

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 26, 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 Cooke, Goodman,  
Himmelblau, Mullen, Mayor Pro Tem Trevino

Absent: None

The Invocation was given by Father Richard McCabe, St. Theresa's Catholic Church.

EL PASO DAY IN AUSTIN

Senator Tati Santiesteban, from El Paso, was in the Council Chamber to receive a proclamation, read by the Mayor, designating March 3, 1981 as El Paso Day in Austin. Senator Santiesteban thanked the Mayor and Council.

BRAZILIAN CULTURE WEEK

Brazilian Culture Week will be observed February 28-March 6, 1981, according to a proclamation read by the Mayor. Mike Quinn and Margo Milleret were in the Council Chamber to accept the proclamation with their thanks and to give Councilmembers their carnival kit, which consisted of masks and leis.

HEROES AND HEROINES OF TEXAS MONTH 2

Opal Hollis, State President of Daughters of the Republic of Texas; Ann Pollard-Bluda, President of the Austin Chapter of Daughters of the Republic of Texas; Martha West, Region 8 Director, Daughters of the Republic of Texas; and other members of the Austin chapter were present in the Council Chamber to receive with their thanks and appreciation the Heroes and Heroines of Texas Month Proclamation read by Mayor McClellan. The month of March has been set aside for this observance.

## CARL G. BARHO DAY

February 26, 1981 is being observed as Carl G. Barho Day, according to a proclamation read by the Mayor. Mr. Barho, together with his wife, Dorothy, daughter Ray and son Eddie, were in the Council Chamber to accept the proclamation. Mr. Barho thanked the Council. Marc Dragul, Executive Director of Vaughn House, was also at the podium.

## TEXANA CONN DAY

Texana Conn Day will be observed Friday, February 27, 1981 in Austin according to a Resolution read by the Mayor and signed by all Councilmembers. In addition to presenting Mrs. Conn with the Resolution, the Mayor also bestowed upon her the Distinguished Service Award. Mrs. Conn thanked the Mayor and Councilmembers for the Resolution and Award. Present with her in the Council Chamber were her husband, John Conn; her brother, John Henry Faulk; her sister Mary Faulk Koock; Mark Dragul, Executive of Vaughn House who spoke a few words in praise of Mrs. Conn; Joseph Yacono, Director of Travis County Human Services; Verna Browin, Assistant Director; Rory O'Malley; and clients of Mrs. Conn.

## MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the Meeting of February 12, 1981, as corrected; and Special Meetings of February 19, 1981 and February 20, 1981. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Minutes of February 19, 1981 are being held until next week as Councilmembers have not had time to read them.

## CONGRATULATIONS TO CHRISTOPHER CROSS

Mayor McClellan announced the fact Christopher Cross won 5 Grammy awards on February 25, 1981. She said that when he returns to Austin, he will be recognized in the Council Chamber.

## RELEASE OF EASEMENTS

3

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

20.0' of a 30.0' Drainage Easement located on Lots 63 and 64, Block N, Oak Forest Section 5-A, 7205 and 7204 Fireoak Drive. (Requested by Mr. Jack Nation, owner)

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

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A 5.0' Electric Easement located on Lot 2, Hardin's No. 3 Subdivision, 2110 Rio Grande Street. (Requested by Mr. Richard G. Hardin)

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

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a 7.5' Public Utility Easement located on Lot 2, The Knoll Subdivision, 3105 South IH 35. (Requested by Carlson, Dippel and Marx, representing Embrey Investments)

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

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

## CONTRACTS APPROVED

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

OAK FARM DAIRIES  
901 Red River  
Austin, Texas

- Milk Products, Brackenridge Hospital  
Six (6) Month Supply Agreement  
Items 1-9 - \$35,369.50

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

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

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

DOOR CONTROLS INCORPORATED  
P. O. Box 14981  
Austin, Texas

- Traffic Control Devices for  
Terminal Access Road Airport  
Islands, Robert Mueller Airport  
\$13,640.00

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

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

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

TRANS-TEX SUPPLY COMPANY  
P. O. Box 6457  
Austin, Texas

- Tapping Valves for Center Street  
stand-by pump installation, Water  
and Wastewater Department  
Item 1 - \$7,844.76

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

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

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

Bid Award:

- Retread and Section Repair of Tires,  
Vehicle and Equipment Service  
Department  
Twelve (12) Month Service Agreement

YOUNGBLOOD GENERAL TIRE COMPANY  
506 North Lamar Boulevard  
Austin, Texas

- Items 1 thru 16 - \$12,991.00

WALKER TIRE COMPANY  
7107 North Lamar Boulevard  
Austin, Texas

- Items 17 thru 23 and 35 thru 39 -  
\$13,785.00

PERRY ROSE FIRESTONE TRUCK/TIRE  
CENTER  
2201 Airport Boulevard  
Austin, Texas

- Items 24 thru 34 - \$7,560.00

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

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

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

Bid Award:

- Wheel-Mounted Trenching Machines,  
Electric Distribution, Street and  
Bridge and Vehicle and Equipment  
Departments

RIVER CITY MACHINERY  
10411 North Lamar  
Austin, Texas

- Item 1 - 1 ea. - \$9,999.00

VERMEER SALES OF TEXAS  
4403 Director Drive  
San Antonio, Texas

- Item 2 - 1 ea. - \$23,485.00

PLAINS MACHINERY COMPANY  
123 Main Street  
San Antonio, Texas

- Item 3 - 1 ea. - \$25,983.00

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

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

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

Bid Award:

- Building Wire, Electric Utility Department  
Sixty (60) Day Supply Agreement  
Items Nos. 1-43, awarded by line item to appropriate suppliers based on 1st, 2nd, and 3rd low bid - \$25,000.00

GENERAL ELECTRIC SUPPLY COMPANY  
7521 North Lamar Boulevard  
Austin, Texas

GRAYBAR ELECTRIC COMPANY  
7434 North Lamar Boulevard  
Austin, Texas

WESTINGHOUSE ELECTRIC SUPPLY COMPANY  
9930 Research Boulevard  
Austin, Texas

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

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

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

HEWLETT-PACKARD COMPANY  
205 Billy Mitchell Road  
San Antonio, Texas

- Dual-Trace Oscilloscope, used to perform maintenance on computer equipment, Electric Utility Department  
Item 1 - 1 ea. - \$5,520.30

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

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

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

RANDALL & BLAKE, INC.  
614 East 7th Street  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Community Development District  
No. 12 H.C.D. Street, Drainage  
and Sidewalk Improvements -  
\$189,202.30 C.I.P. No. 76/62-15

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

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

#### STREET ILLUMINATION SYSTEM

Mayor Pro Tem Trevino moved that the Council adopt a resolution adopting an Agreement with the State Department of Highways and Public Transportation for construction, maintenance and operation of a street illumination system at U. S. 183 and Springdale Road. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

#### OUTDOOR NATURE PROGRAMS

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing submission of an Institute of Museum Services General Operating Support Grant from the U.S. Department of Education in the amount of \$35,000 for Outdoor Nature Programs for the period of one year beginning October 1, 1981. (No matching funds required.) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

#### TEXAS LIBRARY SYSTEM

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

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

#### TEXAS DEPARTMENT OF COMMUNITY AFFAIRS

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing a contract with the Texas Department of Community Affairs (TDCA) for the Employer Child Care Voucher Payment System Feasibility Project; and authorizing a subcontract with Austin Families, Inc., as stated in the Feasibility Project proposal submitted to the TDCA. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## COMPREHENSIVE EMPLOYMENT AND TRAINING PLAN

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing submission of a modification to the present FY '81 Comprehensive Employment and Training Plan for the Capital Area Manpower Consortium's CETA Titles II-B, II-D, IV-YETP, IV-YCCIP, VI, VII and the Administrative Cost Pool to reflect the new funding authorization from the Department of Labor. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## SOUTHERN UNION'S REQUEST FOR REHEARING DENIED

Mayor Pro Tem Trevino moved that the Council adopt a resolution denying Southern Union Gas Company's motion for a rehearing on its Statement of Intent to change rates. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## WATER QUALITY SURVEYS

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving Engineering-Science to operate a motorboat on Town Lake for water quality surveys for the National Urban Runoff Program (NURP) for the period of February 26, 1981 through September 30, 1981. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## PUBLIC HEARING ON CHAPTER 29 SET

Mayor Pro Tem Trevino moved that the Council set a public hearing on Chapter 29 pertaining to the Williamson Creek Watershed and Edwards Aquifer area for March 19, 1981 at 8:30 p.m. (Requested by Edwards Aquifer Task Force) The motion, seconded by Councilmember Goodman, carried by the following vote:

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



## CAPITAL IMPROVEMENTS PROGRAM AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1980-85 CAPITAL IMPROVEMENTS PROGRAM BY TRANSFERRING \$97,298 FROM 1980 REPROGRAMMED AVAILABLE FUNDS AND REALLOCATING \$115,000 (\$75,000 FROM THE PUMP STATION IMPROVEMENTS PROJECT AND \$40,000 FROM THE SUPERVISORY CONTROL SYSTEMS PROJECT) IN ORDER TO FUND ADDITIONAL EXPENSES FOR PUMP IMPROVEMENT; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

## OPERATING BUDGET AMENDMENTS

Mayor McClellan introduced the following ordinance:

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, transferring \$78,402 of Community Development Block Grant authority from the Planning Department to the Human Services Department for the purpose of consolidating CDBG housing planning activities. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

810226-B  
F.2 a.

Mayor McClellan introduced the following ordinance:

810226-C  
F.2.b.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, accepting and appropriating \$10,569 from the Texas Department of Community Affairs for the Employer Child Voucher Payment System Feasibility Project. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### TRAFFIC REGISTER ENTRIES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21, SECTIONS 32 AND 34 OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR RATIFICATION OF ALL TRAFFIC CONTROL DEVICES NOW IN THE TRAFFIC REGISTER, WHETHER ACCORDING TO LAW OR NOT, PROVIDING THAT THE CITY MANAGER'S DESIGNATE MAY ACT IN THE PLACE OF THE CITY MANAGER AS TO THE TRAFFIC REGISTER; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

## GAS CURTAILMENT PRIORITY SYSTEM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 790329-B ESTABLISHING SOUTHERN UNION GAS SERVICE REGULATIONS BY AMENDING SECTION 1 "DEFINITIONS" AND SECTION 14 "CURTAILMENTS"; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

## CITY COUNCIL ELECTION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON APRIL 4, 1981 FOR THE PURPOSE OF ELECTING SIX COUNCILMEN AND A MAYOR OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1981; PROVIDING FOR POLLING PLACES; PROVIDING FOR THE FORM OF THE BALLOT; PROVIDING FOR HOURS OF ABSENTEE VOTING; PROVIDING FOR A SPECIAL CANVASSING BOARD; PROVIDING FOR THE USE OF AN ELECTRONIC VOTING SYSTEM; PROVIDING FOR PROPER NOTICE AND 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 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 Goodman, Himmelblau, Mullen, Mayor Pro Tem  
Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

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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:

A 15 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1008 WEST AVENUE, FROM "O-H" OFFICE-HISTORIC, SECOND HEIGHT AND AREA DISTRICT TO "LR-H" LOCAL RETAIL-HISTORIC, SECOND 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. (Eidson, C14-80-206)

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 Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Councilmember Cooke

Noes: None

Abstain: Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

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

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

LOT 34-A, RESUBDIVISION OF NORTH PORTION OF LOTS 33 AND 34, BLOCK 15, CRESTVIEW ADDITION, LOCALLY KNOWN AS 1917 CULLEN, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS. (T. C. Scott Francis, C14-80-117)

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

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

Noes: Mayor Pro Tem Trevino

Abstain: Councilmember Himmelblau

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

Mayor McClellan brought up the following ordinance for its third 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 third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmembers Goodman, Himmelblau

The Mayor announced that the ordinance had been finally passed.

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

(1104 West Avenue, from "B" 2nd H&A to "O" 1st H&A)  
(Steve Stratton & Norman K. Warner II, C14-80-222)

The ordinance was read the third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmembers Goodman, Himmelblau

The Mayor announced that the ordinance had been finally passed.

810226-I  
F.9.a.(2)

Mayor McClellan brought up the following ordinance for its third 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 third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmembers Goodman, Himmelblau

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third 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 third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmembers Goodman, Himmelblau

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third 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 Company, C14-80-240)

The ordinance was read the third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmembers Goodman, Himmelblau

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third 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. (Asa E. Rutledge, C14-80-041)

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

Noes: None

Abstain: Councilmembers Goodman, Cooke

The Mayor announced that the ordinance had been finally passed.

## BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the following Board and Commission appointments will be made on March 5, 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 - 5  
Renewable Energy Resources Commission - 1  
Water Quality Review Board - 5  
Capital Area Planning Council - 1 Council representative  
Police Department Internal Affairs Committee - 1 Council representative  
Employees Retirement System of the City of Austin - 1 Council representative  
Social Policy Advisory Committee - 1 Council representative

## COMMUNITY CROSSROAD HOME

Mr. Buck Apelt presented the City Manager Report on Funding Alternatives for Community Crossroad Home. He said the Community Crossroad Home has a record of poor financial management ability on the part of the agency and it cannot be recommended that Council provide funding for them. The only way it could be done is through the ending balance. Councilmember Mullen asked if they could come under MH/MR. Mr. Apelt told him this had been checked last year. He also noted if the agency is going to continue, they should have advice concerning business management. Mayor Pro Tem Trevino asked what will happen if the Home does not pay their back taxes and Mr. Apelt told him that they have an extension through March 1, 1981, but after that date they will be shut down unless taxes are paid.

It was decided to bring this back later for more discussion.

Later in the day:

Mr. Apelt informed Council he had checked with Internal Revenue Service and they told him if the Community Crossroad Home can have a partial payment by March 1, 1981, then they can have an extension until March 16, 1981.

Council directed the City Manager to direct staff to bring back a report on possible funding by March 12, 1981.



## PARKING METER PLAN

Dr. Jim Benson, Director, Urban Transportation Department, reported as follows on Parking Meter Planning:

General Purpose of Parking Meters

Parking meters are installed to develop a more rapid turnover in curb use; to greatly simplify the problem of enforcing parking regulations; and to produce sizable revenues. The marking of parking spaces which is accomplished concurrently with the installation of the meters is advantageous in providing a much more orderly use of available curb spaces.

New Meter Rate Structure

On September 25, 1980 the City Council approved a new rate structure for many of the meter zones in the City. To date approximately 90% of the meters that were to be converted have been converted to the new rate. The following table reflects the old and new rates.

Table 1  
Hourly Rate Schedule

<u>Meter Type</u>	<u>Old Rate</u>	<u>New Rate</u>
15 minutes	40 cents	40 cents*
30 minutes	40 cents	40 cents*
60 minutes	20 cents	40 cents
120 minutes	10 cents	30 cents
300 minutes	20 cents	20 cents*
600 minutes	10 cents	10 cents*

\* no change

General Strategy and Implementation Approach

Based on the observations of my staff coupled with requests from interested businesses and citizens specific streets are studied for the possible installation of parking meters. The factors considered include the present parking regulations in force, the need for parking turnover, the residence-business mix in the block, and the desires of the abutting property owners/leasees. The strategy followed is based on the concentric circle concept:

from the closer to the business which depends upon walk-in customers and the need to encourage a rapid turnover of curb space - the shorter the parking meter time zone and the higher the rate; to the fringe areas of the CBD with very little need for rapid turnover of curb space but a high demand for long periods of parking and a need for control - the longer the time zone and the lower the hourly rate.

Letters are sent to each address in the areas under consideration for change to meters explaining what is planned and soliciting the addressees' comments. After at least a two week wait for comments, the responses are analyzed and, in many instances, individuals are contacted directly in order to clear up any misunderstandings. If the majority of the addresses are in accord, a resolution is prepared and forwarded for City Council action.

### 300 Minute Meter Zones (Current and Potential)

300 minute or 5 hour parking meter zones are used where limited turnover of available curb space is needed and there is a high demand for available parking spaces. The rate of 20 cents per hour provides an incentive to park only as long as necessary and produces sufficient revenue to fund the meter purchase, installation, maintenance and collection costs. This rate is one-half the rate of the one hour meters where rapid turnover of curb space is essential and twice the rate of the 10 hour meters which are for fringe area parking management.

Currently there are 105 300-minute parking meters installed and approximately 350 more are planned to be installed at potential locations over the next four or five years. They are and would be placed west of the State Complex, in the near west side and in the southeast portion of the CBD (Central Business District).

### Costs and Revenues of 300 Minute Meters

In addition to the 105 meters on the street, there are 108 in stock and 82 on order or a total of 295 to be converted in the event a rate change were approved. To convert to either a 25 cents per hour or 30 cents per hour rate material costs would be approximately \$10 each and labor costs would be approximately \$5 each for a total of \$4,425. The net revenue gain from the 25 cent rate would be approximately 10 cents per day as many users of the meters use quarters for convenience in lieu of dimes and/or nickels. Net gain from a 30 cent per hour rate would be approximately 25 cents per day per meter. If a rate change were approved, it would take approximately 90 days to order and receive the necessary parts from the manufacturer and another two to four weeks to make the physical changes which would be accomplished by City personnel.

Table 2 summarizes the meter conversion costs associated with implementing a new 300 minute parking meter rate and the expected average annual revenue under the different rates.

Table 2  
Conversion Costs Per Meter and Expected  
Average Annual Revenue Per Meter  
(300 Minute Meters)

<u>Hourly Rates</u>	<u>Conversion Costs</u>	<u>Expected Annual Revenue</u>
20 cents/hour (current rate)	0	\$215
25 cents/hour	\$15	\$240
30 cents/hour	\$15	\$280

Councilmember Himmelblau said she would like to see the charges raised to 25 cents on 5 and 10 hour parking meters. Dr. Benson told Council he can bring back an ordinance next week which will allow for flexibility for 5 and 10 hour parking meters.

#### SELF-INSURANCE HEALTH PROGRAM

Mr. Davidson announced the City Manager Report on Self-Insurance Health Program will be postponed until March 12, 1981.

#### PROPOSED CHANGES IN WATER AND WASTEWATER POLICIES

Mr. Bill Bulloch, Director of Water and Wastewater, reported as follows on the proposed changes in Water and Wastewater Policies:

"Approximately 12-15 months ago Council began requesting of the Water and Wastewater Utility to begin reviewing the cost participation policies as they relate to extension of utilities in the new subdivisions and to undeveloped areas. Since that time we have been attempting to respond to some specific direction to the City Council in May when a synopsis of existing policies were presented to you by the department. We've attempted to consider three major factors as we put together the report you now have. The first was looking at development of cost participation policies as they relate to the Council adopted Growth Management Plan. The second is trying to re-look at the responsibility of the public sector and the private sector as we have experienced problems and working relationships in existing subdivisions based on cost participation policies for the past and needs of subdivisions for service from an engineering standpoint. As a result of those considerations you have before you some proposals that we would like for you to begin considering and address these factors. The over all philosophy of the proposals that you are considering have two major parts. One is that the City through the Capital Improvements Program, which you also review and adopt, will provide the extension of major water mains and major wastewater interceptors, reservoir and treatment plant capacity. The private sector, in some cases through cost participation policies, would provide the extension of the localized water mains and wastewater mains either through the approach main policy or through the oversize cost participation policies. The CIP (Capital Improvements Program) which you approved last year has only facilities that relate to major water mains, major wastewater interceptors, reservoirs and treatment plans. The cost participation policy in existence and proposed are the vehicles for the extension of the localized facilities.

"Specifically, looking at the approach main and oversized policy we have come up with several specific approaches that we are asking you to consider. In the water area, additionally the cost participation has begun at the 8" water line. Anything over the 8" water line the City has cost participated in. Based upon our analysis of needs of subdivisions and the areas that relate to subdivisions, the 12" line, we feel, should be considered a part of the responsibility of the private sector, if cost participation by the utility would begin at lines over 12". Those lines being 16", 24", 36" and greater in our water network.

"In response to growth management we have suggested that you consider a method of repayment on oversize and approach main participation as follows: Growth Management Area II, which is inside the City, and III which is in the primary growth corridor, 100% repayment for approach mains and oversize lines. In Growth Management Area III, if not annexed within one year, 75% repayment realting to contiguous development and extension of the utility. In Growth Management Area IV, 50% repayment and as in the existing policy. No participation in Growth Management Area V. Another component to the definition of approach mains and oversize lines we're suggesting to be included, are off site improvements, such as pumps, lift stations, line improvements, and work at reservoirs which there has been considerable discussion about in the past 6-12 months by the Planning Commission and Council, so there is no misunderstanding about what the definitions are and whether or not they should be included as a part of the requirements for oversize and approach mains. Also, in connection with the proposed change on cost participation on water lines from an 8" to a 12" we are suggesting that a subsequent user fee be enacted if the 12" proposal is adopted, that would allow us to define general service areas for 16", 24", 36" lines that have been built through the oversize and approach main policies so that we can recover the City's cost participation over the build out in that area. It is very difficult to do this with 12" lines and that is one of the reasons why that proposal is tied back to the change in cost participation between 8" and 12" lines. Those are the major policy considerations you are being asked to begin to look at in the water area.

"In wastewater, the same principles are being adhered to. The 8" wastewater line, the policy existing, starts cost participation at that point and we are suggesting no changes based upon the capacity of the 8" line and the function and performance of the wastewater system. Again, on repayment in cost participation in oversizing and approach mains in the wastewater area, we are suggesting 100% repayment in Growth Management Areas II and III, and in Growth Management Area IV we are suggesting Council consider as an option allowing the developer to recover his or her costs through the subsequent users fee process and not having the City go back to repayment. As the subsequent user fees come in, those are passed through to the developer. Instead of entering into a traditional contract where the City pays back the pro rata share the developer isn't using over five years. The proposal here in Growth Management Area IV is to do away with the pay back proposal and allow subsequent user fees that come in as people tie on to that wastewater approach main or utilize the oversize line that runs through the particular subdivision. Those subsequent user fees come back to the developer instad of any repayment by the City as a method to reimburse the developer for that extension of service."

Councilmember Himmelblau asked what the payback will be in the preferred growth corridor which so far has not been annexed because of the lack of sewer capacity, "but as we get out there with the Big Walnut Line, talking about an area like Eubank Acres.... that's been outside the City because we haven't had the capability, when that line is in place the capabilities will be there but what will be the payback to the City in an area like this that went ahead and developed on septic tanks?" Mr. Bulloch told her that there has been no payback. Councilmember Himmelblau said, "I think that is the one part of the report that I would like to see worked over a little bit."

Mr. Bulloch continued, "We will continue, as we have in the past, with the subsequent user fee in the wastewater area which we are proposing no changes at this time. Getting back to the method of repayment, we have talked

about water and wastewater and the policies for participation. We are suggesting that you consider in Growth Management Area II and III a three year repayment policy as opposed to the existing five year repayment policy and to maintain in Growth Management Area IV the existing five year repayment policy. Again, looking at some options to encourage the extension of utilities by the private sector in the primary growth corridor. The last component to the repayment process would be funding for the oversize lines as well as the approach mains to the operating budget. You're talking about if the 12" concept from a policy standpoint is adopted by Council...16", 24" and 36" water lines being considered oversize and repaying those over a three year period to the operating budget as opposed to a lump sum as is done now through the CIP (Capital Improvements Program). These would be contracts just like our approach main contracts. It would be planned for and managed by the Utility through the operating budget as approved by Council. A note to further clarify that. The existing policy of Council which at this time the staff is recommending no changes, that they would see all 16" water lines and set policy on whether or not those extensions should be made by the utility as a part of the development process. The Council has control over that right now and we are suggesting, with that control, we would manage that through a three year payback process or a five-year payback process in Growth Management Area IV and from that by contract to do the approach main through the operating budget. I've mentioned that if you look at the broad perspective of the policy we're talking about the utility making the major improvements to the system, reservoirs, water and wastewater treatment plant capacity, major interceptors, major water lines and that the private sector, through these policies participating in running coming off of those major lines as methods to extend the utility to new areas or existing areas that are undeveloped. That's something I think Council should keep in mind as they consider these specific proposals from a broad policy perspective. What the role of the utility is, what the role of the private sector is. There are some specific proposals in the document you have that relate to the role of environmental review who would be closely working with Dr. McReynolds on finalizing that and that's another component that is not necessarily financial, but it is the policy and an environmental consideration we are asking Council to look at. This is the first presentation we have made on these policies. We request Council to consider, because of the newness of the information, that you allow us to proceed with reviewing this information with the Subdivision Processing Task Force so that we can begin discussing some of the specifics and then once that review is finished, proceed to the Boards and Commissions with their analysis and presentation by the staff. We see that process initially being a 30-day and then the next step being another 30-60 day process. But that is at the discretion of the City Council."

The Mayor and Councilmember Himmelblau both thanked Mr. Bulloch for the thorough report. Councilmember Himmelblau said she would like to see these proposals go to the Subdivision Task Force and then to the Boards and Commissions involved, and back to Council by March 26. She said she wants to see action on this before she leaves Council and suggested an item on next week's agenda should be to schedule a hearing on April 2 or April 9.

Mr. Davidson, City Manager, stated, "Considering the private sector schedules, the Task Force people and so forth, I think until we talk with them we don't know what kind of a time table they could meet and I would hate to see an arbitrary deadline, Mrs. Himmelblau, as to when we expect them to act. Further, we've got a number of things in the mill so we can't just drop everything else and start concentrating on this, nor can the Planning Commission."

What I am saying is, we'd like to consult with Mr. Lillie and the Planning Commission Chairman, the Subdivision Task Force, the people as to how quickly they can handle it and then maybe, Mrs. Himmelblau, we could present a recommended time table that the Council could accept or reject."

#### VISITOR INTRODUCED

Mayor McClellan introduced Judge Kent Smith of Johnson City who was visiting the Council Chambers.

#### REPORT ON CITY'S ENDING BALANCE

Ms. Lee Thomson, Budget Director, reported to Council on the City's Ending Balance Situation Using a Five-year Perspective (1976-77 - 1980-81) as follows: "I will speak about the current status of the General Fund and to look down the road to the end of the Fiscal Year and comment on the General Fund at year end. Additionally, you received information this morning giving you some historical information on the General Fund Ending Balance both budgeted and audited and if there are any questions, I can respond to those. The General Fund Ending Balance is budgeted at \$4.6 million. To date there have been amendments appropriating a total of \$1.96 million from the budgeted balance. Of the \$1.96 million, \$1.7 million was appropriated for the Police-Fire reclassification. So in addition to the Police-Fire reclassification, eight additional amendments have appropriated about \$200,000. Currently the budgeted amended General Fund Ending Balance is \$2.6 million. At the time that the Police-Fire reclassification study was approved and implemented by Council, the City Manager stated to Council his intent to take administrative action to work with departments to accrue savings to restore the ending balance to the \$4.6 million by the end of the year. Actually, they are under way in all departments at this time to achieve that and we are hopeful that can be achieved by the end of the fiscal year. At this time, based on the limited number of months into the fiscal year, we cannot make any projections on just what that will be but work is underway in that area. Based on the first quarter financial experience, the projection for revenues and expenses in the General Fund that were made track the budgeted revenues and expenses. At this point in time, based on first quarter experience, we anticipate that department budgets are coming in within the budgeted expenses and that revenues will meet the budgeted amount.

"Looking at potential additional requirements against the General Fund Ending Balance I can speak to three or four items. The Finance Subcommittee has discussed a reorganization of the Finance Department and should that occur that would require additional appropriations from the General Fund ending balance. The amount would depend on the structure of the reorganization and I do not have any information on that.

"We have discussed with Council the implementation of the Williamson Creek Watershed Ordinance and that would require an appropriation from the ending balance...I don't want to say anything that would preempt the information that might be submitted to Council at the time that it actually comes before Council. It might be in the neighborhood of about \$100,000 but I don't want to state that as something that is definite at this point and time. Additionally, on today's agenda was a request to amend the ending balance for the external audit and finally, it's difficult to project at this time what the

weather will be and how that will effect electric utility revenues, but should we have an unusually cool summer that might potentially effect the electric utility transfer to the General Fund. As you know, those revenues and the transfer, as it depends on the revenues, are budgeted at what we call normalized or averaged weather conditions. A cool summer might effect that. We have looked at fuel prices and we feel like at this time our original budget for fuel is still good. In addition, City departments this fall conserved about 18% so we feel that gives us some cushion in case fuel prices should jump up unexpectedly later in the year. At this time, again, it is hard for us to predict what impact deregulation of gas will have. In sum, at this point in time, we feel like that General Fund revenues and expenses will hold as budgeted with the notation of the four items I mentioned."

Councilmember Cooke asked about the task force underway to restore the General Fund to \$4.6 million by the end of the budget year. He asked her to elaborate on what has been set in motion and what potential sources of revenue might be identified. Ms. Thomson told him, "The City Manager has worked with the management team and it has met with each department director and we are putting together a program which would hopefully generate additional revenue or some savings in expenses. The program is not completed at this time but a few of the things we are looking at are things like reduced Worker's Comp expenses, reduced expenses for vehicle accidents. Interest earned from investment and policies on how we handle money, how we handle money, how we mail out our billings and get our collections back in and in addition we are asking each department director not only to look at those big ticket items but to look at every single activity they undertake in their department on a day to day basis to look for all available savings there." Councilmember Cooke asked if there has been any effort, thus far, to identify at least a conservative forecasting of options as to how much potential revenue might be saved or restored to the General Fund.

Mr. Davidson, City Manager, told Mr. Cooke they are looking at \$2,000,000 in order to restore the budgeted ending balance which he thinks is absolutely essential. "Many times if you have a challenge or a problem this provides a good excuse for some very intensive management of resources and that is how we are going after it. We are going to do sort of an audit of every single contract in existence to make sure the City is getting everything it is owed under those contracts and to make certain we are not paying any more than we owe. We are taking some time to refine some of the opportunities to either produce revenues for the City or reduce costs. I wish we could tell you more definitive figures but until we've done a little bit more work we just can't rely on any figures. We are determined to recover the ending balance."

Councilmember Cooke stated, "We're stting with \$2.6 million in the ending balance right now and that is the lowest it has been since 1976-77 with a very unstable conomy and a number of potential problems and I would hate for us to ignore those considerations as we move further into the budget year into some high dollar expense items. We may have a very hot summer, but I think we have to be cautious because we could have a very cool summer or moderate summer and with just one or two problems...we do have a tighter budget year this year and the departments are budgeting a lot tighter, I don't think we have as much flexibility as we did three or four years ago and I just can't emphasize enough how I think we need to at all costs protect the ending balance." Mr. Davidson told him they appreciate this opportunity to talk about the status of

the budget and while "I believe the Council is going to be pleased with some of the administrative work done by each of our departments and by the budget office and Finance Department, whatever is done we intend to carry out very cautiously. We'll come back with a report on a periodic basis."

#### PUBLIC HEARING ON VACATION OF PARK ROW

Mayor McClellan opened the public hearing, scheduled for 9:30 a.m. on the vacating and passage of ordinance on PARK ROW from Shoal Creek Boulevard to the east end.

Mr. John German, Director of Public Works, pointed out this is a continuation of a public hearing. He said a property owner, Mr. Trull, had his problem solved. There will be a 20' ingress and egress in the middle of the property for him to be able to get to his property.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN STREET KNOWN AS PARK ROW, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES; RETAINING AN EASEMENT IN THE CITY FOR INGRESS AND EGRESS PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING HEARINGS

Mayor McClellan announced that the Council would hear zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof the following zoning cases were publicly heard:

SHERRARD J.  
HUBBARD, SR.  
By Ben B. King  
C14-81-001

4701-B (Rear) Burnet  
Road

From "A" Residence  
1st Height and Area and  
"C" Commercial, 2nd Height  
and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission



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

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

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

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GEORGE L. BRISTOL  
AND VALARIE BRISTOL  
C14-81-002

813 West 11th Street

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

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

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

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

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ELZIE R. POLVADO  
C14-81-005

3803 South 1st Street

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

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

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

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

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THE SOUTHLAND  
CORPORATION  
By David B. Look  
C14-81-009

2320 South Lamar  
(Rear)

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

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

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

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

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CAROL ANN AULT  
By Don P. Groody  
C14-81-017

2706 South 1st Street

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

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

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

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

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WILLIAM C. PETRI &  
CHARLES H. PETRI, JR.  
By Gerald Griesbach  
C14-81-003

700-718 Airport

From "A" Residence  
1st Height and Area  
To "DL" Light Industrial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission subject to approval of access  
points by Urban Transportation.

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

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

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area subject to conditions, and the City Attorney had an ordinance ready to cover.

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 2.314 ACRE TRACT OF LAND, LOCALLY KNOWN AS 700-718 AIRPORT BOULEVARD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT 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 DECLARING AN EMERGENCY. (William C. Petri & Charles H. Petri, Jr., C14-81-003)

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

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

The Mayor announced that the ordinance had been finally passed.

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RICHARD L. MATZ  
By John Meinrath  
C14-81-004

3410-3414 Woodleigh  
201-203 Braeswood

From "O" Office  
1st Height and Area  
To "DL" Light Industrial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission subject to extension of six  
foot fence as agreed to by applicant

Councilmember Himmelblau moved that the Council grant "DL" Light Industrial, 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

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

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DWIGHT DAVID &  
CYNTHIA SLOAN &  
HUDSON PROPER-  
TIES  
C14-81-013

6603 Circle S Road and  
200-306 East William  
Cannon Drive

From Interim "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED (as amended) by  
the Planning Commission with density  
restricted to 17 units per acre, if  
developed residentially.

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

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

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

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FRANCES H. RITTER  
By Robert Morris  
C14r-80-228

8540 Research Boulevard  
1410 Fairfield

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning Commission  
"GR" General Retail, 1st Height and  
Area, close driveway on Fairfield nearest  
building as amended by applicant. Accept  
site plan subject to requirements and  
recommendations.

Mayor Pro Tem Trevino pointed out that there are two signs on the property and were there before the Ordinance passage. Mr. Lillie told him only one sign is allowed. Mayor Pro Tem Trevino asked this case be held until the afternoon so Mr. Lillie can obtain information on whether or not the applicant can have two signs.

Later in the afternoon:

Mr. Lillie stated, "The question Mr. Trevino raised this morning was the requirements of the principal roadway ordinance that permits one business sign per business. On this piece of property we have three businesses and four signs. One restaurant has two signs and one would have to be removed or reviewed by the Board of Adjustment and granted a variance. The zoning has been recommended by the Planning Commission. The site plan has been submitted and all features of it are in agreement with the Planning Commission's recommendations with respect to the one sign. In conversation with the restaurant owner just before Council reconvened the owner said he is willing to participate in the removal of the signs and replacing it with a new one, but does not want to participate in the full cost of it. The balance of the cost will be paid by the restaurant owner.

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Mayor Pro Tem Trevino stated, "Specifically the agreement, as I understand it, and for the record, is that the two existing signs would be removed and allowing the restaurant owner to put his sign on top of an existing sign at the intersection of Fairfield and 183 and that the cost would be divided by both the applicant and the owner of the restaurant. That's my understanding."

Robert Morris, representing the owner, said the above is correct.

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area, subject to conditions, as recommended by the Planning Commission, based on agreement between owner and applicant regarding removal of sign. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

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

CITY OF AUSTIN  
By Planning  
Department  
C14-80-115

6121 and 6201 M. L. K.  
Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area on Tract  
1 and "C" Commercial, 1st  
Height and Area on Tract 2.  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "O" Office, 1st  
Height and Area

Mr. Lillie reviewed the application by use of slides.

VINCENT GILES, President of Cavalier Neighborhood Association, expressed opposition to "C-2" on Tract 2 as that would permit alcoholic beverages.

Mr. Lillie stated, "The zoning, which has been posted is "C" Commercial on the large tract, which is Tract 2, and "O" Office on the smaller tract and Mr. Dixon's property on Martin Luther King. There has been an agreement to support "C" Commercial on Tract 2, if the owners will restrict the property to prohibit massage parlors and amusement centers. Mr. Giles indicated he is in agreement with that. The recommendation of the Commission on the other tract is to grant "O" Office.

SAMMY DIXON, owner of the smaller tract, said he will accept the zoning of "O" Office.

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area on Tract 1, and "C" Commercial, 1st Height and Area District on Tract 2 as requested with a restrictive covenant prohibiting massage parlors and amusement centers. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District on Tract 1, and "C" Commercial, 1st Height and Area District on Tract 2, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Zoning Cases Denied

CITY OF AUSTIN  
By Bill Richardson  
C14-81-007

1014 West Lynn

From "C" Commercial  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended by the Planning  
Commission

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

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

Noes: None

The Mayor announced that the zoning had been DENIED.

J. LEROY AND  
SALLY BUSH  
By Larry A. Sands  
C14-81-014

1502 Hether

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

Mr. Lillie reviewed the application by use of slides. Councilmember Himmelblau asked if there could be a special permit with the "O" Office as it backs up to "C" Commercial.

LARRY SANDS, representing the applicant, told Council the proposed operation for the site is low key. It is a surveying business with four employees and they average two clients a day. The off-street parking is adequate. Councilmember Himmelblau asked if the applicant would agree to a roll back agreement and Mr. Sands said yes. 31

MIKE HEALER, 1603 Hether, told Council he is opposed to the zoning change and wants to retain the residential quality of the neighborhood. He said he does not think the business will be low key.

MR. DYE, 1980 Kinney Avenue, said that Hether is a narrow street and is against the zoning change.

KAY TRAVIS appeared to speak for some of her neighbors. They are opposed to the zoning change.

VIRGINIA HEALER, 1603 Hether, is also against the zoning change.

Larry Sands returned to say it will not be a large business. Mr. Bush has had his business several years and does not expect it will expand.

Motion - No Action

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

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

Motion - Denied

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District zoning. The motion, seconded by Councilmember Himmelblau, failed to carry by the following vote:

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

The Mayor announced that the motion had failed to carry, and the zoning had therefore been DENIED.

Mayor McClellan informed the applicant that since the zoning request has been denied, it will be 18 months before the applicant can file again.

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Zonings Postponed

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LEON HOWARD,  
CHARLES HOWARD,  
JAMES K. EICHEL-  
BERGER, JR. AND  
LEE BLOCKER  
By James K.  
Eichelberger, Jr.  
C14-81-012

7115 Burnet Road

From "GR" General Retail  
6th Height and Area  
To "C-2" Commercial  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Councilmember Goodman moved that the zoning case be postponed to March 19, 1981 at 6:30 p.m. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

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WILSON FOREMAN  
C14-81-006

3416-3418 Duval Road

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, 1st Height and Area,  
subject to site plan approval for  
development and proper buffering.

Councilmember Mullen moved that the Council postpone the zoning case to March 26, 1981 at 10:00 A.M. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

## RECESS

Council recessed its meeting at 11:55 a.m. and resumed its recessed meeting at 2:35 p.m.



## BRACKENRIDGE HOSPITAL BOARD REPORT

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Mr. Bob Spurck, Director of Brackenridge Hospital, told Council the Brackenridge Hospital Board recommends Council authorize Brackenridge Hospital to file a Certificate of Need to build a satellite facility in South Williamson County; and approve a management contract with LBJ Hospital in Johnson City.

Mr. Spurck first discussed the management contract with LBJ Hospital in Johnson City, Texas.

Councilmember Himmelblau stated, "I think this is an exciting aspect in the health care field. I think it is something that's going to be in the future not only in Texas but throughout the country."

Motion

Councilmember Himmelblau moved that the Council approve a management contract with LBJ Hospital in Johnson City, Texas. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

Councilmember Cooke stated, "There are a lot of feelings in the community as to why is Brackenridge Hospital going to Johnson City versus going to South Austin. I think that is touchy issue right now but I don't think there was ever intention that Brackenridge Hospital would not proceed to address the needs of the citizens of Austin, Texas and I think it is unfortunate that that kind of discussion is permeating our community. I think to set the record straight, we went to the voters in 1979 and asked for \$17,000,000 and received that amount of money. In 1980 we went back for additional funding for some special needs for Brackenridge and the citizens had a difference of opinion on some of that. The dilemma, I think, that the staff faced, and I think they were acting in very good conscience, is that we are trying to consider a hospital in South Austin and I think that is something we might have considered in the way this thing played out is we could not have proceeded with bonding money to maybe do something in South Austin in the next 2 to 3 years and a private contractor came in with a concept and it got ahead of us as far as our ability to fund something like that. I think that record needs to be set straight, from my perspective as a Councilmember that there was never any intention that Brackenridge would not serve all of this community."

Mr. Spurck discussed the proposed 64-bed facility in South Williamson County which is in the ETJ (Extraterritorial Jurisdiction) of Austin. He introduced MR. CARROLL SMYERS, who is Chairman of the Community Advisory Committee who has been instrumental in getting to the point where they are now.

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Mr. Smyers told Council it has been a privilege for him to chair a committee known as the Tri-Community Hospital Advisory Committee, working with the staff at Brackenridge for the ultimate placement of a satellite hospital in the midst of the three community area. "I came here to assure you of our complete cooperation and full support." He then introduced members of the committee, Mrs. Frances Lindsey, Mr. Carlos Higgins, Mr. Carl Leidell, Mr. Peter McDavitt, Dr. Chris Bradbury, Mr. Nat Connor, Mr. Charles Walker. Mr. Smyers said he was presenting the committee to Council as bridge builders because they want to build bridges of cooperation, mutual benefit, mutual aid and most of all they want to build the bridge of cooperation which is so essential to the future of the financial status of Brackenridge and of mutual benefit to all concerned.

Mr. Spurck said, in addition to the hospital being 64 beds (60 medical-surgical, four intensive care) there are no plans to put obstetrics in this facility because it is not consistent with the health planning laws and needs assessments for the community. The site chosen is on Ranch Road 620 and equidistant from all of the service areas which the hospital is trying to serve. Mr. Spurck said this will have a unique financing arrangement. "We looked at five different options, all the way from revenue bonds to certificates of deposit and we felt, as the Hospital Board did, that the best recommendation would be to be a private and joint venture with a private investor performing a turn key operation for the City and the hospital, subject to the approval of the City Council and on opening day turn the facility back to Brackenridge on a lease situation. He said the Hospital Board recommends Council to pursue private investment opportunity and recommends an RFP process be looked at for this purpose.

Councilmember Cooke stated he thinks this is the only way in the long term that Brackenridge is going to be able to have a fiscally sound arrangement in a growing community like Austin. The spirit and attitude of Bob Spurck and his staff and the City staff, along with the people from the tri-community area to get behind this truly in the benefit of the citizens of Austin and the taxpayers of Austin in the long term for health care for central Texas. He heartily endorsed the pursuit of this goal.

#### Motion

Councilmember Cooke moved that the Council authorize Brackenridge Hospital to file a Certificate of Need to build a satellite facility in south Williamson County. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

## AUSTIN CYCLING ASSOCIATION

Councilmember Cooke moved that the Council approve the request of Mr. Craig Jones, representing Austin Cycling Association, for permission to use the City parking lot at 1st and Lavaca (behind Liberty Lunch) for a seminar, Saturday, March 28, 1981 from 1:00 p.m. to 4:30 p.m. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

## ELECTRIC RATES

Mr. M. A. Lang appeared before Council to discuss electric rates. He asked Council to direct staff to give him a copy of the mailing list of customers who are in the same situation as he is. Mayor McClellan told him that anything concerning public information can be supplied to him. Mr. Muehlenbeck, Deputy City Manager, told Mr. Lang to contact him and he will get him the list.

## BOB GARRETT KUNTA KINTE

Mr. Bob Garrett Kunta Kinte appeared before Council to discuss citizen input into City policy. He said he wants to see more housing in East Austin, and read a poem.

## SERTOMA POOR BOY ARTS AND CRAFTS FAIR

Mayor Pro Tem Trevino moved that the Council approve the request of MR. JIM KINCL, representing Northwest Sertoma Club, for permission to place portable non-lighted 4 by 8 foot signs curbside at Riverside and South First, northwest corner; 1151 block of West First; 404 East Anderson Lane and 3500 block of Far West Boulevard from April 8, 1981 to April 12, 1981, advertising Sertoma Poor Boy Arts and Crafts Fair; and permission to dispense food items, soft drinks and beer at Auditorium Shores on April 11 and April 12, 1981. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## REHABILITATION ALONG RAINEY STREET

MR. GILBERTO RIVERA appeared before Council to discuss development of a working relation between EACEDC (East Austin Chicano Economic Development Corporation) and ARA (Austin Redevelopment Authority) for rehabilitation along Rainey Street. He said he works with EACEDC and that unfortunately, the resolutions passed by Council have not thus far helped in the development of Rainey Street. He said houses are being moved out, a hotel is going to be built and he is particularly concerned about one proposal which was passed which gave them and ARA a working relationship to work in unison to prioritize rehabilitation on Rainey Street. He said he has spoken to Mr. Knickerbocker and numerous staff people and Councilmembers on how they can begin to initiate a working relationship with ARA. Mr. Knickerbocker and Mr. Belvin have indicated they cannot do any prioritizing because neither has a clear definition of what this means.

Mr. Rivera said in order to prioritize Rainey as he sees it, there may be a possibility to put money aside for 20 houses that need minor or substantial rehabilitation on Rainey Street. He asked for clear direction from Council to EACEDC and ARA as to what prioritizing means. He said he specifically refers to the resolution dated December 11, 1980.

Mayor Pro Tem Trevino said there was also an earlier instruction by Council during the time of the French Legation and Guadalupe Neighborhood Association discussions that ARA came in for additional funding and he specifically asked the Council to give the additional money to ARA with priorities to Guadalupe and Rainey Street. He said this was many months before the December 11 resolution, which was a result of the moratorium.

Councilmember Himmelblau said it was about 1-1/2 years ago that they asked Mr. Knickerbocker to make the Rainey Street area a priority.

Mayor Pro Tem Trevino said he would like to have a report on action by ARA, the motions made by Council, together with copies of action by Council and response and have this back on the agenda as soon as possible.

## PUBLIC HEARING - STREET VACATION

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. on vacating the following and passage of Ordinance: BELL AVENUE from 50 feet east of Research Boulevard to Conrad Road. (Requested by the Urban Transportation Department)

Mr. John German, Director of Public Works, told Council, "Back in September of 1977 there were some zoning applications in the vicinity of 183 and Bell Avenue and Tweed Court. This Council reviewed and considered the applications and made decision subject to the vacation of Bell Avenue. There were later zoning matters that were also subject to that vacation. It seems like it has been a long time since 1977 but it does require the adjacent property owners to participate in. Whenever we have a vacating process, the adjacent property owners do have to participate in that, actually request the vacation. Working it out with the property owners has been a long process.

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I think we have reached that point although there are still a couple of legal questions which Mr. DeLaRosa is working on but I think basically we have resolved most of the questions."

Mr. DeLaRosa, Assistant City Attorney, told Council he has been in contact with the property owner, Mr. Robert Eastman, who lives in Houston. "As of this morning, he indicated that his concerns have been taken care of and his principal worry was whether or not the zoning of the property and his use of the property, once it was vacated and I think those have all been taken care of and he communicated he had no other objections."

Accordingly, Mr. German stated "We have processed this through the various boards and commissions and they have all recommended approval. We are recommending the vacation subject to a public utility easement covering the entire area to be retained along with a 25-foot drainage easement to be retained on the east side of this vacated property. Also we're asking that an ingress egress easement over the entire right of way be retained, with the exception of the north 5 feet. This will insure that there is no connection traffic wise to the old Bell Avenue and Conrad Streets. Also, we would make it subject to Tweed Court actually being open and that would occur before August 1, 1981. Finally, we would make it subject to the property owners making the proper payment for the vacated driveway in accordance with the City Council policy. With all of those provisions we recommend to the Council that they approve the vacation of this piece of Bell Avenue."

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF BELL AVENUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITIES, DRAINAGE, AND INGRESS AND EGRESS 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 Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed, as requested by the Urban Transportation Department.

PUBLIC HEARING - PROPOSAL FOR WRECKER  
AND IMPOUNDMENT SERVICES

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. on the Proposal for Wrecker and Impoundment Services.

Chief of Police Dyson reported to Council as follows: "To remind you on the report submitted some time ago, staff was instructed by the Manager to prepare a comprehensive report on the matter of impoundment and an impoundment area. To remind you, we stopped impounding cars in a Police pound in June, 1980, and shortly thereafter the Manager established a Vehicle Impoundment Task Force, which was charged with the responsibility of making some recommendations about what to do since the Police Department had lost their impoundment lot. That Task Force did make a report to you and recommended that a City program be initiated, and we were instructed then to go back and pursue this further, and we made a subsequent appearance before the Council recommending that we pursue a short term facility in the vicinity of West 5th and Lamar Street and then we were told this is only a short term solution and the Council at that time seemed to favor the private sector involvement and were instructed to prepare a comprehensive report of all the problems encountered by the wrecker impoundment process. As a result of those instructions we went back then and explored past practices, present practices and some options for consideration in the future.

"You will remember, I reviewed for Council the present operation and some of the problems attendant to the present operation. I summarized what was occurring in San Antonio and the efforts they have under way in handling this problem. I also explored a system recommended by the Towing and Recovery Association of America, and since that time we have had a visit from the Executive Director of that agency and he has discussed with some of the staff members their feelings about the whole problem and then I also discussed with you plans submitted by Mr. Waldo Harper and also discussed any combination of those that were discussed at the final completion of the operation. I told you, based on discussions I'd had with the Vehicle Impoundment Task Force members, I was of the opinion that the most efficient wrecker and impoundment process for the City of Austin would be a complete city operation. I told you at the time that I recognized, however, that the voters in the City of Austin recently turned down our request to buy a vehicle impoundment facility, and in addition, it appears the Council prefers a private sector involvement for the wrecker impoundment process.

"In recognition of all of these problems, I recommended that we commence immediately to develop a comprehensive ordinance dealing with all aspects of the wrecker impoundment process and that for the purposes of contracting with the private sector the City of Austin should be divided into two major zones. Everything south of Town Lake would be designated one zone and everything north of Town Lake would be designated another zone, and that the City contract with the private sector for a prime contractor in each zone or a prime contractor for both zones to provide a total wrecker and impoundment service for the prospective zones, excluding abandoned vehicles which are covered by separate City contract. That contract extends into 1982 with some options for renewal.

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"Also listed for your consideration are some requirements of this contract to be included in the RFP (Request for Proposal) to be submitted to prospective bidders on such a contract. Briefly, those would include the ability of the contractor to subcontract in order to meet his requirements, a storage facility in each zone, preferably within a three mile radius of Police headquarters, and that the prime contractor be required to provide response time on any request for wrecker service within 30 minutes or less and that they be required to provide 24 hour wrecker service including Sunday's and holidays and that they agree to provide wrecker service only and not be involved in body repairs or service and that they assume full liability and insurance responsibility for the care and protection of vehicles including all equipment and contents therein and that they be held accountable for their accounting system and providing police access to that system at any time and that vehicles be picked up within one of the designated zones be impounded in that zone and that the contractor be required to collect all fees on impounded vehicles. That concluded the recommended action by staff. There are a number of options for your consideration, however."

Councilmembers Cooke and Himmelblau questioned Chief Dyston concerning the regulations of the proposal. It was determined the impoundment lot would be within a 3 mile radius of Police headquarters for the convenience of those who would have to go to the Municipal Court to pay the fine before they can get their car. Councilmember Himmelblau said in 1976 there was trouble with towing and impoundment of cars in the University of Texas area and she does not want that opened again. Chief Dyson said impounding will only occur to vehicles creating a hazard and those with several parking citations.

RON SHORTES, who represents 46,000 students at the University of Texas, said the legislature is going to pass one more statute dealing with this. He said he was not aware that anything other than police impoundment is being talked about and it would not serve his clients to have one or two prime contractors and put the others out of business.

JIM O'DONALD, representing Independent Garagemen's Association, told Council there have not been any real complaints but that the Council should update the Ordinance.

DILLARD VICKERS, member of the Wrecker Commission, asked Council for an extension of time and felt there would be a problem with putting people out of business.

RICK WECKERBARTH suggested the impoundment be done on a rotation basis.

MR. GUADALUPE said he disagrees with impounding all vehicles.

CHUCK LAMB suggested storage not be charged if repairs are done. That is adding \$40.00 to \$45.00 to the repair of cars.

BOB NUGENT, owner of a wrecker service, said they are on a rotation system now and want to stay that way.

MALCOLM HARRIMAN asked for more time. He said he prefers rotation in the zones.

Councilmember Himmelblau stated something should be done about parking violations. Jonathon Davis, Assistant City Attorney, said before they could be impounded they must be in violation.

DOUG SCALES, owner of a wrecker service, suggested the scope of the ordinance be curtailed to impoundment and not include collision.

The owner of Hurst Wrecker expressed support for the zone system.

Councilmember Mullen stated he favors the zone system and thinks it should be implemented as soon as possible. A discussion followed concerning the zone system and impoundment of vehicles. Lt. DeVane appeared and said part of their problem is picking up illegally parked cars because half of the wrecker shops do not want to do pound calls. Chief Dyson said zones would simplify the situation and reduce response time. Councilmember Goodman said he has some questions he wants answered and, therefore would like to wait for two weeks before coming to a decision.

#### Motion

Councilmember Goodman moved that the Council close the public hearing and schedule for possible action in two weeks the proposal for Wrecker and Impoundment Services. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

#### CHAMBER GUESTS RECOGNIZED

Mayor McClellan recognized the presence in the Council Chamber of a group of young people, River City Ramblers, from the Austin Recreation Center.

#### CHANGE ORDER

Councilmember Himmelblau moved that the Council adopt a resolution approving a Change Order in the amount of \$253,704.20 to Motorola, Inc., for additional radio communication equipment and installation for the Fire and Emergency Medical Services Departments to implement the 911 systems. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Prior to the vote, Councilmember Himmelblau asked what has changed in the 1980-81 budget to make a part of the \$600,000 available for reallocation. Mr. Guymon Phillips, Assistant City Manager, told her, "The contract says that this



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money will be paid after final installation and testing and approval by the City. Very little of that will be expended in this year's budget because the facility is not ready, therefore the equipment will not be installed, tested, completed and turned over to the City until about January of 1982. So none of those funds will be expended in this year's budget." Councilmember Himmelblau said that it will then be up to the next Council to find the extra dollars during the budget year. Mr. Phillips explained further, "In order to consolidate the dispatch center for police, fire and EMS into the new Police Building, it is necessary to have new console equipment for EMS and Fire. This is not the 911 system as it may be indicated in the agenda item, this is the dispatch center that is actually behind the 911 center and this would also provide consulting and engineering to determine the feasibility of conversion to UHF for the Fire Department. We have a management study going on in the Fire Department and we were waiting at one time for their decision in regard to the communication center before coming back to Council. Their study will not be completed in time to order the equipment but they recommend the City proceed with combining the Emergency Dispatch Center and establish the Communication Center."

Councilmember Himmelblau asked if there is any way this could come out of CIP (Capital Improvements Program) instead out of Operating. Mr. Phillips answered this could be an option and would look into it.

#### ZILKER PART SHUTTLE SYSTEM

Council had before it for consideration the establishment of the Zilker Park Shuttle System as an ongoing internal park shuttle operation and discontinuing the downtown shuttle to Zilker Park, because not many people use the downtown shuttle and it lost money. There was some question about this so the Mayor suggested Council hold its decision and obtain more information before discontinuing the downtown portion of the shuttle.

#### AUDIT

Council had before it for consideration the proposal of Peat, Marwick and Mitchell for the Audit of Fiscal Years 1980, 1981 and 1982. Councilmember Cooke stated he has a problem with the cost of the total audit and commented \$300,000 is an exorbitant figure when Council approved \$175,000. Mr. Bramlett, Finance Department, said the fee was set according to the amount of work. Mr. Love, representing Peat, Marwick Mitchell discussed the fees. He said \$255,000 is the base audit fee for 1980. The Finance Department will provide some information but have asked Peat, Marwick, Mitchell to provide services which the Department cannot do themselves; therefore, a supplemental audit fee of \$25,000 will be required. After further discussion, Council postponed further consideration of this item until March 5, 1981.

## DOWNTOWN REVITALIZATION TASK FORCE 42

The Council had before them consideration of the creation of the "Downtown Revitalization Task Force". Councilmembers Mullen and Goodman thought a decision should be made whether some should be appointed now and some appointed by a future Council. Mayor McClellan thought they should structure the task force, and not half appoint it. Discussion followed of how the task force should be appointed and who should be appointed.

Motion

Councilmember Goodman moved that the Council adopt a resolution creating the "Downtown Revitalization Task Force" with 13 members to be appointed March 12, 1981. (Appointments to be made no earlier than March 12, 1981.) The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## NO ACTION ON PROPOSED RESOLUTION

Council had before it for consideration the encouragement of development and business community to respect the public planning process for Downtown Revitalization District by withholding requests for any City permit or City action for new projects until a plan is developed.

Motion - No Action

Councilmember Mullen moved that the Council have a voluntary moratorium in the Urban Renewal Area. The motion, seconded by Councilmember Goodman, failed to carry by the following vote:

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

No action was taken.

Motion - Failed for Lack of Second

Councilmember Mullen moved that the Council have a mandatory moratorium for six months. There was no second to the motion.

Councilmember Himmelblau felt that without hearing from the property owners involved it would not be fair to put them under a moratorium.

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## CHANGE ORDER

Councilmember Goodman moved that the Council adopt a resolution approving a Change Order in the amount of \$46,682.00 to CES Telecommunications for additional radio communications consultant engineering services to interface 911 System.. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## DEAF INTERPRETER FOR COUNCIL MEETING

Motion - Failed

Councilmember Goodman moved that the Council appropriate \$2,178 from the General Fund ending balance to provide a deaf interpreter at regular City Council meetings. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

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

Councilmember Himmelblau questioned if the interpreter would be paid by the hour and how the payment will be handled for the period when the Council does not begin on time. She also wondered how many people from the deaf community will be attending meetings. Mayor McClellan said the number in attendance will depend on the issue presented and is as predictable as how many hearing citizens will be in the Council Chamber on any given day. Councilmember Himmelblau wondered if there is any way to get this funded by grant. It was concluded there is no other money available.

At the time of roll call, Councilmember Himmelblau said she thinks it is dangerous to amend the ending balance at this time. Mayor Pro Tem Trevino, at the time of roll call, said it is a small investment to make certain all citizens have an opportunity to participate in local government.

Mayor McClellan said this item will be brought back in two weeks.

## AGENDA ITEM POSTPONED

An ordinance to consider appropriation of funds from the General Fund ending balance for the external audit of the City's September 30, 1980 financial statement will be brought back March 5, 1981

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## DEFERRED COMPENSATION PLAN

Council had before it an ordinance creating the City of Austin Deferred Compensation Plan for City employees; establishing the Deferred Compensation Committee and providing for the power and duties of the Deferred Compensation Committee.

MR. PETER FEARS, representing AFSME (Austin Federation of State and Municipal Employees) appeared before Council. He said they met with staff last week and it resulted in six amendments to seven concerns they had had. He said they have been drafted by the Legal Department. "There are two remaining concerns I would like to talk about. The program, as it is structured, will be sent out for specifications and I know you do not want to tie down any program too heavily. There is one area where you want to be sure that the product you offer has some tie-down. That is termination. If an employee separates from the City voluntarily or involuntarily, the employee, to my thinking, needs to have the option of always being able to receive a lump sum of the money that has been deferred and been invested. This lump sum settlement is available under the plan the City is prepared to offer, but it is not part of the plan so that 15 or 20 years from now when other bids go out that we know that sort of option will be available. It is at the option of the investment media when the program is initially taken for bid as to what options will be available to the participant.

"The second thing deals with insurance offered under the program. As now envisioned term insurance and a survivor's policy will be offered. This program will be convertible. Once again, this was not part of the specifications for the bid. The city got an insurance program that is convertible and a good program but it was not part of the specification. Fifteen or 20 years from now if the bids are let again and there is not a convertible clause in the specifications, then we are not guaranteed that convertibility will be there.

"If at disbursement there were some question over the disbursement, the City is held harmless for any claim against the fund and any claim with regard to the management of the fund. But should the participant have a question about the amount of disbursement to a beneficiary, then under the ordinance, they are allowed to go to Court and settle it as a matter of fact. If it is a claim among beneficiaries, then the cost of going to Court should be borne by the beneficiaries. If it is a claim as to the amount of the benefit, then it is a normal claim under Texas law and the administrator would be bearing the cost under Texas Law only if the participant prevailed. If the participant lost, they would lose their Court costs. But if they go to Court, and the administrator is found to be in error, then under Texas law the Court costs and attorney fees are recoverable, and the ordinance as now written requires the participants to waive that right. We feel like in this one circumstance where there is a question about the disbursement, the participant in this plan should have the same right as anyone else, under Texas law, and be able to recover this and should not be forced away.

"So these are the two issues here. The issue of built-in specification for an option of lump sum settlement. Secondly, that life insurance will always be convertible and the third thing concerns the court costs."

Motion

Councilmember Goodman moved that the Council direct staff to amend the ordinance and any agreements that would result thereafter would include those three provisions. Mayor McClellan seconded the motion.

Councilmember Mullen said the only problem he sees with the lump sum situation is a person puts his money in for 10 years and forgets he cannot get a lump sum and when he leaves he finds out he cannot get the lump sum.

Mr. Fears said that included in the wording of the ordinance is a provision that any changes in the future will have to be approved by Council so Council can determine whether it is in the employee's or participant's best interest.

Councilmember Mullen stated that Mr. Green, representing PEBSCO, "told me they would give us a letter stating Council would have final approval on changing a product and that is what I would like to have."

Mr. Green appeared and read as follows, "At any time the City reserves the right to add any investment option fund, medium or vehicle it deems appropriate to the program." Councilmember Mullen asked Mr. Green to write a letter clarifying the policy or making an addendum to the contract, whatever is necessary, so it is clearly understood. Councilmember Goodman said that is included as part of the motion.

Friendly Amendment

Councilmember Mullen offered a friendly amendment that Council will review any future contractual changes. Councilmember Goodman accepted the friendly amendment.

Mr. Fears said the only thing left is the "hold harmless clause". He said it has been indicated to him that this is standard language and it is the way they normally proceed. Mr. Albert DeLaRosa, Assistant City Attorney, indicated this is correct.

Roll Call on Motion with Friendly Amendment

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CREATING THE CITY OF AUSTIN DEFERRED COMPENSATION PLAN FOR CITY EMPLOYEES; ESTABLISHING THE DEFERRED COMPENSATION COMMITTEE; PROVIDING FOR THE POWERS AND DUTIES OF THE DEFERRED COMPENSATION COMMITTEE; PROVIDING FOR THE APPOINTMENT OF AN ADMINISTRATOR; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman 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: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan, 46  
Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

Council adjourned its meeting at 5:40 p.m.

APPROVED:

*Carole Keeton McClellan*  
Mayor

ATTEST:

*Grace Munro*  
City Clerk