

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 13, 1980  
9:00 A.M.

Council Chambers  
301 West Second Street

---

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

CLASSES RECOGNIZED

Mayor McClellan recognized the presence of the following school classes in the Council Chamber:

Travis Heights 6th Grade Center's classes taught by Mrs. New and Mrs. Trejo.

Graham Elementary School's 3rd grade class taught by Miss Cabello.

CERTIFICATE OF RECOGNITION

Mayor McClellan presented a Certificate of Recognition to Louis Mayes, a Rosewood Elementary student, who found a U.S. Treasury check in the amount of \$121.00 and turned it in. The check belonged to Police Officer Roy Lee Henry. Louis, who was accompanied by his Mother, Mrs. Rosie Mayes, Mr. L.C. Jones, principal of Rosewood Elementary School and his teacher, Mr. Bassett, thanked the Mayor and Council for the Certificate. Three members of the Travis County Grand Jury were also in the Council Chamber.

SIGHT CONSERVATION WEEK  
and  
WHITE CANE DAYS

HOLLY OSBORNE, chairman, Austin Lions White Cane Committee, thanked the Mayor for proclaiming the week of March 15-22, 1980 as Sight Conservation Week and White Cane Days. Members of the Lion's Club also present in the Council Chamber were J.L. Akridge, John S. Clare Jr., Demitrie Espinosa and Ben B. Sobotik.

CAMP FIRE BIRTHDAY WEEK

March 16 through 22, 1980 will be Camp Fire Birthday Week, according to the proclamation read by Mayor McClellan and received by Mrs. Kathleen Matheu, Blue Bird Club Leader, and the following Camp Fire girls: Daniette Matheu, Christy Russell, Vanessa Hairston, Lisa Stebe, Tina Emerson, Jennifer Peques, and Pamela Pierce.

MINUTES APPROVED

Mayor Pro Tem Mullen moved that the Council approved the Minutes of the Meeting of February 28, 1980. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

BOARD AND COMMISSION APPOINTMENTS

The following board and commission appointments will be made March 20, 1980:

Building Standards Commission, 1

Community Development Commission, 6

Dental Health Advisory Committee, 9

Human Relations Commission, 1

Environmental Board, 1

On-Going of Goals Assembly Committee, 1

EMS Quality Assurance Team - meet to discuss recent appointment who was not a member of the Commissioner's Court

HIGH SCHOOL INTERN

Mayor McClellan introduced Will Davis Jr., who is the new high school intern in the Mayor's office.

RELEASE OF EASEMENTS

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

Four ten (ten) foot Public Utilities Easements located in Gracywood, Section Four. (Requested by the Electric Dept.)

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

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

Noes: None

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

-----

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

A seven and one-half (7.50') foot Public Utilities Easement located on Lot 1, Greenwood Park, 12617 U.S. Highway 183. (Requested by Len H. Layne. owner)

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

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

Noes: None

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

PAYMENT AUTHORIZED

Councilmember Trevino moved that the Council adopt a resolution to authorize payment to the following:

ALLIED DEVELOPMENT COMPANY

- CAPITAL IMPROVEMENTS PROGRAM -  
The cost difference for installation of 12"/8" water main in Town Square Center Subdivision - \$5,822.58  
C.I.P. No. 75/22-07

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

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

Noes: None

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

ITEM PULLED FROM AGENDA

Councilmember Trevino moved that the Council pull the following item from the agenda:

FRITZLER DEVELOPMENT CORPORATION

- CAPITAL IMPROVEMENTS PROGRAM -  
The cost difference of 12"/8"  
water main in Monarch addition -  
\$7,733.23 C.I.P. No. 75/22-07

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

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

Noes: None

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to approve a Change Order in the amount of \$22,798.00 to Dodds Electric, Inc., for site work, foundation, and underground conduit system at Holman Substation. CAPITAL IMPROVEMENTS PROGRAM No. 78/16-01. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

CONTRACTS APPROVED

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

TECHLINE, INC.  
8750 Shoalcreek Blvd.  
Austin, Texas

- Traffic Signal Poles, Central  
Stores Division for use by  
Electric Utility Department  
Item 1-3 - \$11,754.00

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

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

Noes: None

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

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

GENERAL ELECTRIC SUPPLY COMPANY  
7521 North Lamar Boulevard  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
480 Volt Load Center, Power  
Production Division, Electric  
Utility Department  
Item 1 - \$25,898.00 C.I.P. No.  
79/12-01

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

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

Noes: None

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

-----

Councilmember Trevino moved that the Council adopt a resolution approving the following contracts:

Bid award:

- Hot Mix, Hot mix/Cold laid,  
Asphaltic concrete and asphalt  
stabilized base. Public Works  
Department.  
All bid items awarded on a  
multiple progressive basis from  
first low and second low bidder  
Estimated total amount \$474,910.00  
annually

AUSTIN ROAD COMPANY  
428 E. Anderson Lane  
Austin, Texas

CAPITAL AGGREGATES, INC.  
Bolm Road  
Austin, Texas

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

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

Noes: None

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

-----

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

G.H. TENNANT COMPANY  
701 N. Lilac Drive  
Minneapolis, Minn.

- Sweeper/Scrubber, Vehicle &  
Equipment Services Dept.  
Item, SE-5 (item 1), 1 ea.  
Total price \$13,016.00

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

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

Noes: None

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

-----

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

INDUSTRIAL DISPOSAL SUPPLY  
1106 Paulsen  
San Antonio, Texas

- Refuse Bodies, Vehicle &  
Equipment Services Department  
Item 1, 15 ea. @ \$11,100.00  
Total \$166,500.00

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

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

Noes: None

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

-----

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

S & L SEAGRAVES SALES, INC.  
2815 B East 5th Street  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Pumper Truck and Ladder Truck  
Vehicle & Equipment Services for  
Fire Department  
Item FT-1, 1 ea. \$96,000  
Item FT-2, 1 ea. \$147,000  
Total \$243,000.00 C.I.P. No.  
76/83-02

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

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

Noes: None

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

-----

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

SECURITY PACIFIC LEASING CORP.  
5100 Westheimer, Suite #275  
Houston, Texas

- Telemetry System for ICU,  
Brackenridge Hospital  
Item 1, 36 months @ \$1,284.30/mo.  
Total \$46,234.80

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

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

Noes: None

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

-----

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

INDUSTRALEASE AUTOMATED &  
SCIENTIFIC EQUIPMENT CORP.  
30000 Marcus Avenue, Suite #1E9  
Lake Success, New York

- Two-Dimensional Echocardiographic  
System for X-Ray Special Proce-  
dures,  
Brackenridge Hospital  
Item 1, 36 mo. lease @ \$2,575.00/  
mo.  
Total \$92,700.00

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

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

Noes: None

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

-----

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

INDUSTRALEASE AUTOMATED &  
SCIENTIFIC EQUIPMENT CORP.  
30000 Marcus Avenue, Suite #1E9  
Lake Success, New York

- BV-22 Mobile Image Intensifier  
for Radiology, Brackenridge  
Hospital  
Item 1, 36 mo. lease @ \$2,144.00/mo  
Total \$77,184.00

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

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

Noes: None

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

#### TEMPORARY STREET CLOSING

Councilmember Trevino moved that the Council adopt a resolution to temporarily close the 2400 block of Pearl Street from 3:00 p.m. to 6:30 p.m., March 28, 1980 as requested by Mr. Richard A. Rogers of Sigma Alpha Epsilon Fraternity. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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



#### RELEASE OF LIENS

Councilmember Trevino moved that the Council adopt a resolution to authorize the executive director of the Austin Redevelopment Authority to execute certain documents in the name of the City of Austin (release of liens and other security instruments relative to the housing rehabilitation programs.) The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

#### SURPLUS EMS EQUIPMENT FOR USE IN MEXICO

Councilmember Trevino moved that the Council adopt a resolution to sell for a nominal amount surplus EMS equipment for use in Monterrey, Mexico. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

#### NEGOTIATED SETTLEMENT

Councilmember Trevino moved that the Council adopt a resolution to approve a negotiated settlement with Yuba Heat Transfer Corporation for replacement of a closed high-pressure feedwater heater for Heat Unit No. 27, a subsystem of Decker Unit No. 2, Electric Utility Department, not to exceed \$189,132.00. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

MEDICAID BILLING

Councilmember Trevino moved that the Council adopt a resolution to approve an agreement between Texas Medical Foundation and the City of Austin/Brackenridge Hospital where Texas Medical Foundation (TMF) will provide for Medicaid billing. (Recommended by the Brackenridge Hospital Board) The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

POSTAGE STAMP MACHINES  
IN BRACKENRIDGE

Councilmember Trevino moved that the Council adopt a resolution to approve a contract between the Clements Company and the City of Austin/Brackenridge Hospital where the Clements Company would sell postage stamps through two vending machines located in Brackenridge Hospital. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

LEAA/CJD GRANT PROJECT

Councilmember Trevino moved that the Council adopt a resolution to authorize the City Manager to sign city sponsored FY 1981 LEAA/CJD Grant Project Notification Sheets to be submitted to the Texas Criminal Justice Division for funding for the following projects:

Greater Austin Area Organized Crime Control Unit/5.  
Delinquency Prevention Officer/2.  
Fire Course Determination and Photographic Laboratory  
Equipment Procurement/1

(Funding for the Roving Leader Program/2 is postponed)

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

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

Noes: None

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

PUBLIC HEARING RE-SET

Councilmember Trevino moved that the Council re-set a public hearing for March 27, 1980 on corridor annexation of land along Loop 360 at 9:45 a.m. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

ANNEXATION PUBLIC HEARING

Consideration of setting a public hearing on annexation case C7a-79-024 was not done because it had passed first reading at a Special Called Council Meeting on March 12, 1980. (Great Hills 316.14 acres of land)

PUBLIC HEARING SET

Councilmember Trevino moved that the Council set a public hearing on an appeal from Mr. Donald E. Bird, attorney for Mr. John Trevino, on the decision of the Planning Commission Special Permit No. C14p-79-077 for April 3, 1980 at 9:30 a.m. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

MUD POLICY

Councilmember Trevino moved that the Council bring back an ordinance on the MUD Policy at 9:30 P.M. on March 20, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

## PUBLIC HEARING RE-SET

Councilmember Trevino moved that the Council re-set a public hearing on the appeal of Vincent Giles, Cavalier Park Neighborhood Association, C14p-79-076, to April 17, 1980 at 7:00 p.m. and resetting the zoning hearing, Case No. C14-80-028 scheduled for March 27, 1980 at the same time. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

## CAPITAL OF TEXAS HIGHWAY

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ASSIGNING THE STREET NAME "CAPITAL OF TEXAS HIGHWAY" TO THAT PORTION OF LOOP 360 WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

## ANNEXATION ORDINANCES

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 97.57 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T.J. CHAMBERS GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. (C7a-79-021)

(To be amended to leave out future right-of-way)

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

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

Noes: None

Abstain: Councilmembers Goodman, Trevino

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

-----

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 108.71 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES D. GOODE SURVEY NUMBER 30 IN TRAVIS AND WILLIAMSON COUNTIES, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C7a-79-022)

The ordinance was read the second time, and Councilmember Himmelblau moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmembers Goodman, Trevino

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

AN APPROXIMATE 0.212 ACRE TRACT OF LAND, LOCALLY KNOWN AS 336 EAST BEN WHITE BOULEVARD, FROM "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (E.G. Priesmeyer & Jerry D. Holley, C14-79-265)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

-----

Mayor McClellan introduced the following ordinance:

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

QUAIL VALLEY, SECTION ONE, SAVE AND EXCEPT LOT 42, BLOCK A, LOCALLY KNOWN AS 9938-9944 AND 9933-9939 QUAIL BOULEVARD, 900-1016 AND 910-1021 BIRD CREEK DRIVE, AND 900-1018 AND 901-1017 FIELDWOOD DRIVE, FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (City of Austin Planning Department, C14-80-008)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

-----

Mayor McClellan introduced the following ordinance:

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

LOT 11, WENDLANDT'S SUBDIVISION, OUTLOT 4, DIVISION Z, LOCALLY KNOWN AS 1500 WEST 9TH STREET (HOPKINS HOMESTEAD), FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Hopkins Homestead, C14h-80-001)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

LOTS 1 AND 2, INSHALLAH ADDITION, LOCALLY KNOWN AS 602-606 EAST 43RD STREET (INSHALLAH-LUCKSINGER-KEASBEY HOUSE), FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Inshallah (Luck singer-Keasbey House), C14h-80-002)

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

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

The Mayor announced that the ordinance had been finally passed.

-----

Mayor McClellan introduced the following ordinance:

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

LOT 1, BLOCK 1, GEORGE L. ROBERTSON SUBDIVISION, OUTLOTS 2 & 3, DIVISION B, LOCALLY KNOWN AS 1001 EAST 8TH STREET (ROGERS-LYONS HOUSE), FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Rogers-Lyons House, C14h-80-004)

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

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

The Mayor announced that the ordinance had been finally passed.

-----

Mayor McClellan introduced the following ordinance:

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

A 0.33 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1139D-1141D SPRINGDALE ROAD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Richard Bernard Robinson, et ux, C14-74-014)

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

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

The Mayor announced that the ordinance had been finally passed.

-----

Mayor McClellan introduced the following ordinance:

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

TRACT 1: LOT A, HIGHLAND OAKS, SECTION 3A, SAVE AND EXCEPT THE SOUTHERNMOST THIRTY (30) FEET PARALLEL AND ADJACENT TO THE NORTH RIGHT-OF-WAY LINE OF ARABIAN TRAIL, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE SOUTHERNMOST FIVE (5) FEET OF SAID LOT A, BEING PARALLEL AND ADJACENT TO THE NORTH RIGHT-OF-WAY LINE OF ARABIAN TRAIL, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: THE REMAINING TWENTY-FIVE (25) FOOT STRIP OF SAID LOT A BEING PARALLEL AND ADJACENT TO TRACT 2 AS DESCRIBED ABOVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF THE ABOVE PROPERTY BEING LOCALLY KNOWN AS 11924 ARABIAN TRAIL; 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. (Land & Lease's, Inc., Sam Payne, Claudia Taylor Johnson, C14-78-153) (Part)

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

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

The Mayor announced that the ordinance had been finally passed.



## RECESS

Council recessed its meeting at 10:00 A.M. and resumed its recessed meeting at 10:20 A.M.

## SIGN CONTROLS ON IH-35

(Transcript on file in City Clerk's Office)

MR. HUGH HORNSBY, chairman, Sign Committee, presented a report on Sign Controls on IH-35, reminding Council that a full report had been given to them the week before.

Motion - Died for Lack of Second

Councilmember Himmelblau made a motion to accept the Sign Committee report and staff to bring back the ordinance. There was no second to the motion.

Councilmember Himmelblau questioned why Council received an ordinance from the Planning Commission. Mr. Lillie, Director of Planning, pointed out Council had asked the Planning Commission to review it last fall for recommendations from them concerning signs on the west side of IH-35, along with recommendations for the east side of IH-35. Mr. DeLaRosa, assistant City Attorney, told Council the Planning Commission's version of a sign ordinance provided a height limitation on signs on IH-35 between 1st and 9th streets, and between 15th and 36th streets for all signs located within 200 feet which would not exceed height limitations imposed by Section 45-31 (a) (1), first height and area which would be 35 feet.

There was some discussion and Councilmember Goodman said, "I think it is going to be necessary to ask Legal Department to bring back a proposed ordinance including the recommendations of the Sign Committee and seeing what differences there are with this recommendation from the Planning Commission and either adopting one or adopting one with modifications.

Discussion followed between Mayor Pro Tem Mullen, Councilmember Goodman, Mayor McClellan, Mr. Hornsby, and Councilmember Cooke concerning signage on IH-35. (TRANSCRIPT ON FILE IN CITY CLERK'S OFFICE)

JEAN MATHER, member of the Sign Committee asked Council to give specific direction as to what they expect of the Committee.

BOB MILLER, member of the Sign Committee, told how they had revised the ordinance in 1975 or 1976.

After more discussion by Mr. Hornsby and members of the Council the following motion was made:

Motion

Councilmember Goodman moved that the Council instruct the City Manager to instruct the Legal Department to come back with a proposed ordinance incorporating the recommendations of the Sign Committee and adding the east side of IH-35 to that proposed ordinance and place it on the March 20, 1980 Agenda for consideration. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mr. Hornsby stated, "Mayor, I think we are confused about it, and I think part of the confusion, and I am sure this wasn't with intent....part of the confusion came with the original charge or in my judgement lack there of. What I would appreciate very much from you people instead of coming back and asking the Committee to decide and lay out what we think our responsibilities are, I would like you to give me a succinct memo saying what areas, what roads, what street, what you want to do, one, two, three, four...and we'll get on with it.

Councilmember Cooke explained, "It would say that you are only dealing with the scenic vistas already outlined, 2222, 360, all of MoPac, IH35 and 620. ....As it deals with these roadways, if the Committee felt like any recommendations you want to make dealing with sign control, would have to be influenced by zoning, building setback or other measures that are right now under the jurisdiction of the Planning Commission. You would have the right to make those recommendations, but those recommendations would have to go through the Planning Commission for their analysis before it came to the Council. Now, if you were going to make a sign control recommendation that did not deal with those issues, but dealt with the 1932 amended ordinance, dealing with front footage and square footage and all that, well, then you don't need to go through them. Come straight to us. And as it deals with the focal issue of the Capitol dome, the only place I see as a focal issue is on IH-35. It does not deal with the other 3. So that is not relevant here. I think what we are saying is you can have broader responsibilities, but you can't usurp the responsibilities of the Planning Commission, dealing in those areas where they have ultimate responsibility. You have to go through them. I think that is a good coordinating process."

Mayor McClellan asked City Clerk Monroe to make a transcript of Councilmember Cooke's statement and send it to Mr. Hornsby.

#### ZONING HEARINGS

Mayor McClellan opened the public hearing scheduled for 9:30 A.M., on the following applications. Pursuant to published notice thereof, the following zonings were publicly heard:

BELL AVENUE AREA  
STUDY (Area 15)  
By Planning Dept.  
C14-79-044

1200 Bell Avenue  
11934-11936 Arabian  
Trail and 11908 U.S.  
183

From Interim "AA" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Department save and except  
for a five foot strip of "A"  
on the southernmost boundary  
and subject to the U.S. 183  
Study recommendations.

Mr. Lillie reviewed the application by use of slides. No one appeared to be heard:

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, save and except for a five foot strip of "A" on the southernmost boundary, subject to conditions. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the change had been granted to "O" Office 1st Height and Area District, save and except for a five foot strip of "A" on the southernmost boundary, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance 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:

LOT 4, BLOCK G, SUMMIT OAKS, LOCALLY KNOWN AS 1200 BELL AVENUE, 11934-11936 ARABIAN TRAIL, AND 11908 U.S. 183, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Bell Avenue Area Study, C14-79-044)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

THAMAS P. FRANCIS  
By John F. Harvey  
C14-79-247

2009-2007 Bert Ave.

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

NOT RECOMMENDED

RECOMMENDED by the Planning  
Commission "BB" subject to

a density limitation of 18 units per acre  
and a ten (10) foot buffer of "A" next to  
single family houses, tied to a site plan  
which will show elevation and no access  
to Bert Ave. and Gathright Cove.

Mayor Pro Tem Mullen moved that the Council grant "BB" 1st Height and Area subject to a density limitation of 18 units per acre and a ten (10) foot buffer of "A" next to single family houses, subject to conditions and with permanent access to that tract of land across tract 2, Barton Market Square, Section 2 and to pave curb and gutter to specifications required by City that access in a width up to 44' to be furnished by owner. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "BB" 1st Height and Area as recommended by the Planning Commission, subject to a density limitation of 18 units per acre and a ten (10) foot buffer of "A" next to single family houses, subject to conditions and with permanent access to that tract of land across tract 2, Barton Market Square, Section 2 and to pave curb and gutter to specifications required by City that access in a width up to 44' to be furnished by owner, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### APPEAL WITHDRAWN

A public hearing scheduled at 9:45 A.M. on an appeal from William D. Brown, Attorney for Mr. E.G. Priemeyer and Mr. Jerry D. Holley on the decision of the Planning Commission to tie a Special Permit to a site plan limiting the west curb cut to an exit only and requiring the parking positions to be angular for the project at 336 East Ben White Boulevard, was withdrawn. (C14p-79-064)

#### PAVING ASSESSMENTS

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. on paving assessments to be levied on the following and passage of ordinance:

CAPITAL IMPROVEMENT PROGRAM - GROUP 62-B, BAYLOR STREET and  
sundry other streets covering approximately 10 blocks.  
CAPITAL IMPROVEMENTS PROGRAM No. 75/62-01

Mr. German described the paving assessments. Mr. James Riggs, assistant City Attorney, questioned Mr. Herbert Sladek Jr. regarding his qualifications as an appraiser.

GAIL WHITE appeared before Council to ask if the improved street will raise her taxes. She showed pictures of two sycamore trees on her property which were destroyed by the paving improvements. Mr. German told her there is no direct assessment between the Public Works Department and the Tax Department. Mayor Pro Tem Mullen told her the Board of Equalization should be contacted if her taxes are raised. Mr. German told her his department will go and check on the trees to see what can be done.

MR. DON DAVIS, representing himself as one of four owners of the property at 707 West 34th, first questioned the qualifications of Mr. Sladek. He then described the procedure he went through to obtain a parking area permit and how the city proceeded to destroy access to their parking area when they put in the new paving. He went on to say it will cost him \$4,000 to undo the damage to their parking area which the city created. Mayor Pro Tem Mullen stated that what Mr. Davis described is true. Mr. Riggs said it would seem to him an adjustment is in order and Mr. German agreed.

Motion

Councilmember Trevino moved that the Council not assess fee on Parcel 16(707 West 34th Street). The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan,  
Councilmember Snell

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (CAPITAL IMPROVEMENTS PROGRAM - GROUP 62-B, CIP No. 75/62-01)

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

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

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan,  
Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

## VARIANCE GRANTED

Mayor McClellan opened the public hearing set for 11:00 A.M. on an appeal from Mr. Rafael Quintanilla on the decision of the Board of Adjustment denying his application for a variance from the City of Austin Sign Ordinance. No. C16-79-001.

MR. RAFAEL QUINTANILLA, representing Mr. Chapman who owns property on Research Boulevard stated there was no bad faith in securing the sign permits. If the variance is denied, it would be the taking of his property. Mr. Lonnie Davis, Director of Building Inspection, said there was nothing improper in Mr. Chapman's obtaining of sign permits. Councilmember Himmelblau wanted to know if this variance is granted, whether or not there should be some kind of a check-off. Mr. Davis said perhaps a limit should be put on permits. He said there was an existing permit before enforcement of the sign ordinance on 183 and it had not been exercised. Discussion ensued on this point and it was concluded no bad faith was intended.

Motion

Councilmember Himmelblau moved that the Council close the public hearing on the appeal from Mr. Raefael Quintanilla on the decision of the Board of Adjustment denying his application for a variance from the City of Austin Sign Ordinance and granted the variance requested. (No. C16-79-001) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## PUBLIC HEARING ON STREET VACATION

Mayor McClellan opened the public hearing scheduled for 11:30 A.M. on vacating the following and passage of ordinance: A portion of McDonald Avenue and portions of two alleys adjacent to Seton Medical Center property 1200 block West 34th Street. (Requested by Marlton O. Metcalfe Jr., for Seton Medical Center) File C10v-80-002.

Mr. German stated that this should be approved with relocation of utility lines at the applicant's expense, if Council approves.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING A CERTAIN PORTION OF MCDONALD AVENUE AND PORTIONS OF TWO ALLEYS ADJACENT TO SETON MEDICAL CENTER PROPERTY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OR AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C10v-80-002)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

#### BUDGET AMENDMENT

Council had before it for consideration an ordinance to consider amending the 1979-80 Operating Budget by appropriating and transferring a) \$43,790 or b) \$54,249 from the General Fund ending balance to the Research and Budget Department to implement a new operating budget format.

Ms. Lee R. Thomson, Acting Budget Director, reported as follows:

"Council is requested to amend the Annual Budget by appropriating \$43,790 (for 2.5 FTE) or \$54,249 (for 3.5 FTE) from the ending balance of the General Fund to the Research and Budget Department to implement a new budget format. Recommendations for the budget format were translated in a memorandum from the City Manager to Council, dated March 5, 1980.

An appropriation of \$43,790 would fund two Management Services Analysts and a temporary Clerk B for six months. This staffing level would support Option 1, outlined in the March 5 memorandum, which includes a personnel summary in the Charter Volume..

An appropriation of \$54,249 would fund two Management Services Analysts, a temporary Clerk B for six months and an Administrative Aide B. This would support Option 2, outlined in the March 5 memorandum, which includes a separate Personnel Volume. "



Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-80 BY APPROPRIATING \$54,249.00 FROM THE GENERAL FUND ENDING BALANCE TO IMPLEMENT A NEW OPERATING BUDGET FORMAT; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Option #2

Management Services Analysts (2)	\$20,934	\$47,476	\$50,534	\$53,796	\$57,282	\$230,022
Administrative Aide B (1)	8,929	18,361	19,537	20,789	22,126	89,742
Clerk B (6 mo.)	5,060	5,414	5,793	6,199	6,633	29,099
Commodities Contractual	14,070	16,545	17,704	18,943	20,269	87,531
Capital	5,256	-	-	-	-	5,256
Total	\$54,249	\$87,796	\$93,568	\$99,727	\$106,310	\$441,650

RECESS

Council recessed its meeting at 12:00 Noon and resumed its recessed meeting at 2:15 P.M.

AERIAL ENCROACHMENTS

Council had before them for consideration two resolutions:

Consider amending the License Agreement Resolution to authorize the waiving of annual fees for aerial encroachments within the Original City of Austin excluding properties fronting along Congress Avenue.

and

Consider waiving fees from aerial encroachments into East 6th and Brazos Street (southwest corner) as requested by J. Burton Casey for B.W.C.

Mr. Albert DeLaRosa, Assistant City Attorney, reported as follows:

"On March 6, 1980, the City Council directed that an item be placed on the agenda of its next regular meeting to amend the License Agreement Resolution to authorize the waiving of annual fees for certain agreement requested by J. Burton Casey for B.W.C. Associates which was approved by the City Council on the above date. The City Council specified that the amendment should be limited to the downtown/central city area and should not be applicable to properties fronting along Congress Avenue.

Attached hereto is a copy of the License Agreement Resolution which was adopted on September 30, 1976. In this resolution no annual fee is charged to governmental entities, non-profit educational institutions of higher learning, and original dedicators in cases where the public property has not changed hands.

It is now proposed to amend the resolution as discussed above. Optional amendments for Council consideration are as follows and would be inserted within the third paragraph of the Resolution:

1. Provided however, that the City Council may waive the annual fees for aerial encroachments, (excluding, however, fees for aerial passageways) within the Original City of Austin, excluding further however, fees for aerial encroachments which are to front along Congress Avenue.
2. Provided however, that the City Council may waive the annual fees for aerial encroachments (excluding, however, fees for aerial passageways) within an area bounded to the North by 15th Street, to the South by 1st Street, to the East by Interstate 35, and to the West by Lamar Boulevard, excluding further, however, fees for aerial encroachments which are to front along Congress Avenue.
3. Provided however, that the City Council may waive the annual fees for aerial encroachments (excluding, however, fees for aerial passageways) associated with restoration/redevelopment projects within the Original City of Austin, excluding further, however, fees for aerial encroachments which are to front along Congress Avenue.

These optional amendments all contain language which precludes the waiver of fees for aerial passageways, which are regulated by a separate ordinance. To prevent possible confusion, it is recommended that the waiver of fees for aerial passageways be explicitly stated within the License Agreement Resolution if that is the intent of the City Council.

Motion

Councilmember Goodman moved that the Council adopt a resolution amending the License Agreement Resolution by adding option 3 (provided however, that the City Council may waive the annual fees for aerial encroachments, excluding, however, fees for aerial passageways, associated with restoration/redevelopment projects within the Original City of Austin, excluding further, however, fees for aerial encroachments which are to front along Congress Avenue). The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Absent: Councilmember Trevino

Motion

Councilmember Himmelblau moved that the Council adopt a resolution waiving fees from aerial encroachments into East 6th and Brazos Street (Southwest Corner) as requested by J. Burton Casey for B.W.C. Association. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Cooke

(Council had first begun discussion of these two items in the morning and finished discussion after the noon recess.)

DEFERRED COMPENSATION PROGRAM  
FOR CITY EMPLOYEES

Mr. Dan Davidson, City Manager, presented the following report:

"This report is based on a careful study of options available to the City in administering a deferred compensation program. As part of this study, the committee has reviewed the types of programs, and the experience of these programs, offered by major Texas cities, the State of Texas, and selected city, state and county governments throughout the nation. The committee has also met with representatives of administrative and investment organizations interested in providing such services for the City.

After reviewing the types of plans available within a deferred compensation program, the committee has recommended a multi-funded plan, using an outside coordinator/administrator, be developed for the City of Austin. Under this approach, the City would contract with one organization to provide both enrollment/coordination functions and administrative services. Funds would be disbursed through the Austin Municipal Federal Credit Union utilizing the current programming and allow a deferred compensation plan to be implemented prior to completion of the new payroll system. A variety of funding media would be selected by the City with the assistance of the enroller/administrator.

This plan has a number of advantages over the other two options identified by the committee--a self-administered approach and an outside coordinator-administrator/single-funded plan. A multi-funded plan would provide the greater flexibility to employees in selecting and making investments. This approach also enhances the opportunity for local funding media to participate in the program. The use of an outside coordinator-administrator would ensure a high-quality program for City employees that can be implemented and maintained with minimum fees for the participants. There will be no charge to the City for services provided by the coordinator-administrator and no additional staff will be needed, minimizing involvement on the part of the City in the program.

After reviewing and analyzing this report, I concur with the committee's recommendations and request that Council approve the establishment of an outside coordinator-administrator/multi-funded deferred compensation plan for City employees. Upon Council approval of this concept, a request-for-proposal will be sent out to initiate the coordinator-administrator selection process.

Ms. Quen Cole described the format of the plan, said it is a supplemental retirement program for city employees, and recommended the Outside Coordinator-Administrator/Multi-Funded Plan which is as follows:

#### Outside Coordinator-Administrator/Multi-Funded

The third option identified also includes the use of outside assistance, with the role of the credit union remaining as previously described. This option differs from the second in that it uses several sources of funding as opposed to a single source. Under this approach, the City would contract with one organization to provide both enrollment/coordination and administrative services. This organization would be responsible for design of the plan, enrollment and counseling of employees, disbursement of funds through the credit union to the selected funding media and all reporting to the City and employee.

Most companies of this type charge each participant a small fee, although some levy this charge against the investment media. In addition, the company will earn any commissions that may be paid. As with the second option described, there is no charge to the City for these services.

If this option should be selected, committee members recommend that investment media be carefully selected with the assistance of the Enroller/Administrator. The number and types of investments should be the decision of the City and the Enroller/Administrator should be entirely independent of the funding media.

This option possesses essentially the same advantages over self-administration as the single-funded plan. There are some disadvantages in comparison to option 2. One is the potential for an administrative fee to the participant. Another disadvantage may lie in a tendency for the company to direct employees toward investments where the biggest commissions can be collected. It is felt that these disadvantages can be offset through careful planning and selection of a plan administrator and funding media. The most significant advantage offered by this approach in comparison to the single-funded option is the greater flexibility provided to the employee in being able to select and make investments. New investment products can be added as needed and desired. In addition, this approach enhances the opportunity for local funding media to participate in the program. Because of the advantages offered by this approach, committee members believe it to be the most desirable option for a City of Austin deferred compensation program.

Based on its review, the committee recommends that the City implement a multi funded deferred compensation program. Outside assistance should be sought in the form of an Enroller (Coordinator)/Administrator to assure a high-quality program for City employees that can be implemented and maintained at minimum cost to the City and with minimum fees for the participants. A competitive process should be used for selection of both the administrative organization and the funding media. It is further recommended that the Austin Municipal Federal Credit Union be a part of the program and serve as the custodian of the funds and disburse monies to the funding media. A draft request for proposal for an Enroller/Administrator has been prepared and will be sent out upon approval of this approach."

#### Motion

Councilmember Himmelblau moved that the Council approve the concept of the Deferred Compensation Program for City Employees. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Snell

Mayor Pro Tem Mullen asked about the cash flow for the program. Mr. Davidson told him there would be no cost to the city and he will get information for the Council concerning other cities participation in similar programs.

CITIZEN DID NOT APPEAR

MR. RAEFAEL J. MIRANDA JR. had requested to appear before Council to discuss ideas to make downtown Austin healthier and safer. He did not appear.

CITIZEN WANTS NEWSPAPER STANDS ELIMINATED

MR. DAN JARDINE appeared before Council to request that they change Section 31-4 (Obstructing Streets, Sidewalks, etc.) to eliminate the ordinance from providing preferential treatment to certain businesses. He spoke against the street corner newspaper stands. The City Manager is to report back to Council concerning this issue on April 10, 1980. Mayor McClellan asked what is being done in other cities.

OLYMPICOMM

Councilmember Cooke moved that the Council approve the request of Mr. Ron Heckmann and Mr. Kevin Knight, representing Public Relations Student Society, U.T. Chapter, for permission to make beer and catered food available on a cash basis at Pease Park April 13, 1980 for the OLYMPICOMM. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Snell

Councilmember Himmelblau questioned whether their deposit fund would cover clean up expenses. Mr. Steve Helf appeared representing PRSS and outlined their plan for clean up which satisfied Council.

## SIGN FOR NORTHWEST SERTOMA CLUB

Councilmember Goodman moved that the Council approve the request of Norman R. Haertig, president, Northwest Sertoma Club of Austin for permission to place portable non-lighted, four by eight feet signs, curbside at the following locations:

1. Riverside Drive and South First on the northwest corner
2. 1151 block of west 1st on same side as the Humane Society
3. 404 East Anderson Lane in front of Tuftwick Carpet
4. 3500 block of Far West Boulevard

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

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Snell

## CITIZEN TO RETURN

MR. M.A. LANG, who had requested to discuss electric rates, asked to appear, instead, under Citizen's Communications on March 20, 1980.

## SPORTSFEST

MR. DAVE SHEPPERD, vice president of 1980 Austin Sportsfest appeared before Council to update them on plans for the event and to request permission to use a motor boat on Town Lake for the Celebrity All-Star Canoe Race on Sunday, March 30, 1980. He said the events will include the Capital 1000, Frisbee championship, canoe race, Sportsfest Hall of Honor, and the Texas Relays on April 4 and 5.

Mr. Davidson informed him this needs to be approved by the Park Board and bring back to Council March 20, 1980.

## REQUEST FOR WATER AND SEWER SERVICES

MR. ALAN HAYWOOD appeared before Council to request water and sewer services to approximately 56 acres of land located in the City of Sunset Valley generally surrounding Tony Burger complex (being bounded by South Lamar, Brodie Lane, Jones Road, and Pillow Road) He referred to the agreement between the City of Sunset and the City of Austin concerning the serving of the latter by the City of Austin with water and sewer services. He said the agreement does not include his client's property. Following the advice of Mr. DeLaRosa, Assistant City Attorney, Mr. Haywood said he is making formal request for his client's property to be served by the City of Austin's Water and Wastewater Department. Mr. Haywood went on to say he has discussed this situation with various officials of the City of Sunset Valley who will

cooperate in any reasonable manner to accommodate his client's request.

Councilmember Himmelblau pointed out that the zoning in question is in Water District 9. There is a critical situation existing because of the defeat of the recent bond election.

Mayor McClellan told Mr. Haywood that he needs to work with the Austin city staff and officials of Sunset Valley.

#### CHARITY GOLF TOURNAMENT

Councilmember Goodman moved that the Council approve the request of the Coors Distributing Company and Ben Hur Shrine Temple that the time at Jimmy Clay Golf Course be blocked from approximately 7:00 A.M. to 2:00 P.M. on Saturday, May 4, 1980 to accomodate an estimated 200 golfers participating in a charity tournament to benefit the Shrine Childrens Burn Clinic in Houston and Galveston. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Cooke

#### PARADE PERMIT

Councilmember Goodman moved that the Council approve the request for a Parade Permit from Richard Seline for Intrafraternity Council-Student Round Up, from 12:30 a.m. to 2:00 p.m., Saturday March 29, 1980, beginning from Lot 55 UT Campus, 26th Street North, left onto Guadalupe South, left on 21st street, east to San Jacinto and stadium. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Cooke



RETIREMENT BOARD ELECTION PROCEDURES

MR. PETER J. FEARS appeared before Council to discuss the Retirement Board Election procedures. He is business manager of AFSCME. He contended the election of members of the Retirement Board last December 7 may have had some discrepancies. He cited different procedures being used in different departments, the Sanitation Department election 10 days later, and figures not available for ballots and results in 13 departments, as well as two job locations calling to say they did not receive any ballots at all. Mr. Fears requested an investigation to determine if a new election should be held, and wanted to make certain the 1981 election is handled more carefully.

Mayor McClellan asked what jurisdiction the city has, and Mr. Harris, City Attorney, stated, "Under the ordinance the election nominating committee is the one that canvasses the election returns and prepare the results."

Mayor McClellan read the following letter into the record: "The Retirement Board Election Committee met this morning March 12 to listen to allegations of possible election irregularities of the December 7, 1979 Retirement Board Election. It is the consensus of this committee that the election was valid. Official results have been certified and all employees who are active members in the retirement system have had the opportunity to cast ballots. The allegations of union personnel have been weighed by this committee and in our opinion have been found to be unsubstantiated. We realize all election procedures can be strengthened and improved. All departments did return the ballots. The fact that departments did not return a box by box tally does not mean that ballots were not received. We would be pleased to provide you with any other information that you desire." The letter was signed by Mr. Freeman Irby.

Mr. Jimmy Flakes, Director of Personnel, discussed the election with Council. He said this is the first time any rules were followed. He said the employees worked hard to make the election work, but the problems that did arise were not as serious as Mrs. Fears alleges. He said that so far no city employee or candidate had challenged the election. Mr. Fears discussed the election with 20 employees, 15 of whom did not remember if they voted.

Discussion continued between Mr. Fears, Mr. Davidson, Councilmember Goodman and Mr. Flakes concerning the procedure used for the election. The discussion was concluded by Mayor McClellan stating no election is perfect. It is three months since the election and she would hesitate calling a new election. The Mayor did stress the laying out of strict procedures for next year's election. Mr. Flakes thanked Mr. Fears for calling to their attention the weaknesses of the election procedure.

Councilmember Goodman requested a report from the election Committee and the Personnel Department on all the problems and how to improve them. He asked for the report in 60 days.

CITY OF AUSTIN, TEXAS March 13, 1980

Mayor Pro Tem Mullen pointed out when people say they did not get a ballot it is always accurate. the memory is faulty.

-----

An Item from Council concerning discussion and possible action in regard to the Retirement Board Election, introduced by Councilmembers Goodman and Mullen, was covered in the preceding discussion.

-----

Mr. Paul Gottlieb, assistant business manager, AFSCME, who had requested to appear concerning Retirement Board procedures, did not speak.

#### ZERO CLASSIFICATION

The City Manager reported on the Zero Classification. Mr. Jerry Harris, City Attorney, explained as follows:

"During the discussion concerning implementation of the zero pay grade, several significant legal questions were raised. The Legal Department has analyzed the ramifications of the proposed reclassification and presents its conclusion in this memo.

Pursuant to the decision of the City Council, the staff has taken the steps which are necessary to place employees hired after October 1, 1979 on the zero pay grade in those instances where the involved action has been determined to be a zero pay grade position instead of a pay grade one position.

Subsequent to October 1, 1979, five (5) employees were hired into pay grade one positions, which positions were later made zero pay grade positions. Since these forty-five (45) employees were hired into positions which were, at the time, still on the pay grade one level, each of these employees will not be placed on the zero pay scale until he or she has received his or her six-month probationary pay increase.

The implementation of the zero pay grade does create a situation whereby, for an indefinite future period, the City will have employees in the same position being paid according to different pay grade levels. In certain positions, employees hired prior to October 1, 1979 will be paid on pay grade one, while employees hired into the same position after October 1, 1979 will be paid on pay grade zero.

Therefore, it is possible that, for example, a female hired after October 1, 1979 into a zero pay grade position could allege that she is being discriminated against on the basis of sex because there is a male employee in an identical position who, because he was hired prior to October 1, 1979, is being paid according to pay grade one. The Fair Labor Standards Act does make it illegal to discriminate in the payment of wages on the basis of sex. However, wage differentials which are based on factors other than sex are permissible. And, the wage differentials resulting from the establishment and implementation of the zero pay grade are not based on sex. First, all employees hired after October 1, 1979--regardless of sex--will be hired into the zero pay grade if the involved positions are on that pay scale. Secondly, the City's zero pay grade plan is soundly based on the business necessity of attributing the correct compensation to jobs involving various tasks and responsibilities. Neither the establishment nor implementation of the plan is founded in discrimination based on sex. The "grandfathering" of employees hired prior to October 1, 1979 clearly does not involve sex discrimination, since the "grandfathering" is based on date of employment and not on the sex of any employee.

Another possible challenge to the City's zero pay grade plan could be that said plan violates Title VII of the 1964 Civil Rights Act because the plan has a disparate impact on minorities. However, since the zero pay grade is based on sound business reasons and was not established or implemented with the intent to discriminate against minorities, it is my opinion that no real grounds exist for a valid Title VII complaint.

Finally, I have examined the legality of transferring an employee who was hired after October 1, 1979 from the pay grade one level to the zero pay grade level. It is my opinion that this transfer, which is based on business necessity and implemented without regard to race or sex, is not violative of any employee's legal rights.

#### CONCLUSION

Since the establishment and implementation of the zero pay grade is founded on sound business practice and necessity, it is my opinion that the City has acted within the law.

#### INSURANCE REFUND

Mr. Jimmie Flakes, Director of Personnel, presented the City Manager's Report on Insurance Refund:

"I have discussed with Finance Administrator Norman Barker the use of the \$1,008,643 refund from Connecticut General on our group health insurance program. It is our recommendation that approximately one-half of this refund be used to reduce current premium costs for both employees and the City for the period March 1, 1980 to December 31, 1980. With this approach, employees will pay approximately \$250,000 less in premiums and the City will pay approximately \$242,000 less in premiums for the remainder of the contract year. Of the remaining one-half of the refund, a portion will be reserved to serve

as a hedge against future premium increases. I believe that we should review our insurance experience at the end of the year to determine whether we should apply this reserve to maintain employee-paid premiums at the proposed reduced rates.

For employees, premium rates will be reduced by 15.4%. The following monthly premium schedules compare current and proposed rates:"

	<u>Health Coverage</u>	<u>With Basis Life</u>	<u>With Supplemental Life</u>
<u>Current Rates</u>			
One Dependent	30.66	31.22	35.52
Two or More Dependents	49.74	50.72	52.02
<u>Proposed Rates</u>			
One Dependent	25.94	26.42	27.52
Two or More Dependents	42.08	42.92	44.02

A communication to employees, attached for your signature, explains the new reduced premium rates. This memorandum will be distributed to all employees with their March 24 paychecks which will reflect the lower rates.

Mr. Davidson informed Council this will be flagged at budget time and he will let them know about the interest and whether or not a hedge will be needed during the current insurance year. Mayor Pro Tem Mullen requested a report on the break down of the money: when was it received, how much interest, where is the money, and how much is there in each category.

#### TOWN LAKE CIRCULATION PLAN PHASE II

Mr. Jim Benson, Assistant Director, Urban Transportation, gave the following City Manager Report on Town Lake Circulation Plan - Phase II:

"In August, 1978, the Congress Avenue Bridge was closed for reconstruction. Prior to the closure, the Town Lake Circulation Plan was developed in order to provide the most effective traffic flow possible under the anticipated conditions. Briefly, the major changes implemented were:

1. Establishment of a reversible lane system on South 1st Street from West 1st Street to south of Barton Springs Road;
2. Establishment of 1st and 2nd Streets as a one-way pair from Red River Street to San Antonio Street;
3. Making Red River Street one-way northbound from East 1st Street to East 2nd Street;

March 13, 1980

4. Making San Antonio Street one-way southbound from West 2nd Street to West 1st Street;
5. Various geometric changes to intersection and medians and traffic signal phasing changes at a number of key intersections on South 1st and on Lamar Boulevard.

The traffic flow system that was implemented as a result of the Town Lake Circulation Plan has worked well. In December of 1979, modifications were made when two lanes of the Congress Avenue Bridge were opened to traffic. These changes dealt with the restriping of Congress Avenue from 2nd Street to south of Riverside Drive; minor signal changes along this section of Congress Avenue were also made. Since the reconstruction of the new five-lane bridge is nearing completion, it is necessary to determine what traffic changes are necessary for maximum traffic safety and operation. The Town Lake Circulation Plan - Phase II has been developed to identify traffic and transit operations for this area.

Five significant activities are suggested:

1. The reversible lane system should be removed from South 1st Street and two lanes of traffic in each direction be provided at all times;
2. Various geometric and striping changes to intersections should be implemented. One of the most significant changes is shown in Exhibit II.
3. A reversible lane system to provide three inbound lanes in the morning and three outbound lanes in the afternoon should be provided on the new five lane Congress Avenue Bridge (Exhibit I);
4. The one-way street system on 1st, 2nd, Red River and San Antonio Streets has provided better traffic flow than the previous two-way traffic on these streets and it is recommended that the one-way system remain in effect;
5. Three transit routes should be re-established across the new bridge and into the Central Business District; these include the Travis Heights, Riverside/Bergstrom (established after the closure of the bridge) and South Congress routes. (Exhibits III, IV, V).

Implementation of this phase will mark the end of an interim transportation system that was installed to handle significant traffic shifts because of the closure of the Congress Avenue Bridge and the beginning of a transportation system that should, in connection with the new five lane structure, provide a more effective traffic flow.

This plan has been reviewed and the traffic operation changes endorsed (7-1) by the Urban Transportation Commission. The proposed transit changes will be considered by the Urban Transportation Commission at a public hearing on March 19th and then submitted to the City Council for their consideration.

MONTHLY STATUS REPORT  
FAYETTE POWER PROJECT

Mr. Hancock presented the following report:

"Construction work on Unit 2 of the project is near completion. At the end of January, Unit 2 was reported to be 83% complete.

Major construction activity in January included power piping erection, precipitator erection, insulation placement and electrical installation.

Turbine roll of Unit 2 was made on February 12, 1980. The unit was brought up to synchronous speed and connected to the system. A test run was made with burning oil. Additional startup work on Unit 2 is underway. The unit is scheduled to begin burning coal about the middle of March.

Unit #1 operated at 74.8% capacity factor during the month of January. The availability of the unit was better than 90% during the month of January. Austin received 133,139,000 kilowatt hours into it's system from the plant during January, 1980. This represents 53.7% of the systems generation.

Unit 1 was removed from service on February 28, 1980 for it's initial dismantling and warranty inspection. The unit will be down for approximately three months.

A total of 143,415 tons of coal was consumed during the month of January, 1980. Compared to the amount consumed, 195,837 tons of coal was received during the month of January. Seven trains are now in service moving coal from the Decker mine and the Arco mine.

As stated in a memo dated March 3, Austin is now paying \$19.07 per ton for the movement of coal. This is a result of a 2% increase in the freight cost effective February 25, 1980. The previous memo also noted that eighteen cars were involved in derailment at Fruitland, Texas on February 25, 1980.

Construction is moving forward by LCRA on a 345 KV transmission line that is jointly owned by Austin from the Fayette Power Project to Holman Substation to Lytton Springs Substation. Construction is underway by Austin on Lytton Springs Substation and Holman Substations. The foundation work on these two substations are essentially complete. The construction of the line and the substations are scheduled to coordinate with commercial operation date of Unit 2 of the project."

MONTHLY STATUS REPORT  
SOUTH TEXAS PROJECT

Mr. R.L. Hancock, Director of Electric Utility, presented the following report on the South Texas Project:

"The overall status of the project through the month of January, 1980 is as follows:

Engineering:	65.3% complete	
Construction	<u>Unit #1</u>	<u>Unit #2</u>
	52.8% complete	17.8% complete
Scheduled Fuel Load Unit #1: September, 1983		
Scheduled Fuel Load Unit #2: September, 1985		

Cumulatively Unit #1 is estimated to be slightly behind the baseline schedule and Unit #2 is slightly ahead of the baseline schedule. Overall the project is considered slightly behind the baseline schedule.

Progress during the month of January, 1980 was below the baseline schedule for Unit #1 and was above the baseline schedule for Unit #2. Overall the progress for the month was behind the baseline schedule.

Over the next 6 to 9 months, Brown and Root and Houston Lighting and Power Company personnel expect the project to perform at a rate of progress in excess of baseline requirements so that the project can regain cumulative baseline performance at the end of 1980. This progress is expected to result from the revised organization of the project, the implementation of improved project controls, the addition of new personnel at key management and supervision levels, and the increase in the manning level of the project to the manpower ceiling.

The goal of regaining the overall baseline schedule by late 1980 is demanding and will require continuing improvement in performance and no new inhibiting circumstances.

Gibbs and Hill, the consulting firm retained to evaluate the baseline cost and schedule estimate, completed their assessment of the baseline data and issued a report on February 29, 1980. This report was transmitted to the City Council and your office on March 4, 1980.

The auditing firm of Coopers and Lybrand is continuing the 1979 financial audit as required in the Participation Agreement. Various sections of the audit will be issued as completed with the first report in April and the last report expected in late May. In addition to this requirement, Coopers and Lybrand is conducting cost audits into specialized areas with engineering assistance from Gibbs and Hill, Inc.

Previously identified engineering review activity relating to soil-structure seismic interaction analysis as requested by NRC is continuing. Completion of this analysis and review by the NRC is expected by late March or early April.

The previously identified hold on imbed materials from one shop of one supplier is still in effect pending correction of that shop's quality control program. The completion of corrective action is near and it is anticipated that this hold will be removed during March, 1980. This particular supplier will be phased out and replaced with a new supplier. The transition will be arranged so that there is no construction delay.

Analysis is continuing on the isolation valve cubicle wall design as it relates to the pipe and valve loadings applied to the structural walls. Initial analysis has resulted in the identification of the need for more detailed analysis. The schedule for completion of the design of the isolation valve cubicle is now scheduled for August, 1980. Construction of this structure is awaiting completion of the additional analysis and design work.

Brown and Root continues to impose a hold on painting of concrete in the Auxiliary Building pending review of the specifications. Revisions of the specification that will simplify the painting work are in progress. This hold has been partially removed in selected areas and is expected to be completely removed in March, 1980.

The installation of cable trays to support electrical conductors continues to be behind schedule because of the lack of cable tray support installation. A recovery plan for fabrication of cable tray supports has been implemented and is expected to improve the availability of supports in March or April. There is still a need for a recovery plan for installation of the supports. Installation of these supports is currently a critical path item that has potential impact on the schedule for Unit #1 if recovery plans are not adequately implemented.

The initiation of HVAC (heating, ventilation, and air conditioning) ductwork in the Auxiliary Building is an important area as it relates to schedule. A management plan regarding the schedule for this work has been requested and received from the contractor. This plan is currently under review.



The previously identified hold on complex, safety-related concrete placement, which was imposed by Houston Lighting and Power Company to allow time for implementation of procedures to improve the quality assurance of this work, is expected to be removed in March, 1980. The implementation of the additional and revised procedures has recently been completed.

Brown and Root is currently experiencing difficulties with staffing the engineering activities. This is due to an expansion of the engineering scope resulting from some items being taken over from construction, additional review and analysis requested by NRC, and additional work required to respond to interrogatories of intervenors in the operating license proceedings. Increased engineering staffing is difficult because of the existence of intense competition for experienced engineering personnel.

Brown and Root is currently reviewing its ability to conduct a comprehensive review of access requirements for in-service inspection. Houston Lighting and Power Company will require such a review to assure that their requirements for access are met.

Quantity production for Unit #1 at the end of January, 1980 as follows:

<u>Activity</u>	<u>% Completed</u>
Concrete Placement	83
Large Bore Pipe	42
Cable Tray Support	19
Cable Tray	10
Conduit	12

As of the end of January, 1980, Austin's incurred cost for its 16% share of the project was approximately \$199,000,000.

#### VALERO LIGNITE OPTION AGREEMENT

Mr. R.L. Hancock, Director of Electric Utility, presented the following City Manager Report on Valero Lignite Option Agreement:

"The purpose of this memo is to communicate certain information relating to the lignite available to Austin through the LoVaca Settlement Agreement. No action is required at this time, but a decision relating to Austin's position will be required in the future.

One provision in the settlement agreement between customers of the Lovaca Gathering Company and Coastal States Gas Producing Company was the requirement that Coastal Lignite holdings would be transferred to the new company Valero Energy Corporation. The settlement agreement, additionally, gave the four generating utilities City of Austin, City Public Service Board of San Antonio, Central Power and Light Company and Lower Colorado River Authority the option to purchase these lease holdings. An option agreement was signed between

Valero Energy Corporation and the four generating utilities on December 31, 1979, which gave the four generating utilities until December 31, 1981 to exercise the option to purchase these lease holdings at their book value.

Representatives of the four generating utilities have met jointly on three occasions in San Antonio. Representatives from Valero Corporation attended two of these meetings. The purpose of these meetings was to establish from available records the number of leases that Valero Energy Corporation had in their possession, an assessment of the lignite in these leases and the book value of the leases. A physical audit of the leases has been made along with the assessed amount of the lignite from available records in these lease holdings.

The lease holdings are in three general areas. One holding is in Washington and Fayette County, one in the north part of Bastrop County and one in the south part of Bastrop County. The lease holdings in the Fayette and Washington County contain approximately 172,000,000 tons. The lignite holdings in the north part of Bastrop county contains 92,000,000 tons of recoverable lignite and the lignite holdings in southern Bastrop County contains approximately 77,000,000 tons of recoverable lignite. The leases under Valero Energy Corporation ownership now has control of 85% of the Washington-Fayette County lignite, 28% of the northern part of Bastrop County and 27% of the southern part of Bastrop county. The attached map identifies the location of these leases.

The assessment of the representatives of the four generating utilities is that Valero Energy Corporation has no real incentive to adequately administer the leases. The representatives feel that it would be much better for the four generating utilities to exercise the option as soon as possible in order to obtain ownership of the leases and make sure the leases are administered properly such that no lease terminates because of delayed payment, inadequate payment or inadequate description of the lease holdings. It appears that the other three generating utilities would prefer to exercise the leases within nine months.

The current estimated book value is estimated to be between 3-4 million dollars. Austin's approximately 18% option would place Austin's cost at approximately between \$700,000 and \$800,000 to exercise all the leases."

#### STATUS OF VARIOUS CIP

The City Manager presented to Council a report on the Status of Various Capital Improvements Programs. He said, "I think it will be apparent to the City Council that four departments in particular, the hospital, airport, water and wastewater and the electric utility...the personnel in these departments have spent considerable efforts in laying out the report we will present this afternoon. Mr. Daron Butler, Assistant City Manager, has coordinated the preparation of this report and I'll simply say that Mr. Butler will make the presentation, but I will point to the fact that in the case of the airport I am making a definite recommendation to Council as to what ought to be done. I'm making a definite recommendation with regard to

Brackenridge Hospital and the parking needs. In the case of electric and water and wastewater we are primarily presenting some options that Council can select from in order to maintain from a financial and an operating standpoint these two important systems until some type of funding is available to carry out the Capital Improvements Program. We recognize that this is a very serious matter. I am not asking the City Council for any decision today, with one exception. We will describe a proposed withholding of anything except preliminary acceptance of subdivision plats within certain sections in our service zones. I feel and would respectfully request if the Council is going to consider that recommendation that it ought to be acted on today, otherwise it is not fair to those potential applicants who would not be ready to file these plats within the next seven days if we were to wait until the next Council Meeting in order to take that action."

Mr. Daron Butler reported as follows, "First of all I would like to say there is one proposition that was not addressed in the report that did not pass and that was the proposition dealing with police vehicle impoundment facility. We felt that because of the magnitude of that one we could put it on the table and let the next CIP process take care of it. ....The Manager is recommending and Mr. Bayless has prepared a report on that basis, has met with airlines and they are prepared to proceed with the airport improvement bonding packaging program first approved by this City Council in the fall of 1978 and funded by the voters in January of 1979. On that item we hope to have some indication of Council's interest in allowing us to move to construction and documents on that."

The Mayor agreed Council should move as quickly as they can to get on with approved previous bonding authority.

#### Motion

Councilmember Cooke moved that the Council should proceed with the 1979 bonding authority for the airport as soon as possible. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Mr. Butler then discussed the parking facilities at Brackenridge Hospital and proposed a shuttle bus from the Red River parking lot, the construction of a parking garage by private enterprise to be used in conjunction with the Special Events Center. Councilmember Goodman asked for the proposed costs. Mr. Davidson said he would like to pursue these proposed options.

March 13, 1980

Mr. Butler then discussed the Electric Department, stating that there is a \$1.7-million funding gap in the current Electric Department CIP. Mr. Hancock has suggested:

1. The deferral of some projects listed in Appendix 1 of his report.
2. Initiation of new charges for residential street lighting and subdivisions within the city limits of Austin.
3. A change in the charge for new service connections.
4. An initiation of the charge for the installation of construction loops in subdivisions
5. Impose a selected hiring freeze within the department in hopes of freeing up some personnel money savings over the course of the year to transfer into the Capital accounts and balance this program over the course of the year.

Mr. Butler stated these actions would balance the Electric CIP accounts this year. During the next CIP period they can examine the transfer of funds and explore their ability to generate more revenues.

Mayor McClellan said she thought the Electric Utility Commission should look at the recommendations and advise Council. Mr. Butler said this would be advisable, but requested they have an understanding as a result of today's meeting "that we will be having a stand down in some of the hiring and filling of vacant slots so we can conserve that aspect of the departments budget." Councilmember Cooke asked what would happen if a key and critical engineer position opens. Mr. Davidson explained there are 38 specific slots they are speaking about and none of them are critical.

Mr. Butler stated from the record: "We have prepared these recommendations on the Electric Department CIP predicated on no adjustments in the current rate structure, specifically since Council came off a very long process to get us into a position to move ahead April 1 with the new system."

Mr. Butler then began discussion on the impact of the bond package failure on the Water and Wastewater Department. "As a staff group we concluded the best approach to help the Council resolve this issue was to assume we had no approved projects in the CIP pipeline, ascertain the amount of money we had available if we made that assumption...that is begin from a Zero base on approved projects and begin to allocate that money in either 6 month, 12 month or 18 month program for the Council's consideration. With that base from determining how much money was available as a result of the 1976 election and existing commitments, contractual encumbrances within the program, what types of projects could we recommend to the City Council that we could continue to build; what types of activities could we continue to undertake and move ahead with this system in a prudent fashion. After that was considered, what types of activities would we have to recommend to Council to manage the pressures upon the department to provide services

in certain areas of the departmental's activity. Those types of considerations are laid out in a great deal of detail in the memorandum prepared by Mr. Johnson and his staff. Basically we began with a consideration of the systems capability to accept new entries into the service area of the Water and Wastewater Department. In terms of water, we have very critical needs that we cannot meet because the bond election failed and those needs are pointed out in the first paragraph of Mr. Johnson's memo in three service areas in the southwest...southwest A, B, and C. Because we cannot meet the pumping requirement according to the system demand we are forced to recommend to Council a moratorium on the acceptance or the approval of subdivision activities within those areas. One area in the northwest part of the city, northwest B as indicated on the map is also requesting the same type of moratorium on subdivision activity. However, when the city faced this type of situation before the City Council did authorize in resolution form in 1976 a methodology in which we could accept subdivisions if the developer were willing to install at his total cost and dedicate to the city the facilities needed to provide services to those subdivisions. We have included a copy of that resolution which was adopted by the Council in office in 1976, and which is still in effect, in the packet of information which was distributed to you. These mechanisms, the moratorium on accepting subdivisions in these four areas, plus this resolution provide a method to insure that subdivision activity in those parts of the city can be accepted in a fashion that we can provide service to them. It is not our desire, by any means to shut down the construction industry. But it is also imperative that we allow things into the subdivision process that when houses are finally built on it we have the capability to provide the service to them.

Councilmember Goodman questioned the length of time it takes in the subdivision procedure. Mr. Davidson said, "If we allow these subdivisions to be platted without any restrictions, what I think we will be faced with is a moratorium on taps for people who have already bought their lots. And that's not fair."

Mayor Pro Tem Mullen questioned the number of lots platted which will not be effected by the moratorium. He asked Mr. Curtis Johnson, Director of Water and Wastewater, "Are you telling me there are 7,731 lots that have been platted and are in the system to be approved and will not be effected by this moratorium?" Mr. Johnson said, "Yes, sir. I might try to correct some language and make sure we are communicating on the same plane. You said, in the pipe line to the point they cannot be reversed. These are lots which have received approval of the preliminary plat." Mayor Pro Tem Mullen asked, "How did you think we were going to take care of these people if the bond issue failed?" Mr. Johnson told him, "This is the same kind of situation we were in in 1975. At that point we did as has already been discussed and actually restricted the sale of taps in some of these areas. Mr. Davidson explained, "If you think of what would be required in the way of advanced funding and advanced design of main extensions and so forth out into undeveloped areas of our ETJ...in order to have advanced funding and approval before any of these plats are approved and the lots are on goal to come on line, we never would have approved any of these plats since the growth began back in the mid 60's. In working between the Planning Commission

March 13, 1980

and the city departments involved and Austin City Councils and in talking with the bond rating agencies who want to know how we are going to serve the demands of all these new customers, it is a comprehensive system of the department making recommendations to the Planning Commission and the City Council in order to be able to serve the subjected demand depending on the growth rates that are tabulated not only by the approval of preliminary final plats, but also the growth rates which are reflected by the number of buildings that are actually constructed on the lots. This changes from year to year and every time you have a bond election that fails, the question you posed is a very good one. Hopefully, before all of those lots are built up the City of Austin will have the funding in order to meet the commitments that we have made as a public utility to serve all of these properties with utility service."

Mayor Pro Tem Mullen asked, "Is there no alternative to a commitment when we say to the subdividers that this is based upon bond issues being passed? And if in fact they are not passed it may be your responsibility to take care of the sewer and water distribution, etc. Do we hang our neck out there and say you go on and subdivide and we'll go out and sell bonds for you."

Mr. Davidson answered, "It is a matter, in my opinion, of basic Council policy. I think what has occurred up to this point has reflected exactly what basic City Council policy has been. We have maybe a 250 mile water service area for the water system and if we are going to maintain that as our water service system area and if we are going to continue a public utility we have an obligation to either provide the service or to release the area. As the Council discusses the MUD policies, water and sewer extension policies, the financing mechanisms on future extensions and so forth, you have the opportunity as a Council to alter the policies that have existed in the past. But Mr. Johnson does not have that option."

Mayor McClellan told Council, "I think there is concurrence on the need for a new water master plan. That water system plan was prepared five years ago. We've had a number of important policy changes by two Councils since that report. We've had the Austin Tomorrow Program adopted. We've had various policies on refund contracts, approach mains, capital improvement fees, low density standards. We've had growth rates which have shifted, energy crisis putting new priorities on our Austin community and we have a very strong mandate from the public about protecting the natural amenities and the environment so I think we get into too much discussion on policy that it would behoove us to proceed with directing the Manager, and with Council's concurrence, if we can do it today, if not we can put it on next week's agenda for action. I would propose that the Council direct the Manager to come back to us with several items geared toward a new water and wastewater system plan. 1) Recommendations on firms that are qualified to do a reassessment; 2) Manager to delineate a procedure for us where we have our interested boards and commissions which would include the Planning Commission, and the Environmental Board and whatever happens with the task force board and also any citizen groups that are interested to advise us on the Request for Proposal. It is not too unlike what we did with our transportation plan on the southwest area where we involved the Barton Hills area in working up those RFP's

and also; 3) options as to what that study would cost and how it would be financed."

Mr. Albert DeLaRosa, Assistant City Attorney said the Manager can be so directed today.

Councilmember Cooke asked, "On northwest B we have 7000 lots, is the projection 15,560 gallons per minute with a capability of 9,650?" Mr. Butler said that is correct.

Mr. Butler continued, "There is a recommendation to continue with two pump projects that will help significantly with the northwest B deficit. That's the one at Spicewood Springs and the one at Jollyville. If we have a recommendation to Council that if you accept the approach you have we still require, because the pumps are not installed, we still require the action on the subdivision platting but we do have the capability to begin to move in that direction, at least that is part of our proposal." Councilmember Himmelblau asked if we have the water if we have the pump station. Mr. Butler said yes, we have a 10,000 gallon per minute pump at Spicewood and a 6,000 gallon per minute pump at Jollyville. ...This is a very complex report but we have identified some key projects from 1976 that we recommend Council continue to allow us to proceed to work on such as the west Austin transmission main; such as Phase I of the southwest transmission main, which are absolutely essential, together with some work in the Williamson Creek drainage basin and the line there which will help in that area, are crucial. There are some projects from the 1976 election and if Council accepts this proposal we would have to in effect cancel the appropriations for those and resubmit them as part of the CIP for rejustification reapproval for the Council. There are no projects that were included in the 1980 bond program, the one just defeated that could be undertaken. There are some basic types of programs and services such as subdivision engineering and inspection, the ability to finance or participate in oversizing with relationship to new subdivisions would be continued. A crucial part of this and a part that supports another department's activities is that in the public works area we have made a significant effort to get the paving program up to high gear and high speed and we have the ability in this proposal not to have an immediate stand down in that area. We recommend that to you. So we have the three scenarios, either for a six month program, a 12 month program or an 18 month program that would allow us to maintain the system until Council moved to one other CIP process and some of these issues are resolved to your satisfaction."

Councilmember Himmelblau asked, "Basically, what main projects that were in the 1976 program would have to be deleted?" Mr. Butler referred to the report and told her the water projects are the Ullrich Water Treatment Plant Raw Water Line, the Low Service Pipe Header and the major change in plans with respect to the Ullrich Green Water Treatment Plant. Wastewater projects are the Williamson Creek Interceptor, the levees, the Oxidation Pond, Hornsby Bend Pond Improvements, Govalle and Hucks Slough Main.

More questions were asked and more discussion followed. Mayor McClellan suggested and it was agreed to discuss the issues further at a work session and Special Called Meeting at 7:00 p.m. on March 19, 1980.

The Ordinance on the Agenda: "Consider establishing a 180 day moratorium on the processing of subdivision plat applications covering land within certain water and wastewater service areas beyond being accepted for filing and disapproval by the Planning Commission with certain exceptions" will be considered on March 19, 1980.

#### SHUTTLE SYSTEM IN ZILKER PARK

Council had before it a resolution to consider approval of a shuttle system in Zilker Park with a \$1.00 parking fee to be effective March 1st through Labor Day as part of the continuing summer program.

After discussion by all Councilmembers on a way to make the park more accessible to the public, the following motion was made:

#### Motion

Councilmember Himmelblau moved that the Council adopt a resolution to approve a shuttle system in Zilker Park with a \$1.50 parking fee to be effective March 1st through Labor Day, as part of the continuing summer program; including Proposal #2: The motion, seconded by Councilmember Goodman, carried by the following vote:

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

(Fee to be charged to those who park inside the park and do not ride the shuttle bus.) (SEE APPENDIX FOR PROPOSAL #2)

#### HEARING POSTPONED

Councilmember Himmelblau moved that the Council postpone until March 20, 1980 at 8:30 p.m. a public hearing in connection with paving assessments to be levied on Riverside Drive covering Parcels 4, 7, 8, and 9, and passage of ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

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



ADJOURNMENT

Council adjourned its meeting at 6:05 p.m.

APPROVED

Carole Keeton McAllister  
Mayor

ATTEST:

Grace Monroe

City Clerk