

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 10, 1979
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was given by Reverend Daniel A. Kolander, Triumphant
Love Lutheran Church.

CLASS RECOGNIZED

Mayor McClellan acknowledged the presence of the Travis Heights Sixth
Grade Center class in the Council Chamber.

RESOLUTION TO DICK NICHOLS

Mayor McClellan read a resolution, signed by all Councilmembers,
recognizing Dick Nichols service to the Austin Community for 30 years, and
his two terms as a member of the Austin City Council, 1967-69 and 1971-73.
Mr. Nichols died May 4, 1979.

May 10, 1979

CITY OF AUSTIN, TEXAS

CERTIFICATE OF APPRECIATION

Mayor McClellan presented a Certificate of Appreciation to Ms. Linda Moore who is resigning from the Urban League. Ms. Moore thanked the Mayor and Council for the Certificate. Mr. Thomas of the Urban League stood beside Ms. Moore for the presentation.

LIED HOCH

Mayor McClellan read a resolution, signed by all Councilmembers, proclaiming May 10, 1979 as German Song Appreciation Day, and recognizing members of Lied Hoch, the German singing society from Glueckstadt, Germany, who were in Austin for the 33rd Annual German-Texas Singing Federation Festival. They were Karl Marsian, President of the City Council, Glueckstadt; Dr. Manfred Bruhn, Mayor, Glueckstadt; Bruno Meiners, Councilman, Glueckstadt; Heinz Buchholz, Councilman, Glueckstadt; Walter Meiners, President, Lied Hoch, Glueckstadt; Ernst Dierks, Vice-President, Lied Hoch, Glueckstadt; and Fritz Mielke, Treasurer, Lied Hoch, Glueckstadt. Mayor Bruhn presented the Council a "Plate of Honor" from Glueckstadt.

STEPHAN WYMAN DAY

Stephan Wyman, director of Cabaret, for Gaslight Theater, was given a proclamation, read by Mayor McClellan and signed by all Councilmembers, for his work with Gaslight Theater. Mr. Wyman thanked the Council.

DELTA KAPPA GAMMA SOCIETY INTERNATIONAL DAY

May 11, 1979 was proclaimed Delta Kappa Society International Day according to a proclamation read by the Mayor and accepted with appreciation by Ms. Laginia Hale, State President, Delta Kappa Gamma.

AUSTIN FISHING WEEK

Dr. James Yett, representing the American Fishing Tackle Manufacturers Association, thanked the Mayor and Council for a proclamation designating May 14-20 as Austin Fishing Week.

OLDER TEXANS MAYFAIR MONTH OLDER TEXANS MAYFAIR WEEKEND

Mayor McClellan read a proclamation designating the month of May as Older Texans Mayfair Month and the weekend of May 12 as Older Texans Mayfair Weekend. Accepting the proclamation with their thanks were Mrs. Arthur Fehr, Noel Amstead, T.C. Calhoun and Mrs. August Dittmar.

FIESTA WEEK

Mrs. Ann Cooper and Ms. Carol Hering thanked Mayor McClellan for a proclamation designating the week of May 14-20 as Fiesta Week.

PHYSICAL THERAPY WEEK

May 13-19 was proclaimed Physical Therapy Week, according to a proclamation read by the Mayor. Accepting the proclamation with his thanks was Richard Combs, Chairman of the 1979 Annual American Physical Therapy Assn., Texas Chapter. He is also Director, Physical Therapy Services, Brackenridge Hospital.

NATIONAL MUSIC WEEK

Ms. Gail White, president of the Wednesday Morning Music Club of Austin, accepted, with her thanks, a proclamation designating May 6-13, 1979 as National Music Week.

HISTORIC LANDMARK CERTIFICATES OF COMMENDATION

Mayor McClellan read and presented Certificates of Commendation to the following people who own or represent buildings or homes in Austin designated as a historic landmark; Mr. Jenkins, Board of Control, for the Governor's Mansion; Roy Bechtol, Wm. T. Caswell House; Charles Betts, Aynsworth-Wright House and Radkey House; Mr. and Mrs. Don Davis, Oliphant House; Mrs. Schoch, Gerhard-Schoch House; Mr. and Mrs. Harold Box, Buass House; Mr. Watson and Mr. Burnett, co-owners, Littlefield Building; Mr. and Mrs. Jack Evins, Weisiger-White House; Ruth Goddard, Brass-Goddard House; John Bernadoni, Paramount Theater; and Don Marbury, Covert House.

BOARDS & COMMISSIONS

Mayor McClellan announced the following Board and Commission appointments for May 17, 1979:

- Environmental Board, 1
- Dental Health Advisory Committee, 6
- Elisabet Ney Museum Board, 2
- On-Going of Goals Committee, 3
- Building Code Board of Appeals, 1
- Manpower Advisory Planning Council, 1
- Urban Transportation Commission, 2
- Community Development Commission, 7
- Wrecker Standards Commission, 2

EMINENT DOMAIN PROCEEDINGS

Councilmember Trevino moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tracts of land for Waller Creek Greenbelt:

West 25 feet of Lot 8, Block 91, Original City of Austin.

5,520 sq. feet of land out of a vacated portion of Sabine Street.

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

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

Noes: None

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

Councilmember Trevino moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tracts of land for Waller Creek Greenbelt:

2,447 sq. feet of land out of Lot 2, Block 92, Original City of Austin. (Chester C. Buratti, Et Al, owners)

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

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

Noes: None

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to acquire certain land for Springdale Road Phase II (Hycreek Drive to U.S. 183) CAPITAL IMPROVEMENTS NO. 78/60-02:

Two tracts of land out of The Bluffs of University Hills (University Homesites, Inc.)

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

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

Noes: None

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

EASEMENT RELEASE

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

A portion of a seven and one-half (7.50') foot Public Utility Easement out of Lot 18, Block 4 of Lost Creek Section 1, locally known as 6202 Olympic Overlook. (Requested by Bruce Bates, owner)

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

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

Noes: None

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

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

A five (5.00') foot Public Utility Easement at the rear of Lot 20, Marlton Place Section 2, locally known as 2106 West 10th St. (Requested by Mr. June Conway, representing Capital City Properties)

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

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

Noes: None

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

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

A ten (10.00') foot Public Utility Easement between Lots 6 and 7, Block D, The Homestead Subdivision Section 2, locally known as 5701-5705 Stage Stop Circle. (Requested by Mr. Wm. Geo. Gurasich)

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

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

Noes: None

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

CONTRACTS APPROVED

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

AUSTIN ENGINEERING COMPANY
203 East Riverside
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Drainage Improvements, MoPac
Detention Facility at Woodhollow -
\$515,543.00 C.I.P. No. 79/07-07

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

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

Noes: None

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

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

GRAY ELECTRONIC CONTRACTOR
2236 East Ben White Boulevard
Austin, Texas

- Video Taping System, Police
Department
Item 1 - \$6,233.30

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

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

Noes: None

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

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

CONDENSER CLEANERS MFG. CO., INC.
135 Sylvan Street
Vernona, Pennsylvania

- Condenser Cleaning System,
Electric Utility Department
Item 1 - \$7,183.00

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

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

Noes: None

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

UTILITY JOINT USE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to enter into a Utility Joint Use Agreement with the State Department of Highways and Public Transportation to relocate a 3 phase electric line for street widening at Springdale Road and U.S. Highway 183. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

STANDARD UTILITY AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to enter into a Standard Utility Agreement and Utility Joint Use Agreement with the State Department of Highways and Public Transportation in connection with highway improvements at Interstate 35 at Colorado River (Town Lake). The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

UTILITY JOINT USE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to enter into a Utility Joint Use Agreement with the State Department of Highways and Public Transportation for Water Adjustments on Interstate 35 at Town Lake. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

LICENSE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to enter into a License Agreement with the Southern Pacific Transportation Company for the purpose of installing a 12-inch water main beneath said railroad's right-of-way at Mile Post 10.62, E.S. 485+49 in Travis County, Texas. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

CHANGE ORDER

Councilmember Trevino moved that the Council adopt a resolution to approve a Change Order to Panhandle Construction Company in the amount of \$140,415.00 for Clarksville Improvement Project, Phase 1. CAPITAL IMPROVEMENT PROGRAM No. 77/04-02. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

PAYMENT AUTHORIZED

Councilmember Trevino moved that the Council adopt a resolution authorizing payment of the following:

N.P.C. REALTY COMPANY

- The cost difference of 12"/8" water mains installed in Quail Hollow, Section 1 - \$41,936.78

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

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

Noes: None

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

Councilmember Trevino moved that the Council adopt a resolution authorizing payment of the following:

LAND EQUITIES, INC.

- The cost difference of 12"/8" water main installed in La Costa, Phase 2, Section 1 - \$6,597.02

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

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

Noes: None

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

WASTEWATER APPROACH MAIN

Councilmember Trevino moved that the Council adopt a resolution to approve the following Wastewater Approach Main:

BILL MILBURN INC.

- For construction of a wastewater approach main to serve Vintage Hills Section Six. (No cost participation by City)

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

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

Noes: None

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

LEASE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize a Lease Agreement and settlement of eminent domain proceedings with Economy Engraving Company, 401 West 2nd Street. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

LAGUNA GLORIA ENTRANCE GATES

Councilmember Trevino moved that the Council adopt a resolution to authorize a contract with Laguna Gloria for partial payment in cost of construction of entrance gates and a wall associated with West 35th Street Cul-de-sac. (Total cost \$12,000, city's share, \$6,000). The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

LAW FIRM HIRED FOR REIMBURSEMENT PROCEEDINGS

Councilmember Trevino moved that the Council adopt a resolution to retain the law firm of Wood, Lucksinger, and Epstein to represent Brackenridge Hospital in reimbursement proceedings with Medicare Bureau. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

ONE-WAY LANE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DESIGNATING DIRECTION IN WHICH TRAFFIC SHALL MOVE ON SUSQUEHANNA LANE FROM SPRINGDALE ROAD TO DUBUQUE LANE, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

EMERGENCY ASSISTANCE PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780925-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 78-79, BY ACCEPTING FROM THE U.S. COMMUNITY SERVICES ADMINISTRATION (CSA) AND APPROPRIATING \$10,000 IN COMMUNITY SERVICES ACT, EMERGENCY ENERGY ASSISTANCE PROGRAM (EEAP) FUNDS FOR THE CITY'S FISCAL YEAR 78-79 AUSTIN/TRAVIS COUNTY EEAP; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND PROVIDING FOR 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: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

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

The Mayor announced that the ordinance had been finally passed:

CRISIS INTERVENTION CENTER

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780925-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 78-79, BY ACCEPTING FROM THE U.S. COMMUNITY SERVICES ADMINISTRATION AND APPROPRIATING \$43,000 IN COMMUNITY SERVICES ACT, CRISIS INTERVENTION PROGRAM, FUNDS FOR THE CITY'S FISCAL YEAR 78-79 AUSTIN/TRAVIS COUNTY CRISIS INTERVENTION PROGRAM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR 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: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

THE SOUTH 46.0 FEET OF LOT 33, BLOCK B, HORST ADDITION, A SUBDIVISION OF OUTLOT 20, DIVISION "D", LOCALLY KNOWN AS 1902 UNIVERSITY AVENUE; FROM "A" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (The Austin National Bank, Trustee, C14-79-029)

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

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

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 0.482 ACRE TRACT OF LAND, LOCALLY KNOWN AS 201 ST. ELMO ROAD AND 4401-4411 LUCKSINGER LAND; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Thomas W. & Beatrice Anita Lucksinger, C14-70-001)

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: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

PARADE PERMIT

Councilmember Trevino moved that the Council approve the request for a Parade Permit from Mr. Vernest Johnson for Austin Juneteenth Committee from 6:00 p.m. to 7:00 p.m., Monday, June 18, 1979, beginning from Martin L. King Boulevard and Comal Street, south bound on Comal to Angelina to Rosewood east bound to Rosewood Park (2300 Block). The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

PARADE PERMIT

Councilmember Trevino moved that the Council approve the request for a Parade Permit from Edwin T. Salvant, Jr., for Travis State School-Volunteer Services Council, from 10:00 a.m. to 2:00 p.m., Saturday, June 16, 1979, beginning from State Capitol, south on Congress Avenue, west on 1st Street, cross river, South 1st Street to Barton Springs Road, west to Zilker Park and return. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

PARADE PERMIT

Councilmember Trevino moved that the Council approve the request for a Parade Permit from Leif Johnson Ford for Leif Johnson Ford/Charity, from 9:00 a.m. to 10:00 a.m., Saturday, May 26, 1979, beginning from 51st Street to 46th on Guadalupe, to Avenue F, to 44th, to Avenue H, to 43rd, to Duval, to 51st, 51st to Clarkson, to Bruner, to Middle Fiskville Rd. to Leif Johnson Ford Company. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

PUBLIC HEARING ON DEMOLITION

Mayor McClellan opened the public hearing scheduled for 9:30 A.M. to consider an appeal of the decision by the Building Standards Commission ordering demolition of a substandard residence located at 1701 Sanchez Street.

Mr. Lonnie Davis, Director of Building Inspection, said the owner, Mrs. Benny B. Green had been contacted to appear at the public hearing. She sent a telegram stating that she is financially able to restore the structure and asked for 120 days in which to do so. Mayor McClellan asked Mr. Davis for his recommendation. He said he wanted to talk to Mrs. Green, but his personal opinion is that the structure is beyond repair and it would be wasteful to spend money trying to bring it to standard. It was unanimously decided Mr. Davis should contact Mrs. Green and bring this back to the attention of the Council for public hearing next week, if possible.

PUBLIC HEARING ON WASTELAND INTERCEPTOR
WILLIAMSON CREEK GREENBELT

The Mayor opened a public hearing scheduled for 10:00 A.M. to permit construction of approximately 1,400 feet of wastewater interceptor through parkland in the Williamson Creek Greenbelt. Mr. Curtis Johnson, Director of Water and Wastewater stated the proposed installation would relieve an existing 18-inch wastewater main in order to eliminate the risk of sewage overflows. The proposed route is recommended in the consultant's engineering report as the best available alternative. He stated the Parks and Recreation Board approved this request by unanimous vote at their meeting on July 25, 1978. No one appeared to be heard.

Councilmember Mullen asked, "Is there no feasible and prudent alternative to the installation of this 42-inch wastewater interceptor across park land in the Williamson Creek Greenbelt?" Mr. Johnson answered, No. Mr. Mullen asked, "In your opinion, has all reasonable planning been undertaken to minimize any harm to the use of this land as a park?" Mr. Johnson answered that there has.

Motion

Councilmember Mullen moved that the Council close the public hearing and further that it be the finding of the City Council that there is no feasible and prudent alternative to the installation of this 42-inch wastewater interceptor across park land in the Williamson Creek Greenbelt and that this project includes all reasonable planning to minimize harm to such land as a park, and that the City Council approve this project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

PUBLIC HEARING - PAVING ASSESSMENTS
DUVAL STREET

Mayor McClellan opened the public hearing, scheduled for 10:00 A.M.; Capital Improvements Program, levying the street assessments on the following; and passage of ordinances:

DUVAL STREET, covering approximately 4 blocks. C.I.P. No. 76/62-10.

Mr. John German, Director of Public Works, described the property. Mr. James Riggs, Assistant City Attorney, questioned the appraiser, Mr. Tom Wiley, Jr. regarding his qualifications as an appraiser.

MR. W.E. FAITH, 5008 Duval, appeared before Council. He said he did not find anything wrong with the appraisal amount, but wondered why there had not been more notification to the property owners. He had been trying to get Duval paved for years. Mr. German stated, "Under the new policy we're required to notify the property owners even before the first declaring the necessity. This was passed in April of 1978. So it was under the old policy. The only requirement at that time was to notify property owners 21 days prior to the public hearing. I think these people had more time than that before this hearing.They have until final acceptance of the paving work to make any payment. Under the new policy we're not asking them to make any payment prior to this public hearing." Mr. Faith said that it is difficult for people on a fixed income to come up with a large sum of money and it would be good to have more time to accumulate money. Mr. German said all the people involved in today's hearing will have 120 days from today to make payment without having to pay interest. The interest starts at the point the Council passes the final ordinance. Councilmember Himmelblau said she thought people on fixed income need a year's notice. Mr. Riggs said the final reading of the assessment ordinance can be deferred. Mayor McClellan said, "Why don't we do that?" Mr. Riggs said the ordinance could be split. One to close the hearing and then the other form for the assessments to be collected later.

Mr. Cooke stated: "The reason I would be receptive to that on this particular situation is that it was under the auspices of what the Council

really wanted when we adopted the ordinance in December but I want to go on record as saying this is not a precedent. These were caught in the middle and I don't want it to be reflected in the minutes that we might have legal counsel for an entity that might come up at a later date to say, well you did it for this particular case on Duval, why won't you do it for us? I think we need to make it clear that if we do decided to do something like that it's because that's the understanding we had in December when we passed this, to give these people as much notice as possible and these people felt sort of in a Catch 22 situation."

Mayor McClellan said, "I'd like to have a motion to the effect that we just not have the final reading on the assessment for those under the old policy who did not get the notice under the new policy...to hold the final reading so that they would have a one year period before the interest rates would start."

Motion

Councilmember Mullen moved that the Council hold for one year that final reading of the ordinance on the assessment for those under the old policy. The motion was seconded by Councilmember Cooke.

MS. ELIZABETH CHEESEY, 4911 Duval, said that it was her understanding, and some of her neighbors that the curb and gutter payment had already been made by the residents several years ago. Mr. Davidson asked if anyone has a receipt. If so, the city can check out the claim. Ms. Cheeseey said she would see. She also brought up the fact that she now has a foot of water in front of her house each time it rains. Mr. German said he would check it out.

MR. HENDERSON, 5009 Duval, said he was told, by the surveyor, that the city would pay for the curb and gutter. Mr. German said that problems are encountered by the contractor's employees making statements to the residents. In the future owners will be notified by city staff concerning the work that will be done and this will alleviate a good deal of confusion.

MS. JULIA TURBIN, 4900 Duval said she has been charged for a gutter that has been in front of her house for 23 years, and that her yard was in a mess. Mr. German said he would check it out.

MR. and MRS. RANDY POOLE, 5000 Duval, said their property already had a paved street in front of it and could not see why they needed to pay for new paving. Mr. German told them that it was not paved to city standards and there was some space between the edge of the roadway and their property where water stood and other problems. Mr. Wiley said he took into consideration the fact that pavement was already there and his residential enhancement figure was \$15.00. The pavement had been 22' and it is now 44'. Mr. and Mrs. Poole asked what the appraisal of their property is now. Mr. Wiley answered that the enhanced figure he has is \$650 to the property due to the project.

MR. WILEY stated, "Mayor, you people get me into a quandry here. Of course, I'm a taxpayer too, and I'm billing you a fee based on a hourly basis of how much time we get into one of these reports. I havn't been able to reconcile myself in the sense of having to go into a residential neighborhood and do what I did ~~not~~ Riverside Drive the last time I was down there. Maybe this is a quirk in the law, I just don't know, but at this point unless I'm redirected by the City Attorney's office to make a full-before and after appraisal on every one of these properties...we're getting into some kind of wild situation here as to how much time we'd have."

LORETTA J. VASHIRA, 5005 Duval, asked "how their case is different from the Tillery case. I understand their assessments were dropped and they didn't have to pay anything." Mr. German said, "As far as we're concerned we handled the two the same. The Council considered input on Tillery Street and of course took action on it."

Councilmember Cooke stated: "As we listened to each one of those cases it became more and more prevalent that those people had an understanding from Model Cities or HCD monies that Community Development Block Grant was going to pay for that project. The Council was not aware of that and Mr. German, who was not the Public Works Director at the time was not aware of that. As we listen to all the testimony which is what the public hearing is all about it became more conclusive that was what was presented to the citizens when the Tillery Street project was presented and that's why the Council took its action. That's the way I understood it and that's why I voted that way."

Mayor Pro Tem Goodman added, "That was an extremely poor, depressed area where, if they had been given the option of having their streets paved knowing it would cost them money all of them uniformly would have said no. They were completely incapable of paying and that's their present position as well."

MR. ABRAHAM, property owner at 5001 Duval, asked how the assessment is figured since his is higher than the houses next to him. Mr. German told him that the City has three classes for assessing: resident-owner, non-resident owner, and vacant site or commercial. Mr. Abraham is a non-resident owner. An occupant-owner receives a 25% discount, therefore Mr. Abraham's assessment is higher.

JOHN NEAL, 4910 Duval, said she thought taxes paid for paving. Mayor Pro Tem Goodman pointed out to her that more than 70% is paid for by the city. Councilmember Cooke asked what the total amount cost was to pave the street. Mr. German answered \$77,000; \$18,479 of this is the amount of assessments.

Mayor McClellan said that many concerns had been brought out by the people testifying today: (1) why weren't the streets watered down during construction to alleviate the dust which caused several of the residents to have asthma attacks? (2) why were the pipes laid on the residents lawns? (3) what about the bad attitude of the workers?

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (C.I.P. No. 76/62-10)

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings and finally pass an ordinance levying assessments on Duval Street, covering approximately 4 blocks, Capital Improvements No. 76/62-10; and allow one year before the 7% interest on the assessments begins. The motion was seconded by Councilmember Cooke.

Mayor McClellan asked that the contractor for the paving be contacted and address the three specific concerns outlined above. Councilmember Cooke said he wanted it read into the record that when construction interrupts a neighborhood, all possible consideration should be given to the individual resident's right.

Roll Call on Motion

Roll Call on the motion showed the following vote:

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

Noes: None

Abstain: Mayor Pro Tem Goodman

HISTORIC PRESERVATION PLAN

Council had before it a resolution asking for authorization to distribute a request for proposal for professional services to assist the city in preparing a new or revised zoning ordinance and historic preservation plan.

Mrs. Mary Ethyl Schechter of the Planning Commission gave the following report:

The Planning Commission has reviewed and approved the proposed Request for Proposal prepared by the Planning Department. The Commission supports the need for a new or revised zoning ordinance and Preservation Plan based upon the recently adopted Comprehensive Plan and the Austin Tomorrow Goals program, and we recommend the Council approve the RFP and authorize the distribution of it by the City staff.

Further it is requested that the City Council resolve to appropriate the necessary \$100,000 funding to continue the second phase of work on the new Zoning Ordinance and Preservation Plan. The City Council, in the reprogramming of the 1978-79 HCD funds, did set aside \$75,000 to support the first phase of this program. While the Historic Landmark Commission and the C.D.C. and Planning Commission, upon recommendation of their joint sub-committee, supported the allocation of \$100,000, the City Council on April 26 acted not to fund this very important program.

Because of the vital nature of this project and the impact it will have on the future of the city, it is requested you appropriate funds from Revenue Sharing or the City's General Fund through the Planning Department's 1979-80 budget to assure the program is successful.

Council discussed and unanimously decided not to appropriate funds as requested.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to authorize distribution of a request for proposal for professional services to assist the city in preparing a new or revised zoning ordinance and historic preservation plan; and approve contract schedule. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

PUBLIC HEARING - PAVING ASSESSMENTS STASSNEY LANE, PHASE I

Mayor McClellan opened the public hearing set for 10:00 A.M. on levying the assessments on the following; and passage of ordinances:

STASSNEY LANE, PHASE I, covering approximately 3 blocks C.I.P.
No. 73/62-30.

MR. JAMES RIGGS, Assistant City Attorney, questioned the appraiser, Mr. Herbert H. Sladek Jr. regarding his qualifications as an appraiser, after Mr. John German, Director of Public Works, had described the property and work done.

MR. C.C. FOX, who owns a business at 1500 Stassney Lane, appeared before Council. He said it is confusing to be billed for enhancement rather than curb and gutters. Mr. German stated, "They are being assessed on the basis of curb and gutter and paving and there are State laws and City policies that dictate that. The purpose of this hearing is to determine if the property is actually enhanced in an amount equal to that investment or greater. If the enhancement was greater than the assessment we did not charge the full amount of the enhancement, only the amount of the assessment. It is based upon the frontage and the cost per foot for curb and gutter and for paving and that is included in the City Council's policy. We just follow that policy and apply."

Mr. Fox continued that no median break was provided for a driveway for his property so he had to completely re-do and feels the extra cost to him of \$677 to put in a driveway should be subtracted from the assessment value. He said there should have been more consideration given to the median breaks east of the railroad crossing. There is only one curb cut east of the railroad versus 4 curb cuts west of the railroad.

Mr. German said there have been a number of questions raised about the medians, even on the west side, with the feeling that there are not enough openings to get to Crockett High School. He stated, "What we tried to do was insure there were openings where there were existing major entrances or intersecting streets. In the case of the west side of the railroad we had openings for Skaags and the school district, openings at Kings Highway, and another opening to a School District parking lot, and Mr. Gilbreath. Those were all on the west side. We provided an opening on the east side at a common lot line between Mr. Fox and the Hot Wheels property so that they could use the same opening. There is no other development east of Mr. Fox on the other side of the street. Brown School is located entirely on the south side of the street."

Mr. Davidson, City Manager, stated "I have a tabulation of all the concerns that have been expressed to the City Council and to our staff regarding the design of those medians, as to where they are, how many, the justification for those that are set to remain. I have a staff conference coming up in the next seven days for the purpose of studying each one of those concerns and we'll be developing a special report for the City Council which we will share with those citizens that have expressed these concerns. I can give you assurance that even though the curbing, etc. has been poured for this newly designed street we have no problem in removing any section if in fact we find that there should be a change. For the benefit of the citizens that have those concerns, I have already expressed that to the Councilmembers who have asked and we'll be back in touch with you before the final decision is made."

There was further discussion and the following motion was made.

Motion

Mayor McLellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR: FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.
(CAPITAL IMPROVEMENTS No. 73/62-30)

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, except for Fox, Hot Wheels and Brown School whose assessments will be dropped by \$600.00. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

AUDITORIUM & COLISEUM RENTAL RATES

Council had before it for consideration the second and third readings of an ordinance adjusting auditorium and coliseum rental rates and service charges to reflect current cost of service.

JOE RAMOS, representing Lulac, told Council that if the prices are raised then the people who want to use it cannot afford it.

LEON HERNANDEZ asked why there is a midnight curfew. Mr. Ron Wood, Director, Municipal Auditorium, answered that the fees are for 6 p.m. to midnight. Rental by Special Permit can be extended to 2:00 A.M. for additional money.

Mayor McClellan answered Mr. Hernandez's question by saying that the fees for the auditorium have not been raised since 1973 and there has been much escalation since then. Councilmember Trevino suggested that there should not, in the future, be such a long time span between fee adjustments so that it does not seem like such a drastic amount.

Motion

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

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

ROSEWOOD MH-MR FACILITY

Councilmember Snell introduced an item from Council to consider relocation of MH-MR facility from Rosewood-Zaragosa. Mr. Buck Apelt, Acting Director, Human Resources, stated: "At the request of Councilmembers Snell and Himmelblau we have checked into the space requirements of the Rosewood Human Development Center operated by MH-MR and the possibilities for accommodating that operation in the Rosewood-Zaragosa Community Center. It's our

understanding that the Rosewood HDC requires approximately 6500 square feet of space for its operation. There are 18,000 usable square feet in the Community Center, of which all but approximately 2,000 square feet is presently occupied."

Mayor McClellan said everyone agrees a different location is needed. She asked if Council could have a report on alternatives for relocation. Mr. Apelt replied there is a proposal currently being examined by the Planning Commission for the C.I.P. for next year that would combine Rosewood Neighborhood Center for a dual purpose facility of about 9,000 square feet.

Councilmember Himmelblau said she and Mr. Snell would like time to work with the people to see what space they can build out or build on to the R-Z Center. She said she would like a full report to see what can be done. Councilmember Snell asked how long this will delay the move. Councilmember Himmelblau thought there are several ways the problem can be solved and if staff can come back in a week or 10 days with information they can get on with it.

JUDITH YUDOF, member Board of Trustees, Mental Health-Mental Retardation Center, addressed Council by saying she encourages them to do what they can right now for Rosewood MR-MR Facility. She asked the Council to check to see if other things at Rosewood can be moved so that they can use the whole center.

Mr. Davidson stated the research will be done and a report will be brought back as soon as possible.

PUBLIC HEARING - AMENDMENT OF FENCING REQUIREMENTS

Mayor McClellan opened the public hearing set for 11:00 A.M. on an amendment to fencing requirements set by the City Council in Special permit request C14-73-014.

Mr. Lillie stated the Special Permit approved in 1973 was approved by Council on appeal. The owner wants to change from a privacy fence to a chain link privacy fence because of problems of damages. Staff, neighborhood and Planning Commission have all recommended it. No one appeared to speak.

Motion

Councilmember Himmelblau moved that the Council close the public hearing, and amend the fencing requirements set by the City Council in special permit request C14p-73-014 to a chain link privacy fence. The motion, seconded by Councilmember Snell carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

May 10, 1979

CITY OF AUSTIN, TEXAS

TAXICAB FRANCHISE

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

AN ORDINANCE GRANTING ROY'S TAXI, INC. A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

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

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

AN ORDINANCE GRANTING AIRLINE CAB COMPANY A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

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

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

AN ORDINANCE GRANTING HARLEM CAB COMPANY, INC. A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

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

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

AN ORDINANCE GRANTING YELLOW-CHECKER CAB COMPANY, INC. A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN FOR FIVE YEARS, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER SUCH FRANCHISE BE EXERCISED.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

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

CITY PERSONNEL POLICY AMENDMENT

Councilmembers Himmelblau, Mullen and Cooke introduced an item to Council to consider proposals to amend the City Personnel Policy. Councilmember Cooke stated: "Specifically this would be dealing with merit increases. We've talked about this several times. The last time during a work session. The proposal would read, 'Merit increases will be administered in a timely fashion so that employees do not suffer as a result of:

- a. An administrative delay
- b. A delay in his or her evaluation by the supervisor

In the case of such delay the employee will be granted the merit increase retroactive to the date of the employee becoming eligible for the merit increase. Upon written request the employee has the right of written explanation within 10 days of the merit increase to be received or denied.' The general feeling of the Council is positive toward these proposals. This should be referred to the City Manager to work out his recommendations and as the Charter provides, his consideration would include a review of those proposed amendments by the Personnel Department."

Motion

Mayor Pro Tem Goodman moved that the Council refer to the City Manager, proposals to amend the City Personnel Policy. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

DISTRIBUTION OF MERIT INCREASES

Councilmembers Himmelblau, Cooke and Mullen, introduced an item to Council requesting a report on the distribution of merit increases for the fiscal year to May 1, 1979. Councilmember Cooke said they are asking for a report from each city department's use of merit money for the fiscal year to May 1. The report would be broken down by employee category. This is requested as a follow-up to the October 1978 work session where merit pay was discussed. He said they would need a format devised by the City Manager showing how each department distributed its merit money. He said they will want to look at professionals, technical, and administrative people; and look at a more specific analysis like Brackenridge Hospital where there are people of different categories, or the Electric Department.

Mayor Pro Tem Goodman suggested the City Manager work out the format and present it to the City Council before it is voted upon.

BOAT RACES ON LAKE AUSTIN

Councilmember Mullen introduced an item to Council to consider boat races on Lake Austin at City Park. Mayor McClellan said this had been put on the agenda by Councilmember Mullen for informational purposes only. This should be put through regular procedures of referring it to the Parks Board first for review and then back to Council for a public hearing.

Motion

Councilmember Cooke moved that the Council refer to the Parks Board consideration of boat races on Lake Austin at City Park. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

JOHN GRIGGS CASE

Councilmember Himmelblau introduced an item to Council to consider placing the John Griggs Case C14-78-093 on an evening Agenda for continued public hearing due to the lack of a recommendation in the Home Occupation Ordinance. Mrs. Himmelblau pointed out to Council that in January they had voted to continue this case when they had the recommendation from the Planning Commission on the Home Occupation Ordinance. The neighborhood now feels they have waited long enough and wants the hearing continued.

Motion

Councilmember Himmelblau moved that the Council continue the public hearing on John Riggs Case C14-78-093 until June 21, 1979 at 7:00 P.M. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Mullen, Trevino

1979 AQUATICS SEASON

Mayor McClellan and Mayor Pro Tem Goodman introduced an item to Council concerning the Aquatics Program for the 1979 season for discussion. The Mayor pointed out that as a result of the budget cuts made, nine pools will have less days of operation. They will be cut from six to four days. These are the oldest pools in the city, which are draw and fill type. She said she did not like to cut back on the available pool hours of operation and asked for a recommendation on how to keep the pools open 6 days a week.

Mr. Leonard Ehrler, Director of Parks and Recreation, told Council the 9 pools are Brentwood, Civitan, Gillis, Govalle, Keeling, Palm, Patterson, Reed and St. John's. The amount of money needed to keep them open six days a week during the 1979 season is \$46,000 per day, or \$1,233 per day per pool. Councilmember Himmelblau asked if there is any item in the C.I.P. to alter

these pools to a filter system. Mr. Ehrler answered that in some instances there are, but it would cost more to attach a filter system than to build a new pool.

Mayor McClellan stated, "There has been some information put out that this was a phasing down this year and that we ultimately would close some of these pools. This Council has never had any discussion of closing the pools and I just want to make that very clear. I also want to ask that any report be brought to this Council if there is any discussion in your staff about possibly closing any of the pools." Mr. Ehrler said this has never been discussed by staff.

Motion

Councilmember Snell moved that the Council approve a budget amendment to keep the following pools open six days a week during the 1979 season: Brentwood, Civitan, Gillis, Govalle, Keeling, Palm, Patterson, Reed and St. John's. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Mullen

CITY MANAGER REPORTS POSTPONED

The following City Manager Reports were postponed until May 24, 1979:
(1) All-way stop at Clawson Road and Southgate Circle. (2) Request for utility service outside city limits: a. Rollingwood b. Sunset Valley.


ADJOURN

Council adjourned its meeting at 12:45 P.M.

APPROVED


Mayor

ATTEST:


City Clerk