE COMMUNITY SERVICES ADMINISTRATION TO OPERATE THE ENERGY-CRISIS INTERVENTION PROGRAM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember 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 PULLED

Mayor Pro Tem Trevino moved that the Council pull from the Agenda, consideration of adopting an ordinance controlling litter around construction sites and requiring a cash bond to insure that litter is cleaned up at no cost to the City. 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

AUSTIN CITY CODE REVISION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-38 OF THE CODE OF THE CITY OF AUSTIN, 1967; PROVIDING THAT ALL OFFICIAL TRAFFIC CONTROL DEVICES BE PLACED AND MAINTAINED IN ACCORDANCE WITH THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, 1980 EDITION OR ITS SUCCESSOR PUBLICATION; PROHIBITING THE VIOLATION OF THE REGULATIONS IMPOSED BY LAWFULLY POSTED TRAFFIC CONTROL DEVICES; PROVIDING A PRESUMPTION THAT TRAFFIC CONTROL DEVICES PROVEN TO BE IN PLACE AT ANY LOCATION IN THE CITY WERE INSTALLED UNDER THE AUTHORITY OF LAW; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino 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.

## CHECK FEE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A FEE FOR CHECKS GIVEN TO THE CITY WHICH ARE DISHONORED BY THE INSTITUTIONS UPON WHICH THEY ARE DRAWN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EFFECTIVE DATE.

Mayor Pro Tem Trevino 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.

## AMENDMENT TO GENERAL FUND

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

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1980-1981 BY TRANSFERRING \$27,700 FROM THE GENERAL FUND ENDING BALANCE TO THE 1980-1981 OPERATING BUDGET OF THE MUNICIPAL COURT FOR THE PURPOSES OF FUNDING POSITIONS FOR HANDLING THE DELINQUENT PARKING NOTICE SYSTEM AND PROVIDING FOR FUNDS FOR MERIT INCREASE FOR MUNICIPAL COURT JUDGES AND THE COURT CLERK; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: Councilmember Cooke

Absent: Councilmember Goodman

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

NEW CHARGES FOR CONNECTION SYSTEMS

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

AN ORDINANCE PRESCRIBING AND LEVYING NEW CHARGES FOR CERTAIN CONNECTIONS TO THE WATER SYSTEM AND WASTEWATER SYSTEM OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

ZONING ORDINANCES

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:  
LOT 2, GRUVER-HAYNES SUBDIVISION, LOCALLY KNOWN AS 4025 MANCHACA ROAD, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O-1" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Delilah M. Haynes, C14-80-221)

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

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

The Mayor announced that the ordinance had been brought up as an emergency measure and passed through its first reading only.

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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:

LOT 12, OUTLOT 5, DIVISION "E", ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 1104 WEST AVENUE, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Steve Stratton & Norman K. Warner II, C14-80-222)

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

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

Noes: None

Absent: Councilmember Goodman

Abstain: Councilmember Himmelblau

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

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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:

AN APPROXIMATE 17,639 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 816-818 WEST 11TH STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (George S. McGee, Trustee C14-80-225)

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

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

Noes: None

Abstain: Councilmember Himmelblau

Absent: Councilmember Goodman

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

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

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

A 7,574 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2704-2708 RIO GRANDE AND 2705-2707 SALADO, FROM "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Ira L. Panzer, William D. Voiers, Lloyd A Jeffress, C14-80-227)

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

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

Noes: None

Abstain: Councilmember Himmelblau

Absent: Councilmember Goodman

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

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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:

A 546 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6929-B MANCHACA, 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; AND PROVIDING AN EFFECTIVE DATE. (Allied Development Co. C14-80-240)

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

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

Noes: None

Abstain: Councilmember Himmelblau

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:

LOT 6, BLOCK 5, CHARLES JOHNSON ADDITION, LOCALLY KNOWN AS 2308 LAKE AUSTIN BOULEVARD, FROM "A" RESIDENCE, 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. (Mark & Catherine Shular, C14-80-064)

Mayor Pro Tem Trevino 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.

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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 1: A 2.398 ACRE TRACT OF LAND, SAVE AND EXCEPT A 0.1921 ACRE TRACT OF LAND HEREINBELOW DESCRIBED AS TRACT 2, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, AND,  
TRACT 2: A 0.1921 ACRE TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, THIRD HEIGHT AND AREA DISTRICT: ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 1208-1216 EAST LIVE OAK STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Mayor Pro Tem Trevino 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.

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Mayor McClellan introduced the following ordinance:

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

LOTS 3, 4, AND 5, MRS. O.M. ROBERTS ESTATE, LOCALLY KNOWN AS 9410-9506 UPPER GEORGETOWN ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (City of Austin, C14-73-253) (Area Study)

Mayor Pro Tem Trevino 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.

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ZONING PULLED

Mayor Pro Tem Trevino moved that the Council pull from the Agenda, the following zoning ordinance:

CHARLES RICHARD  
HAMILTON  
by W.W. Patterson  
C14-79-032

10540-11740 HWY. 183

From Interim "AA" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area

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

## NO ACTION

Mayor Pro Tem Trevino moved that the Council take no action on the following zoning case:

T.C. SCOTT FRANCIS  
By Robert S. Francis  
C14-80-117

1917 Cullen

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

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

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

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Mayor McClellan introduced the following ordinance:

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

LOT NO. 1, BREEZY HOLLOW ADDITION NO. 5, SECTION NO. 1, LOCALLY KNOWN AS 1525 KOENIG LANE AND 5815 ARROYA SECA, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ruth Jane Dumont Shane, C14-80-229)

Mayor Pro Tem Trevino 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.

## PROPOSAL FOR WRECKER &amp; IMPOUNDMENT SERVICES

Chief of Police Frank Dyson reported on the proposal for wrecker and impoundment services as follows: He referred to a report given to Council and said, "That report reviews the present wrecker policy, the present Police Department impoundment policy, the existing contracts with the wrecker companies that we now have, some fiscal considerations, and reviews the Vehicle Impoundment Task Force work and recommendation and also discusses the wrecker fees currently, some of the budget considerations existing and some options for Council considerations. That includes operations, a plan similar to that existing in San Antonio, a plan submitted by the Towing and Recovery Association of America, also a plan submitted by Mr. Waldo Harper, or any combination of those discussed as well as the complete City operation."

Councilmember Himmelblau asked what we have left in City equipment. Chief Dyson said it is possible to impound some vehicles with city vehicles. Probably only cars involved in delinquent parking fines and citations. He referred to page 7 of the report for specific recommendations. Councilmember Himmelblau wanted to know what is the fastest way to get going... she does not like to see cars parked in tow-away zones. Chief Dyson told her that if the private sector is used they should be able to be in operation in 90 days or sooner. Councilmember Himmelblau wants to see it in operation as soon as possible. Mayor McClellan told Council a public hearing is needed.

Motion

Councilmember Mullen moved that the Council set a public hearing for February 26, 1981 at 3:00 p.m. on the proposal for wrecker and impoundment services. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

COMMUNITY-POLICE RELATIONS ADVISORY  
COUNCIL

Chief of Police Dyson reported on Community-Police Relations Advisory Council. He said in October several citizens contacted Captain Loui White of the Community Services Division to discuss organization of a police relations advisory Council. They felt a new approach should be developed and asked for the police department's assistance. Captain White provided staff support for the group and after several meetings the group decided to provide a line of communication for the citizens of Austin and the Austin Police Department to promote and increase citizen involvement in policy making and control of crime in the Austin community. It will provide fair and equal treatment of all citizens in accordance with appropriate legislation and judicial mandates and also provide a program where officers will go into the neighborhood and talk to people about what is occurring. The program will apply to all citizens and neighborhoods in the City of Austin. A steering committee has been appointed and has assumed the responsibility of writing the rules and recommendations and charged with the responsibility of developing a procedure whereby the advisory council will be selected.

Mayor McClellan said she will support an advisory board but cannot support a police review board. Councilmember Cooke wanted to know who has asked for this and how much the community supports the idea. Chief Dyson told him that people from all zones have asked for it. Councilmember Cooke wanted to know how much time this will take from Police Department duties and the Chief pointed out this is an advisory group only. Captain White said they have a mailing list of 200 plus 150 neighborhood associations. Councilmember Himmelblau wanted to know how much staff this would take, and Captain White told her none because the people are manning it themselves. Chief Dyson pointed out the important aspect of crime prevention.

No formal action is required. Program will proceed.

## ELECTRIC RATES

Mr. R.L. Hancock, Director of Electric Utility, reported on the Elimination of the Declining Block Concept in Electric Rates as follows:

The Council rate action of 1978 eliminated all but one block step in all rates and set the long term policy objective of complete elimination of declining block rate structures. The rate change of 1980 reduced the one step difference to  $\frac{1}{2}$  its 1978 level. This proposed change will conclude the policy objective.

The proposal under consideration retains the same revenue by customer class, the same average cost in terms of cents per kilowatt hours, the same rate of return by classification and the same customer billing structure.

The customer billing structure is composed of:

1. Customer charge - fixed cost of meter read, billing and accounting.
2. Energy charge - those costs, excluding fuel, relating to energy usage.
3. Capacity charge - those costs relating to providing the capacity requirements.
4. Fuel charge - the cost of the boiler fuel required to meet the ratepayer electrical energy needs.

This proposal to eliminate all declining all declining block concepts in the electric rate structure applies to the capacity charge that is applied in the summer period (May through October billings).

No other components of the rate structure incorporates the declining block concept.

The general impact on the ratepayers within a rate classification is a slight decrease for the smaller users and a slight increase for the larger users within each customer classification.

For the mixed fuel residential classification summer rates, approximately 65% of the consumers will experience a decrease ranging from 0 to 4.3% and the remaining 35% will experience an increase from 0 to 4.7%. This is for the summer only.

Annual changes for specific mixed fuel residential ratepayers are:

Small	-	-\$5.26,	-2.5%
Medium	+	\$9.04,	+1.3%
Large	+	\$50.48,	+2.7%

For the single fuel residential classification summer rate, approximately 57% of the consumers will experience a decrease from 0 to 8.5% and 43% will experience an increase from 0 to 6.5% in the summer period.



Annual changes for specific residential single fuel ratepayers area: 25

Small -	-\$11.53,	-4.3%
Medium -	+\$30.32,	+1.9%
Large -	+\$168.24,	+3.3%

Annual charge for non-demand general service ratepayers is approximately a 2% reduction for the smaller consumer and a 2% increase for the larger consumer.

Annual changes for customers above 30 KW who are billed on demand rates will depend on their unique characteristics but should experience reductions up to 4% and increases up to 1% with the reduction experienced by the small consumers and the larger consumers experiencing the increase.

Annual changes for large ratepayers taking service at 12,500 volts and higher will depend on their unique electrical characteristics. The smaller consumer in the classification would experience reductions near 1% and the larger consumer in the classification would experience increases less than 1%.

Specific customer impacts can be provided, however, the nature of the change associated with elimination of the declining block is such that no unusual variations are expected and none have been identified in the testing.

Mayor McClellan told Council they will need to set a public hearing. She asked if the Electric Utility Commission has seen this. Mr. Hancock told her not yet, and that the customer service test will take four to six weeks.

Council decided to put an item on next week's agenda for setting a public hearing.

#### SPORTFEST

Councilmember Cooke moved that the Council approve the request of Mr. David Shepherd, president of Austin Sportfest, requesting permission to have beer sales at Auditorium Shores, March 28-29, 1981; permission to erect a large utility light; permission for a small security force to remain overnight at Auditorium Shores on March 27 & 28, 1981; and permission to have a motorboat with 125 h.p. gasoline engine on Town Lake Sunday, March 29, 1981, for safety purposes, in the vicinity of Auditorium Shores. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## SPRING FESTIVAL 26

Mayor Pro Tem Trevino moved that the Council approve the request of Mr. Lamar Atkins, president, Austin Friends of Traditional Music, for permission to have food & beer concession at Waterloo Park during Spring Festival, Friday, Saturday & Sunday, April 24, 25 & 26, 1981. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

## DUES CHECK-OFF FOR CLEAT REQUESTED

MR. RONALD G. DELORD, president of CLEAT, appeared before Council to request dues check-off for Austin Police Officers belonging to this organization and authorization of payroll deduction. Councilmember Himmelblau said she would like to hear from the Police Association. Mr. Tom Muehlenbeck told Council staff wants to take this under advisement and come back to Council later with a recommendation.

## COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Council had before it for consideration the adoption of a Citizen Participation Plan and Schedule for FY 1981-82 for the Community Development Block Grant Program.

Councilmember Cooke said he cannot support the proposed process and feels it will impede the CDBG program. Mayor McClellan wondered when the plan needs to be adopted. Mr. Herrera told her it needs to be fitted into a time frame and today is the day in order to meet other deadlines. He told Council:

"As you know, the City Council will hold a public hearing on the proposed Citizen Participation Plan and Schedule at 10:00 a.m., January 22, 1981.

The proposed plan has been reviewed by the two formal citizen committees directly involved in the CDBG process--the Community Development Commission, and the Planning Commission.

On January 13, 1981, the Planning Commission unanimously endorsed the proposed Request For Proposals (RFP) process. (See Attached Letter From Bernard Snyder, Chairperson of the Planning Commission).

At their January 19, 1981 meeting, members of the Community Development Commission (CDC) expressed concern that the proposed process lacks sufficient citizen involvement. As a result, the Commission voted to endorse an amended schedule (See Attachment). The amendment proposed by the CDC includes:

1. CDC Public Hearing on each RFP's "Scope of Work" and as much of each RFP as legally possible (5/27/81). Prior to this Public Hearing, the subject documents and a summary of each document would be distributed to the CDC and to the six Neighborhood Centers (5/18/81); and
2. CDC review of proposals recommended for funding by the Human Services Department (7/27/81).

We have requested an opinion from the City Attorney's office with respect to allowing the review of RFPs by a public entity, prior to their scheduled release. We will forward this information as soon as possible.

The overall impact of the non-legal changes proposed by the CDC would be:

1. Involvement of the CDC in the preparation of the RFPs and in the review of the proposals submitted in response to the RFPs;
2. Involvement of the CDC in the review of proposals recommended for funding by the HSD;
3. Significant reduction in HSD staff time outlined in the original proposed schedule to prepare RFPs and review proposals.

If the originally proposed plan is adopted, the current CDBG staff (Four persons) can adequately handle the workload. The reduction of staff time to prepare RFPs and review proposals, necessary under the CDC amended plan, doubles, perhaps triples an already "heavy" workload. It is my assessment, at this time, that the CDBG staff would have to be augmented in order to effectively perform the required tasks."

Mayor Pro Tem Trevino asked how much money there will be and Mr. Herrera told him the same as last year, \$5,600,000 to \$5,800,000. However, he said there might be a slight reduction in the 7th year. Mayor Pro Tem Trevino said, "You recall a conversation we had last week regarding another program and promising specifically about using some of these monies for UDAG type of activities. If we had more than one activity that seems acceptable both at the local level and with the FEDS, and if we are still required to come up with a 20% match in hard cash....it's easy to utilize all that money in those type of activities." Mr. Herrera said, "Let me address how we intend to approach that since it has come up. We intend to carry to the review process, make recommendations to the CDC and the Planning Commission to consider in setting their needs and priorities to recommend to you that they consider setting aside some funds for these programs. Not necessarily just for UDAG. And out of that pool of money, use it to stretch the demand of the proposals coming in. That's one area we intend to recommend. Now whether it comes out as something that the citizens of Austin, in the review process outside, come back recommending it, is unknown today, but we do intend to carry that as an idea." Mayor Pro Tem Trevino asked if the RFP's would be included in this activity. Mr. Herrera told him the money would be designated for a predetermined type of activity. The RFP process is basically for service programs. After more discussion, Mayor Pro Tem Trevino said he wanted to do some checking and continue this discussion in the afternoon.

LATER IN THE AFTERNOON, discussion resumed. Mayor McClellan asked what was wrong with the plan last year. Mr. Herrera told her it loses control of some aspects of the program. Councilmember Cooke stated he is opposed to the current proposal and Mayor Pro Tem Trevino said he would be inconsistent if he accepted the new plan.

#### Motion

Councilmember Cooke moved that the Council adopt a resolution to retain the current policies for the FY 1981-82 Community Development Block Grant Program. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

LATER IN THE AFTERNOON

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Motion

Mayor Pro Tem Trevino made a motion to reconsider. This was unanimously approved by Council.

Mr. Herrera said he wanted to share some concerns with Council and find a resolution. "In going back and looking at the adoption of last year's plan to be brought forward into this year, one of the concerns I'm faced with is that in that plan it calls for a lot of front work that would have normally taken place in December and January and now the time crunch is going to put an awesome burden on the staff and the review bodies to try to get this done." Councilmember Cooke told him, "What I hear you saying is you banked on this process being adopted so you didn't follow through with last year's process up to this point." Mr. Herrera said they did not. "It was not a consideration. The three concerns I have, I'd like for you to hear them, look at them...number two is that the technical process that we got slapped on the hands for by HUD and did condition this year's grant when we get it released, is that if you don't consider something during the public hearing which is taking place for this process already during the outside external hearings that we have, we don't have last year's process discussed, then it cannot be adopted. That's one of the things that HUD has indicated to us. What we have to do this year to prove every point we will make to them in our application, we will in fact have to submit to them transcriptions of even this process today to indicate that something was discussed during the public hearing. What I am saying is that there may be a technical violation that last year's process was not discussed during the public hearing that we held for this process. And I want to bring that to your attention, that we run a risk that HUD may find that because last year's process was not discussed at the public hearing for adoption of this process, they may find that it is not adopted within the context of their regulation. Number three is that I believe in order to pacify all these concerns, that there may be a way to resolve it by negotiating this year's process, incorporating into that the things that I think you are concerned about, Mr. Cooke, and still allow us to work within that time frame. Because this process has been discussed by the different bodies and during the public hearing."

Councilmember Cooke pointed out, "I still hear you saying the same things, that you have proceeded ahead with this concept and this process, ignoring that the Council would do anything else and now, at the midnight hour, and Council has optioned to continue with last year's process and you find yourself, I guess you might say, in a technical crack."

"No, sir," said Mr. Herrera, "because this has been before you<sup>20</sup> for over a month. We brought it to you as a form of advice once. We brought it back for a public hearing and again discussed it later and this is about the fourth time we're here. It's not the first time we mentioned this is what we are considering. Not last year's proposal." Mayor McClellan said, "I think that what Mr. Cooke is saying, just because something is being considered, it hasn't been adopted, and until and unless it is adopted by the Council, then we should be following the procedure that we followed in the past." Mr. Herrera said he understands, but, "technically there may be a concern. The only outside option we have is to clear that through HUD. We could go ahead and adopt it this way, exactly like Mr. Cooke motioned earlier, try to clear that, adopt a contingency plan in case it is found to be out of compliance." Mayor McClellan asked why it would be out of compliance. Mr. Herrera explained what happened last year. "Some of the proposals that were adopted last year were not discussed during the public hearing held in the spring but they were later adopted by the City Council. As an example, the CDC's. The idea there is because those particular things were not sent through the citizen process that they were not eligible activities. We have tried, and again, our determination at that point was that that's not necessarily the most correct interpretation of that, but it is what HUD held the line on. Now, this year, we want to insure that everything that will be included in an application must be discussed at the public hearing held for that purpose, and I only wanted to make you aware that they may discuss that with us again this year."

Mayor Pro Tem Trevino said it seems strange to him that when this was discussed by all the bodies concerned, the old process was not discussed. Such as the differences between the old process and the new proposal. Mr. Herrera told him, "There was some indication that they compared, but they didn't discuss it in terms of adopting it. They also were again, as I indicated earlier, looking at an improved way of trying to do their work. I don't have any problem in amending the time table that we have incorporating last year's type of activity in trying to show you where it might be able to work that way. Because if it is the RFP process that is bothering you, that should be eliminated. In terms of need and priorities, we can add an and/or proposal situation so that anyone can still be innovative and bring that approach before..." Mayor Pro Tem Trevino said his concern was about shifting over to the RFP as opposed to any neighborhood group or organization submitting a very specific proposal. Those were the problems I had. If you are saying we can adopt the old process...or your new proposal eliminated the RFP process....Mr. Herrera said, "What would happen is two critical dates for that process obviously would be 3/16 and 3/17. On those dates the recommendations of the CDC would receive general topic areas. We would be more than glad to include in there and/or any proposals, any ideas, whatever you want included in there that would insure that anyone could bring any idea before those hearing bodies. That also would follow true and through on the 17th so that anyone that would bring any proposal, just like they did last year, could do so on those hearing dates."

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They then would come to you again. In addition to that, if you would not want to include an RFP process then the determination would be made on 4/24 anyway and you would not need an RFP process from that point on. And you could eliminate that process from this plan. Basically what you have is last year's plan all over again with a new time frame."

Councilmember Cooke said, "That is what my motion was in the first place. Last year's plan, with a new timetable." Mr. Herrera pointed out this plan only includes additional elements from last year's." Councilmember Cooke said if you take out all the additional elements from this year..."I don't see the difference." Mr. Herrera said, "The difference is that we are talking about this plan and voiced the technicality that I discussed a minute ago."

Mayor Pro Tem Trevino said, "Under the new proposal, if we eliminate the RFP portion of it. Then what is the major difference between the new process and this process?" Mr. Herrera said, "Rather than wait until July to see who your new conductors basically will be in October, you will know in April because you will be making decisions in April rather than some in April and some in July. All would be made in April. When that plan is brought to you to be put in final form to go off to HUD, you would at that point be making decisions as to who would be your carriers of the programs, too, in specific proposals, specific dollar amounts. The RFP process would take some of that in July where there would be some competition. That would no longer be an issue at all. I think that would satisfy your concern, Mr. Cooke, and it would satisfy the technical aspects of what I was addressing a minute ago."

#### Motion

Councilmember Cooke moved that the Council adopt a resolution of a Citizen Participation Plan and Schedule for FY 1981-82 for the Community Development Block Grant Program as amended to remove RFP section. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

## SIGN FOR CHARITABLE ORGANIZATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 771229-A AND CHAPTER 3 OF THE CODE OF THE CITY OF AUSTIN, 1967; PROVIDING FOR THE CITY TO GRANT PERMISSION FOR CERTAIN SIGNS TO BE ERECTED ON PUBLIC PROPERTY; PROVIDING THAT NO SIGN PERMIT NEED BE REQUIRED FOR THE DISPLAY OF A TEMPORARY CHARITABLE SIGN UNDER THIS PROVISION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

## CAPITAL IMPROVEMENTS

Councilmember Mullen moved that the Council adopt a resolution to acquire certain land for the U.S. 183/Loop 1 interchange, CAPITAL IMPROVEMENTS PROGRAM No. 81/62-26: 20,203.28 square feet of land out of Lot 15, Block A Northwest Terrace, Section 1. (R.A. Hart) The motion, seconded by Councilmember Cooke, carried by the following vote:

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



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## PUBLIC HEARING - ZONING APPLICATIONS

Mayor McClellan opened the public hearing, scheduled for 11:00 a.m. on amending Chapter 45 (Zoning Ordinance) of the Austin City Code, Section 45-14 (f) providing an increase from 45 days to 60 days, the period of time for filing a zoning application to the date the application is set for public hearing by the Council; and passage of Ordinance.

Mr. Lillie reported as follows:

The Planning Commission at their regular meeting on January 7th voted to amend the text of the Zoning Ordinance. The amendment would provide for an extra two weeks of time between the application deadline date and the Commission's public hearing on zoning cases. The existing schedule and the proposed schedule are outlined below.

<u>Existing</u> (example)		<u>Proposed</u> (example)	
Deadline	March 4th	Deadline	February 18th
Commission Public Hear- ing	March 31st	Commission Public Hearing	March 31st
City Council Public Hear- ing	April 23rd	City Council Public Hearing	April 23rd

The primary purpose of the amendment is to give the staff of the necessary departments time to review and comment on zoning, special permits, PUD's and site plans. Increased work load and with ordinance requirements with limited increase in staff level have made it necessary to initiate this request.

Mr. Lillie said he had contacted neighborhood associations and they do not want lengthening of time. He told Council that if this proposal is adopted, Council will not have a zoning hearing in March.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR SIXTY DAYS BETWEEN FILING OF ZONING APPLICATIONS AND PUBLIC HEARING BEFORE CITY COUNCIL; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS, AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen 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 Councilmember Cooke, 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.

#### PARKS & RECREATION BOARD

Mr. Roy Guerrero, Parks and Recreation Department, appeared before Council and said all is in order concerning the Parks and Recreation Board's recommendation on the request from the Chamber of Commerce to have a motorboat with a 125 h.p. gasoline engine on Town Lake Sunday, March 29, 1981, for safety purposes, in the vicinity of Auditorium Shores. (Voted on in same motion on Sportfest request)

#### RECESS

Council recessed its meeting at 11:00 a.m. and resumed its recessed meeting at 2:35 p.m. At this time Councilmember Goodman entered the Council Chamber.

#### RESOLUTION

MS. BERTHA MEANS introduced to the Council Chamber, Mr. Edwardo Perez, who is a member of the International Sister City Organization. Mayor Pro Tem Trevino read and presented to Mr. Perez an Honorary Citizenship Resolution. Mr. Perez thanked Mayor and Council for the Resolution.

## BROTHERHOOD/SISTERHOOD WEEK

Mayor McClellan read a proclamation designating the week of February 15-21, 1981 as Brotherhood/Sisterhood Week in Austin. This is the 48th observance of the week, sponsored by the National Conference of Christians and Jews. Ms. Carol Evans received the proclamation with her appreciation and thanks.

## BOARD &amp; COMMISSION APPOINTMENTS

Mayor Pro Tem Trevino moved that the Council approve the following Board and Commission appointments:

EMS Quality Assurance Team

Terms to expire 1-1-83. Elaine Shapiro, Michael Levy, Dr. Donald Patrick and Dr. Charles Gregory

Heating, Air-Conditioning & Refrigeration

Terms to expire 1-1-81. Calvin Faught and George Smith

Library Commission

Terms to expire 1-1-83. Beulah Thompson, Alan Minter, Richard Dimeky, Gensie Hemphill, Valarie Dunnam, Dr. Robert Ledbetter and Jacqueline Davis

MH/MR Public Responsibility

Terms to expire 1-18-82. Michael Churgin and Toni Casteel

Citizen's Traffic Safety Commission

Terms to expire 1-1-83. Nell Dickey, Dr. Clyde Lee, Dr. David Williams, George Gustafson, and William White.

Elizabeth Ney Museum

Term to expire 4-1-81. Patricia Calhoun

Manpower

Term to expire 9-1-81. Trindade Botello and Michael Rodriguez

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Renewable Energy Resources

Term to expire 7-1-82. Robert Russell

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

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Mayor McClellan announced the following board and commission appointments are due to be made February 19, 1981:

Building Standards Commission, 2  
EMS Quality Assurance Team, 1  
Ethics Review Commission, 1  
On-Going Goals Assembly Committee, 5  
MH/MR Public Responsibility Committee, 1  
Urban Transportation Commission, 4  
Capital Area Planning Council, 1  
Police Department Internal Affairs Committee, 1  
Employees Retirement System of the City of Austin, 1  
Social Policy Advisory Committee, 1  
Renewable Energy Resources Commission, 1

**PUBLIC HEARING - REGULATION OF ANTIQUE  
AND PRECIOUS METALS DEALERS**

Mayor McClellan opened the public hearing, scheduled for 2:30 p.m. to consider an ordinance regulating antique and precious metals dealers.

Chief of Police Dyson reviewed for Council his last appearance before them regarding this proposed ordinance and cited ordinances in other states which call for a 10 day holding period by the dealers for precious metals which they buy before melting them or selling them. Chief Dyson said the antique and metal dealers are not in favor of the proposed ordinance. Councilmember Himmelblau said the dealers also feel that what we now have on the books is not monitored by the Police Department as far as picking up the forms that need to be filled in. Chief Dyson said they generally schedule two officers full time to make the pick ups twice a week at each location. Many times they cannot do so but they pick up wherever possible with the manpower available.

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Chief Dyson said the main difficulty is the length of the holding period. The dealers are able to alter the material so quickly that it makes identification impossible. Councilmember Cooke felt that 10 days in a volatile market could be punitive. Chief Dyson said Councilmember Himmelblau had suggested a change to three day holding period..but some way is needed to hold the property and be able to identify it if stolen. Councilmember Goodman said he favors the three day period. Small businesses could be wiped out with 10 days. Councilmember Himmelblau agreed 10 days is too long. Chief Dyson felt the key to the success of the Ordinance is the holding period and the dealers did not want to make a compromise.

Councilmember Mullen asked why police officers are not picking up the forms and Sgt. Borden, Burglary Detail, said they pick them up when they are going to investigate another burglary.

A woman who did not identify herself told Council she has been a victim of burglary and wants the ordinance passed as presented. She said a 3 day holding period is not long enough.

Brian Christie, speaking for several jewelers in town, said he opposes the ordinance in total as being unwise and unfair. He said there are already two ordinances on the book which should suffice and that 10 days holding period is too long. He said if the City puts on stricter controls, the dealers will go 10' outside of the City limits with their shops. He also pointed out that the proposed ordinance may be unconstitutional.

Jonathan Davis, Assistant City Attorney, said it was his intent in drafting the ordinance that either of two alternatives would come about. "One, a commonly understood meaning (for precious metals). Or, that I would be instructed to work up a definition of what we are covering in the ordinance. I don't think it is fatally unconstitutional because of that defect, however, it is not our intent. That's why it has draft all over it. ...In drafting it, I looked into a number of out of state and Federal cases. The argument about interstate commerce has been presented in at least two Federal court attacks on similar ordinances and basically it is such an incidental burden on inter-state commerce that you don't win on that ground. The plaintiffs who sought in those two cases to strike down the holding period position based on its alleged unconstitutionality as a burden on inter-state commerce, lost those arguments in the Federal Court. I found cases that went all the way back to 1930 where holding periods were upheld. Charleston has a ten day holding period that was attacked. In 1980 the Federal Court in South Carolina upheld that part of the ordinance. I understand a similar attack was brought in Rockville, Maryland that has the same sort of holding provision. And it was upheld. The four day holding period, I ran across a case in 1930 out of St. Louis. They take a photograph of the person and the item and it is incredibly more difficult to comply with those ordinances than the draft you have in front of you. The definition was not finalized, it could be

given an ordinarily understood meaning or the Council could come back and give me some sort of instruction on what it is. This is a draft and it is certainly something that can be brought up in discussion and is not intended to be passed in the form it is in today." 38

Larry Bassett, general manager, Austin Gold and Silver, said the ordinance would drive people out of the city.

Allen Hill, Assistant District Attorney, said that in his office, they find the biggest problem is identification. He discussed the lag time and said that sometimes, in seconds, jewelry loses its identification.

Jim Ennis appeared before Council to state he is for law and order, but what they are talking about today is government and business. He said the ordinance as proposed would force dealers to be speculators rather than brokers. He said the sheriff should do his job, the businessman should do his, and the City Council should not try to regulate either of them.

Jesse Garza Jr., owner of Aztec Coin Company, said the proposed ordinance may have some constitutionality problems. He said dealers should be registered and bonded by the City. He said the City cannot hold items for 10 days as that would violate the due process of individuals to pursue their means of livelihood.

Dale Moore told Council the ordinance is unnecessary and a ten day holding period would destroy business.

Harold Holscher, CPA representing Austin Gold and Silver Exchange, showed charts of the wholesale and retail gains and losses and said he is against a 10 day holding period.

Charles Kirkpatrick, Midas Manufacturing, purchases metal from dealers. He also is against a holding period.

Allan McMurtry, President of Precious Metal Assaying Company, said the ordinance is a problem and will effect dentists and commodity brokers, photographers, IBM, TI, coin dealers, etc.

Councilmember Cooke then asked for suggestions and a discussion followed concerning the taking of pictures, use of driver's license as identification, etc.

Chief Dyson said if Council decides against the holding period, then staff should work out the old ordinance. He does feel a holding period is needed.

A woman who was a victim of burglary told Council her jewelry was stolen and melted the same day.

Councilmember Cooke wondered if photos are helpful. Chief Dyson said they are sometime but are not admissable in court. Mr. Christie returned to say he wants the present ordinance enforced. Councilmember Himmelblau asked if there is information available regarding the ordinances in other cities, how they are enforced and what happens to dealers. Mr. Davis told her that generally, there is conflicting testimony ... some photograph and some don't.

Councilmember Himmelblau asked Mr. Christie if the dealers would mind registering with the Police. The dealers in the Chamber audience agreed this would be in their best interest. Councilmember Himmelblau then suggested that Mr. Christie and others get together with Mr. Davis and come back to Council in 4-6 weeks. She said the citizens have a valid concern worrying about recovery of stolen goods. Chief Dyson asked if the holding period should be disregarded. Councilmember Himmelblau opined that a lot more work is needed. She suggested a committee be set up to see what can be worked out to help citizens and dealers and to discuss with them the holding period and see what would be best.

Mayor Pro Tem Trevino thought a minimum period should be considered.

Mayor McClellan asked Chief Dyson to look at strengthening what is already on the books and to study the points that have been made today, then set a public hearing on information gathered. Chief Dyson said he will talk to Mr. Christie and report next week concerning the date the public hearing should be held.

#### Motion

Councilmember Mullen moved that the Council close the public hearing on consideration of an ordinance regulating antique and precious metals dealers. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

## PUBLIC HEARING ON PARK RIGHT-OF-WAY VACATION

Mayor McClellan opened the public hearing, scheduled for 3:00 p.m. on vacating the following and passage of Ordinance: PARK ROW from Shoal Creek Boulevard to the east end. (Requested by the Parks and Recreation Department, City of Austin.)

Mr. German, Director of Public Works, appeared and said the land is of no value as a public street and runs parallel to the north side of the Austin Recreation Center. Councilmember Himmelblau asked if it will be used for Parks and Recreation or Community College parking. Mr. Ehrler, Director of Parks and Recreation, told her it will be used for Parks and Recreation parking only.

Earl Trull, 1210 West Avenue, appeared before Council to present a petition of property owners who object to the street vacation. He asked they have more time to study as they did not receive notices in what they consider ample time.

Mrs. Wayne Henneberger was concerned about the parking and encouraged quick action. Also an instructor at the Center spoke for the vacation of the street.

Motion

Councilmember Mullen moved that the Council continue the public hearing on February 26, 1981 at 9:30 a.m. The motion, seconded by Mayor McClellan, carried by the following vote:

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

## PUBLIC HEARING - RE NEELY DRIVE

Mayor McClellan opened the public hearing, scheduled for 3:00 p.m. on vacating the following and passage of ordinance: Right-of-Way dedicated for Neely Drive. (Requested by Mr. Larry Peel)

Mr. German appeared before Council to state everything is in order.



Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF NEELY DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen 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 Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### WILLIAMSON CREEK

##### Motion

Councilmember Mullen made a motion to waive the requirement for three readings and finally adopt amendments to the Williamson Creek Watershed Development Standards Ordinance.

Councilmember Mullen said the amendments concern construction, maintenance, monitoring, permits and front end fee. (Amendments on file in City Clerk's office.)

##### Friendly Amendment - Made and Withdrawn

Councilmember Goodman offered a friendly amendment that this will not effect approved preliminaries except a commitment to comply the transitional period. Councilmember Mullen did not accept the friendly amendment, so Councilmember Goodman withdrew the amendment.

##### Second to the Motion

Councilmember Goodman seconded Councilmember Mullen's motion.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41A (SPECIAL REQUIREMENTS FOR SUBDIVISIONS IN ENVIRONMENTALLY SENSITIVE AREAS) OF THE AUSTIN CITY CODE OF 1967; AMENDING ARTICLE II THEREOF; ESTABLISHING A TWENTY DOLLAR PER LOT FEE AS A CONDITION OF PLAT APPROVAL FOR SUBDIVISIONS IN THE AQUIFER-RELATED WILLIAMSON CREEK WATERSHED FOR THE PURPOSE OF FUNDING A WATER QUALITY MONITORING PROGRAM FOR SUCH WATERSHED; ESTABLISHING AN EIGHTY DOLLAR PER FEE AS A CONDITION OF PLAT APPROVAL FOR SUBDIVISIONS IN THE AQUIFER-RELATED WILLIAMSON CREEK WATERSHED IN WHICH THE PERCENTAGE OF IMPERVIOUS COVER REQUIRES CITY MAINTENANCE OF SEDIMENTATION/FILTRATION FACILITIES; CORRECTING A TYPOGRAPHICAL ERROR IN THE LAST SENTENCE OF SUBSECTION 203.2 (b); CORRECTING A CLERICAL ERROR IN THE LAST SENTENCE OF SUBSECTION 204.1 (c) (2); PROVIDING FOR THE MAXIMUM DEVELOPMENT INTENSITY FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN THE AQUIFER-RELATED WILLIAMSON CREEK WATERSHED; PROVIDING FOR THE CONDITIONS PRECEDENT TO ACCEPTANCE BY THE CITY OF AUSTIN OF SEDIMENTATION/FILTRATION FACILITIES IN THE AQUIFER-RELATED WILLIAMSON CREEK WATERSHED; CORRECTING A TYPOGRAPHICAL ERROR IN SUBSECTION 206.2 (e); PROVIDING FOR CONTRACTORS' PERMITS AS A CONDITION OF PERFORMING WORK ON SITE DEVELOPMENT RELATED FACILITIES IN SUBDIVISIONS IN THE AQUIFER-RELATED WILLIAMSON CREEK WATERSHED; PROVIDING FOR SEVERABILITY; SUSPENDING 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 Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### DEAF INTERPRETER FOR COUNCIL MEETINGS

Mayor McClellan suggested Council consider funding alternatives for an interpreter for the deaf to be present at regular Council meetings throughout this fiscal year. She said fees for interpreters range from \$5.00 to \$7.50 an hour. Councilmember Goodman thought this a good idea and asked for a report on whether they could supplement ACTV and include an interpreter on the screen. Also he would like to explore titling. Staff will report back to Council.

## RETIREMENT FUND

Mayor McClellan asked Council to consider directing the staff to bring back a feasibility report on increasing maximum allowable cost of living increase for retired City employees. Councilmember Mullen said the retirement fund cannot stand more than the current 3%. Mr. Norman Barker, Finance Director, gave a detailed report concerning this to Council. The final line was that it would not be feasible, financially, to increase the maximum allowable cost of living increase.

## WATER &amp; WASTEWATER POLICY CHANGES

Councilmember Himmelblau asked Council to consider instructing the City Manager to present proposed water and wastewater policy changes to the Council no later than February 26, 1981. Staff responded they would have the report in time. She wants hearings set and action taken by the time the present Council is out of office.

## STAGGERED COUNCIL TERMS

Councilmember Cooke asked Council to discuss the possibility of including a Charter amendment in the April election to have staggered Council terms. Councilmember Himmelblau referred to Councilmember Cooke's memo and said she prefers Option IV.

A discussion ensued concerning Charter elections and it was consensus of the Council that there is not time for this proposal for the April election. Councilmember Himmelblau suggested there could be a citizen task force to study the proposal. Councilmember Cooke does not want to do that.

## ZILKER PARK SUMMER MUSICAL

Councilmember Goodman moved that the Council approve the restoration of the Zilker Park Summer Musical, to be funded through bed tax contingency fund. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Goodman, Mullen

Noes: Councilmembers Cooke, Himmelblau

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Prior to the vote, Mr. Ehrler, Director of Parks and Recreation, asked for Council's help with this project. Councilmember Himmelblau objected to use of the contingency fund and Mayor McClellan objected to charging admission.

ADJOURNMENT

Council adjourned its meeting at 6:00 p.m.

APPROVED

*Charles T. McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk