

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 29, 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
Himmelblau, Councilmembers Mullen, Trevino
Absent: Councilmembers Goodman, Snell

Mayor McClellan expressed pleasure that Mayor Pro Tem Himmelblau was attending the meeting after absences due to surgery.

INVOCATION

The Invocation was given by Reverend John C. Towery, Congregational Church of Austin.

EMPLOYEE SUGGESTION AWARDS

Mayor McClellan announced that Kay Gudea and Katherine Barkan were sharing recipients of a cash award of \$376.90. Ms. Gudea and Barkan, both employees of the Parks and Recreation Department, suggested the employee's magazine be delivered to the work site of each employee, rather than through the mail. Savings to the City for this suggestion are \$3,769.00 annually. The Mayor and City Manager Davidson awarded the women a check and a plaque, citing them for their suggestion.

Another employee suggestion award was presented to Anthony Kellum, who is no longer in the employ of the City. He was a Mechanic I in the Water and Wastewater Department. His suggestion for a special clamp will save the City \$2,671 annually. Mr. Kellum's award was \$267.17. Ms. Geri Jaskowitz-Gretsky, Personnel Department, received the award for Mr. Kellum.

HERO OF THE MONTH

Mayor McClellan presented to Council and Chamber audience the Hero of the Month, John Salazar, who, by putting CPR to work, saved the life of his niece. She had swallowed a penny and was choking and then became unconscious. Her uncle, who is a freshman at Lanier High School, applied his CPR knowledge and saved her life. The Mayor awarded a certificate to John Salazar, citing him as Hero of the Month, and also gave him a T-shirt, which said, "Be a Hero, Learn CPR."

RESOLUTION FOR AUSTIN ETHNIC HISTORY ASSOCIATION

A resolution signed by the Mayor and all members of the Council was presented to members of the Austin Ethnic History Association. The occasion was for their sponsoring of two free international celebrations: the decoration of an "International Christmas Tree;" and a family party dedicated to the "Year of the Child." WILLIE KOCUREK, spokesman for the group, received the proclamation with their thanks and invited the Council and the public to attend the celebrations. Members of the Austin Ethnic History Association who were with Mr. Kocurek were: Mr. and Mrs. Raymond Prasatik, Mr. and Mrs. Reinhold A. Teinert, Mrs. W. I. Kocurek; and representatives of PARD, Ray Guerra, Janie Lopez, Luis Villela, Gilbert Acosta, Lori Sepeda, Ofelia Godines.

SILVER GLOVES WEEK

The week of December 3-9, 1979 has been proclaimed Silver Gloves Week according to a proclamation read by Councilmember Trevino. Exabiel Alba and Gina Flores-Morales were in the Council Chamber to receive the proclamation with their appreciation.

CIVIL AIR PATROL WEEK

Major Earl H. Hamilton, 2nd Lieutenant Robert F. Eldridge, and 2nd Lieutenant David Chapoy received a proclamation, read by the Mayor, designating the week of December 1-7, 1979 as Civil Air Patrol Week. They thanked the Mayor and Councilmembers for the proclamation.

COUNCIL CHALLENGES NEWS MEDIA
TO VOLLEYBALL GAME

Mayor McClellan announced the Council and City Administrators have challenged the news media to a volley ball game on December 9, 1979 in Gregory Gym from 3-5 P.M. The Council's team name is Heart Starters and she urged the public to attend the game and support their victory, and their support for the CPR (Cardio-pulmonary Resuscitation) program.

MINUTES APPROVED

Councilmember Cooke moved that the Council approve Minutes of the Meeting for November 15, 1979 and Special Meeting of November 14, 1979. The motion, seconded by Mayor McClellan, carried by the following vote:

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

BOARDS AND COMMISSIONS

Mayor McClellan announced the following Board and Commission appointments will be made on December 6, 1979:

Joint Airport Zoning Board - 1
Employees' Retirement System - 1
On-Going of Goals - 1
Manpower Advisory Planning - 11
MH/MR
Construction Advisory Committee - 3
Urban Transportation Commission - 1
Electric Utility Commission - 3
Hospital Board - 3
Community Development Commission - 1
Human Relations Commission - 7
Commission on the Status of Women - 1
Vending Commission - 1

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to acquire certain land for the Community Development District #12 project, CAPITAL IMPROVEMENTS PROGRAM No. 76/62-15:

0.63 of one acre of land out of that certain 2.508 acre tract
out of the Santiago Del Valle Grant. (Hazel W. Hamilton)

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize the acquisition of certain land for East Riverside Drive, IH-35 to Summit, CAPITAL IMPROVEMENTS PROGRAM No. 73/62-03:

679 square feet of land out of Lot 5, Colorado River Park Addition. (W. Bryant White)

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

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

Noes: None

Absent: Councilmembers Goodman, Snell

RELEASE OF EASEMENT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize the release of the following easement:

The east two and one-half (2.50) feet of a five (5.00) foot electric and telephone easement located on Lot 32, Block 2, Trailwood Village Two at Travis Country, 4814 Travis Country Circle. (Requested by James G. Miller, owner)

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

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

Noes: None

Absent: Councilmembers Goodman, Snell

LICENSE AGREEMENT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize the issuance of a License Agreement to allow construction of an aerial passageway across Lavaca Street midway between Fifth and Sixth Streets. (Requested by David Armbrust for the American Bank of Austin.) The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: Councilmember Trevino

Absent: Councilmembers Goodman, Snell

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve a construction change order in the amount of \$12,431.70 to Jentsch-Boyd Construction Company for drainage improvements at Canal Street and Fairway Drive easements, CAPITAL IMPROVEMENTS PROGRAM Nos. 77/61-01 and 77/61-03. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve a construction change order in the amount of \$44,925.00 to Robert C. Gray Construction Company for Spicewood Springs Road Phase I-A, North Route, (from Woodhollow Drive to Baywood Drive) paying and drainage improvements, CAPITAL IMPROVEMENTS PROGRAM No. 73/62-23. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

CHANGE ORDER

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve a change order in the amount of \$19,000 to C.E. Power Systems Combustion Engineering Corporation to cover additional boiler repairs, Decker Unit No. 1. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

PAYMENT AUTHORIZED

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize payment to the following:

VILLAGE JOINT VENTURE	- CAPITAL IMPROVEMENTS PROGRAM
	The cost difference for installation
	of 12"/8" water main in The Village
	at Western Oaks Section II -
	\$4,597.22 C.I.P. No. 77/22-07

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

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

LOWERING OF TOWN LAKE

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to lower Town Lake approximately two and one-half feet to facilitate construction operations required by specifications for the Congress Avenue Bridge Improvement Project. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

CONTRACTS APPROVED

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

MIXING EQUIPMENT COMPANY, INC.	- CAPITAL IMPROVEMENTS PROGRAM -
c/o Palmer-Hastik & Assoc., Inc.	Pit Neutralization Stirrer, Lightnin
6326 Mykawa Road	Mixer, Electric Utility Department
Houston, Texas	Item 1 - \$6,069.00
	C.I.P. No. 73/10-01

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

CHLORIDE SYSTEMS, INC.	- CAPITAL IMPROVEMENTS PROGRAM -
c/o Gettys-Eads-Adair, Inc.	Batteries, Electrical Substation,
3920 Braxton	Item 1, 5 ea. @ \$5,000.00
Houston, Texas	Total \$25,000.00
	C.I.P. Nos. 77/35-05, 78/35-01,
	77/35-06 and 79/35-030

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

WESTINGHOUSE ELECTRIC CORPORATION	- Turbine Spare Parts, Westinghouse
201 North St. Mary's Street	for Decker Plant, Unit No. 2, Electric
San Antonio, Texas	Department.
	Items 1 through 69, 116-160, 164 and
	166-168 - \$136,507.18

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

HONEYWELL, INC.
111 East Rhapsody
San Antonio, Texas

- Preventive Maintenance and Repair of
Environmental Controls, Municipal
Airport
Twelve (12) Month Agreement
\$5,464.00 annually

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

TEXAS MICROFILM, INC.
1708 Austin National Bank Tower
Austin, Texas

- Produce Microfiche from Computer-
Produced Magnetic Tape, Various
City Departments.
Twelve (12) Month Agreement
\$74,720.00 estimated annually

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Sand, Fill and Mortar Types and Sandy
Loam Topsoil, Street & Bridge, PARD
and Central Stores.
Twelve (12) Month Supply
Bid Items 1.0 through Alt. 3.0
awarded by line item to appropriate
sellers based on first, second and
third low bidder, etc. - \$210,000.00

CAPITOL AGGREGATES
Bolm Road
Austin, Texas

CENTEX MATERIALS
2525 Wallingwood Avenue
Austin, Texas

TEXAS INDUSTRIES
825 Ed Bluestein Boulevard
Austin, Texas

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

CACTUS CANYON QUARRIES, INC. 195 Yale Street Houston, Texas	- Crushed Granite Aggregate, Parks and Recreation Department Twelve (12) Month Supply Agreement Item 1, est. 1,500 tons @ \$9.25 Total \$13,875.00 est.
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The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

CHEMICAL WASTE MANAGEMENT, INC. 2131 Kingston Court S.E., Suite 112 Marietta, Georgia 30067	- Disposal of failed PCB Capacitors, Electric Distribution Estimated Total: \$7,185.60
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The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Rental/Lease: Office Copy Machines, Various City Departments.
Twenty-four (24) Month Rental Agreement

XEROX CORPORATION
7718 Wood Hollow
Austin, Texas

- Item 1, approximately 9 machines
est. monthly charge: \$842.76
Item 7, 1 machine, est. monthly
charge \$2,720.00

UNICOPY
5555 North Lamar, Suite K-123
Austin, Texas

- Items 2-6
Item 2 approx. 9 machines, est.
monthly charge \$927.00
Item 3 approx. 11 machines, est.
monthly charge \$1,428.57
Item 4 approx. 11 machines, est.
monthly charge \$2,592.37
Item 5 approx. 5 machines, est.
monthly charge \$1,818.25
Item 6 approx. 5 machines, est.
monthly charge \$3,004.15

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

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

TEXAS LOCAL PARKS

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution authorizing permission to:

1. Apply for matching federal funds in the amount of \$1,400,000 for land acquisition in the 100-year flood plain of the Barton Creek Greenbelt from Loop 360 to Lost Creek Subdivision; and
2. Submit a grant application to the Texas Parks and Wildlife Department for the same purpose, utilizing new state legislation entitled "Texas Local Parks, Recreation and Open Space Funds." (H.B. 233)

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

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

RAIL RELOCATION STUDY

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select the firm of Harland Bartholomew and Associates for professional engineering/planning service in connection with the Rail Relocation Study - Central Business District, and authorize the City Manager to enter into an agreement. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

Mr. Dan Davidson, City Manager, stated: "Mayor and Council, Mr. Goodman asked that I bring to your attention on the above item which you approved and he favored, that his office has been in touch with the U.S. Conference of Mayors because they have an interest in railroad improvements and relocations and downtown revitalization. Mr. Goodman's office has contacted Jeff Parker, with that organization, who has offered to assist us as we work with this consultant in designing our downtown relocation plan. Mr. Goodman suggests that we and the Council know about this and that he follow up by contacting the Conference and keep them informed of our project and take advantage of any suggestions or assistance that they might have. We'll do that and I just want you to be aware of this."

Councilmember Trevino said, "I had some discussion with Mr. Ternus several months ago that if the study indicates the track in the downtown area is to be removed then we would also like to consider a feasibility of track as they extend further east and the impact it may have. So later on I will be coming back with a related item to Council."

ELECTRIC SERVICE PROVIDED TO LYTTON SPRINGS
AND HOLMAN SUBSTATION

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into contribution-in-aid-of-construction agreements with Bluebonnet Electric Cooperative and Fayette Electric Cooperative to provide station service to Lytton Springs and Holman Substations. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

PURCHASE OF SERVICE CONTRACT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into Fiscal Year 1979-1980 Human Services Purchase of Service Contract with Legal Aid Society of Central Texas for \$42,112. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

AGENDA ITEMS PULLED

Mayor Pro Tem Himmelblau moved that the Council pull the following two items from the Agenda:

Consider authorizing the City Manager to enter into a contractual agreement with Carnales, Inc., for the rehabilitation and preservation of the property known as the "Quintanilla House," located at 1402 East 1st Street, funded in the amount of \$30,000 from the Fifth Year Community Development Block Grant. (November 29, 1979 through September 30, 1980)

Consider authorizing the City Manager to execute an agreement with Austin Mall Company to provide for channelization of traffic flow in the vicinity of Barton Creek Square Mall.

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

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

Mayor Pro Tem Himmelblau moved that the Council postpone consideration of cancelling the American City Contract until December 6, 1979. The motion seconded by Councilmember Mullen, carried by the following vote:

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

PUBLIC HEARING SET

Mayor Pro Tem Himmelblau moved that the Council set a public hearing on December 13, 1979 at 2:00 P.M. for the purpose of receiving a status report and inviting public comment on the City's Community Development Block Grant Program. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

SPECIAL CALLED MEETING AND PUBLIC HEARING

Mayor Pro Tem Himmelblau moved that the Council set a Special Called Meeting on January 14, 1980, for the purpose of having a public hearing on Council appointed boards and commissions in compliance with requirements of the Sunset Ordinance. The meeting will be held at 6:00 P.M. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

PUBLIC HEARING SET

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to set a public hearing for December 20, 1979 at 7:00 p.m. to consider annexation of the following:

17.22 acres of land (15.25 acres requested by owner and known as Barrington Oaks and 1.97 acres initiated by the City) C7a-79-007

134.42 acres of land requested by owner, located immediately north of Kramer Lane and Braker Lane. C7a-79-013

61.03 acres of land requested by owner and known as Oak Forest Section 5A. C7a-79-014

19.05 acres of land (16.68 acres requested by owner and known as Dorsett Oaks and 2.37 acres initiated by the City) C7a-79-015

42.66 acres of land (35.13 acres known as Woodstone Section VI and 7.53 acres initiated by the City) C7a-79-016

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

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

APPOINTMENTS MADE
TRAVIS COUNTY APPRAISAL DISTRICT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to appoint Les Gage and Gus Garcia to the Board of Directors of the Travis County Appraisal District. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

AMENDMENT TO STREET AND ALLEY ORDINANCE

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the Street and Alley vacation Ordinance to provide that the heirs of the original dedicator who own the property adjoining the street or alley to be vacated because of their heirship will not be assessed the fair market value of the property. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

COMMERCIAL DELIVERY VEHICLE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE; AMENDING SECTION 21-1, DEFINITIONS, TO REDEFINE "COMMERCIAL DELIVERY VEHICLE"; 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 Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

FIELD NOTES CORRECTED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 791011-Y, ENACTED BY THE CITY COUNCIL ON OCTOBER 11, 1979, BY CORRECTING THE LEGAL DESCRIPTION OF TRACT 4 OF THE PROPERTY ZONED BY SAID ORDINANCE; 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 Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

BUDGET AMENDED

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the 1979-80 Operating Budget by transferring \$116,581 from Brackenridge Hospital to the Data Systems Department for computer upgrade. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Mayor McClellan announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$20,000.00 FROM THE COMMUNITY SERVICES ADMINISTRATION FOR THE PURPOSE OF OPERATING A CRISIS INTERVENTION PROGRAM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ 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. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Mayor McClellan announced that the ordinance had been finally passed.

POLICE OFFICER RETIREMENT SYSTEM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A SEPARATE RETIREMENT AND PENSIONING SYSTEM FOR COMMISSIONED POLICE OFFICERS OF THE CITY OF AUSTIN, PURSUANT TO THE AUTHORITY GRANTED THE CITY COUNCIL OF AUSTIN BY THE 66TH TEXAS LEGISLATURE, IN THAT CERTAIN ACT ENTITLED "AN ACT RELATING TO ALLOWING CERTAIN CITIES TO ESTABLISH A SEPARATE RETIREMENT SYSTEM FOR POLICE DEPARTMENT EMPLOYEES," TEX. LAWS 1979, CH. 253, SEC. 1 AT 537; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; PROVIDING AN EFFECTIVE DATE OF JANUARY 1, 1980; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; AND SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS.

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor McClellan brought up 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 8, BLOCK M, SEC. 14C, NORTHWEST HILLS SUBDIVISION, LOCALLY KNOWN AS 6902 THORNCLIFF DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM 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.
(Brown Builders, Inc., C14-79-202)

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

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

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

Later in the meeting this ordinance was discussed. Mr. Lillie, Director of Planning, will notify adjacent property owners of Council's intent to change the conditions under which this was granted. It was granted to allow only one structure on top of the hill. The applicant had requested two structures, and after consideration, this is what Council will recommend as a change in conditions.

ENERGY CRISIS ASSISTANCE PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$127,611.00 FROM THE COMMUNITY SERVICES ADMINISTRATION FOR THE PURPOSE OF CONDUCTING AN ENERGY CRISIS ASSISTANCE PROGRAM; 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. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

SCHOOL TRAFFIC SAFETY PROGRAM

Mayor McClellan and Mayor Pro Tem Himmelblau introduced two items to Council: Discussion of traffic signal and other safety devices at North Bluff and South Congress. Review of School Traffic Safety Program. The Mayor said they should expedite as quickly as possible getting the City's information to the state concerning the School Traffic Safety Program, realizing there is a legal procedure through the State of Texas on this project near Pleasant Hill Elementary School. She told Council, "I want your complete concurrence and endorsement of urging that the signal light request be reviewed and resolved as quickly as possible. At the same time we're requesting the City Manager to pursue a city-wide review of all our school traffic areas to uncover any area where similar devices might be needed. We also should call upon the City Manager to contact the school system and review its school safety program in all the schools." The Mayor continued that she and the Council are very aware and much disturbed by the death of a school crossing guard for the Pleasant Hill Elementary School. She said unless the drivers of cars are careful, the city will not have safe intersections. Mayor McClellan went on to request the City Manager to contact the school system and review its school safety program in all the schools and requested that a specific review be on next week's agenda concerning the School Traffic Safety Program. She said, "Until the traffic signal request can be acted upon, I'd like to ask the City Manager to provide increased police department traffic enforcement in the school area."

Councilmember Trevino moved that the Council endorse the Mayor's requests outlined above. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Cooke

Mayor McClellan introduced Ms. Kay Beyer, Principal of Pleasant Hill Elementary School, who was present in the Council Chamber. She also introduced Pat Miller, PTA President; Mark Moses, Safety Coordinator; Margery Johnson, Counselor; and four students from fourth grade who are studying a unit on law: Chris Jarrell, Richie Myrick, Ayesa Adams, and Karen Miller.

Ms. Beyer told the Mayor and Council that the members of Pleasant Hill School appreciate the motion made by Council in their behalf. Mayor McClellan pointed out that Austin has one of the finest school safety programs in the country and the City will maintain its reputation.

ROVING LEADER PROGRAM

The City Manager Report on the Roving Leader Program was pulled from the Agenda until December 6, 1979, as requested by Councilmember Trevino. However, there were members from MH/MR in the Chamber audience and the Mayor asked them to speak today if they so desired.

MS. JUDY UDOFF, Chairman, MH/MR Board, appeared before Council to talk to the priorities considered by the Board of Trustees. Basically they are to expand the four unit development centers including a fully funded Roving Leader Program which falls under the Human Development Center and eliminating or reducing as much as they can the waiting list of the Infant Parent Program. They considered what a realistic amount of supplemental funds would be and voted at a special meeting on November 8, 1979 to establish ten priorities, and in rank order they are:

1. Registered Therapist for Infant Parent Training Program to serve 15 additional clients. \$17,500
2. Nurse for adult mental health services at Houston Street Human Development Center, to serve 125 additional clients. \$16,500
3. Roving Leader for children's mental health services program at East 1st Human Development Center serving 125 additional clients. \$16,000
4. Case worker for Adult Mental Health Services at Rosewood Human Development Center serving 125 additional clients. \$18,200
5. Nurse position for adult mental health services at Collier Street Human Development Center serving 125 additional clients. \$16,500
6. Half-time psychologist for adult mental health services at Collier Street Human Development Center serving 125 additional clients. \$10,450
7. Roving Leader for children's mental health services at Rosewood Human Development Center serving 125 additional clients. \$16,000
8. Caseworker position for children's mental health services at East 1st Human Development Center serving 125 additional clients for \$16,000
9. Roving Leader for children's mental health services at Houston Street Human Development Center serving 125 additional clients. \$15,300
10. Registered therapist position for infant parent training program serving 15 additional clients. \$17,500

Mayor Pro Tem Himmelblau said, "I understand there is a possibility of Federal funds to augment this program and this is what I would like to see us pursue. I also would like to see us, with your help, get tough with the State

for cutting our funds. Some of us have talked with Dr. Cavanaugh, but the meeting was not too successful. As the State continues to spill patients out into the Austin community, I think we need matching funds and we need to speak loudly and clearly for these. If going to Dr. Cavanaugh is not the answer then I think we need to move one step forward."

Councilmember Trevino said, "This item was placed on the agenda at my request. I hope we don't lose track of the Roving Leaders. I am not going to get into any kind of argument with the Board of Directors of MH/MR about the priorities. I was ready to vote additional money for the Infant Parent Program. The Council decided it wasn't necessary at that point. I'm willing even now to amend the budget to provide monies for that. But this item was placed at my request to discuss the Roving Leader and there are enough people in Austin that are very concerned about the situation with kids that get hooked up with paint and we want to address that problem right now before it gets to be in epidemic proportion. I agree with Betty, we ought to get as much money from the State and from the Feds, but I think we have to reach a point that we can't always be dependent on Federal money. We have too long in the past and we realize the type of situation it has placed us in. I hope we recognize that this is a serious problem in our community and that we're willing to make the necessary adjustment in our budget to meet that problem."

Ms. Udoff said she agrees it is a serious problem and all the ten items on their priority list are serious problems. She said it was very difficult to rank order them. Councilmember Trevino said he realizes that and wants her to know there is at least one Councilmember who is willing to amend the budget and provide more money.

JOHN BRUBACHER appeared and asked about the appointment of a City Council member to the study committee recommended by HSRT last summer. Mayor McClellan informed him the subject is not posted so Council cannot take action.

SAND BEACH RESERVE PARK LAND FOR PARKING PURPOSES

Mayor McClellan announced Council would now consider authorizing the Holiday Inn to use a portion of the Sand Beach Reserve Park Land for parking purposes, which was scheduled for 9:15 a.m.

Councilmember Cooke reminded Council he has been working with Holiday Inn on this proposal for eight months. He reviewed what has been done thus far and said this would be a precedent for using park land for private use. He said he has been working with the neighborhood also and has not had the opportunity to fully prepare something to present to the Council. He requested a postponement, but that when this item comes back to Council the public shall be informed two weeks before it becomes an agenda item that Council will reconsider it. He said this is a delicate issue and he cannot postpone it to a time certain.

Mayor McClellan stated, "I want to be very clear about this because I realize that you are spending a lot of time, Councilmember Cooke, with various groups. But I want to be very clear where I am at the outset about this because

I don't want you to go through weeks and months of negotiations and me pull any surprises. I just feel very strongly that that park land belongs to all Austin citizens and that it's not just a matter of precedent of using park land for other than park purposes but the law requires there must be a public purpose demonstrated for use of that park land. I do not believe there has been sufficient demonstrated public need for parking at that location. There has been a private need demonstrated, but not public. I remain firmly opposed to using that park land for private parking purposes. I don't know if it would be appropriate for you to share now what's going on in the way of negotiations but certainly if it's anything the City is party to on negotiating I think it is appropriate to share as much as you can now or at whatever time you think that should be shared publicly..whatever those negotiations are, but I want to be very clear that I don't believe we can negotiate with that land because there has not been a public purpose demonstrated for that parking on that land."

Councilmember Cooke said he agreed that nothing has been presented to Council which would allow the Mayor to have an alternative point of view to the one presented in October. He said he has been working with the staff and the City Legal Department has been involved in some of the discussions, as well as several neighborhood and community groups, together with the Board of Directors of Holiday Inn. The Mayor reiterated her view of a public need being demonstrated for use of the park land. She said that is the basic legal question and then "you get into other questions of conversion, but to me the basic question is there must be public purpose demonstrated for that park land I think park land is very different and it has special laws that apply and I do not believe there has been any public purpose demonstrated and I respectfully disagree with you. I don't think any amount of negotiations or amenities or whatnot you can do that will demonstrate a public need for parking there. Therefore, I don't know why we are negotiating."

Councilmember Trevino said he is also opposed to the use of park land for private parking and agrees that it may be precedent setting and because Mr. Snell and Mr. Goodman are not present to vote on that important issue, he is in favor of postponing a decision.

Motion

Councilmember Cooke moved that the Council postpone consideration of authorizing Holiday Inn to use a portion of the San Beach Reserve Park land for parking purposes, and place in a public forum two weeks before it reappears on the Council agenda. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

NOMINATING AND ELECTION COMMITTEE FOR
POLICE RETIREMENT SYSTEM BOARD ELECTION

Councilmember Trevino moved that the Council adopt a resolution to appoint Major Kendall Thomas, Lt. Robert Scott, Sr. Sgt. James Beck, Sr. Police Officer Alvin Shaw, and Sr. Police Officer Eldon Ball as the Nominating and Election Committee for the Police Retirement System Board Election. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

ZONING HEARING

Mayor McClellan opened the zoning hearing scheduled for 9:30 a.m. Pursuant to published notice thereof the following zoning case was publicly heard:

ALBERT VANDERLEE	12001 U.S. 183	From Interim "AA" Residence
C14-77-098	12200 Howlett Court	1st Height and Area
	12100-12102 Bell Avenue	To "GR" General Retail
	12000-12004 Tweed Court	1st Height and Area
	5901-6001 & 6000-6004	NOT Recommended
	McCoy Road	RECOMMENDED by the Planning
		Commission "O" Office, 1st
		Height and Area, subject to
		U.S. 183 recommendations.

Mr. Lillie, Director of Planning, reviewed the case, tracing the history of the zoning case.

TOM CURTIS, representing Mr. Rhodes, Lessee of the property in question, which is owned by Mr. Vanderlee, appeared before Council. He said that if the case had been finalized in 1977 as it was supposed to have been everything would have been all right and Mr. Vanderlee would have received "GR" General Retail with a 25 foot buffer. Mr. Vanderlee had requested a hearing before the Planning Commission in December of 1977, but it was never set. Prior to this area studies had been underway in the vicinity of the site and in October 1977 Mr. Vanderlee had reworked his original request for a zoning change from Plan D to Plan C. Now, Mr. Curtis related, his client is asking for "GR" with a limitation on curb cuts, a free-standing sign, and he will take into consideration the landscape ordinance.

COYLE BUEHLER, representing the neighborhood, referred to a letter sent to Council regarding neighbor's views and showed slides of the area. The neighborhood does not want "GR".

MARIE MOORE, who lives in the neighborhood, passed photos to the Council and said strong restrictions should be put on property that can be enforced by the Planning Commission. She asked Council to grant "O" and conform with the 183 study.

JERRY ROSE, neighborhood resident, said the zoning request is speculative with no site plan submitted. He urged "O" Office rather than "GR" General Retail to protect the neighborhood.

A man who did not identify himself said all 9 tracts should be resubdivided and made into lots which would face 183.

JAN ROSE, who lives on Bell Avenue, stated that Tweed Court is the only entrance to their subdivision.

VAL SHELL, a resident of the area, said it was understood when they were annexed it was done for their protection and so, wants "O" Office zoning.

Mr. Curtis returned to state the trees and shrubs are a natural buffer and the use of the property now is a non-conforming one. They are requesting the change in order to be conforming.

Councilmember Cooke expressed his concern re 183. He said the study made prudent changes and Council would be ignoring the study if they grant "GR."

Motion

Councilmember Cooke moved that the Council close the public hearing and adopt the recommendation of the Planning Commission. The motion was seconded by Councilmember Trevino.

Councilmember Mullen stated he agrees with the 183 study and recommendations, but the history of this case seems to indicate it has been bogged down with bureaucracy. He said the case should have been completed in 1977 with Plan C.

Substitute Motion - Died for Lack of Second

Councilmember Mullen offered a substitute motion to grant "GR" General Retail with one curb cut per acre, one sign per acre, abide by the landscape ordinance and abide by a site plan. The motion died for lack of a second.

Coyle Buehler returned to state all delays were not due to bureaucracy. The applicant has requested postponements.

Mayor McClellan asked if there has been problems with the City on this zoning. Mr. Lillie answered there have been.

BLEEKER MORRIS, who lives on 183, said the Council cannot back up and live under past law.

More discussion followed concerning the past history.

Roll Call on Original Motion - Failed

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

Councilmember Trevino stated the City is responsible in many ways for the delay on this case and suggested they wait for a full Council before they vote.

Motion

Councilmember Trevino moved that the Council close the public hearing and vote on December 6, 1979, at 9:00 a.m. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

ZONING HEARINGS

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

FAITH FELLOWSHIP INC. By Hank Wire C14-79-040	6010-6210 East Ben White 3010-3024 and 2814-2914 Montopolis	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED (as amended) by the Planning Commission
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Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District, (as amended) as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

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

Ordinance Passed - Emergency Basis

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 1.5787 ACRE TRACT OF LAND, LOCALLY KNOWN AS 6010-6210 EAST BEN WHITE BOULEVARD, 3010-3024 AND 2814-2914 MONTOPOLIS DRIVE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST 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. (Faith Fellowship, Inc., C14-79-040)

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

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

The Mayor announced that the ordinance had been finally passed.

LULA LA FUENTE
By Buck Smith
C14-79-219

6507 Circle S Road

From "O" Office
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council grant the change to "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

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

Mayor McClellan introduced the following ordinance on an emergency basis:

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 FIVE SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6507 CIRCLE S ROAD, FROM "O" OFFICE, FIRST 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. (Lula La Fuente, C14-79-219)

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

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

Noes: None

Absent: Councilmembers Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

L. T. AND SADIE BELL 11162 Jollyville
SIMPSON Road
By Andy Barnes
C14-79-227

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

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

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

CITY OF AUSTIN 5307-5311 East Riverside
By Joseph Marahan Drive
C14-79-239

From Interim "AA" Residence and
"A" Residence
1st Height and Area
To "A" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

ZILKER HEIGHTS
ASSOCIATES, LTD.
By Larry Peel
C14-79-241

2621 East Bee Caves
Road

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

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

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

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

TEXAS TRADITIONS
REALTY VENTURE
By Frank Brown, IV
C14-79-242

2222 College Avenue

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area, as amended, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

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

EDWARD WENDLANDT,
ET AL
By Hoyle Osborne
C14-79-224

9425-9721 North Lamar
Boulevard
501-701 West Longspur
Boulevard

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District on 565 feet at the widest point, "O" Office, 1st Height and Area District on the drainage detention area, and "A" Residence, 1st Height and Area District on 15 feet back (west) from center of drainage ditch, according to site plan submitted. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on 565 feet at the widest point, "O" Office, 1st Height and Area District on the drainage detention area, and "A" Residence, 1st Height and Area District on 15 feet back (west) from center of drainage ditch, according to site plan submitted, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN

By Planning Department
C14-79-228

8100-8408 and 8101-8409
Fort Sumter Road
8200-8412 and 8201-8411
Dixon Drive

8100-8424 and 8101-8425
Seminary Ridge

2600-2718 Cameron Loop

2700-2704 and 2701-2707 Irish Bend Drive

2700-2704 and 2701-2705 Calabash Cove

2700-2706 and 2701-2705 Fort Sumter Circle

2600-2710 and 2601-2711 Gettysburg Drive

2608 and 2609 Palmito Road

2600-2922 and 2601-2921 Inridge Drive

2700-2910 and 2701-2911 Jorwoods Drive

8200-8400 and 8201-8403 Kearsarge Drive

8200-8404 and 8201-8405 Alabama Drive

8100-8104 and 8101-8103 Shiloh Court

8100-8104 and 8101-8105 Caisson Circle

2100-2412 and 2301-2409 Stone River Drive

7900-8108 and 7901-8113 Appomattox Drive

2500-2606 and 2501-2605 Monitor Drive

2102-2602 and 2103-2607 Shiloh Drive

7900-8016 and 7901-8015 Keneshaw Drive

7700-7710, 7804-8200, 7701-7711, 7805-

7813, 7829-7901 and 8005-8201 Manassas Drive

From Interim "A" Residence
1st Height and Area

To "AA" Residence

1st Height and Area

RECOMMENDED by the Planning
Commission

7504-7612 and 7505-7609 Whispering Oaks Drive
 7504-7604 and 7505-7607 Whispering Winds Drive
 7706-7802 and 7707-7805 Gaines Mill Lane
 2300-2306 and 2301-2305 Gaines Mill Cove
 2400-2606 and 2401-2609 Broken Oak Drive
 2310-2606 and 2311-2607 Burly Oak Drive
 7502 and 7503 Hays Hill Drive
 7600-7604 and 7601-7605 Challsbury Drive
 7502-7604 and 7503-7703 Westgate Boulevard
 2200-2220 and 2201-2219 Fancy Gap Lane
 7700-7706 and 7701-7705 Malvern Hill Court
 2000-2114 and 2001-2113 Malvern Hill Drive
 7722-7804 Manchaca Road

2000-2100 and 2001-2101	From Interim "A" Residence
Shiloh Drive	1st Height and Area
7906-8122 Manchaca Road	To "A" Residence
8000-8208 and 8001-8207	1st Height and Area
Hood Circle	RECOMMENDED by the Planning
8000-8104 and 8001-8105	Commission
Dowling Cove	

Councilmember Mullen moved that the Council grant "AA" Residence, 1st Height and Area District, and "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and "A" Residence, 1st Height and Area District, as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES W. PERSON, 1611 West 6th Street
 TAO/ONO, INC.
 By Jay Prasifka
 C14-79-238

From "B" Residence
 2nd Height and Area
 To "O" Office
 1st Height and Area
 RECOMMENDED by the Planning
 Commission subject to five (5)
 feet of right-of-way

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

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

JANICE NOLLEY
By Larry Parks
C14-79-244

7217-7223 North Lamar
Boulevard

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

Retail, 1st Height and Area, and applicant to go to the Board of Adjustment to seek a variance in order for the fence to be placed on the property line. Should the request for variance be denied applicant should come back for rezoning of 24 feet of "GR" General Retail and one foot of "A" Residence, 1st Height and Area, as recommended by the Planning Commission.

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

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

MR. AND MRS. I. H.
SILBERBERG
By Irwin Salmanson
C14-79-230

4010 Spicewood Springs
Road

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

Commission, subject to the site plan that had been submitted and the conditions as stated in a letter on file in the Planning Department.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

LEWIS-BECHTOL CO. 9053-9045, 9037, 9029
By David Smith and 9021 Loop 360
C14-79-236

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area

RECOMMENDED by the Planning
Commission in accordance with the staff
recommendations and subject to two letters
submitted by the applicant limiting the
use to five foupex units and that Bent
Bough Drive will not be extended past
its present location.

Councilmember Trevino moved that the Council grant "BB" Residence, 1st Height and Area District, subject to conditions, and as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

Mayor McClellan introduced the following ordinance:

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

LOTS 13, 14, 15, 16 AND 17, THE MEADOW SUBDIVISION, LOCALLY KNOWN AS 9021, 9029, 9037, 9045, AND 9053 LOOP 360, FROM "A" RESIDENCE, 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 DECLARING AN EMERGENCY. (Lewis-Bechtol Company, C14-79-236)

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 Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

The Mayor announced that the ordinance had been finally passed on an emergency basis.

ROBINSON, FELTS
& STARNES
By Mark Swanson
C14-79-225

Portion of 1806 Rio
Grande

From "O" Office
2nd Height and Area
To "LR" Local Retail
2nd Height and Area
RECOMMENDED by the Planning
Commission as amended by
applicant and that the height
be limited to six feet for the
sign.

Councilmember Trevino moved that the Council grant "LR" Local Retail, 2nd Height and Area District, as amended by the applicant and subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

The Mayor announced that the change had been granted to "LR" Local Retail, 2nd Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

RIVERTOWN MALL LTD.
PARTNERSHIP
By Gregory Daily
C14-79-240

2013-A East Riverside
Drive

From "GR" General Retail
2nd Height and Area
To "C" Commercial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau asked Mr. Lillie, "Why the need of 'C' for a theater?" Mr. Lillie answered, "The ordinance provision requires it." She asked if a covenant could be put on it so there would be no more massage parlors able to use it in the event it was no longer a theater.

Mayor Pro Tem Himmelblau moved that the Council grant "C" Commercial, 2nd Height and Area District, as recommended by the Planning Commission, subject to its being used as a theater. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

The Mayor announced that the change had been granted to "C" Commercial, 2nd Height and Area District, subject to its being used as a theater, and the City Attorney was instructed to draw the necessary ordinance to cover.

BRONISLAW & ROSE
PUSCHMAN
By Larry Niemann
C14-79-221

412-418 Stassney Lane

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

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

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

BILLY J. & MARY
J. YORK
By William Bingham
C14-79-234

13560 Research Boulevard

From Interim "AA" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st Height and
Area save and except for one foot of
"A" Residence to remain on the back.

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, subject to one foot of "A" Residence, 1st Height and Area to remain on the back, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

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

LYNN STORM
By Robert Davis
C14-79-217

3801-3943 South Lamar
3800-3940 Victory Drive

From Interim "A" Residence
and "GR" General Retail
1st Height and Area
To "GR" General Retail
2nd Height and Area
NOT Recommended

RECOMMENDED by the Planning
Commission "GR" General Retail, 2nd Height and
Area for the building only, and "GR" General
Retail, 1st Height and Area on remainder, noting
that the applicant has volunteered to submit a site
plan for review by the Planning Commission with
the additional request that written comments per-
taining to the site plan regarding driveway cuts
and traffic flow around Porter Junior High be
submitted by Urban Transportation Department.

ROBERT DAVIS, representing the applicant, appeared and said that the concern regarding access was submitted at the Planning Commission and they were told to come back with a recommendation from Urban Transportation. The plan submitted shows the curb cuts will not line up with school driveways.

WOODROW SLEDGE, representing the Austin Independent School District, said they do not oppose the zoning.

Councilmember Mullen moved that the Council grant "GR" General Retail, 2nd Height and Area District, for the building only, and "GR" General Retail, 1st Height and Area District on the remainder, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the change had been granted to "GR" General Retail, 2nd Height and Area District, for the building only, and "GR" General Retail, 1st Height and Area District on the remainder, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BOSCHE BUILDING
By Michael Kuhn
C14h-79-019

804 Congress Avenue

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council accept the findings of fact a, b, c, d, f, h, i, k, l, and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

MONTGOMERY HOUSE
By Malcolm and
Carolyn Bucknall
C14h-79-020

808 West Avenue

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council accept the findings of fact a, c, f, h, i, k, l, and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

SOUTHGATE-LEWIS
HOUSE
By Ada Simond
C14h-78-024

1501 East 12th Street

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council accept the finding of fact c, g, h, i, k, l, m, and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Cases Postponed

H. E. BUTT
GROCERY COMPANY
By C. Morris Davis
C14-79-199

13804 Research Boulevard

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to U.S.
183 recommendations 1 a, b,
c and 2.

Mr. Lillie reviewed the application by use of slides. The request is for expansion of the H.E.B. store toward 183.

C. MORRIS DAVIS appeared and stated the expansion has been approved by the State Highway Department.

Councilmember Cooke expressed some concern since this involves 183.

Councilmember Mullen moved that the Council close the public hearing and postpone vote until December 6, 1979 at 9:30 a.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

The Mayor announced that the zoning case had been postponed.

LBP 11 STRIP
CENTER JOINT
VENTURE
By Roy Beard
C14-79-222

11005 F.M. 1325
(Suite 116 & 118)

From "D" Industrial
1st Height and Area
To "C-1" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau said she has the same fear of 1325 as Councilmember Cooke has of 183. She said, "If we don't limit curb cuts, 1325 is turning into a death trap. This is a step down in zoning from "D" Industrial to "C" Commercial, and it's not my main objection but Urban Transportation needs to hurry up and take a close look at what's happening out there. I hate to see zoning changes come about and have a progression of curb cuts the length of this road. I don't know how it should be handled, but I object to any more zoning out there right now." Mr. Lillie said the 1325 study has been completed by staff and will be heard by the Planning Commission on December 11.

Motion

Mayor Pro Tem Himmelblau moved that the Council have the case brought back next week with a report from Urban Transportation. The motion was seconded by Councilmember Cooke.

ROY BEARD, the applicant, stated the shopping center is already completed and the zoning request is for that part of the strip center which will be a liquor store.

Motion

Mayor Pro Tem Himmelblau withdrew her motion, and moved that the Council grant the zoning change. Councilmember Mullen seconded the motion.

Mayor Pro Tem Himmelblau said she prefers no more zoning until the 1325 study has been presented to Council.

WOODROW SLEDGE, speaking as an individual, said he just noted the shopping center was across 1325 from Summit School. Mayor Pro Tem Himmelblau said she did not know how many children would cross the highway to go to a shopping center. Mr. Sledge stated he had been recommending for years that the school be closed. However, there is rapid expansion now in enrollment because of the growth out there. Mr. Sledge referred to the staff recommendation which stated the zoning should be denied because of the close proximity of the school. He said Council lately has been ignoring staff recommendations as was the case in a recent zoning application on the northeast side for a liquor store in close proximity to a school.

Mayor Pro Tem Himmelblau asked, "Why, when it came before the Planning Commission, didn't the School Board oppose the zoning then?" Mr. Sledge said, "I suppose it was because it was overlooked, but also because we have guidelines which have been approved by the City and by the School Board which propose opposition to such escalation of zoning and we feel you who represent us should take care of us and protect us."

Motion Withdrawn

Mayor Pro Tem Himmelblau withdrew her motion to grant the zoning. Councilmember Mullen withdrew his second.

Mr. Beard said he contacted the principal of Summit School and all parents of children in the school.

Mayor Pro Tem Himmelblau said she thought the more intense zoning would increase the traffic situation in and out of the shopping center.

It was agreed among Council the case should be postponed until a full presentation can be made.

Motion

Councilmember Mullen moved that the Council postpone the zoning case, C14-79-222, to December 6, 1979 at 9:30 A.M. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Councilmembers Goodman, Snell

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

The Mayor announced that the zoning case had been postponed.

WILLIAM F. MUNDAY
By Kenny Dryden
C14-79-143

1000-1400 Block William
Cannon Drive

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

RECOMMENDED by the Planning
Commission subject to the site plan as offered by
the applicant to be reviewed by the Urban
Transportation Department and by the Planning
Commission. An amendment made to include 20
percent greenbelt, berm, and no signs on William
Cannon, and the building to share a common
driveway with the duplexes to the west.

Councilmember Trevino moved that the Council postpone the zoning case to December 6, 1979 at 9:15 a.m. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

The Mayor announced that the zoning case had been postponed.

NHS HOMES, INC.
C14-79-243

6910, 7000, 7002, 7004
Circle S Road

From Interim "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "A" Residence, 1st
Height and Area

Councilmember Mullen moved that the Council postpone the zoning case to December 6, 1979, at 1:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

The Mayor announced that the zoning case had been postponed.

RONALD J. LOVE, 13728-13716 U.S. 183
JOHN C. O'MALLEY, 10100-10106 Hymeadow
WILLIAM H. JANEWAY, Drive
BARNARD LEVINE, &
JAMES WANINK
C14-79-245

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st
Height and Area, subject to
the recommendations of the
183 Study

Councilmember Mullen moved that the Council postpone the zoning case to December 6, 1979, at 1:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen,
Councilmember

Noes: None

Absent: Councilmembers Goodman, Snell

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

The Mayor announced that the zoning case had been postponed.

CHILDREN'S
PUBLICATIONS, INC.
C14-79-226

1101-1109 Elm Street
also bounded by West
12th Street

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

Councilmember Mullen moved that the Council postpone the zoning case to February 21, 1980. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the zoning case had been postponed.

NPC REALTY
COMPANY
By Robert Davis
C14-79-237

2624 William Cannon
Drive

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

Councilmember Mullen moved that the Council postpone indefinitely the above zoning case. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the zoning case had been postponed.

ROBBIE GIBSON
C14-79-246

5409 Bennett

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

Councilmember Mullen moved that the Council postpone the zoning case to December 20, 1979 at 7:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the zoning case had been postponed.

IVA BELLE FLEMING
By Larry Landreth
and J. B. Goodwin
C14-79-231

1912 West 35th

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

Councilmember Mullen moved that the Council postpone the zoning case to December 6, 1979 at 1:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the zoning case had been postponed.

JOSE AND VIOLA
BENAVIDES
C14-79-223

4412 Gillis

From "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT Recommended by the
Planning Commission

Councilmember Mullen moved that the Council postpone the zoning case to December 6, 1979, at 1:00 P.M. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the zoning case had been postponed.

MRS. DELLA M. 9613 Old McNeil Road
ALBRECHT
By Larry Edgeman
C14-79-207

Councilmember Mullen moved that the zoning case be DENIED. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ALICE BURROWS 1023 West 24th Street
HOLMES also bounded by Leon
By Jack Borders
C14-79-220

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

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

ALLIED DEVELOPMENT COMPANY
By Thomas Cummins
C14-79-216

From "GR" General Retail
1st Height and Area
To "GR" General Retail
2nd Height and Area
NOT Recommended by the
Planning Commission

Councilmember Mullen moved that the Council permit the withdrawal of the above zoning case. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

The Mayor announced that the zoning case had been WITHDRAWN.

RECESS

Council recessed its meeting at 12:25 p.m., and resumed its recessed meeting at 2:20 p.m.

CHRISTMAS TREE LOT

Councilmember Trevino moved that the Council approve the request of MR. BILL BROPHY, representing Manchaca Optimist Club, to use Garrison Park area for the sale of Christmas trees for a non-profit organization from November 24, 1979 to December 25, 1979. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

AIRPORT IMPROVEMENTS

MR. HOWARD M. SIMMONS appeared before Council to discuss the January 19, 1980 City/County Bond Election Ballot with voting for or against certain airport improvements. He had an extensive report which he reviewed after giving copies to the Mayor and Councilmembers. He said the City needs a bond election to receive voter approval for the improvements. When he finished his presentation, the Mayor thanked him and commented he had spent a great deal of time on research for his report, which she felt they would all find to be of value.

WORK SESSION ON AIRPORT SCHEDULED

Mayor McClellan stated that since they were discussing the airport, she would discuss the item to Council introduced by Mayor Pro Tem Himmelblau and

herself concerning discussion of additional resources and a work session on the airport. The Mayor stated, "I am not comfortable with any of the options that we had, and I still believe we need more information to base our decisions on. So I would suggest two things, Council, to help with answering this airport challenge if you will. One is to establish a definite timetable for our next work session. From the City Manager's staff we need some information we asked for at the last work session. I am suggesting we have the work session about 60 days from now. How about Monday, February 4, 1980 at 4:00 p.m. I would also like to ask the City Manager to help us make arrangements and gather information on agencies and individuals and organizations that ought to be consulted, and I have a partial list here as a starting point, but it is certainly not to be exclusive of others: FAA, CAB, Commercial Airline Carriers, USAF, appropriate Congressional officials who have expressed interest in this, Airline Pilots Association, Airport Operators Council International, consulting firms currently under contract with the City, various civic and neighborhood organizations that have expressed interest in this, Air Transport Association of America, and Professional Air Traffic Controller's Association."

The Mayor continued, "I request that with Council's consent you authorize both my office and the Manager to contact each of these groups and to request their participation so that they can offer us help in arriving at a solution and get many of the presentations and communications prepared and available for Council use prior to the next work session."

Councilmember Cooke wondered if any of the groups would be able to assess and provide information to Council regarding the kind of equipment that the manufacturers in this country are anticipating producing in 1980 and 1990." He continued by stating if that cannot be done then perhaps the aircraft manufacturers should be contacted.

Mr. Bayless, Airport Director, said the information is now available. Mayor McClellan asked that that particular question be addressed in their communications.

Councilmember Cooke moved that the Council set a work session to discuss the airport for February 4, 1980, at 7:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

CITY EMPLOYEE POLICY

MR. MARK ANTHONY MARIANI appeared before Council to discuss the City employee policy.

PRESIDENTIAL CANDIDATE

MR. BUD FLYNN appeared before Council to discuss federal funding assistance for an important civic project in Austin. He announced his candidacy for President and said his share of the federal funds for presidential candidates will be turned over to the City of Austin.

SINGLE FAMILY TAX EXEMPT BONDS

Councilmember Mullen introduced an item to Council for consideration. It concerns single-family tax exempt bonds as provided under Texas enabling legislation H.B. 1876. He asked that a resolution be placed before Council next week authorizing the creation of a non-profit corporation with appointment of the seven members of the City Council as the Board of Directors and also approving the necessary Articles of Incorporation. Mr. Mullen also requested Council have a public hearing on the creation of the non-profit organization.

Mayor McClellan said, "Some of the questions I want to be sure we address are: What effect the bonds will have on the City of Austin, debt limitation... will they effect the debt limitation? Will the program be detrimental to private mortgage financing programs. Will it offer opportunities for lower income families to experience home ownership, which is something I think is very very important, and how can we be sure that the bonds truly represent a public need and purpose, and I would hope that we can address all that both with staff's help and certainly in the public hearing, and I totally concur with you that we don't want to hear specific proposals at that public hearing from any company."

Motion

Councilmember Mullen moved that the Council set a Special Called Meeting for December 5, 1979 at 4:00 P.M. for the purpose of having a public hearing on Single Family Tax Exempt Bonds. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

COST OF BOARDS AND COMMISSIONS

City Manager Davidson introduced his report on the Cost of Boards and Commissions. He stated, "This report was prepared at the request of City Council and it has to do with the estimated costs associated with and functioning of the various Boards and Commissions. I believe that Council wanted this information in connecting with the Sunset Ordinance hearings, which you have established. We are making some recommendations along with this report, indicating that the Council direct that we standardize the reporting of format that would be used in the future years for these reports, and we'll stand by to provide any additional assistance that the Council should have."

Mayor Pro Tem Himmelblau commented, "One thing we don't see in any of the reports is the amount of money for travel for members of Boards and Commissions, and could a slot for that be indicated?" Mr. Davidson said there can be. Mayor Pro Tem Himmelblau continued, "They don't even go through the formality that the Council does as far as putting out a form, and I for one would be very interested in knowing what members of Boards and Commissions spend on travel and where they go."

Councilmember Mullen said, "I really think that anybody who is not on staff with the City should report on where the money is going. I think it is just prudent and we understand if you send staff somewhere, but if somebody comes in and makes a request of the City to pay for a trip, I think the Council should have a report on it." Mr. Davidson stated a reporting procedure will be set up immediately. Mayor McClellan recommended it be done the same way the Council does theirs. Mr. Davidson said he would proceed with Council's recommendation immediately.

MULLER AIRPORT IMPROVEMENTS

Roy Bayless, Airport Director, said that on August 9, 1979, the Council approved an interim report which Bovay Engineers had designed for airport terminal improvements. Architectural work had begun and about 30% of the design phase had been completed when after a meeting in Dallas on November 1, 1979, with airline officials, the airlines felt that a different design concept should be used from the one they had approved previously.

Mr. Bayless then reviewed the initial concept, which included 5 gates on the north end of the concourse, enlargement of the baggage claim area, addition of one baggage claim device, closing in of the atrium area, relocation of the kiosk and building of some ticket counter space immediately east of the Braniff counter which would fill in a large part of the existing lobby.

The airlines now felt that the design should include going to three carousel-type baggage conveyor devices, enlargement of the baggage claim area, which would be somewhat larger than first anticipated, closing in of the atrium, relocation of the kiosk area, reducing from 5 gates to 3 gates with gate-sharing and the building of a 240-foot building to the east for ticket counters. The biggest problem would be relocation of the cargo building to along Airport Boulevard.

Approximately \$3.2 million was available in bond money for the improvements. The first design concept exceeded that figure by \$350,000, but it was felt that increased revenues would offset that amount.

A rough estimate of the cost for the new concept would come to slightly over \$7 million. Mr. Bayless felt that the new concept would be far better than the first one, and said that the City Manager felt that the item should be brought back to the Council since there would be an additional cost of \$8,000.

Mr. Bayless presently had no recommendation for the additional funding, but suggested that the City negotiate with the airlines and try to fund the improvements with revenue bonds.

In response to Mayor Pro Tem Himmelblau's question, Mr. Bayless replied that there were no plans to remove a rise in one of the runways which had been mentioned in the newspaper. The situation was not desirable, but was tolerable.

Mayor Pro Tem Himmelblau asked if modifications to the terminal building would effect the length of the runways. Mr. Bayless replied, "No," that there were no plans at this time to lengthen the runway. Regarding the reduction of the number of gates, Mr. Bayless stated that the airlines themselves agreed to work out preferential use of the gates.

Councilmember Mullen asked if a slight reduction had been seen in growth reduction as compared to the projection, particularly in the last month. Mr. Bayless said, "No," that growth was predicted at 20% and it was at over 19%. Nationwide growth was 13% to 14%. Braniff had had a cash flow problem and Texas International had cut out a few flights to Austin, but Southwest Airlines would increase their flights after the first of the year by 4 to 5 flights. Mr. Bayless did not feel that the growth curve projected to 1995, based on current use, would change; and that emplanements would reach 2.4 million annually by that date.

Responding to City Manager Davidson's question, Mr. Bayless said that going to the new design would delay the improvements by about 3 months, which would adversely effect the cost of the project due to inflation. Funding of the improvements could be done through revenue bonds with the airlines picking up the debt service through higher fees.

All of the airlines serving Austin were represented at the meeting in Dallas when the new design change was recommended and Mr. Bayless assumed that the decision was unanimous, since no objections were raised at the meeting.

Motion

Mayor Pro Tem Himmelblau moved that the Council authorize pursuit of the optional course as outlined with staff to report back to Council in 30-45 days on details of financing. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

Not in Council Chamber when roll was called: Councilmember Cooke

Councilmember Mullen said that he was voting "yes" if it was the clear understanding that the proposed improvements would no in any way influence the future direction of the airport issue, and Mr. Bayless assured him that it would not.

PROPOSED DRAINAGE IMPROVEMENTS

Mr. John German, Director of Public Works, reported on the proposed drainage improvements to Waller Creek south of East First Street by the Housing Authority Senior Citizen Center as follows: "We have looked at a very serious

drainage problem on the lower reaches of Waller Creek in the vicinity of the Lakeside Senior Citizen Center operated by the Housing Authority. During the heavy rains this past year we had quite a bit of riprap retaining wall slope protection washed out. It was a serious situation and every time we have a rain more of it is washing out. We have looked at several alternatives for solving the problem. One particular alternative would cost about \$45,000. This is the installation of rock-filled wire baskets. We've used that quite successfully in other parts of the city for erosion control. We are also looking at some other options in order to solve this problem. But I do feel it is the City's responsibility to go in and make these improvements. We would like to allocate \$60,000 from one of our existing CIP (Capital Improvement Program) projects, the various channel improvement projects, and ask Council to authorize us to proceed to work out this problem and come up with a permanent solution. We will bring this back to Council in the form of a construction contract for your consideration."

Motion

Councilmember Trevino moved that the Council authorize the City Manager to authorize staff to proceed to work out a solution to improve drainage in the vicinity of the Lakeside Senior Citizens' Center; allocating \$60,000 from existing CIP in the various channel improvement projects. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

Not in Council Chamber when roll was called: Councilmember Cooke

PUBLIC HEARINGS ON STREET VACATIONS

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. on vacating the following and passage of ordinance: SAN ANTONIO STREET right-of-way adjacent to Lot 4, Block 74, Original City of Austin, 500 West 6th Street. (Requested by Steven C. Grinnell of Grinnell Properties, Inc., owners)

Mr. German said the issue is an encroachment into the public right-of-way of one inch by 70 feet, but it is important to the applicant in order to clear up a loan, so it has been processed as any other street vacation would be. He said it is recommended to Council subject to a reversionary clause in the deed that if this building is ever demolished, this one inch by 70 feet would revert back to street right-of-way. The existing owner is agreeable to the reversionary clause and it has been worked out with the Legal Department.

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

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF SAN ANTONIO STREET RIGHT-OF-WAY, A PUBLIC STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, TEXAS, AND ADJACENT TO LOT 4, BLOCK 74, ORIGINAL CITY OF AUSTIN, COMMONLY CALLED 500 WEST 6TH STREET; PROVIDING FOR REVERSION WITHOUT NECESSITY OF REENTRY BY THE CITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

Absent: Councilmembers Snell, Goodman

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been passed through FIRST READING ONLY.

Mayor McClellan opened the public hearing on vacating the following and passage of the ordinance: JOAN OF ARC COURT located in Raymond's Plateau Subdivision out of Outlot 11, Division "Z", about two blocks west of Lamar Boulevard off Sixth Street. (Requested by J. Winston Chapman for Dorothy and Alvin Flury, owners)

Councilmember Mullen suggested discussion be postponed one week because there is a dispute on this and a full Council is needed.

Motion

Councilmember Mullen moved that the Council continue the public hearing on vacation of Joan of Arc Court on December 6, 1979 at 3:15 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Snell, Goodman

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

PROPOSED HAULED INDUSTRIAL WASTE ORDINANCE

Mr. John German presented the City Manager Report on Proposed Hauled Industrial Waste Ordinance as follows: "On July 26, 1979, Mr. Jim Brady appeared before Council requesting consideration of an ordinance which would control the exposure of certain industrial waste now prohibited from being discharged into the City's wastewater, storm sewers, or open drainage ditches. These wastes are primarily those which come from grease traps in restaurants and other commercial establishments located throughout the County. Since that time we've had quite a bit of conversation with Mr. Brady with many City departments involved, including Water and Wastewater, Public Works, the Health Department, and also the County Engineer's office since this involves both the question of landfill practices and operations as well as septic tank and Health Department matters. We have concluded that this is a worthwhile ordinance and have recommended a number of major changes. Mr. Gray has incorporated those into his recommended ordinance. The staff fully supports the ordinance as it is drafted and we would recommend to Council that we be instructed to prepare a final ordinance and bring it back for your consideration at some future date."

Motion

Councilmember Mullen moved that the Council instruct the City Manager to bring back an ordinance on Hauled Industrial Waste. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

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

GIRL SCOUT TROOP RECOGNIZED

Mayor McClellan recognized the presence of Girl Scout Troop 334 from Doss Elementary School who were in the Chamber audience.

TAX SUIT

The City Manager Report on Mr. Robert T. Shorts Tax Suit was presented by Mr. Albert De La Rosa, Assistant City Attorney. He reported the following:

"This delinquent tax suit originally concerned three separate pieces of property, but one of them has now been paid off. The remaining two pieces of property concerned are located at 1200 Perez Street and 701 West Annie Street. The total amount of taxes, penalty and interest due on these two properties is \$315.81. The total amount of Court costs due in the tax lawsuit is \$124.00. (Mr. Short had asked waiver of penalty on the tax suit against 1200 Perez Street since he had a dispute with the City concerning curb cut for a driveway.) Article VIII, Section 5 of the City Charter prevents in absolute terms the discount or remission of any of the accrued penalty and interest on these taxes. The Tax Department, however, is willing to give Mr. Shorts another opportunity to pay his delinquent taxes through monthly payments. Based on the total amount he now owes, it would appear that a payment of \$30.00 a month would be reasonable."

No action was required by Council.

MR. M. A. LANG - ELECTRIC RATES

The City Manager Report to answer questions posed by Mr. M. A. Lang, was presented by Mr. R. L. Hancock, Director of Electric Utility, as follows:

"The basic problem is the fact that Mr. Lang's unit cost for electric energy at his coin operated laundry is higher than he desires and it is higher than the unit cost for other coin operated landeries. Mr. Lang has done what he can to reduce his demand at that location, which is the major cause of that increased cost, short of impacting on the convenience of his customers or his potential customers. The rate application is a matter of importance in this case. There are two types of rates that might be applied. One is termed a

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non-demand rate and the other is a demand rate for multiple fuel commercial customers. According to the rate ordinance, Mr. Lang meets the criteria for the application of the demand rate because the demand of his place of business in two summer months exceeds 30 KW and so that rate is applied. I think Mr. Lang's desire is that the non-demand rate be applied which would yield a lower unit cost, but his demand is in excess of the 30 KW that the rate ordinance sets for criteria of the application of that rate. The staff's position is that under the terms of the ordinance the characteristics of that coin-operated laundry are such that the general service multiple fuel demand rate should be applied. The staff acknowledges that there is an unusual economic impact. We have investigated that on a preliminary basis and the reason for the impact is a relatively poor load factor at that particular installation. It requires an unusual amount of capacity for very low energy usage characteristics. Lower than other coin-operated laundries and is the prime reason for the adverse impact. Mr. Lang is in a position where he probably would have to disconnect some washers or air conditioning in order to manage that demand down and that would have an impact on his business operation. I think Mr. Lang wants the City to place him on the non-demand rates, reimburse him for his previous additional cost under the demand rate and make an exception in his particular case. The staff has talked with Mr. Lang and he has talked with the Electric Utility Commission and we acknowledge there is a discontinuity for poor load factor load between the non-demand and the demand classification. There is a possibility of smoothing this continuity out, but that would have to be in conjunction with the rate tariff design that is underway now and a great deal of research would have to be conducted in support of that sort of a change to make sure we do not adversely impact another group of customers. The basic problem is, of course, load factor at the laundry and of course, the rates are designed to penalize poor load factor. The Electric Utility Commission has considered the issue and has suggested to staff that they analyze the continuity in the transition between non-demand and demand. Mr. Lang's business is just on the other side of the criteria with a peak somewhere in the range of 36-40 KW with 30 KW as the criteria."

Mr. Lang appeared to discuss the difference between demand and low demand and to state there is an error in the rate structure because the arithmetic does not work out. He asked that the situation be corrected, and made retro-active in his case. He said demand is an important part of gathering revenue but all should pay for it equally.

Mayor McClellan said it would be appropriate for staff to work on this as it applies to our new rate structure.

DECEMBER 27, 1979 COUNCIL MEETING
CANCELLED

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, cancelling the Regular Meeting of the Council scheduled for December 27, 1979. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

The Mayor announced that the ordinance had been finally passed.

Motion

Councilmember Trevino moved that the Council reschedule the December 27, 1979 zoning hearings to January 3, 1980. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmembers Goodman, Snell

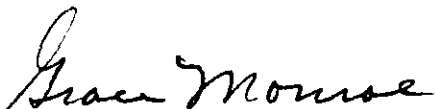
ADJOURNMENT

Council adjourned its meeting at 3:50 P.M.

APPROVED


Mayor

ATTEST:


City Clerk