

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 9, 1979  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

AFFIRMATIVE ACTION WEEK

The Mayor read a proclamation designating the week of August 13-17 as Affirmative Action Week. Mr. E.G. Vorwerk, Postmaster, accepted the proclamation with the thanks of all workers. Accompanying him at the podium was LaSalle Barnett, EEO Counselor, Lawrence D. Smith, Edelmiro Jimenez, and Leslie F. Doss.

BOARDS AND COMMISSIONS

Councilmember Himmelblau moved that the Council appoint Ms. Muarilla Wood to the Sign Task Force. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chambers when roll was called: Mayor Pro Tem Cooke

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Mayor McClellan announced the following Boards and Commissions have previously been announced for appointment:

- On-Going of Goals Assembly Committee - 1
- Community Development Commission - 2
- Joint Airport Zoning Board - 1
- Electric Utility Commission - 3
- Hospital Board - 3
- Plumbing Advisory Board - 1
- Employees's Retirement System of the City of Austin - 1
- Arts Commission - 2
- Parks and Recreation Board - 1
- Renewable Energy Resources Commission - 1
- Citizen's Board of Natural Resources and Environmental Quality - 1
- Board of Adjustment - 1
- Energy Conservation Commission - 1

The following appointments are to be made in September:

- Manpower Advisory Planning Council - 15
- MH/MR - 2

#### LAND SALE

Councilmember Mullen moved that the Council adopt a resolution to sell the following tract of city-owned land to the adjacent owners, Mr. and Mrs. Frank Johnson, for \$200.00:

Parcel W-10, near Mt. Barker and Crestway Drives, Lot A,  
Block U, Balcones Park.

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

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

Noes: None

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

EMINENT DOMAIN PROCEEDINGS

Councilmember Mullen moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tract of land for the Waller Creek Greenbelt:

1,320 sq. ft. of land out of the south 33 feet of Lot 6,  
Block 89 of the Original City of Austin. (C. Alba et al)

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

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

Noes: None

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

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Councilmember Mullen moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tracts of land for the Stassney Lane (Phase III) Project:

1. Street Purposes: 1.04 acres of land out of a 108.75 acre tract out of the William Cannon League.
2. Slope Easement: 0.27 of one acre of land out of a 108.75 acre tract out of the William Cannon League.
3. Drainageway Easement: Two Tracts of land out of a 108.75 acre tract out of the William Cannon League.

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

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

Noes: None

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

RELEASE OF EASEMENTS

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

A Blanket Electric and Telephone Easement covering a 37.62 acre tract out of the G.W. Davis Survey of record in Volume 655, Page 369, of the Deed Records of Travis County, Texas. (Requested by Mr. Tom Curtis, representing the owners, Economy Furniture Company)

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

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

Noes: None

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

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

A five (5.00') foot Electric and Telephone Easement out of Lot 3, Block 138 of the original City of Austin, Travis County, Texas. (Requested by Mr. Tom Doyal, representing the Texas Association of School Boards)

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

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

Noes: None

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

CONTRACTS APPROVED

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

AMERICAN ECONO CLAD SERVICES  
507 Jackson  
Topeka, Kansas

- Catalogs, Jiffy Bags, (Inprinted Mail Bags), Books (paperback Supplies for "Book-by-Mail Service, Austin Public Libraries Items 1-3 - \$10,440.40

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

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

Noes: None

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

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

Bid award:	- Implement Trailers, Vehicle and Equipment Services Department
COOPER EQUIPMENT COMPANY 8723 Broadway San Antonio, Texas	- Item TR-1, 2 ea. @ \$8,189 Total \$16,378.00
CLOSNER EQUIPMENT COMPANY, INC. 1415 West Poplar Street San Antonio, Texas	- Item TR-2, 1 ea. - \$9,719.00

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

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

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

Bid award:	- Dump Truck Bodies, Vehicle and Equipment Services Department
COMMERCIAL BODY CORPORATION 5th At Pedernales Austin, Texas	- Item LB-2, 2 ea. @ \$15,355.00 Total \$30,710.00
HOBBS TRAILERS 6700 South Flores San Antonio, Texas	- Item LB-5, 1 ea. - \$16,141.00

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

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

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

Bid award:

- Office Supplies, General  
Services Division  
Twelve Months Supply Agreement

LINDSAY OFFICE PRODUCTS, INC.  
1616 Manor Road  
Austin, Texas

- Items 2-5, 7-20, 25-94, 96-100,  
104-115, 118-138, 140-148, 150-  
160, 163, 169-187, 189-190, 194-  
195, 197-200, 204-205, 207, 208,  
210-221, 233-236, 250-265, 273-  
280, 283-286, 288, 290, 293, 294,  
297-299, 306, 308-314 - \$101,467.43

ABEL STATIONERS  
416 Congress  
Austin, Texas

- Items 1, 21-24, 95, 117, 149, 161-  
162, 188, 196, 201-203, 206, 209,  
222-232, 266-272, 281-282, 289, 291-  
292, 300-305, 307 - \$18,825.76

OFFICE COMPANY  
4011 Marathon Boulevard  
Austin, Texas

- Items 6, 101-103, 116, 164-168  
191-193, 295-296, 315-320 -  
\$12,108.59

BURROUGHS CORPORATION  
704 East Wonsley  
Austin, Texas

- Items 237-249 - \$5,165.15

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

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

Noes: None

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

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

NORTH INTERREGIONAL GARDEN CENTER  
10906 North Interregional  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Plants (Trees & Shrubs) for  
landscaping of Festival Beach,  
Parks and Recreation Department  
Items 1, 13 & 14 - \$9,996.00  
C.I.P. No. 79/86-21

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

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

Noes: None

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

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

FEDERAL ENVELOPE COMPANY

- Recision of approval of award  
made July 17, 1979, error made  
in considering total quantity  
being bid.

WILLIAMHOUSE OF TEXAS  
1234 Round Table Drive  
Dallas, Texas

- Items 1 & 2 - \$31,420.00

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

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

Noes: None

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

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

WOODRUFF CONSTRUCTION COMPANY  
4301 Woodway  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Holly Plant Machine Shop Addition  
and Decker Welding Shop -  
\$124,799.00 C.I.P. Nos. 76/39-02  
& 73/39-05

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

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

Noes: None

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

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

GENERAL ELECTRIC COMPANY  
4219 Richmond Avenue  
Houston, Texas

- Turbine Spare Parts, G.E. Holly  
Unit #4, Electric Department,  
Power Production Division  
Items 1-18 - \$36,115.00

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

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

Noes: None

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

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

Bid award:	- CAPITAL IMPROVEMENTS PROGRAM - Network Transformers and Protectors, Electric Utility Department C.I.P. No. 75/30-02
WESTINGHOUSE ELECTRIC CORP. 201 North St. Marys Street San Antonio, Texas	- Item 1, 3 ea. @ 20,063.00 Total \$62,889.00
GENERAL ELECTRIC COMPANY 1600 N.E. Loop 410 San Antonio, Texas	- Item 2, 3 ea. @ \$13,485.00 Total \$40,455.00

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

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

#### RIGHT OF WAY FOR TRANSMISSION LINES

Councilmember Mullen moved that the Council adopt a resolution to enter into a Professional Service Agreement with Norris N. Dye and Kim Carpenter for acquisition of Right-of-Way Transmission Lines from Lytton Springs Substation to Pilot Knob Substation, and South Texas Project to Holman Substation. CAPITAL IMPROVEMENT PROJECT No. 77/15-05 & 77/15-04. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### DOE GRANT FUNDS

Councilmember Mullen moved that the Council adopt a resolution to apply for \$83,500.00 in DOE Grant Funds under the Innovative Rates Program to conduct an experimental Load Control Program. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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Councilmembers Mullen moved that the Council adopt a resolution to apply for DOE Grant Funds in the amount of \$84,700 for the development of a Common Hearings Manual and a Consumer Education Program to satisfy the requirements of the Public Utilities Regulatory Policy Kit. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

#### ENERGY CONSERVATION IN DEVELOPMENT CODES

Councilmember Mullen moved that the Council adopt a resolution to submit a request to the Department of Energy concerning energy conservation in development codes. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

#### SHINOAK VALLEY APPROACH MAINS

Councilmember Mullen moved that the Council adopt a resolution to approve the cost participation increase from \$241,188.98 to \$377,611.00 for two approach main requests for Shinoak Valley (Approved July 28, 1977). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

Councilmember Mullen requested the consultant's report be entered into the record. The following nine pages contain the report.

August 9, 1979

*JERYL HART ENGINEERS, INC.*  
Consulting Engineers

August 7, 1979

Mayor Carole Keeton McClellan  
and Members of the City Council  
City Courthouse  
P. O. Box 1088  
Austin, Texas 78767

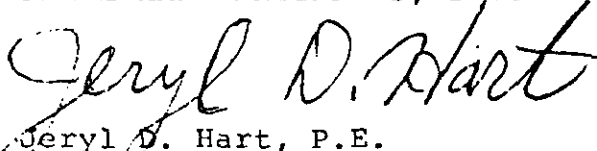
RE: SHIN OAK VALLEY & DRY CREEK WASTEWATER APPROACH MAIN

Dear Mayor McClellan and Members of the Austin City Council:

At the Austin City Council Meeting on August 2, 1979, the City Council reconsidered the approval of the Shin Oak Valley and Dry Creek Approach Main since the low bid for this project received on June 14, 1979 was more than 10% higher than the original estimates approved by the Council on July 28, 1977. Members of the Council expressed concern about the two year time interval between original approval and the obtaining of bids and also the significant increase in the cost of the project. The following report will furnish a brief history of the project and our analysis of the factors contributing to the increase in cost. We sincerely hope that this report will be useful in helping the Council take positive action on this project at the earliest time feasible.

Sincerely,

JERYL HART ENGINEERS, INC.

  
Jeryl D. Hart, P.E.  
President

JDH/rc

August 9, 1979

REPORT ON SHIN OAK VALLEY  
AND DRY CREEK WASTEWATER APPROACH MAIN

HISTORY

The primary purpose of this wastewater interceptor is to relieve the Dry Creek Lift Station which was constructed approximately twenty (20) years ago. This Lift Station now serves approximately 5,000 people, and the completed Approach Main is anticipated to serve approximately 11,000 people.

This project was originally referred to as the Dry Creek Interceptor. Plans to relieve the Dry Creek Lift Station have been considered for about fifteen (15) years. One early plan included the construction of a tunnel prior to the conception of the Crosstown Tunnel. It has been a Capital Improvements Project for over ten (10) years and funds to construct the Dry Creek Interceptor were included in the 1975 bond issue which did not pass. The bond issue of 1976 did not include funds for this project.

Specific planning for this project must have begun in 1971 since a complete set of plans was prepared by the Staff Engineers of the City of Austin Water & Wastewater Department which were dated March 28, 1972. Easements were prepared and negotiations were begun with the property owners. An easement was signed by Adon Sitra, whose property lies north of R.M. 2222, but no easements were obtained from Miss Georgia Lucas or the Eby family between R.M. 2222 and the proposed Crosstown Tunnel. In order for the Austin Corporation and the E. R. Barrow Estate to complete the development of their lands in the Dry Creek Watershed, Mr. David Barrow and the trustees for the E. R. Barrow Estate determined to assist the City in protecting the Lake Austin Watershed from possible lift station overflows by constructing the Dry Creek Interceptor as an Approach Main to their Shin Oak Valley project and the Northwest Hills Lakeview Section project.

Relieving the Dry Creek Lift Station will reduce the City's operating costs by \$10,000 per year. Construction of

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the Shin Oak Valley and Dry Creek Wastewater Approach Main will also make it more feasible in the future to divert the lift station flows to the Crosstown Tunnel by gravity from the two Beverly Hills Lift Stations and the Cat Mountain Villas Lift Station.

#### LENGTH OF DESIGN STAGE

After the City Council approved the Shin Oak Valley and Dry Creek Approach Main project on July 28, 1977, we immediately made arrangements to begin a new alignment for the wastewater line that would be less destructive to the creek environment. The basic plan was reviewed on the ground by a committee from the Citizens Board of Natural Resources and Environmental Quality and approved on August 10, 1977. On August 18, 1977, Mr. Curtis Johnson forwarded a letter from Miss Georgia Lucas' attorney placing us on notice that she wished to be consulted about the location and the construction methods to be used on the wastewater line prior to the final plan stage. During the period from August 1977 until February 1978 we reviewed the location and construction methods on the wastewater line through Miss Lucas' land with her attorney, Mr. Joe Latting, her surveyor, Mr. Marlton Metcalfe, her architect, Mr. Sinclair Black, and her engineer, Mr. R. M. Dixon and Miss Lucas herself. Each of these field trips required from two to four weeks to schedule and take place due to the weather and personal commitments of Miss Lucas and her advisors. Concurrently, negotiations were carried on with Mr. and Mrs. Fred Eby on behalf of their two daughters, Mr. Adon Sitra, the Austin Independent School District and Lamar Savings Association, relative to the portion of the wastewater line to be constructed through their respective properties. After the final locations of the wastewater line were established, we prepared field notes and the City Property Management Department prepared the easements on their standard forms. On February 8, 1978 we sent out the easements to the various property owners for signatures. Completed construction plans were submitted to the City in July, 1978. A permit

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Letter from Travis County was issued July 29, 1978 and a Highway Department Agreement was signed by the State Highway Department on October 4, 1978. No difficulty was experienced in obtaining easements from any of the property owners except Miss Lucas and the Ebys. Although the plans were completed in the Spring of 1978 we did not get approval of the plans because up until recent months the Water and Wastewater Department adhered to a policy of not approving construction plans until all rights-of-way had been obtained. Although the alignments through the Eby and Lucas tracts were acceptable to the owners, each owner had a special set of reservations about the working space to be utilized, the impact on the natural environment and the existing structures and the increased probability of trespassers on their property through the cleared right-of-way.

Mrs. Eby had a number of grievances as a result of previous construction work relative to the Crosstown Tunnel and she refused to sign any easement until these grievances were satisfied. After several conferences she produced a two-page list of requirements. We furnished Mr. Curtis Johnson with a copy of these requirements and indicated to him which ones would require action by the City. With the able assistance of Mr. Charles Kanetzky of the City Water & Wastewater Engineering staff, Mrs. Eby's grievances were satisfied. However, this consumed approximately six months of activities and arrangements.

Relative to Miss Lucas' easement, she always maintained the position that she did not want to grant the easement but she was advised by her attorney that granting the easement under her conditions would be more advisable than encouraging a condemnation suit. About six months of time was lost while Miss Lucas sought and evaluated the advice of Mr. Lee Young, formerly with the City of Austin Construction Management Department. Three months time was lost while Miss Lucas sought and evaluated the advice of various members of the

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Additional information concerning the appropriate time of year for construction through her property.

All easements were obtained and construction plans were signed by Director of Water & Wastewater Department on May 22, 1979. Bids were taken on June 14, 1979 as soon as legally possible after approval of construction plans.

This account of the events clearly indicate that right-of-way acquisition is the major factor in the long time required to bring this project to the construction stage.

COST OVERRUN ANALYSIS

Relative to the cost overrun on the Shin Oak Valley and Dry Creek Wastewater Approach Main the following information is supplied.

Bids were taken on June 14, 1979 for this project. Three out of the ten contractors who picked up plans actually bid the job. The low bid was for \$531,499 (Phase I - \$483,877; Phase II - \$47,622) submitted by Panhandle Construction Co. The second lowest bid was almost \$63,000 higher and the third bid was almost \$105,000 higher than the low bid. The estimate for construction of the entire project prepared in May, 1977 was \$314,000 (Phase I \$290,200; Phase II 23,800). The four factors identified as contributing to the cost overrun on this project are as follows:

- 1) Extra wastewater construction and special services provided to easement grantors in consideration for granting easement.
- 2) Environmental considerations required by easement grantors, City requirements, or good judgment.
- 3) Changing circumstances due to time span.
- 4) Inflation

The quantitative effect of each of these factors is shown by the tabulated data as follows:

## PHASE I

	Amount	Percent
Original Estimate	\$290,200	100%
Low Bid	\$483,877	166.7%
Overrun Factor 1 (R.O.W.)	\$ 22,300	7.7%
Overrun Factor 2 (Envir.)	91,575	31.5%
Overrun Factor 3 (Ch. Circ.)	10,415	3.6%
Overrun Factor 4 (Infla.)	69,387	23.9%
Total	\$193,677	66.7%



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PHASE II				Amount	Percent
Original Estimate				\$23,800	100.0%
Low Bid				47,622	200.1%
Overrun Factor	1	(R.O.W.)		0	0
Overrun Factor	2	(Envir.)		\$12,680	53.3%
Overrun Factor	3	(Ch. Circ.)		2,691	11.3%
Overrun Factor	4	(Infla.)		8,451	35.5%
Total				\$23,822	100.1%

Due to the anticipated construction sequence, the contractor unbalanced his bid somewhat which resulted in a higher cost overrun on Phase II. This will be an advantage to the City since their participation ratio is smaller on Phase II. In order to establish a basis for judging a reasonable inflation factor, we consulted with two contractors who bid on this job and arrived at the following composite inflation factor. Not all bids will follow the normal inflation factors because of the varying workloads experienced by the contractors at the time of the bid.

Basis of Inflation in Construction Industry During Past Two Years

Item	% Increase		Fraction of Project		Inflation Factor
1. Fuel	200%	x	.05	=	10.0
2. Equipment	50%	x	.20	=	10.0
3. Materials	25%	x	.30	=	7.5
4. Labor	20%	x	.25	=	5.0
5. Insurance	30%	x	.05	=	1.5
6. Miscellaneous	20%	x	.15	=	3.0
Composite Inflation Factor					37.0%

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PHASE 1

1) R.O.W.

Item 14	127' - 12" D.I. @ \$110/lf	=	\$13,970
Item 22	1 - Manhole @ \$800/ea	=	800
Item 45	33' - 8" PVC Pipe @ \$50	=	1,750
Item 46	6' - 6" PVC Pipe @ \$40	=	240
Item 47	6' - 8" Eyes @ \$90	=	540
Item 57	Eby Equipment Rental	=	500
Item 58	Lucas Special Inspector	=	1,500
No Item	Eby Geotechnical Report	=	3,000
Total			\$22,300
Percent Increase			7.7%

2) Environmental Considerations

Items 41-44	2309'	Restricted Working Space and Conditions	@\$10/lf	\$23,090
Item 48	538'	Concrete Encasement	@\$25/lf	13,450
Item 49	240'	Rock Trench Cap	@\$15/lf	3,600
Item 50	21 c.y.	Concrete Fill	@\$60/cy	1,260
Item 51-53	2309'	R.O.W. Preparation and Restoration	@\$ 5/lf	11,545
Item 54	755'	Rock Berm	@\$18/lf	13,590
Item 21	140'	6" P.V.C. Pipe	@\$30/lf	4,200
Item 27-33	3888'	R.O.W. Preparation and Restoration	@\$ 5/lf	19,440
Item 25		Rock Backfill Line "A"		1,000
Item 39		Mortared Rock	@61+00	400
		Total		<u>\$91,575</u>
		Percent Increase		31.5%

3) Changing Circumstances

Item 37	885' Clean Up Trash	@ \$ 5/lf	\$ 4,425
Item 7	9' Extra 18" Bore	@ \$150/lf	1,350
Item 6	58' Extra Pipe	@ \$80/lf	4,640
		Total	<u>\$10,415</u>
		Percent Increase	3.6%

4) Inflation.

1979 Low Bid Pipe & Manholes

Items 1-6	2992' 18" Pipe	\$173,142
Item 7	80' 18" Pipe Bored	12,000
Items 8-11	626' 15" Pipe	40,770
Item 12	35' 12" Pipe	2,100
Item 13	L.S. 12" Pipe	600
Item 22	14 ea. Manhole	11,200
Item 23	53' Extra Depth Manhole	4,240
Item 24	13 ea. Bolted Covers	1,300

		August 9, 1979
Item 25	12" Drop Connection	\$ 200
Item 26	8 ea. 8" Eyes	810
Item 36	4 ea. Concrete Retards	800
Item 40	W.W. Diversions to New Lines	1,000
Items 41-44	2509' 18" Pipe	131,335
Item 48	250' Concrete Encasement	6,250
Item 55	5 ea. Manholes	4,000
Item 56	5 ea. Manholes	500
Total Pipe & Manholes		\$390,387
Less	\$10/l.f. Thru Eby & Lucas	- 23,160
Less	58' Extra Length Line	- 4,640
Less	Geotechnical Engineering	- 3,000
Adjusted Total		\$359,587
Original Estimate		\$290,200
Percent Increase		23.9%

## PHASE II

1)	R.O.W.		-0-
2)	Environmental Consideration		
	Item 38	190' Rock Berms	\$ 3,800
	Items 28,31,32	672' R.O.W. Preparation & Restoration	3,460
	Plus	542' @\$10/lf Thru A.I.S.D. Due to Restricted Working Conditions	5,420
		Total	<u>\$ 12,680</u> 53.3%
3)	Change Circumstances		
	Item 17	Added 42' 8" W.W.	\$ 2,016
	Item 20	Extra Cost 75' D.I.	225
	Item 26	5-8" Eyes	450
			<u>\$ 2,691</u> 11.3%
4)	Inflation		
	1979 Low Bid Pipe & Manholes		
	Items 15-18	550' 8" P.V.C. W.W.	\$ 25,791
	Item 19	100' 8" D.I. W.W. Bored	10,000
	Item 22	2 ea. Manholes	1,600
	Item 23	1 vf. Extra Depth Manhole	80
	Item 24	2 ea. Bolted Manhole Covers	<u>200</u>
	Low Bid Prices - Original Quantities		\$ 37,671
	Less 542' @\$10/lf Thru A.I.S.D. Due to Restricted Working Conditions		<u>- 5,420</u>
	Adjusted Total Low Bid		\$ 32,251
	Original Total Estimate		\$ 23,800
		Increase	35.5%
	PHASE II Total		\$ 47,622

## POLICE TRAINING GRANT

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of an application to the Texas Department of Highways and Public Transportation for a Police Training Grant in the amount of \$14,826.92 for the period September 1, 1979 through June 15, 1980. (In-kind match of \$18,930.01) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

## TRAFFIC SIGNALS AT SPRINGDALE AND LOYOLA

Councilmember Mullen moved that the Council adopt a resolution to authorize an agreement with the State Department of Highways and Public Transportation for the installation of traffic signals at the intersection of Springdale Road and Loyola Lane. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

## PUBLIC HEARINGS FOR FARE CHANGE

Councilmember Mullen moved that the Council adopt a resolution to approve assurance required by Urban Mass Transportation Administration that increases in general levels of transit fares or substantial changes in general levels of transit service by the City of Austin will be subject to public hearings. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

## CETA COMPREHENSIVE EMPLOYMENT AND TRAINING PLAN

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of the FY 1980 CETA Comprehensive Employment and Training Plan for the Capital Area Manpower Consortium to the U.S. Department of Labor and receive \$7,394,664.00 to operate programs. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

## CETA TITLE IV

Councilmember Mullen moved that the Council adopt a resolution to contract with Austin Area Urban League for \$90,514.00 under CETA Title IV, Youth Community Conservation Projects from October 1, 1979 to September 30, 1980. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

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Councilmember Mullen moved that the Council adopt a resolution to authorize a contract with the following organizations, under CETA Title IV, Youth Employment and Training Program:

1. Austin Area Urban League for \$77,659.00 from October 1, 1979 to September 30, 1980.
2. SER, Jobs for Progress, Inc. for \$157,708.00 from October 1, 1979 to September 30, 1980.
3. Youth Employment Service for \$129,557.00 from October 1, 1979 to September 30, 1980.

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

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

Noes: None

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

## SPRINGWOODS MUD NO. 1

Councilmember Himmelblau moved that the Council adopt a resolution to reapprove the consent of the city to the creation of Springwoods Municipal Utility District No. 1, authorizing the expenditure of bond funds for park-land acquisition, and authorizing execution of a District Agreement. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

Mayor McClellan asked if parkland is being set aside as recommended by the Parks and Recreation Department. Mr. Davidson, City Manager, indicated on the map where the parkland would be and said it amounts to a little more than 5% of the total area. He said the developer is in agreement.

#### PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing for 7:45 p.m. on August 23, 1979 to amend the Master Plan to delete Westlake Hills alignment as shown in the 1969 Major Expressway Plan Arterial Plan. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

#### ANNEXATION

Mayor McClellan brought up the following ordinance for its first 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 535.89 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES COLEMAN SURVEY NO. 25, WILLIAM BELL SURVEY NO. 44, L. LINDSEY SURVEY NO. 287, ROBERT FOSTER SURVEY NO. 43, JAMES JETT SURVEY NO. 1, T.J. CHAMBERS 8 LEAGUE GRANT AND M.D. WILLIAMS SURVEY NO. 49, 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. (Initiated by City of Austin, C7a-79-002)

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

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

Noes: Councilmember Trevino

Abstain: Councilmember Goodman

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

## FEES FOR POSTPONEMENT OF ZONING APPLICATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING ORDINANCE) OF THE AUSTIN CITY CODE OF 1967, PROVIDING FOR THE PAYMENT OF A FEE IN THE EVENT THAT RENOTIFICATION OF INTERESTED PARTIES IS REQUIRED DUE TO THE GRANTING OF A ZONING APPLICANT'S REQUEST FOR A POSTPONEMENT OR REHEARING; PROVIDING FOR THE AMOUNT OF SUCH FEE; PROVIDING FOR SEVERABILITY; 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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

## BUDGET AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1978-1979 BY APPROPRIATING \$5,036.16 FROM THE ENDING BALANCE OF THE GENERAL FUND FOR THE PURPOSE OF CONTRIBUTING TO THE TEXAS MUNICIPAL LEAGUE'S SOUTHWESTERN BELL RATE CASE TRUST FUND; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

INTERLIBRARY LOAN OFFICE

Mayor McClellan introduced the following ordinance:

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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.



## SCHOOL SPEED ZONES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41, SUBSECTION (d), OF THE AUSTIN CITY CODE OF 1967, MAKING DELETIONS AND ADDITION TO SAID SUBSECTION, THEREBY DECLARING MAXIMUM PRIMA FACIA SPEED LIMITS ON CERTAIN STREETS WITHIN SCHOOL ZONES IN THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART 6701d) REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS: AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

DELETING - Sub-section (d)

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Berkman Drive	200' north of Rogge Land	200' south of Rogge Lane
Red River	200' south of Harris Ave.	200' north of E. 37th St.
Peppertree Parkway	143' north of Deadwood Drive	120' south of Deadwood Drive
Parkfield	165' south of Cripple Creek	225' north of Cripple Creek
Mesa Drive	120' north of Steck Ave.	100' north of Greenflint

ADDING - Sub-section (d)

Mesa Drive	south curb of Rockford Lane	111' north of Austin Woods Drive
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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 4.27 ACRE TRACT OF LAND, LOCALLY KNOWN AS 811 WEST LIVE OAK (GREEN PASTURES), FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE- HISTORIC, FIRST HEIGHT AND AREA DISTRICT, "LR-H" LOCAL RETAIL- HISTORIC, FIRST HEIGHT AND AREA DISTRICT, AND "C-H" COMMERCIAL-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. (Green Pastures, C14h-79-013)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

LOTS 31 AND 32 BLOCK 7A PLEASANT HILL ADDITION AND LOT 33 BLOCK 7A PLEASANT HILL ADDITION, LOCALLY KNOWN AS 5307A AND 5307B SOUTH CONGRESS AVENUE, FROM INTERIM "A" RESIDENCE, INTERIM 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. (Edd Ogden, C14-79-118)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

LOT NO. 38 IN BLOCK H OF MOCKINGBIRD HILLS, SECTION ONE SUBDIVISION, LOCALLY KNOWN AS 606 WEST APPLGATE DRIVE ALSO BOUNDED BY MOTHERAL DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM 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. (H.C. McGary, C14-79-104)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 135,618 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 9517-9425 IH 35, AND 9506-9424 MIDDLE FISKVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM 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. (Clifford J. Woerner, C14-79-113)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 13,678.96 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 4705 NORTH I.H. 35, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Emerald Wray, C14-79-114)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 1,286 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7630 WOOD HOLLOW DRIVE, FROM "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT TO "BB" 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. (Larry Peel, C14-79-116)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
PART OF A TRACT MARKED "RESERVED ON A PLAT OF ENFIELD A", A SUBDIVISION OF OUTLOTS 6, 7, & 8, IN DIVISION "Z", LOCALLY KNOWN AS 1211 PARKWAY, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Philip Juarez, C14-79-119)

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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
THE WEST 60 FEET OF LOT 1, JOHN JOSEPH TRACT, LOCALLY KNOWN AS 711 WONSLEY DRIVE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (The Chase Financial Corporation, C14-79-121)

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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 3.49 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8130 NORTH LAMAR, FROM INTERIM "A" RESIDENCE, INTERIM 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. (Featherlite Corporation, a division of Justin Industries, C14-79-122)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A PART OF THE WEST ONE HALF OF BLOCK NO. 20 IN DIVISION "E", LOCALLY KNOWN AS 1703 WEST AVENUE, FROM "B-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT TO "O-H" OFFICE-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. (W. Travis Williamson, Et Ux, C14-79-108)

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 Mullen, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 1.792 ACRE TRACT OF LAND LOCALLY KNOWN AS 108-302 BARTON SPRINGS ROAD AND 131-153 SOUTH 1ST STREET, FROM "L" LAKE DISTRICT, FOURTH HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, FOURTH 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. (Criswell Management Company, Inc., C14-79-137)

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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 5.8 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4714-4802 SOUTH CONGRESS AVENUE, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Hazel Goodnight Starkey, C14-76-020)

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 Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

57' x 175', LOT 4, BLOCK 1, OUTLOT 56, DIVISION "B", GEORGE L. ROBERTSON SUBDIVISION, LOCALLY KNOWN AS 1159 NAVASOTA, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Jannett Walker McNealy, C14-79-092)

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

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

The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

A 0.884 ACRE TRACT OF LAND, LOCALLY KNOWN AS 305 EAST ST. ELMO ROAD, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Weaver Warehouses, Inc., C14-70-001)

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

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau  
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: A 13.6378 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,  
 TRACT 2: A 2.6078 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,  
 TRACT 3: A 3.1175 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,  
 TRACT 4: A 5.0709 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,  
 TRACT 6A: A 7.8609 ACRE TRACT OF LAND, SAVE AND EXCEPT A 25' STRIP OF LAND ALONG THE NORTHERNMOST BOUNDARY, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,  
 TRACT 6B: A 25' STRIP OF LAND ALONG THE NORTHERNMOST BOUNDARY OF THE ABOVE DESCRIBED TRACT 6A, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;  
 ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS PARKER LANE, EAST ST. ELMO ROAD, IH 35, WOODWARD STREET AND SAN MARINO DRIVE; 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. (Texas Commerce Bank, ET AL C14-78-095

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

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

## ZONING CASE WITHDRAWN

Councilmember Himmelblau moved that the Council withdraw the following zoning case at applicant's request:

KNIGHTS OF COLUMBUS	2305-2333 Columbus	From Interim "A" Residence
HOME ASSOCIATION		1st Height and Area
By Jeryl D. Hart		To "A" Residence
C14-79-042		1st Height and Area

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

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

This case had passed through first two readings of an ordinance.

Mr. Bird, representing the applicant, stated they wished to withdraw. Councilmember Snell asked what would happen regarding the taxes. Mayor McClellan said there has been indication the citizens may raise the money in a bond election for purchase of the land for Zilker Park.

## ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 9:30 A.M. on the following zoning case:

A.C. BRYANT, INCORPORATED	Rear of 2711 Exposition	From "C" Commercial
By Sterling F. Koester	locally known on build-	1st Height and Area
C14-79-110	ing as 2719 Exposition	To "C-1" Commercial
		1st Height and Area
		NOT RECOMMENDED By
		the Planning Commission

MOTION

Councilmember Mullen moved that the Council allow the applicant to withdraw the zoning case. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

MR. KOESTER, representing the applicant, stated his client wished to withdraw. Councilmember Snell said he agreed with the withdrawal but hated to see the Council have a double standard as they had approved a similar case in northeast Austin. Councilmember Himmelblau did not think this was the same. Mayor McClellan stated she has consistently opposed this type of zoning near schools. Ms. Jackie Block, president of the West Austin Neighborhood Association said she had statements to present to the City Clerk as part of the record. Mayor McClellan stated the minutes would reflect the statements have been received. Mrs. Sharon Heironimus, 1701 Sharon Lane, presented petitions for the records.

STREET VACATION

Mayor McClellan opened the public hearing scheduled for 9:45 A.M. on vacating the following and passage of Ordinance:

MANUFACTURING BOULEVARD north of Ben White Boulevard.  
(Requested by Mr. Odas Jung and Mr. E.G. Priesmeyer)

No one appeared to be heard.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERTETUALLY CLOSING THAT CERTAIN PORTION OF MANUFACTURING BOULEVARD IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR ELECTRIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

## BOOKMOBILE DISCUSSION BY CITIZENS

MS. CONSTANCE BURT had requested to appear before Council to discuss the discontinuation of Bookmobile Service. She relinquished three minutes of her time to Elaine Valadez and two minutes of her time to Jay N. Joiner.

MS. VALADEZ appeared before Council, speaking on behalf of the Open School, explained the importance of the Bookmobile Service to them and requested the service be continued.

MR. JAY N. JOINER, Library Assistant, Austin Public Library, discussed discontinuation of the Bookmobile Service. He said the main reason for discussion of discontinuation at this time is rising gasoline costs. The gasoline costs in May were  $4\frac{1}{2}\%$  of the Bookmobile budget for a total of \$370.00 or \$5.00 a day per Bookmobile. The increase in the rising cost of gasoline for Bookmobiles is  $1\frac{1}{2}\%$ . He said the Bookmobiles used to serve Austin public schools, 25 homes for the elderly, and institutions. All that's left is two suburban Bookmobiles, the County Bookmobile and the children's Bookmobile which go to day care centers. He explained that whenever circulation is lowered, costs have to be lowered proportionately to maintain a constant unit cost. After these reductions of services a lot of their overhead was not reduced, such as management costs. He said they now have twice the full time office staff and about half of the number of people working on the Bookmobiles they had when the cost effectiveness was so good. He thought the best way to increase cost effectiveness was to change a few of the practices, and referred to a hand-out he had given Council outlining what could be done. (CLERK DID NOT RECEIVE A COPY) He described the services of the Bookmobiles and stated they serve 26 locations bounded by Pflugerville on the north, Creedmore on the south, Manor on the east, and Lakeway on the west. Mr. Joiner requested Council to continue the Bookmobile service.

Councilmember Himmelblau thanked Mr. Joiner for one of the best reports she has ever read, and asked for another copy because she had misplaced it.

MRS. TERRI DUDERSTADT asked Council to seriously consider continuation of the Bookmobile services. She pointed out that more gasoline would be consumed if people had to all go to a branch library, instead of a conveniently located Bookmobile. She said the Bookmobiles service people who do not otherwise have access to a library such as day care centers, retirement centers, and the two facilities for the handicapped. She asked Council to retain the Bookmobiles.

Mayor McClellan told the speakers the Council has had a discussion concerning the discontinuation versus the continuation of the Bookmobile service and will give it thorough consideration. Councilmember Goodman commented the real vote will come during budget.

## CITIZEN DISCUSSED INJURIES

MR. LOUIS DAVIS appeared before Council to discuss the city's responsibility for injuries sustained, caused by City Police Officers, in a robbery attempt at a service station he was managing. Mayor McClellan requested the Legal Department to complete a report from 1968 to the present on Mr. Davis's case so Council will know the city's role. She told Mr. Davis he will receive a copy of the report.

## CAPITAL CABLE COMPANY CONTRACT

MR. TOM CURTIS, representing Capital Cable Company, appeared before Council to request modification to and extension of the existing contract between the City of Austin and Capital Cable Company. The present contract has been in existence since 1963. Mr. Curtis requested Council to hold a public hearing, if it is in order. Mayor McClellan suggested the hearing be set for October. She requested that between now and the public hearing the City Manager should, in order to assure Austin of getting quality service at a reasonable cost, prepare for Council information on other cable contracts being considered or executed in other parts of the country so comparisons can be made prior to the public hearing. She said it would also include comparisons to municipally operated cable companies. Councilmember Goodman said that prior to signing a contract he would like to see some flexibility because if they sign a 20-year contract there is no telling what will happen in the next five years to cable TV in terms of the channels which will be made available.

Motion

Councilmember Goodman moved that the Council set a public hearing for October 18, 1979 at 8:00 P.M. on modification to and extension of the existing contract between the City of Austin and Capital Cable Company. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## INTERN INTRODUCED

Mayor McClellan introduced Arthur Moreno, a high school intern, who is working in the Mayor's office this week.

## RESOLUTION PRESENTED TO COUNCIL

MS. MARY ALICE BROWN, president, University Hills Homeowners Association, appeared before Council to present the UHHA Resolution regarding policy requiring payment for copies of City Budget and Capital Improvements Program. She said "champagne" documents are not requested and wants the documents made readily available to public.

Mayor McClellan said Ms. Brown's request for cheaper printing is reasonable, and in order to pass through the minimum cost she would like to see the lowest way to print. The Mayor said there never has been any intent to keep the information from the public. There are copies available at the libraries and in several city offices.

Mr. Daron Butler, Budget Director, stated the public can check out copies of the budget and CIP from the library, so distribution is on a wide basis. Councilmember Mullen suggested there might be some copies placed at the Public Information desk so the public can check them out for 24 hours and take to a copying service to copy. (Action taken later in the meeting.)

## WALNUT CREEK WASTEWATER SYSTEM

MR. DEAN MONTGOMERY, representing the Northeast Walnut Creek Association, appeared before Council to present their opposition to Phase I Upper Walnut Creek Wastewater System. He said there are private residences backed up on the creek and the city is seeking easements for a 54" sewer line which will not service the area. He cited the Association's opposition to (1) the method the city uses in acquiring the easements, (2) haste with which it is being done, and lack of planning, (3) disregard of the environment by the city. He said they felt there is (1) fault with the Property Management Department with misrepresentation, omission of detail, bad presentation of facts, and that it is difficult to find out the cost of the system to be installed; (2) the system was planned 10 years ago and suddenly it is being pushed through. Mr. Montgomery said he is requesting an investigation of Property Management and wants a moratorium put on the system until the homeowners questions have been answered.

Mayor McClellan asked Mr. Montgomery to provide in writing their concerns. She will have them sent to the Water and Wastewater Department and also Property Management. Ms. Elaine Bostic said they are preparing a list for the August 23 meeting of Council.

Councilmember Goodman asked what stage the planning for the Phase I Upper Walnut Creek Wastewater System is in. Mr. Curtis Johnson, Director of Water and Wastewater, stated the plans are in the final stage, and will be ready in 2-3 weeks. On September 1 they will advertise the project and they cannot have a 100% document until all the easements are obtained. Total cost of the project will be \$4.3 million.

Mrs. Bostic questioned whether property owners who have already signed their easement release can now be provided with input regarding their environment concerns.

Mr. Albert DeLaRosa stated: "If you are asking can these individuals who have granted easements to the city be involved in any further discussion, yes they can be."

Mr. Jerry Harris, City Attorney, stated, "The input ought to take place. As to any legal, binding impact, that ought to be left until we see what the concerns are and see how the city might be addressed, but at this time because the easements have already been signed, there's no real legal binding impact for this right now. But, based on what the concerns are, they may be able to be addressed. Or the city, in its judgement, may decide some may be addressed and some may not be. The only way to get it in a different posture would be to do away with the easements which have already been acquired. We're not at that point right now but I think the input ought to occur. There are some things that can very reasonably be done but we can't judge that until that input starts taking place. ...What we need to do is go back and review your expectations and determine whether or not any individual cases are indeed addressed and that you are protected. If you come to the conclusion after going through this input that you're not or your expectations are not protected and not going to be realized then I think we need to direct how we might be. Until we sit down and talk about the individual cases it's hard for me to sit here and say, yes, your concerns with those trees, that restoration will be covered and here's the provisions and contract that will cover them and then you may be satisfied with that. On the other hand, standing here now, you might not be and we would have to try to resolve that at the time we find out what's going on."

Councilmember Snell and Councilmember Goodman said they thought a meeting should be set up between staff and the neighborhood to answer their questions and concerns. The Mayor agreed.

#### Motion

Councilmember Snell moved that the Council vote to have the staff meet with the neighborhood between now and August 23 and discuss their concerns and bring them back to Council August 23. The motion was seconded by Councilmember Goodman.

Mr. Curtis Johnson pointed out his department has tried previously to set up meetings with the NE Walnut Creek Association, but have been unsuccessful.

Mr. Bostic questioned whether there are more condemnation proceedings scheduled. Mr. Joe Morahan, Director of Property Management, said there are but he did not have the schedule with him. He pointed out Council authorized condemnation proceedings about a month ago and asked the Legal Department to file them with the Court. Councilmember Snell asked if the condemnation proceedings can be held until the next Council Meeting. Mr.

Harris stated, "Anything is possible in that regard. I don't have a list of those scheduled. It's a complicated process to set these initial hearings up, to get the Commissioners appointed and to have the hearing before the special commissioners where there is only one issue and that is the value of the particular easements. We'd be glad to do whatever the Council wants and if you have to undo one it just extends a very time-consuming process any way. We'll be glad to take a look at each of those and decide which ones might conveniently be held off. It gets complicated so we'd like to look at each case and report back.

#### Roll Call on Motion

Roll Call on the motion showed the following vote:

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

#### SPECIAL PERMIT PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. on the application of Criswell Management Company, Inc., by Stephen L. Van, for a Special Permit for the use and development of land (200 Barton Springs Road) classified as "L" Lake Development, as a hotel.

Mr. Lillie referred to memos from the Parks and Recreation Board and the Environmental Board, giving their approval to the Special Permit.

No one appeared to be heard.

#### Motion

Councilmember Goodman moved that the Council close the public hearing and approve the Special Permit applied for by Criswell Management Company, Inc. for the use and development of land (Barton Springs Road) classified as "L" Lake Development, as a hotel, (Hyatt-Regency). The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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



## PUBLIC HEARING ON PDA

Mayor McClellan opened the public hearing scheduled for 10:30 on the proposed amendment to the Austin Development Plan to change property located on Howard Lane at Orchard Lane from Low Density Residential to Plan Development for Industry. (Requested by Texas Readymix by Alsonso J. King Williams and L.G. King.)

Mr. Lillie, Director of Planning, reviewed the application. He said applicants have filed a site plan which shows the location of buildings within the tract. The PDA has been recommended by the Planning Commission and the agreement includes access to Howard Lane and not to residential streets nearby and also agree with chain link fencing, as well as all of the recommendations of the Texas Air Control Board. They have also agreed to a five-year review of the Special Permit by the Planning Commission and the City Council.

MR. PHIL MOCKFORD, representing the applicant, appeared and stated his client plans a regional cement distribution center on the site. He said trees will surround the area on the south and east and there will be a chain link fence. He introduced Mrs. Williams, owner of the property, to the Chamber audience, and stated the neighbors have no complaints regarding the proposed PDA. He said everything is in order, there will be no water pollution and the operation will be closely monitored by the state. Councilmember Goodman asked what would happen to any residue. Mr. Mockford said the bulk will soak into the ground. They do not dump excess cement on the site.

MR. B.R. NELSON, president, Texas Ready Mix, stated the residue will be drained into the pit where the operation will exist.

A man who did not identify himself expressed his objection to the Master Plan. He stated he lives three miles from the plant and does not want the area to be changed piece by piece.

Mayor McClellan asked if it would help if they designated the area PDA on the map and do not mention industrial.

Mr. Lillie stated: "The man is correct about land use controls beyond the city limits. Cities in Texas generally have very little authority. The one vehicle we do have is through the subdivision and utility process and working with owners who want to use their land intensively to agree to certain performance and to hold public hearings so property owners in the immediate area have an opportunity to comment on these businesses going into these locations. The PDA is a contract with performance standards listed and a site plan that limits the use of the property to this particular use and does not allow it to be amended except under the provisions of that contract."

Councilmember Goodman asked what their source of water will be. Mr. Mockford said there is water to the subdivision which is old Travis County Water District #11. The southwest corner of the site is the old reservoir. It since has been purchased by the city but the pipe has been there for years. Councilmember Goodman then asked about particulate emission control. Mr. Albert DeLaRosa, Assistant City Attorney, said that is one of the standards the Texas Air Control Board established and we picked up that same standard to include within our standard PDA agreement simply because it is a standard requirement. The Texas Air Control Board examined the application and has determined there is no indication the operation of this facility at this location will significantly effect the ambient air quality or create a nuisance.

Motion

Councilmember Himmelblau moved that the Council close the public hearing, and designate the property located on Howard Lane at Orchid Lane from Low Density Residential to Planned Development Area. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

OVERALL ECONOMIC DEVELOPMENT PLAN

Mayor McClellan opened the public hearing scheduled for 11:00 A.M. on the Overall Economic Development Plan.

Motion

Councilmember Goodman moved that the Council continue the public hearing on August 23, 1979 at 8:00 P.M. The motion was seconded by Councilmember Himmelblau.

Mr. Chester Snyder, Chairman, Economic Task Force, gave the following report:

The Economic Development Task Force is pleased to submit the proposed Overall Economic Development Plan to you for presentation to the City Council.

The proposed plan generated considerable interest in the community and the Task Force felt the need to conduct public hearings in East and South Austin to provide adequate opportunity for those citizens who would be most effected by the plan to review and comment on the early draft. These comments have been carefully considered by the Task Force in preparing the draft of the proposed plan presented here. The Task Force believes that it has incorporated in this document all of the practical suggestions received during the public review. Copies of many of the comments received by the Task Force are included as an appendix to the proposed plan.

The Task Force recognizes that not all objections and reservations have been resolved, but believes that the proposed plan represents a sincere and adequate attempt to include as many different points of view as possible.

The plan emphasizes the need to provide jobs for the unemployed and underemployed citizens of Austin; to upgrade job skills to improve opportunities for employment and advancement; to maintain a strong commitment to equal opportunity and affirmative action programs; and to concentrate on developing the human and physical resources of the proposed Special Impact Area.

Mayor McClellan expressed her thanks to the Economic Task Force and recognized the members present in the Council Chamber. They were: Harry Bengston, Jan Pickle, Eleazar Lucio, Larry Youngblood.

John Yeaman appeared before Council and said he was happy to see many of his suggestions have been used. He said a specific staff needs to be appointed to allow for upward mobility of the program.

SAM HERNANDEZ, East Austin, expressed opposition to OEDP and asked for a moratorium.

PAUL HERNANDEZ, East Austin, said he felt the OEDP and downtown revitalization are the same. He said it is not in the best interest of the low income people. Mayor McClellan pointed out to him that he has misconstrued and OEDP and revitalization are not the same. Mr. Hernandez continued that unless East Austin gets a moratorium it will fight and resist.

Councilmember Goodman stated that if the Council does not act quickly it will lose Federal funding this year.

Councilmember Mullen stated that OEDP was his proposal and the total purpose is to create jobs, not to revitalize the downtown area. He said it is wrong to interrelate it with downtown revitalization.

MR. DAN JARDINE stated there should be more housing available to lower income families. Councilmember Mullen told him this plan has nothing at all to do with houses. It is a plan to create jobs and its aim is to bring Federal money in to create jobs.

#### Roll Call on Motion

Roll call on the motion to continue public hearing August 23, 1979, showed the following vote:

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

Noes: None

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

## RECESS

Council recessed its meeting at 12:20 P.M. and resumed its recessed meeting at 2:07 P.M.

## POLICE MATTERS DISCUSSED

MS. VELMA ROBERTS, Chairperson, Employment Committee of Black Citizen's Task Force, requested to appear before Council to discuss police matters. She said she represented, in addition to the Black Citizen's Task Force, the Brown Beret's and the East Austin Neighborhood Association. She referred to the recent incident where a man died when he was being apprehended by the police. She asked Council to realize what is happening in East Austin regarding the handling of situations by the police. She said they have not spoken out previously because they felt Chief of Police Dyson would be co-operative and things would get better, but it appears Chief Dyson has not corrected anything. Ms. Roberts said a Citizen's Review Board should be created for the Police Department and Chief Dyson should hand in his resignation. She contends he justifies police action when it comes to Browns and Blacks. She accused the Council of not being sensitive to the East Austin community. She said the police should be reprimanded for the recent death of Mr. Couch and said she would meet with the Council to discuss the matter further, if they would tell her where and when.

PAUL HERNANDEZ appeared before Council to state he felt there have been only minor inroads made toward better action of the police toward Browns and Blacks. He asked for justice at a local level because the Federal Courts will not listen. He said the people are not convinced there will be any improvements in the situation and have no confidence in the Mayor and Council.

Mayor McClellan disagreed with Mr. Hernandez. She stated there has been a sincere effort on the part of this Council to listen to the people of East Austin. There are many areas where they can work together for justice and there is a serious commitment on the part of the Council.

Councilmember Goodman expressed understanding of the citizens urgent concern but felt it inappropriate to ask for Chief Dyson's resignation. Instead, he suggested a board should be appointed to work with the Chief to resolve problems. Mayor McClellan interjected they have talked of a liason type task force. Councilmember Goodman said there does seem to be a pattern but the situation has improved and pointed out that law enforcement is a tough job. Mayor McClellan told Ms. Roberts that if she has a desire to sit down on a continuing basis with Chief Dyson, this can be done, but she is not supportive of a Citizen's Review Board over the Police Department. Councilmember Goodman suggested a Police Board should be appointed in two weeks.

HUERRO HERNANDEZ asked what would happen if they bring a petition to fire Chief Dyson and Mr. Dan Davidson, City Manager.

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CITY OF AUSTIN, TEXAS

Mayor McClellan said she is speaking for herself but a petition and a show of hands will not change her mind. She feels Austin has a capable City Manager and a capable Chief of Police. She would not support any petitions against them.

Councilmember Snell addressed Ms. Roberts and said "We have issues that we have to decide how we are going to deal with, and I think we need to sit down and talk about it. Johnny and I are supposed to be working with the Chief on issues like this. We've been appointed by the Council to do this. We might as well face these things face on and not try to avoid them. If we sit down and talk with the Chief about what would happen in the future if the same thing happened that happened the other day. What would happen in the future if someone's door was kicked in. These are some of the things we need to sit down with the Chief and Mr. Davidson and try to solve. I think this is what the people are looking for. I think the people are searching now for some answers and no one is trying to avoid it, but I certainly would like to go on record, because I am one of the appointees, to meet with the Chief and the citizens next week and try to reach some conclusion as to what would happen if those things were repeated in the near future. I think until we do this we will continue to see what we see today, which is not a good sight for our city."

Paul Hernandez returned to say the conditions that have to be met are what would happen if it happened again and what would happen if a police officer was killed. He said he wanted the Police Association dissolved, or else the citizens should be given the authority to carry guns.

LARRY JACKSON said he thought Jimmy Snell is very sincere. He said he will work with Councilmembers Snell, Trevino and Himmelblau, and thought the present situation has become very emotional. It was his opinion that 65% of the Black people do not think Chief Dyson is doing a good job.

Mayor McClellan stated the entire Council will consider everything that has been said.

RECESS

Council recessed its meeting at 2:38 and resumed its recessed meeting at 2:45 P.M.

## ZONING HEARINGS

Mayor McClellan opened the public hearing scheduled for 11:15 A.M., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

JERRY A. HAWKINS  
and MARTHA  
HAWKINS  
C14-79-123

13509 Research  
Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT RECOMMENDED (as amended)  
RECOMMENDED by the Planning  
Commission "O" 1st Height and  
Area as amended by the  
applicant. That applicant  
will submit a site plan in  
accordance with the provisions  
of the study and also has  
agreed to the recommendations  
of the 183 study.

Mr. Lillie reviewed the application by use of slides. Mrs Martha Hawkins the applicant, appeared before Council to state she and her husband own two acres of land, pay \$1200 a year taxes, cannot afford it because it is on Research Boulevard and no one wants to build residences on the land. She stated there is a nursery next to the property and the neighbors are in favor of a zoning change.

Motion

Councilmember Mullen moved that the Council grant "LR" Local Retail, 1st Height and Area District. The motion was seconded by Councilmember Goodman.

Substitute Motion

Mayor Pro Tem Cooke made a substitute motion, seconded by Mayor McClellan to accept the recommendation of the Planning Commission.

Councilmember Himmelblau asked, "Haven't we been zoning the form 'C' and then the back 'GR' on the back x number of feet?" Mr. Lillie said they have been doing just the reverse. They have been zoning "GR" up until the point the 183 study was done. He said there has to be a point where the commercial and the office go. So far commercial has just been at the intersections. Mayor Pro Tem Cooke stated the 183 concept has been adopted. He said this land is 700' away from Anderson Mill and there is "GR" zoning across the road, but it came before this Council accepted the 183 study. He said to go "LR" in this case would set a precedent and work against what the Planning Commission and Council worked for when they set the moratorium and then adopted the 183 study.

Second To Motion Withdrawn

Councilmember Goodman withdrew his second to the main motion.

Motion Seconded

Councilmember Himmelblau seconded the main motion.

Roll Call on Substitute Motion - Failed

Roll Call on the substitute motion failed to carry by the following vote:

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

Roll Call on Motion

Roll Call on Councilmember Mullen's motion, Councilmember Goodman's second to grant "LR" Local Retail, 1st Height and Area District, carried by the following vote:

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

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

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Mayor McClellan opened the public hearing scheduled for 11:30 A.M., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

FREDERICK E. and	801 East Riverside	From "A" Residence
PATRICIA G.	also bounded by	1st Height and Area
TANKERSLEY	Alameda Drive	To "O" Office
By Don Harris		1st Height and Area
C14-79-128		NOT RECOMMENDED by the
		Planning Commission

Mr. Lillie reviewed the zoning application, stating there was a valid petition opposing the zoning and it would take 6 votes to grant. The applicant, Mr. Tankersley, appeared before Council, discussed the accidents which occur in front of the house, and the noise and traffic which make the residence unsuitable as a home. He said he is unable to sell it and rented it to college students and single people, but they only stay a short time because of the undersirable location and hazardous surroundings from Riverside Drive. He said two of his neighbors, Mrs. Olson and Mr. Shelton are in favor of "O" zoning because of the noise and traffic.

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Councilmember Goodman said there is a proposal to straighten Riverside Drive, and perhaps Mr. Tankersley's house will be one of those taken out. Mr. Don Harris, representing Mr. Tankersley, appeared before Council and said there are three proposals to change Riverside Drive, but does not think any of them include the removal of the Tankersley house.

Mr. Charles Rossman, speaking for South River City Citizen's group, appeared before Council. He lives at 803 East Riverside Drive and spoke in opposition to the zoning change. He said he lives in his house, with his children and does not want anything changed.

Mr. John Meinrath, president, South River City Citizen's organization spoke against the zoning change.

#### Motion

Councilmember Mullen moved that the Council close the public hearing and uphold the recommendation of the Planning Commission to deny the zoning. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning had been denied.

#### ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 11:45 A.M., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

COTTON TEXAS, LTD.  
By Robert Sneed  
C14-79-134

9208-9302, 9403-9406  
and 9408-9504  
Great Hills Trail

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission "O" Office  
1st Height and Area on  
Tract 3 to depth of 600 feet  
on the Eastern portion, to  
continue the request on  
Tracts 1 and 2.

Mr. Lillie reviewed the application.



Motion

Councilmember Himmelblau moved that the Council close the public hearing, grant the zoning as recommended by the Planning Commission "O" Office 1st Height and Area District on Tract 3 to depth of 600 feet on the Eastern portion, to continue the request on Tracts 1 and 2. The motion was seconded by Mayor Pro Tem Cooke.

Friendly Amendment

Councilmember Goodman offered a friendly amendment that the zoning be granted as recommended subject to a site plan. Councilmember Himmelblau accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

Roll Call on motion with Friendly Amendment showed the following vote:

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

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

RENEWABLE ENERGY RESOURCES COMMISSION REPORT

MR. RAY REECE, Chairman, Renewable Energy Resources Commission, presented a report to Council on "Goals and Strategies: 1979-81". (REPORT IS ON FILE IN THE CITY CLERK'S OFFICE.) He introduced members of the Commission that were present, Jean R. Spence, and Bob Henderson.

Mayor Pro Tem Cooke said he is encouraged by the strategy developed in the report.

Mr. Reece then referred to another document "Energy in Downtown Revitalization: The Austin Opportunity". (CITY CLERK DID NOT RECEIVE A COPY)

Mr. Reece stated the Renewable Energy Resources Commission, appointed a subcommittee to work on the energy question of the downtown area. They are suggesting Austin has an opportunity to demonstrate to the entire country what can be done in an urban renewal district through the application of renewable energy resources on a comprehensive basis. Consequently they are proposing that the urban renewal district which is subject for development, be designated a "downtown model energy development district". The boundaries would be contiguous with the urban renewal district itself. That would be as far as similarities would go between existing concept and the one they are proposing. He said the construction and development, with energy conservation in mind, can be developed in a way that most cities have been unable to

develop, at a time when an energy crisis has presented us with some realities that have to be dealt with in a very serious way. One of the two or three major criteria for the district will be maximum application of renewable energy resources. New buildings built in the district with the methods that exist and already have been proven could be built in such a way as to consume as little as 25% of the conventional fuels that similar buildings do consume. The Commission feels the development should be done slowly instead of with haste. If it is done quickly it would mean the use of outside capital and that would violate the principle of maximum local involvement by financial and development interests on the local level. It ties with renewable resources because many of the developers, and especially the architects, in Austin have the kind of experience with the climate and local building materials in order to use them to a maximum advantage.

Mr. Reece continued by saying they believe in minimum displacement of residences and businesses in the district. They are not saying that no buildings should be torn down or changed but emphasizing minimum displacement. He then referred to a letter which has been received from Michael Maybaum, Acting Branch Chief, Passive/Hybrid Building Systems Branch, Office of Solar Applications, Office of Assistant Secretary, Conservation and Solar Systems. Mr. Maybaum expresses great enthusiasm for the establishment of a "Downtown Model Energy Development Demonstration District." Mr. Maybaum states: "The Department of Energy is committed to an aggressive solar program in cities and towns, especially, in light of the President's goal of 20% use of renewable energy sources by the year 2000."

Councilmember Goodman complimented the Commission for the outstanding job they have done. He said he thought these reports should be referred to the City Manager for a response from him on the various recommendations so Council can proceed as quickly as possible. Mr. Goodman asked how long it would take to respond.

Mr. Davidson stated, "First of all the highest priority ought to be to get a recommendation as the Council begins your budget review in connection with the resources that they are asking for in order to carry out their program. We'll make sure to have those ready before you start your budget review. I can't give you an estimate on the rest of it today. We'll do it as soon as possible."

Mayor Pro Tem Cooke commented that Council is hearing more and more that the resources for what they want to do for downtown revitalization is right here within our city, and stated the Commission's report is very sensitive to Austin, Texas and the report made some recommendations which all Boards and Commissions will probably make...that is have a framework of a plan and don't tie it down to dollars.

Mr. Davidson said he would inform the Renewable Energy Resources Commission as to what he would recommend to Council.

## PROPOSED PACKAGE TREATMENT PLANT POLICY

NEAL GRAHAM, representing the Citizens Board of Natural Resources and Environmental Quality, called Council's attention to the report they have received concerning the Board's recommendations on a Proposed Package Treatment Plant Policy. He said they are requesting a public hearing so the policy can be adopted at the earliest possible date.

Motion

Councilmember Mullen moved that the Council set a public hearing for August 30, 1979 at 4:00 P.M. on Recommendations on Proposed Package Treatment Plant Policy. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## BARTON CREEK WATERSHED MORATORIUM ORDINANCE

The Council had before it for consideration an amendment to Ordinance No. 790719-P, (Barton Creek Watershed Moratorium Ordinance), as follows:

- a. Establishing a moratorium on the acceptance of new subdivision plat applications covering land located within the portion of the Barton Creek Watershed which lies within the City or within the City's extraterritorial jurisdiction; and,
- b. Establishing a moratorium on the further processing of the following subdivision plat applications covering land located within the Barton Creek Watershed as follows:
  - (1) Preliminary plat applications which have been accepted for filing by the Planning Commission and disapproved.
  - (2) Preliminary plat applications which have been disapproved by the Planning Commission.
  - (3) Preliminary plat applications which have been approved by the Planning Commission.
  - (4) Final plat applications which have been disapproved by the Planning Commission.

Mr. Jerry Harris, City Attorney, reviewed the following report:

I.

"Agenda Item H.4 a. is as follows:

- a. Establishing a moratorium on the acceptance of new subdivision plat applications covering land located within the portion of the Barton Creek Watershed which lies within the City or within the City's extraterritorial jurisdiction.

Austin is a home rule city. It is well established in Texas that a home rule city may exercise all powers of local self-government so long as it does not adopt regulations which are inconsistent with the State Constitution or general laws. Lower Colorado River Authority v. City of San Marcos, 523 S.W. 2d. 641 (Texas Supreme Court, 1975); Burch v. City of San Antonio, 518 S.W. 2d 540 (Texas Supreme Court, 1975); City of Corpus Christi v. Unitarian Church of Corpus Christi, 436 S.W. 2d 923 (Texas Court of Civil Appeals - Corpus Christi, 1968, writ ref'd n.r.e.).

Article 974a of the Texas Statutes, a general law governing the platting of subdivisions provides in part in Sec. 3 as follows:

Any person disiring to have a plan, plat or replat approved as herein provided, shall apply therefor and file copy with the Commission (Planning Commission) or governing body herein authorized to approve same, which shall act upon same within thirty (30) days from the filing date. If said plat be not disapproved within thirty (30) days from said filing date, it shall be deemed to have been approved and a certificate showing said filing date and the failure to take action thereon within thirty (30) days from said filing date, shall on demand be issued by the City Planning Commission or Governing Body, as the case may be, of such city, and said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.

It is my opinion that a municipal ordinance which, contrary to the above quoted provisions of Article 974a, attempted to prohibit the filing of a plat and the taking of action thereon within thirty (30) days, would be invalid. Therefore, even if such an ordinance were adopted, a person, consistent with Article 974a, could deliver a plat to the Planning Commission and, if no action were taken on the plat within thirty (30) days, the person would be entitled to the certificates referred to in said Article and could have the plat recorded.

I cannot, therefore, recommend the adoption of an ordinance which would prohibit the filing of any new subdivision plats or which would prohibit the taking of action thereon within thirty (30) days. An alternative to such an ordinance would be an ordinance which required that all new plats be disapproved by the Planning Commission within thirty (30) days of filing and requiring that no further processing of the disapproved plat occur until January 16, 1980."

Councilmember Cooke asked if there has been any preliminary plats or prefilings since July 5, 1979. Mr. Lillie told him there have been none.

Mr. Harris continued:

Agenda Items H.4.b. (1), (2), (3) and (4) are as follows:

b. Establishing a moratorium on the further processing of the following subdivision plat applications covering land located within the Barton Creek Watershed as follows:

- (1) Preliminary plat applications which have been accepted for filing by the Planning Commission and disapproved.
- (2) Preliminary plat applications which have been disapproved by the Planning Commission.
- (3) Preliminary plat applications which have been approved by the Planning Commission.
- (4) Final plat applications which have been disapproved by the Planning Commission.

The City Council on August 2, 1979, directed this office to report on the pending subdivision applications covering land located within the portion of the Barton Creek Watershed which lies within the City or within the City's extraterritorial jurisdiction. Further, the Council asked for my opinion as to legality of placing a moratorium on the further processing of the pending subdivision applications.

A. The Pending Subdivision Applications.

We have determined that, as of this date, there are no preliminary plat applications which have been accepted for filing by the Planning Commission and disapproved.

We have determined that, as of this date, there are no preliminary plat applications which (subsequent to being accepted for filing and disapproved) have been disapproved by the Planning Commission.

We have determined that, as of this date, the following preliminary plat applications have been approved by the Planning Commission:

1. Champions of Lost Creek
2. Lost Creek Valley
3. Barton Creek Bluffs
4. Hills of Lost Creek
5. Lost Creek Estates Phase 1-B
6. Bluffs of Lost Creek
7. Lost Creek Wood
8. Bee Caves Woods, Sec. 4

We have determined that, as of this date, the following final plat applications have been disapproved (pending the compliance with various requirements) by the Planning Commission:

1. Lost Creek Wood, Sec. 1
2. Walcutt Subdivision (short-form)
3. Barton Creek Square (short-form)
4. Wallingwood, Sec. 1
5. Wallingwood, Sec. 2
6. Bee Caves Woods, Sec. 3

In addition to plat applications falling into the above categories, we have determined that, as of this date, there are three plats which have been delivered to the Planning Department but which have not yet been accepted for filing and disapproved by the Planning Commission.

Those three are:

1. Lost Creek West
2. Heritage Park
3. Knights of Columbus Subdivision

Finally, we have determined that there is one pre-application--Woodside.

B. Legality of Placing a  
Moratorium on the Further  
Processing of the Pending  
Applications.

As to (1) the three plats (Lost Creek West, Heritage Park and Knights of Columbus) which have been delivered to the Planning Department but not yet accepted by the Planning Commission and disapproved, and (2) the pre-application (Woodside), I am of the opinion that these should be processed on to at least the stage of being accepted for filing by the Planning Commission and disapproved. Unless this is allowed to occur within thirty (30) days of filing, the developers may be entitled to have their plats filed without same being approved by the Planning Commission. The City Council could, however, provide for no further processing of these plats beyond the filing and disapproval stage.

As to the (1) preliminary plats which have been approved by the Planning Commission (Champions of Lost Creek, Lost Creek Valley, Barton Creek Bluffs, Hills of Lost Creek, Lost Creek Estates Phase 1-B, Bluffs of Lost Creek, Lost Creek Wood, and Bee Caves Woods, Sec. 4) and (2) the final plats which have been disapproved by the Planning Commission pending the satisfaction of various requirements (Lost Creek Wood, Sec. 1, Walcutt Subdivision, Barton Creek Square, Wallingwood, Sec. 1, Wallingwood, Sec. 2, and Bee Caves Woods, Sec. 3), I am of the opinion that it would be legally impermissible to place a moratorium on the further processing thereof.

It is my opinion that those persons who have had preliminary plats approved, and those persons who after having had a preliminary plat approved, have had a final plat disapproved pending various requirements have done substantial work and expended substantial money in good faith reliance on existing regulations and administrative actions thereunder and are therefore entitled to proceed.

In Slater v. City Council of City of Los Angeles, 43 Cal. Rptr. 837, (District Court of Appeal, Second District, Division 2, California), the court at page 839 stated the rule to be as follows:

The law has long been settled in California that, except where a party in good faith reliance upon an administrative action proceeds to do substantial work or to expend substantial money and thereby acquires a vested right or a non conforming use status, such a party is bound by, and required to comply with, the provisions of statutes or ordinances enacted subsequent to the administrative action sought to be relied upon. (Emphasis added).

In City of Dallas v. Crownrich, 506 S.W. 2d. 654 (Texas Court of Civil Appeals-Tyler, 1974, writ ref'd n.r.e.), the court upheld a temporary moratorium which was attacked by a person who had not applied for a permit at the time the moratorium was imposed. However, the court stated the following at page 660:

Our holding in this case should not be construed so as to authorize a city's carte blanche denial of building permits any-time it contemplates changing the zoning in a given area. However, when as here, a city has placed its zoning machinery in operation before the permit is applied for ... then we do not feel that the city's action in maintaining the status quo for a reasonable time .. can be considered as an arbitrary or capricious or unreasonable exercise of the police power. (Emphasis added).

It is my opinion then, that the Texas Courts would not approve a moratorium on the further processing of (1) preliminary plats which have been approved and (2) final plats which have been disapproved pending the satisfaction of various requirements.

### III.

#### Draft Ordinances

Attached hereto as Exhibit "A" is a draft of an ordinance which would place a moratorium on (1) the acceptance of new subdivision plats covering land located within the portion of the Barton Creek Watershed which lies within the City of Austin or within the City of Austin's extraterritorial jurisdiction and (2) the further processing of subdivision plats covering land located within the Barton Creek Watershed as follows:

- (a) Preliminary plat applications which have been accepted for filing by the Planning Commission and disapproved.

- (b) Preliminary plat applications which have been disapproved by the Planning Commission.
- (c) Preliminary plat applications which have been approved by the Planning Commission.
- (d) Final plat applications which have been disapproved by the Planning Commission.

This ordinance covers all moratorium items appearing on the agenda for August 9, 1979.

Attached hereto as Exhibit "B" is a draft of an ordinance which would, as of its effective date, place a moratorium on the processing of subdivision plats within the Barton Creek Watershed beyond the acceptance by the Planning Commission and disapproval stage, this ordinance would allow all approved preliminaries and disapproved final plats to proceed.

Re: Lost Creek Valley

At various points in the above referenced memorandum, mention is made to Lost Creek Valley Subdivision. The Planning Department has informed us that Lost Creek Valley is not within the Barton Creek Watershed. Consequently, this subdivision will not fall within the ambit of the Barton Creek Watershed Moratorium.

After some questions the following motion was made:

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 790719-P (THE BARTON CREEK WATERSHED MORATORIUM ORDINANCE); RENUMBERING PARAGRAPHS 4 AND 5 THEREOF; ESTABLISHING A TEMPORARY 180-DAY MORATORIUM ON THE PROCESSING OF PLAT APPLICATIONS COVERING LAND LOCATED WITHIN THE PORTION OF THE BARTON CREEK WATERSHED LYING WITHIN THE CITY OR WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION BEYOND A CERTAIN STAGE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.



Councilmember Himmelblau asked if Council can have a report concerning the development standards. Mr. Davidson said he will have the report in time for the next Council Meeting.

#### INTERIM REPORT - AIRPORT IMPROVEMENTS PROJECT

Mr. Roy Bayless, Director, Municipal Airport, introduced the Interim Report on the Airport Improvements Project to the Council by stating: "On February 22 you retained Bovay Engineers, Inc. to do the conceptual design and planning for airport improvements. We've worked very closely with them over the past months and also very closely with the airlines. We have with us today Mr. Jerry Riddle of the local office, Mr. Bob Grahams and associate from the Houston Office, Mr. Ray Petty, an associate with Bovay specializing in airport planning, and Mr. L.E. Ellis, our project manager, who will make the presentation."

Mr. L.E. Ellis spoke to Council and referred to the Interim Report prepared by Bovay. He highlighted the report by use of slides. In summary he said "I would like to make you aware of some planning considerations that are reflected in the proposed program I just outlined. First, we emphasized the maximum utilization of existing space and facilities in the terminal. Second, we insured the further expansion of each of these facilities was possible and practical. Third, we minimized the disruption of the present operations. Fourth, in planning for this and subsequent interim improvements is based on providing adequate and acceptable facilities at minimal cost in view of the possible move to a new airport. ... The estimated total cost of these improvements, which include the airfield, the terminal and the concourse is approximately \$5.2-million. We expect the city share of this cost to be about \$3.8-million with the remainder coming from FAA grant money. We anticipate beginning construction on airfield projects by October of this year and we plan to begin construction of the terminal and concourse improvements in January of 1980. .... We will make our recommendations for architects to Mr. Davidson next week."

Motion

Councilmember Goodman moved that the Council accept the Interim Report on Airport Improvements Project, and authorize Bovay to proceed with the design element of the Interim Improvement Program. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Mayor McClellan said it is a fine report and asked about the timetable. Mr. Ellis estimated the work would be completed by this time next year.

## LAND FOR EAST RIVERSIDE DRIVE PROJECT

Councilmember Himmelblau moved that the Council adopt a resolution to acquire certain land for the East Riverside Drive Project (IH-35 to Summit Street) CAPITAL IMPROVEMENTS NO. 73/62-03.

A portion of land out of the Santiago Del Valle Grant.  
(Mrs. T.F. Caldwell)

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

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

Before the vote was taken, Councilmember Himmelblau asked why there was such discrepancy in the 100% tax value and the appraisal. Mr. Joe Morahan, Property Management Director, speculated that the case is on where the property has been resident property for a long time. They are probably still zoned residential and have old houses on them and the tax office normally would value them that way. When the appraisals come in they are appraised at a higher and better use with most of the value in the land and very little of salvage value, if any, in the improvements. That would create a discrepancy if you had a basic difference in the way you approach the value of property.

Councilmember Himmelblau said she thought if we are looking at 100% tax value then the appraisal should come in fairly close to what we are looking at. Mr. Morahan said he agrees with her in concept, but there would be difficulty in maintaining that high a degree of market comparisons in the tax office with as many appraisals as they do. Mr. Davidson stated: "I think in final analysis you are looking at a matter of judgement and practically, I am not sure we can get close to that 100% appraisal in all cases. If anything, I believe you know that the so-called 100% appraisal is sometimes short from a tax standpoint. That's safest and it prevents an abuse of the property owners who are assessed for taxation. In the other case it may be in the other direction. We pay these people for a professional opinion

and it's very difficult to turn around and tell them how to do their job. It's a judgement matter, based on the professional guidelines they use in this field."

#### LIBRARY BOOKMOBILE SERVICE

The Council had before it for consideration the discontinuance of the Library's Bookmobile Service.

#### Motion

Councilmember Goodman moved that the Council postpone until after the budget is reviewed, consideration to discontinue the Library's Bookmobile Service. The motion was seconded by Councilmember Trevino.

Councilmember Goodman requested a report on options which can be deleted in order to keep Bookmobiles. Councilmember Himmelblau said she would like to know how the book stops can be streamlined. Mr. David Earl Holt, Director of Libraries, said the low usage stops could be deleted. Mayor McClellan pointed out that the County knows Council is discussing Bookmobiles and whatever sort of notice they need until Council makes a decision should be sent to them. Councilmember Goodman pointed out the County definitely wants to continue the Bookmobile and he felt Council should respond by either working out a lease or a sales contract, and operate at least one that way.

Mayor McClellan stated: "I would ask, Mr. Davidson, that you and the City Attorney prepare for us an appropriate notice for the county and take steps to put them on notice that there's going to be some change. I don't think anyone will object if they are willing to pick up the tab."

Councilmember Mullen asked, "How about an option to let them run the Bookmobile service totally anyway, inside the city and out because 75% of their money comes from inside the city anyway. ... We'll give them the books and they'll operate the whole service both inside and outside the city." Councilmember Goodman thought this a good idea but thought they should see all options before making a decision.

Mr. Davidson said, "As of now we have advised the County it has been cancelled. I think I need to write another letter on behalf of the Council indicating that the Council is interested in pursuing a new contract at an increased price to make sure they are covering all of the costs."

Mr. Albert DeLaRosa, Assistant City Attorney, stated: "Should the Council decide, on some future date, to terminate the contract with the County, we will need to give them the proper 30-day notice."

Roll Call on Motion

Roll Call on motion to postpone the decision to delete the Book-mobile service until after Budget hearings, showed the following vote:

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

Noes: None

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

CLARKESVILLE PUBLIC HEALTH CENTER

Councilmember Himmelblau moved that the Council adopt a resolution to select the firm of Hamilton Drilling and Engineer Testing, Inc. for professional soils investigation and engineering testing services of the Clarksville Public Health Center. CAPITAL IMPROVEMENTS PROGRAM NO. 76/91-05. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Before the vote was taken, Councilmember Himmelblau asked why the engineering firm for soil testing was being selected when the site has not been. Mr. Davidson said they are trying to get under way and Mr. Eldridge has certain responsibilities regarding construction and that is what he is pursuing. Ms. Edwards has certain responsibilities regarding the zoning and she is pursuing that.

Councilmember Himmelblau asked how close we are to the proper zoning for the site. Mr. Lillie said the Planning Commission has made a recommendation to Council and the ordinance is being prepared by the Legal Department to permit neighborhood centers in residential neighborhoods by Special Permit rather than re-zoning to "O" office. When the Council hears that and does amend the text of the ordinance they can proceed to submit to the Planning Commission for approval.

AMENDMENT TO CITY-STATE STREET  
MAINTENANCE AGREEMENT

Council had before it for consideration an amendment to the City-State Street Maintenance Agreement. Councilmember Himmelblau asked what the cost will be to the City. Joe Ternus, Director of Urban Transportation said none because all of the maintenance that needs to be done is currently being done by the city. Mrs. Himmelblau asked if Koenig Lane is in this. Mr. Ternus told her the section of Koenig from Lamar Boulevard to IH 35 is, but not west of Lamar. Councilmember Himmelblau said, "They had some plans to bring that across and over the railroad tracts. If we go with this now, does that delete that?" Mr. Ternus said, "If that's ever decided to be done we can then come back and put whatever section of that facility back on the highway system that we would need for that kind of construction."

Councilmember Himmelblau asked if the city would be better off leaving that section there; she said she hated to give up the ability of having them go ahead and finish that. Mr. Ternus said if the City Council wants to pursue that project they should ask for that section to be placed back on the state system. But, he said, they are asking for its removal because any time the city wants to put up a traffic signal or make any change they must get permission from the state.

Motion

Councilmember Mullen moved that the Council adopt a resolution to amend the City-State Street Maintenance Agreement for the following:

1. Loop 275 (Guadalupe from 45th Street to West 1st Street to Congress Avenue to Oltorf. Includes Lavaca from West 1st Street to M.L.K., Jr.)
2. Loop 343 (West 5th from Lamar Blvd. to East 5th Street and Neches to East 6th Street to IH 35. Also includes East 6th Street to Lamar Blvd.)
3. RM 2304 (Manchaca Road from Ben White Blvd. to the south city limit)

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

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

HISTORIC REVOLVING LOAN FUND

The Council had before it a resolution authorizing a loan under the Historic Revolving Loan Fund to Jack L. Evins, (Recommended by Austin Redevelopment Authority)

Councilmember Himmelblau questioned the validity of the loan since most of the work to be done is for the interior of the house which the revolving fund ordinance does not address. She thought the Landmark Commission should review the application. Councilmember Goodman questioned Mr. Lillie as to whether it is required for the Landmark Commission to review loan application. Mr. Lillie said it was decided the Landmark Commission's review ought to be an optional requirement, or keep them informed as to how the revolving fund is being used. Discussion ensued as to whether or not the ordinance designates exterior work only.

Mr. Knickerbocker, Director of Urban Renewal, said there "is no adopted contract or adopted ordinance that we're aware of that actually establishes this fund. There is, to our knowledge, approval from HUD that the city may expend previously budgeted community funds in this manner, subject to the localities determination as to how they want to proceed."

JACK EVINS, applicant for the money, stated he wants the money so his house can be shown on future homes tours. He felt this would benefit the public.

#### Motion

Councilmember Goodman moved that the Council adopt a resolution to authorize a loan under the Historic Revolving Loan Fund to Jack L. Evins. (Recommended by Austin Redevelopment Authority). The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor ~~McClellan~~ <sup>Pro Tem Cooke</sup>,  
Mayor McClellan, Councilmember Goodman  
Noes: Councilmember Himmelblau

#### AMENDMENTS TO SUBDIVISION ORDINANCE

Council had before it for consideration amendments to Chapter 41 of the Austin City Code (Subdivision Ordinance) to provide as follows:

1. To allow the Planning Commission to vary street widths in urban subdivisions located within the Lake Austin Watershed.
2. To provide that in urban subdivisions within the Lake Austin Watershed Planning Commission has varied street widths and the requirement for curbs and gutters, drainage facilities shall be constructed in compliance with regulations of the County.
3. To allow fiscal arrangements to be posted with the county when the Planning Commission has varied street widths and the requirement for curbs and gutters in an urban subdivision located within the Lake Watershed.

Mr. Jerry Harris, City Attorney, stated the proposed amendments "deal basically with certain variances relating to the variance of street widths by the Planning Commission and subdivisions located within the Lake Austin Watershed. The second one deals with the posting of fiscal arrangements in the County where the Planning Commission has varied street widths and the requirement of curb and gutter in subdivisions of the Lake Watershed. The third one deals with the provision that drainage will be in compliance with the regulations of the County in those situations where the Planning Commission has granted a variance from street widths and their requirements for curb and gutter for subdivisions located in the Lake Austin Watershed."

The bottom line impact of these amendments would allow a subdivision in the Lake Austin Watershed, although it be an urban subdivision, a subdivision within two miles of the city, to basically comply with County type standards as far as streets and drainage and posting of fiscal arrangements, but they would still have to comply with elements of the Lake Austin Watershed Ordinance. What has occurred is that in certain areas there has been a concern about having some low-density standards, or some different standards than the strict urban standards that are applied to urban subdivisions. To this point, although low density standards are being talked about and promulgated, they have not been adopted and that may take some time to accomplish."

Councilmember Trevino stated: "Because the Planning Commission had labored for some time under the impression that they had the authority to provide these variances this in effect, will give them that authority." Mr. Harris said, "That is correct. The Planning Commission had desired to grant this type of treatment in certain cases and in some areas the variance procedure is so strict that it wouldn't really allow it under the variance procedure. There was some confusion, I believe, about the posting of fiscal arrangements with the County and we've tried to sort all those things out and then draft an amendment that seems to conform with how the Planning Commission would like to treat the development in certain areas in the Lake Austin Watershed."

Mayor Pro Tem Cooke commented they want to move toward modification of the subdivision ordinances whereby there can be some flexibility in urban standards, especially in street widths and some of those things. He said he thought Council should proceed with these amendments.

Mr. Charles Graves, Director of Engineering, spoke to the low density standards. "These were first published in March of this year and have been working with the Planning Commission to bring them to a conclusion. .... They will be brought to Council for a public hearing and then for adoption. ..I am concerned, and all the staff is, that these amendments will do more than you intend them to do. The Ordinance as proposed calls for street and road maintenance by the County in an urban subdivision within the Lake Austin Watershed. This includes 12½ square miles of the city limits. The question is, do we really intend, and does the County intend to engage in street maintenance within the city."

Mayor Pro Tem Cooke said he does not feel they should be proceeding toward the County maintaining the city streets. He said then the City would have to contract with the County to do that. Mr. Graves said that's what he is implying. He said, "I believe the alternative is the low density standard, or a more comprehensive street standard for all of Austin adopted. We think we need to go immediately into collectors and arterials and we need the residential equation resolved before we know what we need and what we want on collectors and arterials. This goes through the first portion of that by establishing residential standards." Councilmember Goodman said he did not think there would be a problem. Mayor Pro Tem Cooke asked Mr. Graves what his greatest concern is, and Mr. Graves answered "I'm more concerned about the drainage than I am about the streets because the drainage... if a street variance is given according to this ordinance, then the drainage

becomes under the purvey of the County, and the County will be dealing with a subdivision in the middle of a drainage sub watershed and we can't deal with sub watersheds piecemeal. It's all part of the whole. So the County will then deal with the developer to design more drainage and they are going to have to come back and see if we can match it in with the city's Master Plan, and for that same drainage. ...We're also concerned that we're going to complicate the process of reviewing these subdivisions. If a subdivision comes to us under the Lake Austin Plan, it's going to be reviewed under the standard requirements of the city. After that review is complete and the developer wishes to request a variance of the Planning Commission, then under this ordinance the staff will be required to assess the proposal. Then if the Planning Commission grants a variance the proposal will have to be re-examined because of its impact on the Lake Austin Ordinance. Our coverage, our permeability, and these questions will have to be examined again, which means the engineers will have to go back, and the staff is going to have to go back. Then when they from there go to the County, if the County makes further changes, or requirements, we have a possibility of a third review. So I think it impacts the developer maybe more than the city, and particularly from a drainage standpoint."

Mike Guerrero, Chairman, Planning Commission, said the sub-committee has presented some recommendations to the Planning Commission. Councilmember Mullen wondered why it has taken the sub-committee so long to determine recommendations.

Mayor Pro Tem Cooke suggested they divide the question and vote on each separately.

#### Motion

Mayor Pro Tem Cooke moved that the Council waive the requirement for three readings and finally pass an amendment to Chapter 41 of the Austin City Code (Subdivision Ordinance) to allow the Planning Commission to vary street widths in urban subdivisions located within the Lake Austin Watershed. The motion was seconded by Councilmember Goodman.

MR. NEAL GRAHAM appeared before Council to state the Environmental Board looked at this question last night, "And while our concerns are similar to what Mr. Graves has pointed out we also have serious considerations about the speed in which this matter has come to attention of Council. It seems we're talking about altering the drainage criteria very significantly, which in turn has an impact on the erosion and restoration control in the Lake Austin Watershed, which in turn effects the water quality which we have been trying to protect through the interim ordinances. There has been no public discussion about the impact on these amendments on the water quality aspects of the Lake Austin Interim Ordinances. The Environmental Board has been monitoring the actions of the Planning Commission Subcommittee on low density standard and the Environmental Board supports 100% the efforts which that committee and which the Planning Commission has been trying to move with all due speed in that direction. We think Council should not act on this today before they have had an opportunity to review these recommendations which Mr. Graves, the Environmental Staff and Transportation has spent many



hours preparing to act on amendments which were only handed to the Planning Commission on Tuesday night. This speaks of something going on behind the scenes which we are not being told about. I don't believe the City Council or the public is aware of what these amendments that are before you today truly are. I encourage you to hold a public hearing on these amendments before you adopt them."

Mr. Graves stated the "only reservation I have to the 'A' part is first that we have no standard and it's difficult for the engineers to work with it without having a book and that's what we hope to come up to with the low density standard so they have something to start with and know the public reaction and the reaction of the various boards and commissions."

Mr. Harris stated: "What I understood to do was to see what the Planning Commission had done and to say, if you are going to do this the Ordinance needs to be in compliance with your actions or vice versa..... The one point that Mr. Graves brought up doesn't relate to 'A', it relates to the one about the county taking over maintenance of city streets. If the City Council should adopt this ordinance it needs to be added in there that it only applies to urban subdivisions located within the County and not in the city. I don't think there was any intent on the part of the Planning Commission or staff to really give the Planning Commission authority to vary street widths on urban subdivisions which are at the time they are acted upon, part of the City of Austin.

#### Friendly Amendment

Councilmember Mullen offered a friendly amendment to include "in county only" in the motion.

(It was ascertained Mayor Pro Tem Cooke had left the Council Chamber so he was not able to accept the Friendly Amendment.)

#### Second to Motion Withdrawn

Councilmember Goodman withdrew his second to the motion.

#### Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, to amend Chapter 41 of the Austin City Code (Sub-division Ordinance) to allow the Planning Commission to vary street widths

in urban subdivisions located within the Lake Austin Watershed, in the county only. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Mullen referred to run-off in section b. and called attention to the County regulations. Mr. Graves said many of them are more stringent than the city's. The important thing would be to be aware of what was approved and the impact of what it would have on the total system. Each will be dealing with a little piece out of the system. Councilmember Goodman asked if they should add a phrase, "subject to Lake Austin Watershed Ordinance."

Further discussion ensued and the following motions were made:

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN OF 1967; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, to amend Chapter 41 of the Austin City Code (Subdivision Ordinance) to provide that in urban subdivisions within the Lake Austin Watershed Planning Commission has varied street widths and the requirement for curbs and gutters, drainage facilities shall be constructed in compliance with regulations of the county, subject to Lake Austin Watershed Ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Trevino, Goodman, Himmelblau, Mullen, Snell,

Noes: Mayor McClellan

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, to amend Chapter 41 of the Austin City Code (Subdivision Ordinance) to allow fiscal arrangements to be posted with the county when the Planning Commission has varied street width and the requirement for curb and gutters in an urban subdivision located within the Lake Austin Watershed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: Mayor McClellan

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

The Mayor announced that the ordinance had been finally passed.

#### CITY REPORTS

Mr. Daron Butler, Director of Budget, discussed the charge being made for copies of the budget and Capital Improvements Projects documents. He said the charge has caused a commotion among the citizens, but it is a necessary charge to defray costs which cannot be covered by this year's budget. He pointed out that 1500 Citizen's Financial Guides will be available for citizens soon. After discussion, the following motion was made.

#### Motion

Councilmember Mullen moved that the Council vote to add 4-5 copies of the 1979-1980 Proposed Budget and the Capital Improvements Project proposals to the Public Information Office; individuals can, by leaving a deposit of \$10.00, check out the documents for 24 hours and have them copied. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: Councilmember Snell

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

#### AGENDA ITEM POSTPONED

The City Manager Report on Impact of Public Utility Regulatory Policies Act of October 10, 1978 on the City of Austin Electric Rate regulatory Authority, was postponed.

### PROPOSED CIVIC CENTER

MR. DAVE NESBITT, American Cities Corporation, presented a report on the proposed Civic Center. (REPORT IS ON FILE IN THE CITY CLERK'S OFFICE)

Mr. Nesbitt reviewed the facility proposed and stated it had 158,000 square feet, and the estimate cost will be \$19,150,000.

Councilmember Himmelblau wondered if Austin could get a hotel chain to come and build the facility. Mr. Nesbitt told her the prospect is unlikely, but they can explore a joint venture.

Mayor McClellan stated: "I think it would be appropriate to ask that we get adequate information, Mr. Davidson, to consider this as part of our Capital Improvements Program and maybe in order to address some of the questions raised, establish a task force to address those questions and get all that information before we make the final decision." Mr. Davidson thought this would be a good procedure and with Council's permission will proceed on that basis.

### Motion

Councilmember Goodman moved that the Council instruct the City Manager to proceed with the Civic Center proposal by forming a task force and bringing back information for the Capital Improvements Project. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell,  
Mayor Pro Tem Cooke

### ZONING APPLICATIONS SET FOR PUBLIC HEARING

The City Clerk announced the following zoning applications have been set for public hearing before the City Council for September 13, 1979:

BILL MILBURN,  
INCORPORATED  
By John Meinrath  
C14-79-083

12024-12036 Burnet  
Road

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area

August 9, 1979

AP 803, LTD.  
By Gary F. Brown  
C14-79-126

13900-13902 Research  
Boulevard also bounded  
by FM 620

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

B.L. MCGEE,  
INCORPORATED  
By Gary F. Brown  
C14-79-127

13584-13600 Research  
Boulevard

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

## ADJOURNMENT

Council adjourned its meeting at 6:10 P.M.

APPROVED

  
Mayor

ATTEST:

  
City Clerk