

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 4, 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, Councilmembers Cooke, Goodman, Mayor
Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Absent: None

INVOCATION

Reverend Susan Denham, University Baptist Church, gave the Invocation.

ALPHA DELTA KAPPA WEEK

Mayor McClellan read a proclamation, designating the week of October 6-13, 1979 as Alpha Delta Kappa Week. Ms. Winnie Rush, Chairman, Presidents' Council, Capital Area Alpha Delta Kappa, was in the Council Chamber to receive the proclamation with her thanks.

YOUTH CRIME PREVENTION LEAGUE MONTH

Mayor McClellan read a proclamation designating the month of October as Youth Crime Prevention League Month. Bishop L. C. Browning, Founder of the League, and Rev. E. J. Browning Sr., State Director of the League, were in the Council Chamber to receive the Proclamation with their thanks.

4-H WEEK IN TRAVIS COUNTY

The Mayor proclaimed the week of October 7-13, 1979 as 4-H Week in Travis County. Accepting the proclamation with their thanks were Maurice Hamann and Dana Hees.

LEGAL SECRETARIES WEEK
DAY-IN-COURT FOR LEGAL SECRETARIES

Mayor McClellan read and presented a proclamation designating the second week in October 1979 as Legal Secretaries Week; and October 10, 1979, as Day-In-Court for Legal Secretaries. Ms. Eileen Fontenot, President, Austin Legal Secretaries Association, and Patricia Lancaster, Program-Reservations Chairman, were in the Council Chamber to thank the Mayor for the proclamation.

PARENT TEACHER ASSOCIATION MONTH

Mr. and Mrs. Gene Volcik, representing LBJ High School, and Mrs. Marjorie Dodson, were in the Council Chambers to receive, with their thanks a proclamation read by Mayor McClellan designating October, 1979, as Parent Teacher Association Month.

BOARDS AND COMMISSION APPOINTMENTS

The following Board and Commission appointments will be made October 18, 1979, according to an announcement made by Mayor McClellan:

Joint Airport Zoning Board - 1
Community Development Commission - 2
Plumbing Advisory Board - 1
Employees' Retirement System - 1
Wrecker Standards Commission - 1
On-Going of Goals Assembly Committee - 1
Manpower Advisory Planning Council - 15
MH/MR Board - 2
Arts Commission - 5
Building Standards Commission - 1
Construction Advisory Committee - 3
Urban Transportation Commission - 1
Electric Utility Commission - 3
Hospital Board - 1
Human Relations Commission - 1

The following appointments will be made November 1, 1979:

Human Relations Commission - 7
Commission on the Status of Women - 1
Vending Commission - 1

APPROVAL OF MINUTES

Councilmember Cooke moved that the Council approve the Minutes of the Meeting for September 10, 1979. 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

LAND FOR AIRPORT SURVEILLANCE RADAR FACILITY

Councilmember Mullen moved that the Council adopt a resolution to authorize the acquisition of certain land for the Airport Surveillance Radar Facility, CAPITAL IMPROVEMENTS PROGRAM No. 9-7929: Lot 1, Maude E. Roach Subdivision (Maude E. Roach). The motion, seconded by Councilmember Cooke, carried by the following vote:

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

LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to authorize the issuance of a License Agreement to allow erection of an entrance sign at the northwest corner of South First Street and Prince Valiant in street right-of-way. (Requested by Susan Firth for Nash Phillips/Copus). The motion, seconded by Councilmember Cooke, carried by the following vote:

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

RELEASE OF EASEMENT

Councilmember Mullen moved that the Council adopt a resolution to authorize release of the following Easement:

A 7.5 foot Public Utility Easement located on Lot 8, Section 5 of Cherry Creek Phase Six. Local address, 2601 Brickford Cove. (Requested by Timothy Mathews for Nash Phillips-Copus Company, owners)

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

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

PAYMENT AUTHORIZED

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

BILL MILBURN, INC.

- The cost difference of 12"/8" water main installed in Woodbridge Section 3 - \$6,541.31

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

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

WATER AND WASTEWATER CONTRACT

Councilmember Mullen moved that the Council adopt a resolution authorizing a Water and Wastewater Contract between the City of Austin and Northwest Travis County M.U.D. Number 1, for the City to supply water, the acceptance and treatment of wastewater, and for maintenance and operation of water distribution and wastewater collection facilities. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

VIBRATION MONITORING DEVICES ON DECKER PLANTS

Councilmember Mullen moved that the Council adopt a resolution to extend an existing agreement with the Radian Corporation to include additional vibration monitoring devices on other equipment both on Decker Power Plant Unit #1 and Decker Power Plant Unit #2. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

CONTRACTS APPROVED

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

B & B LAND CLEARING COMPANY, INC.
1212 Old Highway 71
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of electric conduit
system and streetlight foundations
for Wheeler Creek Village and Wood-
stone Village, Section 3 -
\$54,498.65 CIP Nos. 75/30-01 and
75/36-01

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

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

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

WESTINGHOUSE ELECTRIC SUPPLY CO.
9230 Research Boulevard
Austin, Texas

- Three Phase Pad Mounted Transformers,
Electric Utility Department
Items 1, 2, 3 & 6 - \$83,058.00

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

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

FUEL FOR AUSTIN HOUSING AUTHORITY

Councilmember Mullen moved that the Council adopt a resolution authorizing the Vehicle and Equipment Services Department to service Austin Housing Authority vehicles with fuel from City facilities. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

TEMPORARY STREET CLOSING

Councilmember Mullen moved that the Council adopt a resolution temporarily closing West Lynn Street from 10th to 12th Street from 2:00 P.M. to 8:00 P.M., October 11, 1979, as requested by Mr. Richard Hughes, representing Mathews Community School. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

ENGINEERING TESTING AND SOILS INVESTIGATIVE SERVICES

Councilmember Mullen moved that the Council adopt a resolution to select Bryetest, Inc., for engineering testing and soils investigative services in connection with 1979-80 yearly engineering testing of sub-grades and base courses and soils investigative services for Public Works Department and Subdivision Street, Bridge and Drainage Projects. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to select Austin Testing Engineering, Inc., for engineering testing services in connection with 1979-80 yearly engineering testing of Portland Cement Concrete and Reinforcement for Public Works Department and Subdivision, Street and Drainage Projects. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to select Trinity Engineering Testing Corporation for engineering testing of bituminous concrete base and surface course and bituminous surface treatment materials for Public Works Department and Subdivision Street and Drainage Projects. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

HOUSING COUNSELING PROGRAM
COMMUNITY DEVELOPMENT CREDIT UNION PROJECT

Councilmember Mullen moved that the Council adopt a resolution to enter into a contractual agreement with the Austin Area Urban League for the administration of the "Housing Counseling Program" funded in the amount of \$61,535 and the "Community Development Credit Union Project" funded in the amount of \$28,504, both funded from the fifth year Community Development Block Grant and both to operate from October 1, 1979 through September 30, 1980. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ACCEPTING A GRANT OF \$5,627,000.00 FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE FIFTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AS REFLECTED IN THE APPROVED 1979-1980 CAPITAL IMPROVEMENT PROGRAM AND OPERATING BUDGET; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, 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 ordinance had been finally passed.

Councilmember Mullen moved that the Council adopt a resolution approving a contract between the City of Austin and the Austin Community College transferring the operating and related cost responsibility fo the Capital Area Health Sciences Library from the Austin Public Library to the Austin Community College. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mayor Pro Tem Himmelblau pointed out that EMS (Emergency Medical Services) personnel had been left out of the contract and asked that the following addition be made: "Notwithstanding the above paragraph, the "College" agrees that it will not charge any fees or assessments to personnel of Brackenridge Hospital or City of Austin Health Department and EMS personnel for their use of the "Library" for the period of fifteen (15) years from the date of execution of this contract."

WATER AND WASTEWATER SERVICES - LOS ALTOS

Councilmember Mullen moved that the Council adopt a resolution to approve water and wastewater services at 1901 Westlake Drive (3 taps Los Altos lines.) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

INSTITUTIONAL CLASSROOM INSTRUCTION

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of a non-financial agreement for Fiscal Year 1980 in the amount of \$245,832 to Texas Education Agency, for the provision of institutional classroom instruction, under Section 204 of the Comprehensive Employment and Training Act, reauthorized in 1978 - to serve 250 CETA Title II - Section 204 participants. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

WORK SESSION SET

Councilmember Mullen moved that the Council set a City Council Work Session to discuss the consultant's Airport Site Selection Study for November 12, 1979, at 5:00 p.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Goodman asked that a report be prepared for Council for the work session which will include the most accurate possible cost projection of the building of an airport; and the number of flights it is anticipated a new airport will handle. Councilmember Cooke said he would like as much information as possible on the enlargement of Mueller and a possible site near Bergstrom.

PUBLIC HEARING SET

Councilmember Mullen moved that the Council set a public hearing on Non-Emergency Transfer Service for October 25, 1979 at 2:00 P.M. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

UMTA GRANT

Councilmember Mullen moved that the Council adopt a resolution to authorize the City Manager to execute the \$1,250,000 UMTA Grant Contract TX-03-005 approved by City Council through Ordinance on September 13, 1979. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

COMMUNITY FOOD AND NUTRITION PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$90,233.00 FROM THE COMMUNITY SERVICES ADMINISTRATION FOR THE PURPOSE OF CONDUCTING A COMMUNITY FOOD AND NUTRITION PROGRAM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Ord No . 791004-D 6.5

New fee + rate schedules for Brackenridge

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 Cooke, 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 ordinance had been finally passed.

CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AN ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Baylor and Rose Streets)

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 Cooke, 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 ordinance had been finally passed.

NEW FEE AND RATE SCHEDULES FOR BRACKENRIDGE

Mayor McClellan introduced the following ordinance:

791610-D
B.S.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, prescribing and/or levying new fee and rate schedules for services provided by Brackenridge Hospital (approved by the Hospital Board). The motion, seconded by Councilmember Cooke, 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 ordinance had been finally passed.

ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

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

A 5,599 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 507 POWELL, FROM "B" RESIDENCE, SECOND 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. (C. M. Builders, Inc., C14-79-124)

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 Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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:

JET BARTLETT
AND DOUG FIKE
C14-79-045

1600-1615 Navasota
900-1004 East 16th
1801-1805 and 1821
Navasota

From "A" Residence and
"C" Commercial
1st Height and Area
To "C" Commercial
2nd Height and Area
NOT Recommended by the Planning
Commission. Amended to "O"
Office 1st and 2nd Height and
Area

Mr. Lillie reviewed the application by use of slides.

MR. ROBERT DAVIS, representing the applicant, appeared before Council to state that Paragon Properties owns several lots and wants to use the area as the site for a hotel/motel. He said when the Planning Commission had this request for a zoning change before them, they did not have a specific use in mind. Now Paragon Properties does have the use designated. Mr. Davis told Council that most of the houses in the area are rented and they are concerned where the tenants will go. He introduced DOUG FIKE, who explained what their plan is for moving the tenants. The owners of the houses will give them to the renters and move the houses to lots elsewhere in the City. Low interest loans will be arranged whereby the tenants will be buying the houses for payments equal to or less than the rent they are paying now. Mr. Fike said in their survey of the neighborhood and houses involved, there were four who were not interested in such a plan. They would arrange it so when a house is moved to another location and renovated, the tenant of that house would live temporarily in one of the four houses until their own house is moved. Councilmember Trevino asked how many people would qualify for a loan. He told the Council that Bruce Belden, Director of Housing Services, Austin Redevelopment Authority, was in the Council Chamber and might be able to answer specific questions a little bit better.

BRUCE BELDEN addressed Council stating they have not yet done income verification because they have not yet been approached by Paragon Properties. It was his guess most of the families living there would qualify for a loan, grant or a combination. Councilmember Snell said he is concerned because a baseball stadium was built recently in the area and wonders how long it will be, after a hotel is built, that more people are relocated to make way for another business. Mr. Davis pointed out that the tract is unique in that it is triangular shaped set apart and to zone it will not create a dominoe effect. The homes have not historic value, and the hotel/motel site has ingress and egress on IH 35.

VICTOR DIAZ, an architect for Lumberman's Association, appeared before Council to state Paragon Properties had asked him to look at the property for possible hotel use. In his estimation, this is an excellent location for this type of development and a high intensity development is the only thing viable for use on the site. No one would want it as a residential area because of its closeness to IH 35.

PETER FEARS, appearing for the neighborhood, said 30 people appeared at the Planning Commission hearing in opposition to the re-zoning, and presented a petition with 100% of signatures from residents of Swedish Hill.

KATHY FEARS, who lives on 13th Street, showed slides of the neighborhood.

GARY PRICE, 1505 Waller, lives two blocks from the proposed site. He was opposed to the hotel/motel site because he said it was speculative.

A woman who did not identify herself and lives at 1000 East 16th appeared before Council to say she does not want to be moved.

ANN DUNKELBERG, 1505 Waller, said she attended the meeting held by Mr. Fike and most of the people left in confusion because they did not understand what was being proposed.

TOM BIRD appeared and said the neighborhood is working together against a zoning change.

Mayor Pro Tem Himmelblau stated the streets have recently been paved and guttered and asked when it happened. Mr. Fears told here it was in the fall of 1978.

WANDA CHADLOK, 903 East 16th, said she moved there one month ago and does not want to move again so soon. She feared there will be vandalism from those who stay at the motel.

DIANE CLEMENTS, who has lived in the neighborhood for 30 years, said the zoning change would not be in the best interest of the area and is against it.

MRS. RIAZ, who owns two houses, 1606 and 1608 Navasota in order to have homes for her eight children, asked where they could be moved and be comfortable.

A woman who did not identify herself asked to be left where she is, where she can afford to pay rent. She did not think she could afford to live elsewhere.

Councilmember Trevino asked who would be responsible for paying the people to re-locate. Mr. Davis told him there is no contract, but if they say they will pay, they will.

JONATHAN WEINSTEIN, who lives at 1090 16th, refuted Mr. Fike's statements regarding how many people are interested in being moved.

Councilmember Trevino said there is a lot of talk about furnishing the tenants with loans and grants but there is no assurance the people will qualify. He was also concerned that Council give some definite direction to the Austin Redevelopment Authority, if the zoning passes, otherwise "we are going to leave the people holding the bag, so to speak, and I wouldn't want that to happen."

Councilmember Cooke asked for clarification from Austin Redevelopment Authority. Mr. Belden re-appeared and emphasized the project is not under their own initiation, but they were approached by Paragon Properties. He said if the families qualify, they will have the capability to take care of them. Discussion followed, and it was finally clearly stated by Mr. Belden that there would be money to take care of the families already on the waiting list for assistance as well as the additional families who would need help as a result of the zoning case being heard today. Mr. Belden pointed out to Council that he was hired by the Redevelopment Authority effective October 1, 1979, to resolve these kind of problems, and cannot answer all of their questions immediately because he has not had enough time in his new position to know all the answers yet.

BLAKE ESKEW who lives on Waller Street appeared in opposition to the zoning.

Mr. Davis reappeared and told Council they were not trying to kill the neighborhood, and no developer has ever tried the relocation of tenants before.

Councilmember Snell stated, "In the spirit of Jeff Friedman who put a lot of emphasis in rehabilitation of the older homes, and in the spirit of the effort we attach to downtown revitalization, looking also into the rehabilitating of older homes throughout the city, and in the spirit of the people that you saw coming before you today who probably would not qualify for any loans of any kind, I'd like to offer the following motion:"

Motion

Councilmember Snell moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion was seconded by Councilmember Goodman.

Councilmember Goodman said he seconded the motion because there are so many unanswered questions, and because there is no site plan.

Substitute Motion

Councilmember Cooke made a substitute motion that the Council grant approval of the zoning change, subject to the vacation of Navasota, site plan approval, and a 10-foot green belt buffer zoned "A" Residence along the entire 16th Street; if Council does not approve the site plan when it is brought back, the zoning will be rolled back; plan to proceed at pace to allow relocation plans to be worked out through the Austin Redevelopment Authority and rental cost difference to be paid by Paragon Properties during the interim. The substitute motion was seconded by Mayor McClellan.

In answer to a question concerning the fire lane, Mr. Lonnie Davis, Director of Building Inspection, stated that a fire lane must encircle the building.

More discussion followed concerning the relocation of the people. Councilmember Snell stated he is not against growth but is against establishing businesses in a residential area.

Councilmember Mullen asked what the staff recommendation is on this, and Councilmember Goodman asked for Planning Commission's recommendation. Mr. Lillie stated, "The Planning staff's recommendation to the Commission on the application for "C" Commercial, was to grant because a part of this tract, the western portion of it and a portion on the north end was already zoned "C," and there was Local Retail on the south side of 16th Street, and we felt it was separated from easterly extension into the neighborhood by the cemetery. The Planning Commission felt, however, that the "C" Commercial application was speculative...that they did not have anything in hand that they could deal with, and the five members of the Commission that were at the meeting unanimously recommended to the Council that the "C" Commercial be denied, and that is the application that was submitted to you. With the request for a postponement, the applicants did go back and review the possibility of amending their application and did so in August. We did review in September their site plan with an "O" Office application and felt that the "O" application was certainly more restrictive than the "C" Commercial, and our purpose at the time was to make sure that if the "O" Office was granted, that it impacted the neighborhood or area as little as possible, and in that regard we discussed the 2nd Height and Area basically for the building and 1st Height and Area for the balance. ...Second, the access to 16th Street should be discussed and possibly eliminated, and third, that the relocation problem really needed to be addressed, and our suggestion was that the project proceed only after the relocation of families was taken care of."

Councilmember Cooke said, "My motion does speak to those particular issues..these particular applicants would not be able to proceed 1) until the relocation is worked out; and 2) until Navasota is vacated, which means they have to come back before the Council; and 3) before a final plan is brought back to this Council for approval, which means that if they are going to be in a speculative situation of trying to zone this "O" Office with no real firm intentions, they are going to have to spend a lot of money unnecessarily to bring back a plan that may never happen, and I would think that they would not do that, and so I would feel that we have a number of safeguards built in here, and that we would have several opportunities to look at that. I am not even sure that the applicant would accept all of my particular..but that's the only way I would vote for it." Mr. Davis, speaking for the applicant, said "We do accept those conditions."

Roll Call on Substitute Motion - Failed

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

Roll Call on Original Motion - To Deny

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

The Mayor announced that the zoning change had been DENIED.

PUBLIC HEARING ON VACATING AN ALLEY AND RIGHT-OF-WAY

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

A portion of an alley adjacent to Lots 9, 10 and the north forty (40.00) feet of Lot 11; and Lots 7, 8 and the north forty (40.00) feet of Lot 6, Block 5, Penn Resubdivision of Blocks 5 and 6 of the Smyth Subdivision out of Outlot 75, Division D, off the 1000 block of West 34th Street. (Requested by William T. Carlisle for Dr. E. Richard Parker, owner)

Excess right-of-way adjacent to 2105 East Riverside Drive. (Requested by Harvey Zinn for Z Investments, owners)

Mr. John German, Director of Public Works, stated, "On the alley we're talking about, it is south of 34th Street just east of Lamar. It is not open beyond the area we are talking about vacating. The property owner has paid his \$100 processing fee and we have a cashier's check for \$10,500 for payment for the vacated property. It has been reviewed by all City departments and the Planning Commission and is recommended for approval. On the right-of-way, this is an excess piece of right-of-way on Riverside Drive, more than we need for the street. We have the necessary application fee, the owner has agreed to pay \$23,417 for this vacated right-of-way and it has been reviewed by the City Departments and the Planning Commission and again, is recommended for approval."

Motion

Councilmember Goodman moved that the Council vacate the land and pass the ordinances. The motion died for lack of a second.

ALFRED SPANTON, 1002-A West 34th, appeared before Council and said he does not object to the vacating of property but asked that a 250-year-old tree in the alley, which the owners want to pave, be preserved. It is called the "Witches Tree."

WILLIAM T. CARLISLE, appearing for the applicant, stated the applicant who owns both sides of the alley plans to preserve the trees. He said the alley has never been opened.

A. W. PENN appeared to state he owns property west of Grandview between 32nd and 34th Streets and they need the alley and don't want it closed.

Motion

Councilmember Mullen moved that the Council vacate the alley and right-of-way, and pass the ordinances. The motion was seconded by Councilmember Goodman.

EDGAR MORGAN, who lives on Grandview, appeared and stated the alley has never been opened; when he bought his property he was told it would be opened and he wants it to be so he can have the use of it.

A discussion then ensued between Mr. German, Mr. Carlisle, and Mr. Penn about whether or not the alley had ever been opened. There was disagreement and confusion concerning the site.

Motion Withdrawn

Councilmember Mullen withdrew his motion, and Councilmember Goodman withdrew his second.

At this point, the Council considered the vacations separately.

Motion

Councilmember Goodman moved that the Council continue the public hearing on vacating the alley to October 11, 1979, at 2:00 P.M. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING TO Z INVESTMENTS OF STAFFORD, TEXAS, SURPLUS CITY RIGHT-OF-WAY AT 2105 EAST RIVERSIDE DRIVE; APPROVING AS CONSIDERATION FOR VACATION THE FAIR MARKET VALUATION BY CITY STAFF OF SAID SURPLUS RIGHT-OF-WAY IN THE AMOUNT OF \$23,417.50; RELEASING ANY AND ALL CITY LIENS AND CHARGES ON THE DESCRIBED AREA OF SUCH SURPLUS RIGHT-OF-WAY; RETAINING ALL CITY LIENS, CHARGES, AND RIGHTS EXISTING OR INCIPIENT IN ADJACENT AND SURROUNDING PROPERTIES; CREATING AND RETAINING A BLANKET EASEMENT FOR ALL CITY UTILITIES AND LICENSED, PRIVATELY OWNED UTILITIES; SUSPENDING THE THREE SEPARATE DAYS READING RULE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance vacating the excess right-of-way adjacent to 2105 East Riverside Drive. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. on the following zoning case. Pursuant to published notice thereof, the zoning case was publicly heard:

THE CROWN SHOPS,
INC. DAVID HART,
PRESIDENT
By Charles Albers
C14-79-174

11603 Jollyville Road

From "O" Office
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office on the
entire tract except that por-
tion that includes the three
proposed greenhouses to be
zoning "LR" Local Retail.

No one appeared to be heard. Applicant is in agreement.

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District on the entire tract, except that portion that includes the three greenhouses to be zoned "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, 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 change had been granted to "O" Office, 1st Height and Area District on the entire tract, except that portion that includes the three greenhouses to be zoned "LR" Local Retail, 1st Height and Area District and the City Attorney was instructed to draw the necessary ordinance to cover.

APPRECIATION TO COUNCIL EXPRESSED

MR. PAUL McCLURE, President Austin Citizens' League, appeared before Council to express appreciation for Council's courageous action in expanding General Fund expenditures only by an amount equal to inflation and growth. He said in the future they suggest Council call upon the City Manager to submit a budget which is already basically in line with inflation plus growth and if he feels he needs additional funds he should spell it out in detail so the Councilmembers can focus their attention on those areas and make much better use of their time. With this kind of approach the City of Austin will be able to set a real example for quality government, but limited government at the same time.

Mayor McClellan thanked Mr. McClure for speaking.

PARADE PERMITS

Councilmember Trevino moved that the Council approve the following Parade Permit requests:

Request for a Parade Permit from Mr. Thomas H. Edge, for Palmer Drug Abuse Program (PDAP), from 9:00 a.m. to 10:00 a.m., Sunday, October 7, 1979, beginning in park area east of Austin High School, west along West 1st Street, to San Antonio Street, onto Hike and Bike Trail, west to MoPac footbridge, cross lake on footbridge and follow trail to Gazebo Auditorium Shores.

Request for a Parade Permit from Mr. Mike Farley, for Anderson High School, from 5:00 p.m. to 7:00 p.m., Thursday, October 11, 1979, beginning at Anderson High School parking lot, east on Cima Serena to Tallwood, north on Tallwood to Hyridge, left on Silver Ridge, go around on Emerald Hill, Silver Ridge to Steck and back to the south parking lot.

Request for a Parade Permit from Mr. Craig Litton, for Mathews Community School, from 1:00 p.m. to 2:00 p.m., Sunday, October 14, 1979, beginning west on Hike and Bike Trail by Municipal Auditorium, through Zilker Park, across MoPac footbridge, north up Hike and Bike Trail, east on Enfield, south on access road, east on Waterston, south on West Lynn, end at 10th and West Lynn.

Request for a Parade Permit from Mr. T. E. Craig, for National Federation of the Blind of Texas, Austin Chapter, from 10:30 a.m. to 11:00 a.m., Monday, October 15, 1979, beginning at First and Congress, up Congress to steps of Capitol.

Request for a Parade Permit from Mr. James E. Brawner, III, for Crockett High School Student Council, from 2:00 p.m. to 3:30 p.m., Friday, October 19, 1979, beginning from Burger Center down Jones Road to Manchaca Road, right on Manchaca Road into Crockett High School parking lot.

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

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

Noes: None

Mayor Pro Tem Himmelblau asked, "What costs do we incur as far as traffic control per parade?" Chief of Police Dyson stated, "On the above permits we estimate an average of 75 hours of police time, at an estimated cost of \$10.00 per police hour that would amount to \$750.00 for all of five of the above." Mrs. Himmelblau said she thinks it is grand to have parades but they are getting more and more costly to the City. She asked, "Is there any way with the permit they could bear the cost of police protection and traffic control in the future." Mr. Davidson answered, "It is something that could be considered. We used to have a fee for parade permits and one of the previous City Councils abolished that fee, but we'd be happy to tabulate some estimates and bring it back on an agenda for Council's consideration." Mayor Pro Tem Himmelblau asked if it could be brought back in two weeks. Mr. Davidson answered affirmatively.

REQUEST FOR INCREASE IN
TAXICAB RATES AND FARES WITHIN CITY

MR. JAMES W. TOWNSEND, representing Yellow-Checker Cab Company, Roy's Taxi Service, Airline Taxi Company and Harlem Cab Company, requested to appear before Council to discuss an increase in taxicab rates and fares within the City of Austin. He was not in the Council Chamber, but Mr. Davidson said this should be referred to Urban Transportation Commission. Mayor McClellan asked Mr. Ternus, Director of Urban Transportation, to relay that information to Mr. Townsend.

Motion

Councilmember Trevino moved that the Council refer the request for increase in taxicab rates and fares within the City of Austin to the Urban Transportation Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

DOG CONTROL ORDINANCE

MR. JOHN B. FLINK appeared before Council to discuss the need for a Dog Control Ordinance. He cited the difficulty he is having around his rent property due to too many dogs. He said Austin needs an ordinance governing the number of dogs one owner may have.

RECESS

Council recessed its meeting at 12:10 P.M. and resumed its recessed meeting at 2:20 p.m.

ENERGY CONSERVATION COMMISSION AWARDS

MR. WILLIAM BRANDT, Chairman, Energy Conservation Commission, appeared before Council and said the Energy Conservation Commission Awards, which had been devised in July of this year, would be presented today.

Mayor McClellan presented three Energy Commission Awards to the following:

Individual Award: Roy L. Wilson who has demonstrated with his own home how technology can save energy and has written a book entitled "Build Your Own Energy Saver Home or Upgrade Your Existing Home."

Organization Category: Hyde Park Baptist Church with a 29.6% decrease in usage and a savings of \$21,000. George Smith and Dan Gardner accepted the award for the church.

Governmental Category: Bergstrom Air Force Base for their broad based program to reduce utility consumption which includes setting thermostats at 65 degrees in the winter, 78 degrees in the summer; disconnecting unnecessary lighting; increase insulation in buildings and installation of energy saving lighting and time clocks to turn off heating and cooling where it is not required; plans for the future include the installation of solar shields on windows of all major base buildings and insulating 490 family housing units. Col. Thomas Craig, 67th Tactical Recon Wing Commander accepted the award for Bergstrom Air Force Base.

Mr. Brandt then announced that Roy Willson is a new member on the Energy Conservation Commission.

PLANNING COMMISSION REPORT ON THE DOWNTOWN REDEVELOPMENT PLAN

Miguel Guerrero, Chairman, Planning Commission, appeared before Council to present the Planning Commission's recommendation concerning the Downtown Redevelopment Plan. His report was as follows:

"The Planning Commission has reviewed the American City Corporation (ACC) Downtown Redevelopment District Plan and considered the comments received from City boards and commissions, citizen groups and individuals. The comments and suggestions we received represent a broad spectrum of citizen interest and reflect a strong general consensus that the proposed ACC plan is not unique to Austin. At the same time, virtually everyone agrees that some type of revitalization is desirable.

Criticisms of the ACC proposal range from conceptual approach, the "critical mass" strategy, and lack of citizen participation to implementation methods, cost, impact, and design requirements. Most objections are well founded and considered together lead us to recommend the following:

1. The ACC Plan should not be adopted. It has crystalized citizen interest and generated valuable information; however, no part of it should be adopted until it can be shown to fit well into a comprehensive downtown plan.
2. A comprehensive downtown plan should be developed. A proposal that can address the variety and range of concerns in developing such a plan is attached.
3. A procedure for insuring continuous citizen participation should be established.

4. The proposed downtown transportation plan should be held in abeyance until completion of the comprehensive downtown plan.
5. The convention center should be severed from the revitalization effort. These issues should stand on their own merit and not be contingent upon one another.
6. Rescind the Urban Renewal designation. Every effort should be made to develop a revitalization plan that does not require urban renewal powers of eminent domain. Such action should be taken only as a last resort and involve as little property as possible.

In order to avoid undue delay, we have instructed the staff to undertake those portions of the tasks described in the attachment which would not preclude any decisions you might make and which are necessary to continue the revitalization effort. We urge you to act favorably on these recommendations and stand to assist you in carrying out this important project. However, should you decide to proceed in some other fashion, the Planning Commission feels that the steps outlined should be carried out.

The Planning Commission expresses its appreciation to the many citizens, boards and commissions and the AIA Task Force for their invaluable assistance."

There was some discussion among Council as to whether the convention center should be severed from the revitalization effort.

Mayor Pro Tem Himmelblau thanked the Commission for their work.

Motion

Mayor Pro Tem Himmelblau moved that the Council receive the report and take under advisement and ask that a work task force be expedited. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

LIBERTY LUNCH LEASE

The Council had before it for consideration a renewal of a lease between the City of Austin and Liberty Lunch for City-owned property at 405-407 West 2nd Street. Mayor Pro Tem Himmelblau said she does not want to go beyond a two-year lease although the lessees are asking for a five-year lease. Dr. Tessler, who is leasing Liberty Lunch, said he would agree to the two-year lease.

Motion

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to renew a lease between the City of Austin and Liberty Lunch for City-owned property at 405-407 West 2nd Street for two years; 180-day cancellation clause; rent shall be increased to \$400.00 a month the first year and \$440.00 a month the second year; parking improvements shall be completed 90 days from December 31, 1979. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

WATER AND WASTEWATER APPROACH MAIN

Councilmember Mullen moved that the Council adopt a resolution authorizing the following Water and Wastewater Approach Mains:

H. T. McBRAYER, Owner	- For construction of approximately 360 feet of 12-inch water approach main and approximately 380 feet of a 12-inch wastewater approach main to serve Lakeshore Addition, Lot 35 - Total cost for wastewater is \$18,130.00 City's participation \$12,100.00 Total cost for water approach main is \$7,630.00; City's participation is \$3,050.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Before the vote was taken, Mayor Pro Tem Himmelblau asked to see a better map of the area. Curtis Johnson, Director of Water and Wastewater showed her one. Mrs. Himmelblau asked if this will be in the Lake Austin Interim Ordinance area. Mr. Lillie said the wastewater and water mains were necessary to correct a health problem of leaks, etc.

CONTRACT FOR SALE OF ELECTRIC POWER

Council had before it for consideration the extension of a contract with Houston Lighting and Power Company providing for the sale of electric generating capacity for calendar years 1982-1985. Councilmember Cooke questioned Mr. R. L. Hancock, Director of Electric Department, concerning the contract. There was considerable discussion and Mr. Cooke said he would like to see the cost of Decker II included in the formula with the use of Seaholm and Holly I and Holly II for providing the power to Houston Lighting and Power. He thought the contract for the three years would probably amount to more than \$8,000,000.

Motion

Councilmember Cooke moved that the Council consider an alternative for additional discussion with Houston Lighting and Power Company, and consider Decker II in our formula with the understanding this will be brought back to Council October 18, 1979. The motion was seconded by Councilmember Goodman.

Councilmember Mullen asked for Mr. Hancock's professional opinion on the two-week delay. Mr. Hancock advised Council to take what they have. Councilmember Goodman and Mayor McClellan both felt the risk of going back to negotiate should be taken.

Roll Call on Motion

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

Noes: Mayor Pro Tem Himmelblau

RAINEY STREET NEIGHBORHOOD AREA

Council had before it for consideration the revision of boundaries of the area designated on June 14, 1979, as appropriate for a redevelopment project by deleting the Rainey Street Neighborhood Area. Mayor Pro Tem Himmelblau said she felt that the Rainey Street Yard, which is City property, should be cut apart from the Rainey Street neighborhood and also feels that this piece of City property, when the yard moves, should be used for residential. Councilmember Trevino asked the City Manager to report on the land use of the area.

Motion

Councilmember Trevino moved that the Council adopt a resolution to revise the boundaries of the area designated on June 14, 1979, as appropriate for a redevelopment project by deleting the Rainey Street Neighborhood Area; City Manager to come back with possible land use, preferably residential for Rainey Street Yard. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

WATER AND WASTEWATER SERVICE TO ROLLINGWOOD

Council had before it for consideration the authorization and amending of agreements with the City of Rollingwood to provide water and wastewater service. Mayor Pro Tem Himmelblau said, "I do not like to extend our utilities into an incorporated municipality. I feel that the way it was handled, maybe I'm wrong, but that staff set the policy by working with the applicant before it came on to Council. I also am not anxious to provide a tax base for Rollingwood with no benefit to the City of Austin and would suggest if Council votes to grant wastewater service to Rollingwood that we receive some payment in lieu of taxes similar to Boca Chica arrangement.

Motion - Died for Lack of Second

Mayor Pro Tem Himmelblau moved that the Council grant the wastewater contract to Rollingwood but receive payment in lieu of taxes from the property owner that uses it.

First Motion

Councilmember Goodman moved that the Council adopt a resolution authorizing agreement with the City of Rollingwood to provide water and wastewater service to a certain tract of land to be annexed by Rollingwood; and instruct staff to begin work on a policy for Council consideration for payment in lieu of taxes. The motion was seconded by Councilmember Mullen.

Second Motion

Councilmember Goodman moved that the Council adopt a resolution to amend agreement with the City of Rollingwood to provide water and wastewater service. The motion was seconded by Councilmember Mullen.

Mayor Pro Tem Himmelblau stated, "I just feel we set a precedent with Boca Chica and that this is going to happen time and time again. I think that before any arrangements to serve any incorporated municipality gets this far it should come to Council."

Mr. Davidson, City Manager, stated, "Mrs. Himmelblau, every applicant of this type, including this case, has been told that anything must be subject to approval by the Austin City Council. We have no authority to do otherwise. We are not doing otherwise and we don't intend to do so in the future." She said, "Certain of my colleagues feel that promises were made to the property owners, and it's gone so far that all they can do is.." The Mayor said she felt like they played by the rules and were playing the game as they were advised to do so. Mr. Davidson said, "I also want to state that whoever told your colleagues that has exaggerated because my staff has told me precisely what I just said. Everything has been subject to approval with the Austin City Council." Mayor Pro Tem Himmelblau said, "Then I'd like to see some policy established that is more than the Boca Chica for any further extension of any of our utilities into an incorporated municipality that we receive payment in lieu of taxes. I just don't like enhancing the bedroom communities as far as their tax base and I won't support this one today."

Councilmember Goodman stated he concurs with Mayor Pro Tem Himmelblau on developing the policy and pointed out this does not happen time and time again that this is only the second time in three or four years.

Mayor Pro Tem Himmelblau said she has nothing against the applicant and knows they acted in good faith, but it is against her principle to support Rollingwood's tax base.

Roll Call on First Motion

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

Noes: Mayor Pro Tem Himmelblau, Councilmember Cooke

Roll Call on Second Motion

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

CITY EMPLOYEE PAY INCREASE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 781005-A BY REVISING THE BASIC PAY PLANS FOR REGULAR CITY EMPLOYEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 781005-B BY REVISING THE CIVIL SERVICE PAY PLAN; REPEALING ALL ORDINANCES IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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 Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

The pay increase is as follows:

5% increase to be effective September 23, 1979.
4% increase to be effective March 23, 1980.

AGENDA ITEMS TO BE BROUGHT BACK

After a short discussion, Council unanimously agreed to bring back, October 11, 1979, consideration of adopting an Energy Conservation in New Building Ordinance.

Also, the following Items From Council will be brought back:

1. Consider asking for fiscal notes on costs incurred for staff support for Boards and Commissions. (Mayor Pro Tem Himmelblau) Bring back October 25, 1979.
2. Consider adopting policy to guide the budget process. (Mayor Pro Tem Himmelblau)

There was some discussion of zero based budget interpretation and how soon before adoption of the budget, the budget should be ready for Council perusal. It was decided to bring this back at a later date.

CITY CONTRACT WITH COMMUNITY BOUND

Councilmember Cooke introduced an Item From Council which concerned the City contract with Community Bound for 1979-80. He said this was the contract adopted last week and felt there should be a clarification. HSRT recommended \$10,000 to Community Bound and Council cut it back to \$5,500. They had requested some monies earmarked for bookkeeping and record keeping. They recommended \$3,000 of whatever the City gave them. Our Human Services Department did an analysis of Community Bound last spring and found a number of their problems have been corrected, but still think there should be some allocation to bookkeeping/auditing as there would be for any contract agency the City has.

RICHARD REAM, Director of Community Bound, addressed Council stating he has discussed the situation with Human Services and has been assured there will not be the requirement of having \$3,000 spent for outside bookkeeping and record services. Given the fact the Council did not go with the HSRT recommendation of \$10,400 but instead to hold the approved budget for Community Bound at \$5,500. If the Council wants to consider if some money might be allocated to help Community Bound solve its problem in this area of bookkeeping/auditing then they are at Council's pleasure.

Councilmember Cooke asked Mr. Buck Apelt, Human Services Department, whether or not we will require Community Bound to spend \$3,000 for bookkeeping this year. Mr. Apelt stated, "We will not be requiring it. Let me explain the \$3,000. It pertains to the original recommendations made by the review team for the funding of this agency by the City and County. The amounts were insufficient to pick up both CETA positions that the agency now has and which they will be losing some time next year. The provision which is hanging us up is an explanation of what the amounts did provide for based on utilizing \$3,000 for that total recommended amount of City and County funding for bookkeeping service rather than the continuation of one of those CETA positions which is presently engaged in bookkeeping activity." Mr. Apelt concluded there is no problem with bookkeeping.

Councilmember Goodman said, "I was aware of the Community Bound situation when we passed the budget and to my recollection, and it's not reflected in the Minutes or anywhere else, that we adopted that HSRT recommendation that \$3,000 be allocated for auditing. So as they stand right now they have a \$5,500 allocation without that stipulation that \$3,000 be spent on auditing and if that's the case everything is fine right now."

It was agreed by Council there is no problem and Community Bound does not have to set aside \$3,000 of the money they received from the City for an outside audit.

BED TAX FOR THE ARTS

Councilmember Cooke moved that the Council refer consideration of using 1% of bed tax for the arts to Arts Commission for their opinion. The motion was seconded by Councilmember Goodman.

Councilmember Trevino said he agrees, but "as we continue to increase the amount of monies available in bed tax for the arts, we will soon be spending more money on the arts than we are on Human Resources." If we look at this as a planning tool for the Arts Commission, which he supports, he thinks they should give similar direction to HSRT to allow to expand the monies also allocated for Human Resources.

Friendly Amendment

Councilmember Snell offered a friendly amendment that the Arts Commission have a full board present when this is decided. (They are now short two members and appointments will be made in two weeks.)

Roll Call on Motion with Friendly Amendment

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

Noes: None

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

AUDIT REQUIREMENTS FOR SOUTH TEXAS PROJECT

Mr. R. L. Hancock, Director of Electric Utility, presented the following report to Council concerning the outside review of the South Texas Project:

"This information is informative in nature and requires no response. Your office has previously directed that Austin's representative on the Management Committee seek concurrence of the other participants with respect to an outside review of the project base line data presented orally August 27, 1979. The other participants in the South Texas Project, through their representatives on the Project Management Committee, expressed a similar desire and have initiated interviews of prospective engineering firms to make such a review. It is anticipated that the appropriate firm can be selected and the scope of their activity defined by late October.

October 4, 1979

In addition to this action, you also directed that Austin's representative on the Management Committee seek concurrence from other participants in the project with respect to a thorough audit of Houston Lighting & Power contract compliance, accounting procedures and practices and billing appropriateness. Through the Management Committee, this has been discussed with the other participants in the project, and they have concurred with that need. The Management Committee has requested the Financial and Accounting Representatives of each of the entities interview appropriate auditing firms and make appropriate recommendations to the Management Committee for selection of the auditing firm. The Auditing and Finance Representatives of each of the participants have been conducting interviews, and it is anticipated that this selection can be completed by mid-October.

You further directed that special audit activity be conducted with respect to contract compliance, accounting procedures and practices, and appropriateness of billings from Brown & Root to the project, with special emphasis on specific detailed audit programs. The Management Representatives of the participants in the project expressed similar interest, and the Financial and Auditing Representatives of each of the participants have considered this in conjunction with their selection of an audit firm to conduct the audit on Houston Lighting & Power.

Because of the relationship between Houston's accounting and billing to the participants, and Brown & Root's accounting and billing to Houston Lighting and Power, the same firm will be selected to execute both of these auditing projects.

Immediately after selection of the appropriate outside resources to conduct these various activities, their scope and work plan will be developed and implementation of the activity will begin.

All participants in the project have indicated a need for a review of this type, and all will participate in the funding of the activity, which will be charged to the South Texas Project.

The South Texas Project Management Committee is currently delving into more detailed information with respect to the cost and schedule development associated with the base line data. It currently appears that because of the hypothetical nature of the development of that cost and schedule as constrained by limited manning levels, single shift operation, and 40-hour work week, there is an obvious opportunity for schedule improvement on the project. As these opportunities are explored, an alternative schedule will finally be developed. It is anticipated this will occur in about January of 1980, and at that time a specific project cost and schedule estimate will be identified.

In addition to actions on the directives outlined above, and in response to directives from your office, the Management Committee has been notified that Mr. Monty Nitcholas will be the City of Austin's alternate on the Management Committee. In further response to your directives, I have rearranged my area of responsibilities to such that the Assistant Director will assume more responsibility for the functioning of the

Utility System, the Superintendent of Administration will assume more responsibilities for administrative matters, and more of my time will be spent directly related to the project. In addition to this, City of Austin staff participation in the various committees and sub-committees relating to the project will increase significantly. Austin currently has an involvement of approximately 15 people directly related to specific disciplines associated with the South Texas Project."

Mayor McClellan said she does not think Houston Light & Power should have input into the selection of an audit firm. Mr. Hancock said Houston agrees. They feel it is not appropriate for them to participate in the designation of a selected audit group, or the designation of the architect engineer to do the review.. He said the audit firm of Cooper-Librind, the largest audit firm in the world, has been selected. They have had extensive utility and project management experience.

Mr. Dan Davidson, City Manager, explained to Council, "The management committee, including Houston's representative, and the finance and audit committee have been extremely receptive to the City of Austin's request and concern. Our City Auditor, Mr. Bob Bramlett, has had an open door to make suggestions. In fact he has had a definite impact on the scope of the audit to be conducted and the quality firm which has been selected. I intend to bring another report back to City Council in a week or ten days explaining the scope of that audit, the credentials of the auditing firm and then as soon as the Management Committee has selected the engineering firm, I want to bring a similar report on that to Council so you can see the scope, ask questions and make suggestions for additions or recommendations.

RAINEY STREET CITY MANAGER REPORT

A City Manager Report on deletion of Rainey Street Neighborhood Area from the Area designated as appropriate for redevelopment project was covered earlier on the agenda.

CLARKSVILLE RENT REPAIR PROGRAM

Carlos Herrera, Director, Human Services Department, presented a report on the Clarksville Rent Repair Program. He outlined the history of the program, contractual provisions, and a list of alternative agencies for the administration of this program with an assessment of each agency's respective strong and weak points. He also reviewed the budget.

Councilmember Goodman moved that the Council accept the report and have the Legal Department work with Human Services and come back in two weeks with the contract. 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

RECESS

Council recessed its meeting at 4:23 p.m. and resumed its recessed meeting at 6:20 p.m.

APPEAL ON ISSUANCE OF WATER PERMIT

An appeal was scheduled before the City Council for 6:00 p.m. on an appeal from Mr. and Mrs. James Curtis Bostic on the issuance of a Water Permit for the Upper Walnut Creek Wastewater Interceptor. Mr. Charles Graves, Director of Engineering, reviewed the appeal and the proposed plans for the interceptor. The neighborhood's chief objection is they believe the creek will be environmentally damaged by the laying of pipes in the creek bed. Mr. Graves pointed out the neighborhood is dealing with false premises and showed slides of creeks where pipes have been laid, and the environment has not been destroyed.

Curtis Johnson, Director of Water and Wastewater, told Council the neighborhood has proposed an alternative which is not feasible. Their plan would call for aerial laying of pipes and suphons. He said the delay alone to redesign the interceptor would cost the City much money, and the estimated total cost for the neighborhood design would be \$12,000,000, plus a year's delay. The CIP funds available for the project amount to \$4,000,000. His recommendation to Council was they deny the appeal and proceed as planned.

A long discussion followed between Councilmember Cooke and Mr. Johnson concerning the neighborhood's alternative to the City plan. Mr. Johnson told him that in order for the line to be feasible, it should be in the creek or very close to it. The only way to obtain \$8,000,000.00 more for the project would be to have another bond election.

LINDA FRITH, President of NEWCHA (Northeast Walnut Creek Homeowner's Association) reported on their findings and said the placement of the lines outside of a creek is the latest thing and Austin should lead in their design.

DEAN MONTGOMERY, Vice-president, NEWCHA, said this is a landmark case as it is the first sewer to go in since the Master Plan was adopted. He showed charts to uphold NEWCHA's position. More discussion followed with Councilmember Cooke and Mr. Johnson.

MRS. CURTIS BOSTIC appeared before Council and asked Council to sustain their appeal which is made in direct reference to the Creek Ordinance.

STEVE HANSON, Sierra Club, told Council that when a creek is disturbed the water level lowers and native vegetation is disturbed, causing undesirable vegetation to replace it. He also asked that future CIP documents be indexed by area, as it is hard to discern, under the present format, which neighborhoods are being involved in what.

TOMMY GOLDSBERRY, President, Walnut Creek Neighborhood Association, said they would be effected by Phase II and so they are concerned with what is happening on Phase I. Mayor Pro Tem Himmelblau pointed out to him that his area needs the line in the worst way because 80% of their septic tanks do not work. Mr. Goldsberry asked, if they are annexed, how soon they will be served. City Manager Davidson explained to him the regulations of annexation and said it will depend on how long it takes the project to begin, and that by law the City shall provide service within 3 years but most sewer taps are connected between 6 months and 18 months after annexation, depending on where the home is located.

Councilmember Mullen pointed out that if they go the alternate route, there will be no money left for Phase II and Phase III.

Councilmember Cooke asked, if this is passed tonight, how long it would be before completion, taking into consideration 3 months delay for necessary easement acquisitions. Mr. Johnson answered 16-18 months, with Phase II worked on concurrently with Phase I. So total time would be about two years. Mr. Davidson told Mr. Goldsberry that his neighborhood would qualify as high priority and therefore, there would not be a long wait for sewer service.

LARRY DEUTSCHER, President, Angus Valley Neighborhood Association, said they support the position of NEWCHA. He wondered about the \$250 charge to get on the list for sewer service. Mr. Davidson said this is the same fee paid by anyone who wants to connect to a sewer..new homes as well as older homes.

GORDON DAVIS, speaking for Nash Phillips Copus, developers, said the line has been closely monitored by their office. He said redesign of the line now would cause considerable time delay in allowing sewer service and urged the Council to go with the City plan, as he thought this has been looked at long enough. He suggested the restoration of the creek should be a separate project.

An architect, who did not identify himself, said he lives near the creek and the blasting would effect his walls. He bought his lot because of the beauty of the creek.

Mayor Pro Tem Himmelblau asked about the water table and wondered if it was true that the water table would lower and it would become a dry creek.

Councilmember Mullen stated he has been told a lot of the water coming down the creek is from septic tanks.

Mr. Graves answered Mrs. Himmelblau's question by saying it has not been their experience with other creeks in Austin to see them lowered after a line has been laid in them.

Dr. Maureen McReynolds, Director of Environmental Resource Management, stated the Health Department has studied Walnut Creek and found there are problems with recharge, and Councilmember Mullen's statement is true.

Councilmember Cooke asked when the project was first proposed and when the first public hearings were held. Mr. Johnson told him this was proposed in a 1975-76 bond election, and since then there have been three public hearings each year.

Motion

Councilmember Cooke moved that the Council close the public hearing, adopt the Planning Commission's recommendation for the Upper Walnut Creek Wastewater Interceptor; with a feasible amount of the line located out of the creek. The motion was seconded by Councilmember Goodman.

Councilmember Cooke stated this has been before the public 6 years and he is not supportive of coming out of the creek bed at a cost of \$8 to \$9 million more to taxpayers. He felt the City has taken good environmental precautions with their design of the interceptor.

Councilmember Snell asked what assurance the neighborhood will have that they will have input into protection of the creek. Mayor McClellan read from the Planning Commission's recommendation where they address this question specifically.

DEAN MONTGOMERY came back to the podium to ask what is meant by "review." The Mayor told him to look at, by the neighborhood, and give their ideas to Council, who has the final decision. Councilmember Cooke said the staff, as they come to a feasible point of review, should do so. Mayor McClellan repeated this and directed Mr. Johnson to review with the neighborhood at every logical and reasonable point.

Roll Call on Motion

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

ADJOURNMENT

Council adjourned its meeting at 8:30 p.m.

APPROVED


Mayor

ATTEST:


City Clerk