

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 6, 1979  
9:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by Father Donald J. Sawyer, Sacred Heart Church.

CLASS RECOGNIZED

Mayor McClellan noted the presence in the Council Chamber of the Baker School 6th Grade Center. Teachers of the class are Mrs. Swietek and Mrs. Ely. Student teachers are Vickie Vernon and Stacy Shafer. The Mayor commented she had visited Baker School yesterday and the class, which is studying government, had asked her some very good questions.

REDIRECTED HOMEMAKERS' WEEK

Mayor McClellan read a proclamation designating December 10-14, 1979 as Redirected Homemakers' Week. Ann Finch, Redirected Homemakers Facilitator, thanked the Mayor and Council for the proclamation and invited them to an Open House December 12, 1979 from 2:30 to 6:30 P.M. Flynn Nogueira, Client Advocated, also expressed her thanks for the proclamation.

## HEARTSTARTERS VOLLEYBALL GAME

Mayor McClellan reminded citizens of Austin about the volleyball game to be played Sunday, December 9, at Gregory Gym. The Council and City Staff will play the press corps. Proceeds of the game will go toward the CPR program....thus the name of the city team....Heartstarters.

## MINUTES APPROVED

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes of the Meeting for November 29, 1979. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## BOARD AND COMMISSION APPOINTMENTS

Mayor Pro Tem Himmelblau moved that the following appointments be made to the Medical Advisory Board:

Trine Ruiz  
Jennie Ruiz  
Helen Ragland  
Bonnie Young

Terms to expire 12/1/81

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

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

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Councilmember Mullen moved that the Council appoint Mayor Pro Tem Himmelblau to the task force to review MH/MR Board's policies and procedures as recommended by HSRT. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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Future Appointments

Mayor McClellan announced the following Boards and Commissions have been announced for December 13, 1979:

Joint Airport Zoning Board, 1  
Employee's Retirement System, 1  
On-Going of Goals Assembly Committee, 1  
Manpower Advisory Planning Council, 11  
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  
Electrical Board, 3  
Ethics Review Commission, 1  
Library Commission, 1  
MH/MR, 3

The following appointments will be made January 3, 1980:

Board of Adjustment, 5  
EMS Quality Assurance Team, 5  
Heating, Air-Conditioning and Refrigeration Appeal Board, 2  
Library Commission, 7  
MH/MR Public Responsibility Committee, 3  
Citizens Traffic Safety Commission, 4  
Urban Transportation Commission, 3

Executive Session Set

Mayor McClellan announced there are 78 board and commission appointments to be made in December and January, and set an Executive Session to discuss appointments for December 13, 1979 at 12 Noon.

RELEASE OF EASEMENTS

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

A seven and one-half (7.50') foot Public Utility Easement located on Lot 3, Block C, Beaconridge West, 8115 Boggy Ridge Drive.  
(Requested by Barney Reynolds for Ernest and Shirley Trejo, owners.)

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

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

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

A seven and one-half (7.50') foot Public Utility Easement located on Lots 1 and 2 of the Resubdivision of part of Lots 3, 4, 5, 6, 7 and 8, Block 3, Freewater Addition, 700 block of Banister Lane.  
(Requested by Ron Zent for Joe R. Long Construction Co., owners)

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

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

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CONTRACTS APPROVED

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

POOL and ROGERS PAVING COMPANY, INC. 10731 Manchaca Road Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Paving and Drainage Improvements Group 62-B Assessment Paving - \$227,320.80 C.I.P. No. 75/62-01
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

ACI SYSTEMS DIVISION 5005 East Ben White Austin, Texas	- Air Conditioning Repair at the Municipal Auditorium - \$9,827.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

AUSTIN ENGINEERING COMPANY, INC.  
6304 West Bee Caves Road  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Electric Ductline, West 8th  
Street and Guadalupe Street -  
\$58,110.00 C.I.P. No. 80/15-02

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

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

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

AUSTIN ENGINEERING COMPANY, INC.  
6304 West Bee Caves Road  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Electric Ductline and Concrete  
Foundations at Barton Substation -  
\$54,740.00 C.I.P. No. 79/16-01

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

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

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#### PAYMENT AUTHORIZED

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

ALLIED DEVELOPMENT COMPANY

- CAPITAL IMPROVEMENTS PROGRAM -  
The cost difference of 12"/8"  
water main in Springdale Center  
Subdivision - \$11,664.24  
C.I.P. No. 75/22-07

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

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

PUBLIC UTILITY REGULATORY POLICIES ACT MANUAL  
AND CONSUMER INFORMATION

Councilmember Trevino moved that the Council adopt a resolution to enter into a contractual agreement with the Texas Municipal League for coordination and selection of a consultant to develop a Public Utility Regulatory Policies Act Hearings Procedure Manual and a Public Utility Regulatory Policies Act Consumer Information Program. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to authorize acquisition of property rights or title for right-of-way for electric power transmission lines from Pilot Knob Substation to Lytton Springs Substation. CAPITAL IMPROVEMENTS PROGRAM No. 77/13-05. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## AMERICAN CITY CONTRACT CANCELLED

Councilmember Trevino moved that the Council adopt a resolution to cancel the American City Contract. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## CONTRACT WITH HOUSTON LIGHTING AND POWER

Councilmember Trevino moved that the Council adopt a resolution to extend the contract with Houston Lighting and Power Company for the sale of electric generating capacity for calendar years 1982-85. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

MUNICIPAL COURT JUDGE SCREENING COMMITTEE

Councilmember Trevino moved that the Council adopt a resolution to appoint a Municipal Court Judge Applicant Screening Committee as follows:

Irwin Salmanson  
David Armbrust  
Pam Giblin  
Mack Kidd  
Tom Curtis  
Gabe Gutierrez  
Bobby Taylor

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

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

CONTRACT WITH CARNALES, INC.

Councilmember Trevino moved that the Council adopt a resolution to authorize the City Manager to enter into a contractual agreement with Carnales, Inc. for the rehabilitation and preservation of property known as the "Quintanella 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). The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Before the vote, Mayor Pro Tem Himmelblau asked why this had been pulled off last week's agenda. Mr. Herrera told her there were some final questions on the legality of the title and it has been resolved that they do have title. Councilmember Trevino said they also wanted to insure that Carnales, Inc. would not turn around and sell the house immediately. Mr. Herrera said two stipulations have been added into the contract...(1) the property will not be divested within five years, (2) the property will not be used for anything other than what is agreed to in the contract. He said the contract authorization does not imply immediate release of funds. They will have to go back to HUD to obtain the release of funds.

COMMENT BY COUNCILMEMBER MULLEN

After the consent vote on the resolutions, Councilmember Mullen referred to the contract with Houston Lighting and Power and stated: "I think we ought to recognize Councilmember Cooke's leadership in this and thank him for the fact we went back and picked up \$9,000,000.00 and have helped save the ratepayers a considerable amount of money." Councilmember Cooke said, "I'll extend that back to the Electric Utility Commission because some of those members worked very closely with me and they deserve some of the comments."

MEDICAL INSURANCE PREMIUMS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 4, OF ARTICLE IX, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTIONS; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE AND DECLARING AN EMERGENCY," AS PASSED BY THE CITY COUNCIL ON OCTOBER 10, 1940, AND AS AMENDED FROM TIME TO TIME THEREAFTER, BY CHANGING THOSE PARTS OF AFORESAID ORDINANCE TO EFFECTUATE THE FOLLOWING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.



FUNERAL ORDINANCE AMENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE II, CITY SEXTON, OF THE AUSTIN CITY CODE OF 1967, AS AMENDED, BY AMENDING THEREIN SUBSECTION (b) OF SECTION 7-21. DUTIES AS TO INTERMENTS GENERALLY; FEES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

STREET VACATION

Mayor McClellan introduced the following ordinance:

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; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

Councilmember Goodman moved that the Council postpone to 12/13/79 at 9:15 A.M., the second and third readings of an ordinance amending Chapter 45 of the Austin City Code of 1967 to cover the following changes:

BROWN BUILDERS, INC.  
C14-79-202

6902 Thorncliff Drive  
also bounded by Knoll-  
wood

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

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

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

Mayor McClellan said this was a zoning matter which was settled and then the applicant came back in and asked for a change. "We have officially closed the public hearing, we're voting on the ordinance. If you want to re-open it for discussion I think you ought to indicate that today." Mr. Albert DeLaRosa, assistant City Attorney, stated, "The public hearing on this item has been closed. If the City Council wants to set this for a public hearing you would need to send this back to the Planning Commission." Mayor McClellan asked, "If this is not a public hearing can we discuss this among ourselves and then direct questions to those in the Council Chamber?" Mr. DeLaRosa said this would be all right but Council cannot re-open the public hearing. Mayor McClellan then requested someone from the neighborhood should appear next week as a spokesperson for the applicant so Council can direct questions to them. She asked Mr. Lillie to so inform the parties involved.

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Mayor McClellan introduced the following ordinance:

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

A .61 ACRE TRACT OF LAND, SAVE AND EXCEPT THE NORTHERN AND WESTERN FIVE FOOT STRIP OF LAND WHICH IS TO REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 2406 BLUEBONNET, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Mrs. Sue I. Reasoner, C14-79-078)

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

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino,  
Mayor McClellan  
Noes: None  
Abstain: Councilmembers Cooke, Goodman  
The Mayor announced that the ordinance had been finally passed.

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Mayor McClellan introduced the following ordinance:

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

TRACT 1: THE NORTH 60 FEET OF LOT 28, OUTLOT 20, DIVISION D, OF THE GOVERNMENT OUTLOTS ADJOINING THE GENERAL CITY OF AUSTIN; AND,

TRACT 2: THE WEST 75 FEET OF LOT 27, HORST'S ADDITION, A SUBDIVISION OF OUTLOT 20, DIVISION D;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 1909-1911 WHITIS AVENUE AND 207 WEST 20TH STREET; FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (The Austin National Bank, C14-79-162)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### GUESTS FROM SHREVEPORT

Mayor McClellan introduced to the Council audience several guests from Shreveport, Louisiana who were in Austin to study the city's Planning Department; Stephen Pitkins, Executive Director, Mayor's Task Force; Charles Kirkland, developer; John Stewart, insurance executive; Roland Kollerain, director of sewer and water for Shreveport; E.J. French, city engineer, Shreveport; James Moore, consulting engineer; and Lloyd Hoover, testing service.

#### CITY MANAGER REPORT POSTPONED

City Manager Davidson announced his report on Outside City Wastewater Service Policy will be postponed until the December 13, 1979 Council Meeting.

#### AUSTIN MORTGAGE REVIEW BOARD

Councilmember Goodman moved that the Council confirm the Mayor's nominations for Austin Mortgage Review Board as requested by local Austin Savings and Loan Industry: Jan Warfield, Jay Evans, and Charles Guerrero. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

VOTING ON ZONING CASE

The Council was scheduled to consider voting on Zoning Case No. C14-77-098, ALBERT VANDERLEE, from Interim "AA" 1st Height and Area, to "GR" General Retail, 1st Height and Area, subject to U.S. 183 recommendations.

Mr. Lillie, Director of Planning, Councilmembers and Tom Curtis, representing the applicant, discussed the history of the case.

Motion

Mayor Pro Tem Himmelblau made a motion, seconded by Councilmember Cooke to grant "O" Office, subject to 183 recommendations with 25' of "A" and a 6' privacy fence on the east and north side.

Councilmember Cooke said he felt Council would crack the wall of the 183 study if they do not go with what the Planning Commission recommends.

Substitute Motion

Councilmember Mullen moved that the Council grant "GR" General Retail, as in Plan C, with one curb cut per acre, one sign per acre, "A" buffering and a fence behind "A" buffering. The motion was seconded by Councilmember Trevino.

Council discussed this proposed motion and roll was taken.

Roll Call on Substitute Motion

Roll call on substitute motion showed the following vote:

Ayes: Councilmembers Trevino, Mullen, Snell

Noes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau

Roll Call on Original Motion

Roll call on Original Motion showed the following vote:

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

Noes: Councilmembers Snell, Trevino, Mullen

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.

## ZONING HEARING WITHDRAWN

Mayor McClellan opened the public hearing scheduled for 9:00 A.M., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

JOHN H. GRIGGS  
C14-78-093

2100 Payne, also  
bounded by Laird  
Street

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

No one appeared to be heard.

Councilmember Goodman moved that the Council allow withdrawal of the zoning case. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the zoning case had been withdrawn.

Mayor Pro Tem Himmelblau expressed her wishes to the Building Inspection Department by stating she hopes the zoning is enforced immediately.

## HEARING POSTPONED

Councilmember Mullen moved that the following zoning case be postponed until December 13, 1979 at 9:30 A.M.:

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

13804 Research Blvd.

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to 183  
recommendations

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

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

The Mayor announced that the zoning case had been postponed.

## ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 9:15 A.M., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

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

1000-1400 Block William  
Cannon Drive

From Interim "A" Residence  
1st Height and Area  
To "A" Residence and  
"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  
"A" on tier of lots on  
the west side.

Mr. Lillie, Director of Planning, reviewed the application by use of slides. He said the planned use was for a medical clinic. There was some discussion by Council of the traffic impact.

DICK RATHGEBER discussed the berm across the front of the proposed medical complex and said several neighborhood associations are not opposed to the proposed usage. Mr. Rathgeber represented the applicant.

A.D. Eberhardt, who lives five blocks northeast of the site, favored having a medical facility in the neighborhood.

HAROLD PARRIS, 7006 Shadywood, one mile from the site, said he would prefer a medical facility rather than duplexes or other small establishments.

JAMES BATES, who lives a few blocks from the site, said he is impressed with the building design and would like to see it approved.

JAMES ADAMS, neighborhood resident, felt the medical facility would be a good thing for the neighborhood and agrees with the statements of the other people.

CHARLES FROST, neighborhood resident, thought it would be ideal to have a medical complex close to the neighborhood.

JOHN PICKWELL, vice president, Whispering Oaks Neighborhood association, appeared and spoke against the proposed zoning. He said the area is residential in nature and this zoning would not protect that aspect. He felt there would not be a safe way for the traffic to egress and ingress from William Cannon Drive.

MARILYN SIMPSON, president, Whispering Oaks-Cherry Creek Neighborhood Association, spoke in opposition to the proposed clinic. She accused the applicants of being untruthful about the neighborhood groups being contacted and urged denial of the zoning.

Mayor McClellan stated for the record, "Letters have been supplied to us from the Mathews Neighborhood Association and also from Miles Avenue-Manchaca Neighborhood Association. They state they are neither in favor nor opposed to the zoning." Mr. Rathgaber said they have not met with the associations, they have contacted them.

Discussion followed concerning the maps in the Planning Department, and the traffic situation. Kenny Dryden made a few statements regarding the maps.

Motion - FAILED

Councilmember Goodman moved that the Council deny the zoning request. The motion, seconded by Councilmember Snell, failed to carry by the following vote:

Ayes: Councilmembers Goodman, Snell, Trevino

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

Motion

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

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

Noes: Councilmembers Snell, Trevino, Goodman

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

PUBLIC HEARING - AMENDMENT TO  
BRACKENRIDGE URBAN RENEWAL PLAN

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. to amend the Brackenridge Urban Renewal regarding residential condominiums and required off-street parking for all uses in "B-2" Districts. Mr. Tom Knickerbocker, Austin Redevelopment Authority, said it is recommended by the Board and the Planning Commission. No one else appeared to be heard.

Motion

Councilmember Trevino moved that the Council close the public hearing and adopt a resolution to amend the Brackenridge Urban Renewal Plan regarding residential condominiums and required off-street parking for all uses in "B-2" Districts. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

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

## CHRISTMAS TREE SALE

Councilmember Snell moved that the Council approve the request of Mr. Cecil Middleton, president, Austin Optimist Club (Downtown), requesting permission for the use of city-owned lot at the corner of San Gabriel and North Lamar for sale of Christmas Trees, November and December, 1980. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

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

## 4th ANNUAL EXTRAVAGANZA OF IDEAS

Councilmember Snell moved that the Council approve the request of Ms. Tina Coy, Director, Extravaganza of Ideas, representing the Big Buddy Program (ATC-MHMR) and the Austin Optimist Club (Downtown), requesting the use of the Waterloo Park Area for the 4th Annual Extravaganza of Ideas for Children and their Grown-Up Friends, Sunday, April 12 and 13, 1980 (rainout date April 26 and 27, 1980.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

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



Councilmember Cooke stated: "This is a site plan for the office complex only, I want that clearly understood. I want it in the record that we are not talking about an apartment complex."

Mr. Rathgeber stated: "We'd be willing to make that as part of our deed restrictions against apartments."

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

LBP 11 STRIP CENTER      11005 F.M. 1325  
JOINT VENTURE            (Suite 116 and 118)  
By Roy Beard  
C14-79-222

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

This zoning case was postponed from the November 29, 1979 meeting. Mr. Roy Beard, representing the applicant, informed Council the shopping center is presently under construction and the Green Acres Liquor Store wants to zone two bays C-1 so they may sell liquor. The site is across the highway from a school, but the front door to front door measurement is more than the required 300'. He said the head teacher and principal have been contacted and a letter has been sent to all parents of students. Mr. Beard then showed slides of the center which indicated the school will be facing the back of the center from across the highway and since all children arrive and leave by bus they will not be exposed to the liquor store.

Councilmember Mullen moved that the Council grant "C-1" Commercial District, 1st Height and Area District, as recommended by the Planning Commission. 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: Councilmembers Snell, Goodman

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

## HAULED INDUSTRIAL WASTE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 13 OF THE AUSTIN CITY CODE OF 1967; REPEALING THE EXISTING DIVISION 2 OF CHAPTER 13; PROVIDING FOR A NEW DIVISION 2; PROVIDING FOR REGULATION OF SEPTIC TANK, GREASE AND SAND TRAP CLEANERS; PROVIDING DEFINITIONS; REQUIRING PERMITS; ESTABLISHING PROCEDURES FOR THE OPERATOR OF TREATMENT OR DISPOSAL SITES; PRESCRIBING VIOLATIONS; ESTABLISHING THE AUTHORITY OF THE DIRECTOR OF THE HEALTH DEPARTMENT; PROVIDING AN APPEAL TO THE CITY COUNCIL; REQUIRING A BOND AND LIABILITY INSURANCE; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE OF JUNE 6, 1980.

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

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

Noes: None

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

The Mayor announced that the ordinance had been finally passed.

## ITEM PULLED FROM AGENDA

The City Manager Report on Reallocation of L.B.J. Tennis Center Funds was pulled from the Agenda.

## UNIFIED LOW DENSITY STANDARDS

Mr. John German, Director of Public Works, appeared before Council to report on Unified Low Density Standards as follows: "The primary purpose of this report is to bring you up to date on where we are in working with the county and various interested parties on coming to a decision on our low density standards, which has been in the mill almost a year, I guess. We have proposed to you a schedule of how this thing can be brought to final approval by the City Council. Basically we still need some time to work with various city staff and industry and environmental group representatives to finalize some of the things we've proposed and worked out and also some time to work with the County. We feel like early in January we can start making presentations to the various boards and commissions and ultimately to the City Council on this matter. We would propose the Council would hear this on the 24th and could set a public hearing on the 31st of January. It could then go into effect by the first of March. We are making really good progress and should not have any trouble at all meeting this schedule." CLERK DID NOT RECEIVE A COPY OF THE SCHEDULE.

Motion

Councilmember Mullen moved that the Council proceed with the schedule set for Unified Low Density Standards, and receive a status report on January 10, 1980. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## BALLET FOLKLORICO DE AUSTIN

There was discussion of the Ballet Folklorico de Austin. Councilmember Mullen said this was Councilmember Cooke's item with Mayor Pro Tem Himmelblau's amendment. He said Mayor Pro Tem Himmelblau had the idea to bring the money out of the Arts Commission Contingency Fund. Councilmember Cooke said she had implied the Arts Commission should look at this and he has no objection to it.

Motion

Councilmember Cooke moved that the Council submit the idea of bringing money out of the Arts Commission Contingency Fund for Ballet Folklorico de Austin to the Arts Commission for consideration at their January 19, 1980 meeting. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## COMMUNITY DEVELOPMENT CORPORATION

The Council had before it an item introduced by Councilmembers Cooke and Trevino for discussion concerning Community Development Corporations. Councilmember Cooke said these needed to be submitted and measured for accountability and goals of the Council. Councilmember Trevino stated they needed to move quickly and Councilmember Cooke said they want the staff to analyze and consider them in light of the criteria set forth, and asked for a report on December 13, 1979.

TRAFFIC SAFETY PROGRAM  
AND  
SCHOOL TRAFFIC SAFETY PROGRAM

The City Manager Reports on Traffic Safety Program were presented by Joe Ternus, Director of Urban Transportation, as follows: "This week we submitted to you a memorandum outlining our school safety program that we currently have within the City of Austin. This program involves more than 90 schools and we have in excess of 700 crossings, 100 speed zones, 1300 warning signs and 66 crossing guards. This program is very comprehensive. We have established a process of review on an annual basis by each school. We make a number of studies each year both from suggestions received from the public as well as from our staff and then we apply different types of traffic control devices and protective measures which will provide added protection for our school children. As you have requested, we have done the review and re-examination of the entire program and we think it is a good program but we also think it can always be improved. We suggest, because of the comprehensiveness of the program and the extensiveness of it that we select by first priority those areas where we have established either policies or standards which we will then apply in other areas and then also that we look at the high volume and high speed locations and crossings where we have minimum traffic control devices so we can identify the high priority potentially dangerous locations first and then go into reviewing all of the residential areas as well." Mayor McClellan said she appreciates the report and hoped to stress working with the school district on this.

PUBLIC HEARING - AMENDMENT TO ZONING ORDINANCE  
RE "SR" SUBURBAN RESIDENTIAL

The Mayor opened the public hearing scheduled for 11:30 A.M. on an amendment to Chapter 45 of the Austin City Code (Zoning Ordinance) to provide a requirement of one-acre lots in areas zoned "SR" Suburban Residential.

Mr. Dick Lillie, Director of Planning, presented the following report: "Last summer when the Council was discussing the consent agreement for the Davenport Ranch Mr. Goodman made several recommendations with regard to regulations in that particular area and one of them was to consider amending the zoning ordinance which would change the "SR" residence district from 18,000 square foot minimum to one acre. The current ordinance does require 18,000 square feet and a minimum lot width of 100'. We do not have any acreage or any lots within the current city limits that are zoned "SR". The proposal would change that minimum lot area to one acre, would retain the minimum lot width of 100'. The amendment also provides that where land would be developed within a planned unit development a clustering, or an averaging of one acre is possible. The minimum lot width is an exception because of the clustering. That proposal was made to the Planning Commission. The Planning Commission held a public hearing and the amendment is recommended. One point that was raised with me subsequent to the Planning Commission meeting was that along the lake there are a number of lots which extend out into the lake which means there is a net land area, and the gross area includes land and water. The individual who talked to me indicated concern that the amendment applied to

land area and the individual has five acres of land with half of it under water and would not have all of that density on the land. This is not clarified in the proposed amendment. If this is something you would like to consider if Council proceeds with annexation of the peninsula, this zoning district would be in the ordinance and would be automatically applied." Councilmember Goodman said the intention is to have lower density on the peninsula than we have in the city limits. He asked how the point Mr. Lillie brought up about land being under water can be clarified so the gross density can be on the land not into the water."

Mr. Albert DeLaRosa, Assistant City Attorney, stated: "We've always interpreted that an individual's lot actually starts with the contour of the lake and does not extend into the water bed. There is a case law which essentially says the water beds are all owned by the State of Texas. It was a practice for years when someone had a tract of land abutting a lake or stream that this land, according to the deed, extended all the way into the lake. It's never been our interpretation that was the case. ...I would suggest in order to make it clear to have an additional segment in there, lot area, to mean that area of land not covered in the lake area. I think we should schedule to bring this back to Council with an appropriate amendment next week."

No one appeared to be heard.

Motion

Councilmember Goodman moved that the Council continue the public hearing December 13, 1979 at 9:45 A.M. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

Councilmember Mullen commented that this point could be a major impact to the amendment.

RECESS

Council recessed its meeting at 11:40 A.M. and resumed the recessed meeting at 1:15 P.M.

## ZONING HEARINGS

Mayor McClellan opened the public hearing scheduled for 1:00 P.M., on the following zoning applications. Pursuant to published notice thereof, the following zonings were publicly heard:

NHS HOMES, INC. C14-79-243	6910, 7000, 7002, 7004 Circle S Rd.	From Interim "A" Residence 1st Height and Area To "BB" Residence District 1st Height and Area Not Recommended RECOMMENDED "A" Residence, 1st Height and Area, by the Planning Commission
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Mr. Lillie reviewed the application by use of slides. No one appeared to be heard.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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RONALD J. LOVE JOHN C. O'MALLEY WILLIAM H. JANEWAY BARNARD LEVINE & JAMES WANINK C14-79-254	13728-13716 U.S. Hwy. 183 10100-10106 Hymeadow Drive	From Interim "AA" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area Not Recommended RECOMMENDED "O" Office 1st Height and Area District, by the Planning Commission, subject to the recom- mendations of the 183 study.
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Mr. Lillie reviewed the application by use of slides.

MR. PHIL MOCKFORD, representing the applicant said that this conforms with the 183 study and there is no opposition to the zoning change. He said there is "GR" zoning all around the site. Councilmember Cooke said an implication that there is "GR" all around it is not a valid argument for him. He continued that the zoning can be mixed and meet the needs of the community. Mr. Lillie said the deadline for the Special Permit cycle was yesterday, but he will accept the application late and it will go through the next cycle.

GARY BROWN, architect, appeared and asked for clarification. Mr. Lillie told him they will go over the check list for him.....that there is not that much work to converting the site plan.

Councilmember Cooke 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 Councilmember Goodman, carried by the following vote:

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

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

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IVA BELLE FLEMING  
by Larry D. 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

Mr. Lillie reviewed the application with slides. He said the Planning Commission had thought the change in zoning would be appropriate because of the residential area.

LARRY LANDRETH, representing the applicant, pointed out the application is on a corner, and there is a heavy flow of traffic from the MoPac access as well as the commercial area. The house has been rented and tenants do not take care of it. Residents in the neighborhood are not opposed to "O" because they feel the property would be better taken care of.

JIM FREDERICH, real estate appraiser, told Council the general character of the entire neighborhood has been changed by MoPac overpass and showed photos to emphasize his point. He said there has been a 60% increase in traffic since the opening of MoPac.

JOHN WHATLEY, whose parents own two lots east of the site in question spoke in favor of the change to "O". He said it is impossible to get in and out of the area because of the traffic, and spoke of the pollution and noise as being deterrent features for maintaining this as a residential area.

Motion

Mayor Pro Tem Himmelblau moved that the Council uphold the recommendation of the Planning Commission. The motion was seconded by Councilmember Goodman.

Mayor McClellan said she is familiar with the area and hates to see the house in question have to remain residential. Mr. Landreth returned to state people who look at the property for "O" use are dentists, etc.

Substitute Motion

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, with a restrictive covenant that access be from Jackson Street only. The motion, seconded by Mayor McClellan, carried by the following vote:

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

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.

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Sent Back to Planning Commission

JOSE & 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

Mr. Lillie reviewed the application by use of slides.

MR. MARK LEVBARG, representing the applicant, said the change should be for "O" zoning and not "LR" and requested the opportunity to have the change of request made.



LOIS MARKS, who owns a house 100' from the site, said the street is narrow and congested and "LR" would only add to the confusion. She also said that no one is certain what business will be there in years to come. She is against spot zoning.

JULIE BALDRY does not live in the area, but visits next door to the site and stated the traffic does not create a problem. She favors the change because she favors the business.

LYNN KELLER, who lives next door to the site, said the Benavides are great people to live next door to. She pointed out the neighborhood is run down and does not look residential.

Councilmember Trevino moved that the Council send back to the Planning Commission the above zoning application. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

The Mayor announced that the zoning application C14-79-223 had been sent back to the Planning Commission.

#### PUBLIC HEARING ON AIRPORT RESTAURANT

Mayor McClellan opened the public hearing, scheduled for 2:00 P.M. on the proposed construction of an airport restaurant.

Mr. Roy Bayless, Director of the Municipal Airport, said he has been working with Restaurant Specialties Corporation for two years to find a suitable site for a restaurant located adjacent to the airport. He showed slides and told where the restaurant is proposed to be and what the decor is. There would be no cost to the city, but the city would receive from it. He said the neighborhood is concerned with the drainage, but that will be taken care of and there will be no encroachment on the neighborhood.

MR. JOHN MEINRATH, representing Restaurant Specialties Corporation, showed slides and described the restaurant. The Council asked him questions concerning the facility.

MR. SAM GRISWOLD, a resident of the area, spoke in opposition to the restaurant. He said it would be  $\frac{1}{4}$  of a mile from the terminal and therefore would not service passengers. He thought the photos were misleading and objected to the city leasing property near their homes for a restaurant.

RAY WILLIAMS, 1312 Delwood Road, protested the restaurant. He said he does not want additional noise and the odors of food and car exhaust. He felt it would be an encroachment on their neighborhood and urged Council to vote against it.

JANIE MOFFETT appeared in opposition to the airport restaurant.

WILBUR RABY, a professional civil engineer, who has dealt with drainage problems, said additional paved areas should not be allowed until the drainage problems in the area are taken care of.

STEVE HANSON appeared to state erosion of slopes should be controlled so urban run-off would not end up in the retention pond.

EDWARD TABORSKY asked Council not to pass this as they already have apartments on one side of them which cause problems.

Councilmember Snell asked if there is not a restaurant there, if anything else will be on the site. Mr. Bayless answered there are no plans to put anything in the area. There will be no aviation usage. Mr. Snell then asked if there is another site where the restaurant can be. Mr. Bayless told him there are no suitable ones. Mayor Pro Tem Himmelblau said she would like to have the restaurant but feels the area is impacted enough. Mayor McClellan said it would be a nice asset but does not feel we are in the position to have a restaurant there.

BUD FLYNN talked about airport sprawl.

JOHN MEINRATH reappeared to state the restaurant will be high class and it will cause no additional run-off.

#### Motion

Councilmember Goodman moved that the Council close the public hearing and deny the restaurant. The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### AIRPORT RESTAURANT DENIED

Councilmember Goodman moved that the Council deny a resolution to approve a Ground Lease Agreement with Specialty Restaurants Corporation for construction of a "94th Aero Squadron" Restaurant. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## PAYMENT AUTHORIZED

Council had before it for consideration the authorization of payment to Cotton Texas Limited, for the cost difference of 36"/8" water main in Continental Club Parkway in Great Hills Street Dedication "C" in the amount of \$50,745.16. Councilmember Trevino asked why there is a 36" line on this project. Mr. White, Water and Wastewater Department, said this is vital to help maintain the water in the Jollyville reservoir. In answer to Councilmember Trevino's question as to what would happen if they denied the request, Mr. White said the line is already in the ground. It was installed in accordance with the Council's resolution concerning oversizing. Mayor Pro Tem Himmelblau stated, "It's not an approach main so it didn't have to come back to us, therefore we're caught again. It's the same game." Councilmember Trevino said, "I guess the basic question becomes that if we are to service an area that's not in the preferred growth area then we're automatically allowing a decision made by other than Council to expand and put in the ground ...in this case the decision was made to put in a 36" line. It's done and all we're doing is rubber stamping. I think we need to discuss among ourselves some clear cut policy in the event this happens again." Councilmember Cooke asked what policy they use other than approach main for something outside of the city limits. Mr. Albert DeLaRosa, Assistant City Attorney, said, "In this particular instance we're talking about a water main and not in terms of an approach main." Mr. White explained, "This line is internal to the subdivision where an approach main is an off site line." Councilmember Goodman asked if it is possible to revise our policy to require that when there is going to be such significant oversizing at a \$50,000 cost to us that Council knows about it and approve it.

Mr. Albert DeLaRosa stated, "The City Council could pass a resolution that would require explicit approval by the Council prior to any type of oversizing. Councilmember Snell said, "I think we should do that right away." Councilmember Goodman said he thought they should request this to be prepared and put on next week's agenda.

Mr. Davidson, City Manager, commented: "In view of the question that has been asked. First of all, Water and Wastewater Department and the Planning Department and the Planning Commission have been operating in connection with this sort of an application within what everybody has understood to be Council policy. Recently, as much as six months up to a couple of years, there have been many inquires as to the way these policies ought to be in the future. I know at times this Council for example, has approached what the approach main policy ought to be with regard to sewer extensions. The Planning Commission has had discussions off and on as to how much latitude ought to be offered in the way of water and sewer extension outside the growth corridor. I would like to make a suggestion that even if we need to pull this off the agenda for further clarification for one week or one month that because of all the questions and all the concerns and the fact we really don't have a direction as to how we're going to enforce the growth corridor from the standpoint of utility extensions, arterial street construction or any of the other municipal responsibilities. And because of the interest expressed to me by individual Councilmembers and by the Mayor I'd like to suggest the Council either set up a special meeting or a work session

so we can lay out all the variations of each one of the policies we're now operating under, as well as to identify for the Council along with items you already have identified....that identify the options that we believe the Council has in the future as far as the use of the growth policies, taking the growth corridor or utilize it in ways you'd like to see it done. We'd be more comfortable in trying to bring these to you in the future if we could have such a session and I know it would help the Council in determining something more definitive."

Motion

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

COTTON TEXAS LIMITED

- CAPITAL IMPROVEMENTS PROGRAM -  
The cost difference of 36"/8"  
water main in Continental Club  
Parkway in Great Hills  
Street Dedication "C" - \$50,745.16  
C.I.P. No. 75/22-07

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

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

Noes: None

The City Manager is to report in the future on proposed options for oversizing.

NON-EMERGENCY AMBULANCE TRANSFER FRANCHISE

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

AN ORDINANCE GRANTING TO GOLD CROSS AMBULANCE, A FRANCHISE FOR FIVE YEARS TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF AUSTIN, TEXAS, PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CHARTER OF THE CITY OF AUSTIN, AND ARTICLE V OF CHAPTER 34 OF THE AUSTIN CITY CODE; AND PROVIDING AN EFFECTIVE DATE AS PROVIDED IN ARTICLE XI, SECTION 3 OF THE AUSTIN CITY CHARTER.

The ordinance was read the first time, and Mayor Pro Tem Himmelblau moved that the ordinance be passed to its second reading. The motion was seconded by Councilmember Cooke.

Councilmember Trevino wanted to know how much the city loses by operating the non-emergency transfer service ourselves. Mr. Bill Bulloch, Director of EMS, answered about \$38,000. The city needs another unit in order to run even. Councilmember Trevino wondered what would happen to personnel. Mr. Bulloch reminded him they were hired as temporary personnel and can work for the city in some capacity or for the new emergency service company. Councilmember Snell asked what the cost would be to have more than one operator. Mr. Bulloch felt the cost to monitor more than one company would be higher than was budgeted. He thought that as the city grows more companies could be added. Councilmember Trevino said he wanted to hear from staff on whether this would be in the best interests of the citizens. Mr. Bulloch said it would not be at this time. To continue with the city operating the non-emergency ambulance transfer service would mean an amendment to the budget. A discussion followed re expenses and what will happen to the personnel

#### Substitute Motion

Councilmember Trevino made a substitute motion, seconded by Councilmember Goodman to grant the franchise for a limit of three years.

Councilmember Cooke felt this would be legally shaky and Mayor Pro Tem Himmeblau said she wanted to go with a five year franchise.

#### Roll Call on Substitute Motion - Failed

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

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

#### Roll Call on Motion

Roll call on original motion to award franchise to Gold Cross Ambulance Service Company showed the following vote:

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

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

At the time of roll call Councilmember Goodman stated: "I appreciate the fact the annual reviews are included in there to give us some flexibility but a three year period would be more appropriate and it wouldn't be unusual to change at this stage of the game and would have very little impact."

Mayor McClellan opened the public hearing, scheduled for 3:15 P.M. on vacating the following; and passage of 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)

Mr. John German, Director of Public Works, stated: "This is a public hearing to consider a street vacation. Joan of Arc Court is a short street running between Sayers and 6th Street west of Lamar. Right now it is primarily serving residential use. The owners on both sides have requested that we consider vacation of this street and it has been properly reviewed by all the city departments that have an interest. The Planning Commission recommended approval. We are recommending it to Council subject to retention of certain utility easements on the street right-of-way. There are some utilities there and the owner has no opposition to that retention of easement. This property is to be used for residential purposes as a planned unit development. This is an item the Council also considered concerning the charge for this right-of-way when it is vacated but because of the fact that heirs of the original dedicators still own this land, we are not charging for the right-of-way. The applicant, Mrs. Flury is represented by Winston Chapman who is here to answer any questions Council might have at this time."

MR. CHAPMAN appeared to tell Council the prospective buyers of the property want to have a PUD. They are the only ones who want to keep the area residential. All others want to put in a business.

Councilmember Cooke said he would like to tie this to a site plan. Mayor Por Tem Himmelblau thought it should be tied to a roll back to leave the area residential.

SALLY WITLIFF, property owner of 508 and 510 Baylor, asked for protection in case the project falls through and thought vacation approval should be tied to a site plan.

EDEN BOX, owner of property at 1102 West 6th said she does not object to what the proposed owners want, but is worried about what would happen if a disinterested party obtains the land.

FLETCHER BOONE has a restaurant across the street from the site and thinks it would be a great project. He asked if Council could vacate the property but if the project falls through, then revert to the original plan.

WINSTON CHAPMAN returned to ask why vacation can't be tied to the approval of the site plan. He said the buyers said they would back out if they have to have the site plan approved before the vacation is granted.

Mr. Albert DeLaRosa said that a restrictive covenant is the best solution to the dilemma.

Motion

Councilmember Mullen moved that the Council close the public hearing, and then vacate the street with no restrictions if the site plan is approved by Council. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

RECOMMENDATION ON CHRISTMAS  
LIGHTING CURTAILMENT

MR. W.A. BRANT, chairman, Energy Conservation Commission, appeared before Council to report on their recommendations on Christmas Lighting Curtailment. Their recommendation is that the lights on Congress Avenue and 6th Street be turned off at 10:00 P.M. because no one is on the streets after 10:00.

Mayor McClellan contended that a lot of people see the lights after 10:00 and that the lights at Christmas time are a gift from the city to itself. She recommended keeping the lights on until midnight and said she felt very strongly in favor of the practice.

NEW RECREATION CENTER NAMED

Mayor Pro Tem Himmelblau moved that the Council name the new recreation center located at 2913 Northland Drive the Northwest Recreation Center. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mr. Ehrler, Director of Parks and Recreation, announced the dedication ceremonies for the center will be held on December 20, 1979 at 4:30 P.M. He invited the Mayor and Council to attend.

## ROVING LEADER PROGRAM

Council had before it two items concerning the Roving Leader Program. One was a City Manager Report on Discussion of Roving Leader Program and the other was an ordinance amending the 1979-1980 Operating Budget by appropriating \$34,620 from the general fund ending balance for Roving Leader Program.

Mayor Pro Tem Himmelblau stated, "There's a very good chance that we'll be receiving some federal monies and I would like to ask the MH/MR Board to reallocate some monies on a temporary basis to cover these two positions until the federal money is available, because I feel like if the city funds it now it diminishes our chances to receive any federal funds. I talked briefly to Mr. Miller about this, and I am in favor of the program but if the city goes ahead now our chances of receiving the federal funds are greatly in danger. I would also like to know what the county's intention is. They were to be asked the same thing as the city.

GENE DRAPER appeared before Council and stated, "The County is developing an application for \$82,400. We've got a total of \$106,000 available. I'm not sure what you are referring to in MH/MR money because MH/MR people have been coming to me trying to get some of the \$106,000." Mayor Pro Tem Himmelblau said, "I meant for their programs now....some of the money they had allocated to them from other grants. In other words, take from some other programs now and move up this program....a reallocation of their annual budget and just move some funds into this instead of asking the city for it right now."

Mr. Draper said, "As I understood all these conversations the city was to act as a pass through applying for Criminal Justice Division money to contract with MH/MR." "That's right," said Mayor Pro Tem Himmelblau, "the city is still interested in doing this but what's on the agenda today is for us to amend our operating budget and then go ahead and fund this program until the federal money is available. My feeling is I'm afraid if we fund we will jeopardize receiving federal money." Mr. Draper told her, "This could be done under what is called pre agreement cost, where if the application is approved federal monies can reimburse the city back to the start of the program. You can't go too far back but I would say January 1 start date would be reimbursable if in fact the grant does get approved down the line." Mayor Pro Tem Himmelblau asked, "If the city goes ahead and funds would this jeopardize...would the feds say, you've got the funds?" Mr. Draper answered, "Not if the intent of the Council is to give temporary funding until this grant money becomes available. That is fairly commonplace occurrence. It would not jeopardize the chances, and if it were agreed to by the Criminal Justice Division. That's what's called the pre-agreement clause and you have to specify that in the application. Reimbursement back to January 1, or February. Whatever is decided upon."



Mayor McClellan clarified,,, "It would not jeopardize." Mr. Miller reiterated this would be a pre-agreement for temporary funding until CJD money became available. Mayor Pro Tem Himmelblau asked, "Will the county be doing this for the third position that was asked for...that MH/MR was asking for?" Mr. Draper answered, I can't speak for the Commissioner's Court but their attitude over there is budget cutting. MH/MR has not approached the county to use this grant money for a third position. I have been asked if a third position could be built into the city contract to fund the Roving Leader in north Austin. I said that was strictly up to the City Council." Mayor Pro Tem Himmelblau said, "That was a position we understood, from the documentation we received last week that county was going to fund."

LEE THOMPSON, Research and Budget Department, stated, "In a report that City Manager sent to Council I think it was indicated that MH/MR had requested funding for a Roving Leader position for north Austin, of the county, but I have not heard of any decision on the action the county has taken on that officially."

Mayor Pro Tem Himmelblau asked, "If the grant were accepted, I mean the application, when would the federal money be available?" Mr. Draper answered, "Sometime in February if all goes well, if the Governor signs it quickly. We have had delays in the past."

#### Motion

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass an ordinance amending the 1979-80 Operating Budget by appropriating \$34,620 from the general fund ending balance for the Roving Leader Program; city to make application for Federal money and city funding to be on temporary basis until Federal funds are received. Councilmember seconded by motion.

Councilmember Trevino stated, "We have a pre-arranged arrangement you know, and of course the federal funds are forthcoming."

Mayor Pro Tem Himmelblau said, "What happens then in February and this is a stop gap and we don't receive any federal funds?" Councilmember Goodman said that the remainder would be funded by the city. Councilmember Trevino said, "The program is necessary and we're willing to invest federal money if we get it, then why isn't it also necessary to fund it...." Mayor Pro Tem Himmelblau said, "I'm not saying it's not, but I'm saying I'd like MH/MR to look at their priorities and not always rely on the city for extra dollars."

Mr. Draper stated, "In order to safeguard yourself completely, it may be desirable to separate this into two steps. One authorizing permission of this program and creation of the budget item. Secondly, advancing the program enough operating funds until the Federal funds become available. I think that way you've covered yourself."

Motion Withdrawn

Councilmember Mullen withdrew his motion; Councilmember Trevino withdrew his second.

Motion

Councilmember Mullen moved that the Council make application to the Criminal Justice Department for Federal funds for the Roving Leader Program. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 by ACCEPTING AND APPROPRIATING \$12,000.00 FROM THE GENERAL FUND ENDING BALANCE TO FUND A ROVING LEADER PROGRAM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Motion

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

Councilmember Mullen stated: "I think we might state again, for the record, that this is considered an emergency and something we did not view as possible when the budget was first formed and that information has come to light since then that makes it something we need to take up."

Mayor Pro Tem Himmelblau asked, "Does this cover the intent that the city would be reimbursed for those four months?" She was told it would.

Councilmember Trevino asked, "Does this cover the intent that if we don't get Federal monies Council will commit itself?" He was told it would. He said, "I just want to get it down for the record."

Roll Call on Motion

Roll call on Motion showed the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

C.I.P. BUDGET POLICY

Capital Improvements Program Budget Policy (adopted 12-6-79)

1. All sources of funding should be identified by project.
2. For each project, the document should include:
  - a. whether or not the project is new, appeared previously, was rescheduled and/or modified;
  - b. whether or not the project was included in a bonding issue. Show election date.
  - c. a short description of the project, including all data used in estimating cost.
  - d. a map locating the project.
  - e. a justification, supported by data, for the project's construction and scheduling with ramifications of postponement.
3. Any transfer of money from one approved CIP project to another should come before Council for approval if the amount is \$5,000 or more and/or represents more than 10% of the total cost of any project involved in the transfer.
4. CIP-related activities in the Operating Budget should be shown as charges to CIP and not as charges to other funds.
5. The document should be presented to Council on or before July 15.

Mayor Pro Tem Himmelblau introduced an item to Council concerning the C.I.P. Budget Policy. She said, "This is the second verse of the same that I submitted two months ago that wasn't acted on. You all received a copy Monday asking if there were any comments and I haven't received any."

Motion

Mayor Pro Tem Himmelblau moved that the Council approve the C.I.P. Budget Policy recommendation as submitted. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

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

December 6, 1979

ADJOURNMENT

The Council adjourned its meeting at 4:55 P.M.

APPROVED

  
Mayor

ATTEST:

  
City Clerk