

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 15, 1979
8:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was given by Rabbi Barovitz, Hillel Foundation.

FLAG FOR EVERGREEN CEMETERY

Mayor McClellan announced the City of Austin was about to receive a very special gift from Mrs. Warren. Mrs. Warren was present in the Council Chamber to present a 25-foot flag pole and a flag to be placed in Evergreen Cemetery in honor of her husband who was killed in England during World War II. Mrs. Warren spoke to the Councilmembers and Chamber audience, expressing her pride in presenting her gift to the City in memory of her husband and father of her son. Mayor McClellan thanked her on behalf of the City and told her the flag will be flown with pride over Evergreen Cemetery.

ROSCOE J. HAMBY JR. DAY

Mayor McClellan read a proclamation designating February 15, 1979, as Roscoe J. Hamby Day. He is Director of the International Association of Fire-fighters Labor Recruitment Office in Washington, D.C. Mr. Leland Priest, Deputy Fire Chief, presented a Certificate of Appreciation from the City of Austin to honor Mr. Hamby. Mr. Hamby was not present in the Chamber to accept the proclamation or Certificate but appreciation was expressed for his energy in having a program which was instrumental in recruiting Cadet Class No. 77 with an outstanding percentage of minority applicants.

SONRISAS

A resolution, signed by the Mayor and all Councilmembers, was read by Councilmember Trevino, recognizing Sonrisas...a national bilingual, bicultural television series designed for a viewing audience of children from 7 to 11 years old. Dr. Ramon Tanguma, Gloria Bland and Felix Garcia accepted the Resolution with their appreciation.

ENGINEER'S WEEK

Mayor McClellan read a proclamation declaring the week of February 18-24, 1979, to be Engineer's Week to honor the men and women in our city whose dedication, skills and ingenuity are helping to create a better environment and a better society. Mr. Gary Guenthner, President, Travis Chapter of the Texas Society of Professional Engineers, accepted the proclamation with his appreciation.

MINUTES APPROVED

Councilmember Cooke moved that the Council approve the Minutes of the Meeting for February 8, 1979. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

BOARD AND COMMISSION APPOINTMENTS

Medical Assistance Advisory Council

Mayor Pro Tem Goodman moved that the Council appoint Helen Rangland, Jennie Ruiz and Trine Ruiz to the Medical Assistance Advisory Council. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Future Appointments

Mayor McClellan announced the following appointments will be made next week:

MH/MR - 1
Wrecker Standards Commission - 4
Construction Advisory Committee - 2
On-Going of Goals Committee - 6
Elisabet Ney Museum - 7
Library Commission - 7
Urban Transportation Commission - 5
Energy Conservation Commission - 1
Citizen's Traffic Safety Commission - 1
Commission on Status of Women - 1

"ACCESS AUSTIN"

MRS. VIRGINIA ROBERTS, representing MIGHT, was present in the Council Chamber to give Councilmembers copies of "Access Austin," a guide for the mobility impaired. Mrs. Roberts pointed out that the booklet has been prepared by volunteers and funded mainly by donations. It is available from MIGHT and the Chamber of Commerce. Mayor McClellan expressed her appreciation of the book and extended her thanks to MIGHT for all of the work involved. She stated the pamphlet will be widely publicized.

CLAWSON ROAD IMPROVEMENTS PROJECT

Councilmember Cooke moved that the Council adopt a resolution granting acquisition of certain land for the Clawson Road Improvements project: CAPITAL IMPROVEMENTS PROGRAM NO. 74/62-01.

All of Lots 1, 2, 3, and 12, Southridge, Section 5, (Austin Land Investments, Inc.)

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

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

RELEASE OF EASEMENTS

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

The seven and one-half (7.50) foot Public Utility Easement along the southeast property line of Lot 5, Westover Hills, Section 3, Phase 6, recorded in Book 57, Page 12, of the Plat Records of Travis County, Texas. (Requested by Billy Priest, representing A. C. Carter, owner)

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

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

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

A 10 foot by 30 foot Guy Wire Easement out of Lot B, Block C, Resubdivision of Lots 2 and 3, Block C, Summit Oaks, as recorded in Plat Book 50, Page 31, of the Plat Records of Travis County, Texas. (Requested by C. J. Rainford, President, R.T.R. Associates, Inc.)

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

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

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

A seven and one-half (7.50) foot Public Utility Easement crossing the rear parts of Lots 1 through 13, Block G, and Lots 1 and 2 Block F, Resubdivision of Western Hills, Lots 18 through 49 and Lot 66. (Requested by Wayne Merritt of Nash Philips/Copus)

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

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

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

A ten (10.00) foot Public Utility Easement adjacent to the south property line of Lot 20, Block W, Northwest Hills Cat Mountain Section, a subdivision recorded in Volume 52, Page 57, of the Deed Records of Travis County, Texas. (Requested by Mr. James Mowry, Agent for Mr. Malcolm Ferguson, owner)

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

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

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

A Public Utility Easement covering all of the west 409.30 feet of the south seven and one-half (7.50) feet of Lot 8, Lamar Plaza, Section One, a subdivision in Travis County, Texas, of record in Book 66, Page 18, of the Plat Records of Travis County, Texas. (Requested by Mr. Robert Massengale, owner)

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

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

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

The north 1.8 feet of a ten (10.00) foot Public Utility Easement adjacent to the south property line of Lot 4, Southridge Section 5, a subdivision recorded in Plat Book 55, Page 93, of the Plat Records of Travis County, Texas. (Requested by Mr. Robert L. Phillips, owner)

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

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

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

The east five (5.00) feet of the west ten (10.00) foot of Drainage and Public Utility Easement out of Lot 13, Block H, Vista West, Section II, and locally known as 7602 Parkview Circle. (Requested by Mrs. Rusty Olman)

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

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

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

A ten (10.00) foot Sanitary Sewer Easement out of Lot 6, Northcross Section 2, as described in Volume 1752, Page 461, of the Deed Records of Travis County, Texas. (Requested by Mr. Sam E. Dunnam, General Partner, Northcross Associates, Ltd.)

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

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

CONTRACTS APPROVED

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

UCI CONSTRUCTION COMPANY
1413 Sam Bass Road
Round Rock, Texas

- CAPITAL IMPROVEMENT PROJECT -
Construction of approximately
288 feet of 8-inch wastewater
main in Brodie Lane - \$13,421.00
C.I.P. No. 73/50-02

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

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

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

Bid Award:

- Fire Hose, Fire Department

CLAUDE WRIGHT, JR. & ASSOCIATES
9018 Ruland Building E
Houston, Texas

- Items 2, 3 and 4 - \$11,436.00

FIRE FOX INC.
802 Nebraska
South Houston, Texas

- Item 1 - \$1,400.00

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

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

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

THOMPSON-HAYWARD CHEMICAL COMPANY
222 Seguin Street
San Antonio, Texas

- Soda Ash, Parks and Recreation
Department
Item 1 - 50 tons @ \$127.11
Total \$6,355.50

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

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

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

MILTON ROY COMPANY
Hays Republic Division
% Dixon Engineering Inc.
5630 Heffernan
Houston, Texas

- Boiler Control System
Equipment, Electric Utility
Department
Item Nos. 1 - 7 - \$11,608.29

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

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

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

MUNICIPAL CODE CORPORATION
P. O. Box 2235
Tallahassee, Florida

- Recodification of City Code,
Legal Department
Three year contract
\$23,000 for FY 78-79, \$1,715.00
for FY 79-80 and \$1,715.00 for
FY 80-81

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

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

SELECTION OF ARCHITECTURAL SERVICES

Councilmember Cooke moved that the Council adopt a resolution approving selection of GRAEBER, SIMMONS AND COWAN for Architectural Services for Rosewood Zaragosa Clinic Addition. CAPITAL IMPROVEMENT PROGRAM NO. 79/91-92. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

SELECTION OF PROFESSIONAL SERVICES POSTPONED

Councilmember Cooke moved that the Council postpone until February 22, 1979, the selection of Professional Services for Interim Improvements at Robert Mueller Municipal Airport for the Aviation Department. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

UTILITY SYSTEM REVENUE BONDS

Councilmember Cooke moved that the Council approve the form and content of the Notice of Sale and Bidding Instruction, the Official Bid Form and Official Statement, and authorization of the use thereof in its offering of \$80,000,000 Utility System Revenue Bonds, Series 5, on March 8, 1979. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

EMERGENCY ENERGY ASSISTANCE PROGRAM

Councilmember Cooke moved that the Council adopt a resolution authorizing acceptance of a grant of \$5,850 from the Community Service Administration to conduct Emergency Energy Assistance Program in Austin and Travis County. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

URBAN RENEWAL BOARD RESOLUTION

Councilmember Cooke moved that the Council adopt a resolution approving Urban Renewal Board Resolution No. 86-78-79 concerning Holy Cross Catholic Church's Parcel No. R-5-1 Use. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

HYDE PARK BAPTIST CHURCH

The Council had before it a resolution to consider setting a public hearing on appeals from Mr. Doren R. Eskew, Attorney for Hyde Park Baptist Church, on the decisions of the Building Standards Commission and the Historic Landmark Commission, to deny owner the right to remove or demolish dilapidated structure located at 200 East 40th Street.

A letter written by Mr. Eskew was read to Council and put on the record. It read as follows:

"This is to confirm the fact related today by telephone to Mr. Albert De La Rosa, Assistant City Attorney, that Hyde Park Baptist Church has waived its right to require the City Council to hold public hearings within 30 days after the notice of appeal to the City Council from the orders of the Building Standards Commission pertaining to the above property described in our notices dated January 30, 1979.

"The City Council need not set the appeals for hearing or action until we subsequently file a written request for a hearing on the appeals at a time convenient to the City Council."

Councilmember Cooke moved that the Council accept the waiver as explained in the letter from Mr. Eskew. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

RECODIFICATION OF CITY CODE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1978-1979 BY TRANSFERRING \$23,000.00 FROM THE GENERAL FUND BALANCE TO THE SPECIAL SERVICES ACCOUNT FOR THE PURPOSE OF FUNDING THE RECODIFICATION OF THE CITY CODE; APPROPRIATING \$23,000.00 FROM THE SPECIAL SERVICES ACCOUNT FOR PAYING FOR THE RECODIFICATION OF THE CITY CODE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Cooke asked why this was not in the budget? City Manager Dan Davidson answered, "We had no estimate as to the amount." Mayor Pro Tem Goodman said, "I think what he is asking is was it anticipated?" Councilmember Cooke asked if this would fall under special services? Jerry Harris, City Attorney, said "we have not really had a recodification since ten years ago," and he said he did not think anyone had really thought about where it was going to fit, but this time it would be funded by special services. Mayor Pro Tem Goodman asked what the balance of the special services budget was, and Mr. Davidson said they are taking money out of the ending balance and placing into a special account for this purpose under special service.

ETHICS AND FINANCIAL DISCLOSURE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE; ESTABLISHING A CODE OF ETHICS FOR CITY OFFICIALS, CITY BOARD AND COMMISSION MEMBERS AND CITY EMPLOYEES; PROVIDING STANDARDS OF CONDUCT; REQUIRING FINANCIAL DISCLOSURE; PROVIDING FOR AN ETHICS REVIEW COMMISSION; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

SWIMMING FEE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 24-2.1(b) OF THE AUSTIN CITY CODE OF 1967, ESTABLISHING A RECREATION SERVICE FEE FOR THE LEARN-TO-SWIM PROGRAM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

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

A 287,611 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 8517 BALCONES; FROM "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, SECOND 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. (Landlock, Ltd., C14-78-222)

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

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

The Mayor announced that the ordinance had been finally passed as an emergency measure.

ZONING HEARING - POSTPONED

Mayor McClellan opened the zoning hearing scheduled for 8:30 p.m. on the following zoning case. Pursuant to published notice thereof, the zoning case was publicly heard:

JILES JACKSON C14-78-229	11935 Arabian Trail also bounded by Bell Avenue	From "AA" Residence 1st Height and Area To "O" Office 1st Height and Area NOT Recommended by the Planning Commission
-----------------------------	---	---

Mayor McClellan told Council that a letter had been received requesting postponement from Mr. Jiles Jackson. MR. AL SEIDER, President, Northwest Oaks Homeowners Association, objected to postponement of the hearing. Council explained to him the procedure of postponement, Mayor Pro Tem Goodman apologized for the delay and postponement was set.

Mayor Pro Tem Goodman moved that the zoning case be POSTPONED until March 15, 1979 at 7:00 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the zoning case had been postponed.

WRIGHT ROAD PROGRAM FOR ALCOHOLICS - POSTPONED

Mayor Pro Tem Goodman stated an item on the agenda to consider emergency funding for the Wright Road Program for Chronic Alcoholics should be postponed because it is on an upcoming CAPCO agenda and until they consider it, it will be inappropriate for Council to look at it. The item was postponed.

SOUTHERN UNION GAS COMPANY'S SERVICE REGULATIONS

Mayor McClellan opened the public hearing scheduled for 8:00 p.m. on Southern Union Gas Company's Service Regulations.

MR. Guymon H. Phillips, Manager, Utility Customer Service Office, appeared before Council and stated: "Some months ago ACORN presented a set of service regulations that they wished to be considered by Southern Union Gas Co. At that time the Council directed staff to work in meetings, negotiation sessions, etc., to try to iron out as many of the differences as possible and then return to Council with an amended set of regulations or a report on what had been done. There have been three meetings between ACORN and their representatives, Southern Union, and City staff. There were some differences that were resolved and there were a number of things ironed out. I think it's safe to say there were good faith negotiations by both sides. Some of the things that were ironed out was just the fact that an acceptable format was derived. There were some various and sundry wording changes and also there were some inclusions that Southern Union agreed to during these meetings. There are, however, differences yet to be resolved and I guess that is what most people will be addressing tonight. Some of the problems that I mentioned, and certainly there could be some more, but I have listed those as being: providing a description of customer rights, question concerning due date interval, deferred payment plan, notices and how they will be sent out, and a question over security deposits. Both parties are represented here tonight and will speak to these issues. ...I will be available for questions if they arise. If you have a copy of the latest ACORN proposal before you it will be the one most easily referenced."

Councilmember Himmelblau said, "I have a question on the meter estimates and wanted to stress that maybe it shouldn't be successive months on estimates. I realize sometimes there are problems about getting in yards where there are dogs and all sometimes it happens that meters are estimated on three successive months and then someone is zonked with a bill. I am concerned about that."

MS. CHARLESETTA HARREL, representative from Central East Austin Neighborhood Association, affiliated with ACORN, appeared before Council to state that since last being before Council, she has tried to digest 79 typed pages of the original volume and the revised volume of the tariff from the Southern Union Gas Company that effects the Austin community. She said they have met with the gas company on three occasions and on behalf of the ACORN organization she thanked Mr. Phillips for his help and also the members of the official staff of the Southern Union Gas Company for their help. It is Mrs. Harrel's opinion that there is not much change in the revised version from the original version.. ..there has been re-wording but over all she feels the revised statements from Southern Union would be a bitter pill for them to try to swallow, as a whole. She continued that, "there has not been much relief in the last three months and if the recommendations from Southern Union are accepted we will be playing more brutally the game of dollars, losing sight of the community interest for the favorable box score of big dollars."

A representative of ACORN, MRS. YOATS, appeared before Council to speak specifically to the points where disagreement continues. "Most of our proposed changes have to do with insuring that due process occurs. On several occasions when we were meeting with Southern Union, they said, 'well, this is what we do

5.4, Fees and Charges. We revised Section 5.6, Grounds for Refusal to Serve. We added Section 5.7."

Mayor Pro Tem Goodman asked, "Are you opposed to all of the five items that we've listed here?" Mr. Laczko replied that these are proposals ACORN has made which are not incorporated and accepted in their revised version. He continued to say they are opposed to all of those they feel will cause substantial changes in their operations as they are currently being conducted and will incur increased expenses. In answer to Mayor Pro Tem Goodman's question concerning bi-lingual messages, Mr. Laczko said it has never been brought to his attention before as a problem. He said if this is done, the notices will all have to be reprinted and different size papers would need to be used if it was printed in two languages, and one would need a magnifying glass to read it. All of that would require programming, paper, and additional expenses. Mayor McClellan asked him to explain the changes in these areas. "Mayor, what I was really trying to do was to show that we have revised numerous sections of our current tariff as a result of the meetings we have held with representatives of ACORN and most of these revisions which I have read off have been recommendations which they have made. I think that someone has couched our position as being unwilling to make changes. I don't think that is the case. The list I was reading bears out the fact that we have listened to what they have to say, we have considered it and we have found out a way to make that change in our rules to the benefit of our consumers. ...An example, we added Section 19, Appeals and Hearing Procedure..two or three pages. It is one of the things that ACORN has suggested that Southern Union add. It's one of the things they have talked about tonight and published in various documents as part of their request... Section 13, page 2 has been added to Southern Union's revised rules concerning billing and payment of bills." He asked the Mayor if she wanted him to address specifics which have caused disagreement between ACORN and Southern Union Gas Company. She told him yes.

Mr. Laczko continued, "One of the ones which they consider extremely important is the deferred payment plan. Southern Union Gas Company does not have a deferred payment plan in Austin or in any of our operating areas. We do, however, have, with Council's permission and have advised ACORN members we are willing to incorporate into our procedures a budget billing plan. The testimony that I heard here tonight from numerous individuals is that what they really need is a budget billing plan. It would take an estimated annual gas consumption, by a residential customer, divide it by 11 months, and spread those 11 monthly payments equally throughout the year. The customer would not be burdened during the middle of winter with extremely high bills at a time when it's very likely they have other expenses which are high also. We have this in operation and it is now working very satisfactorily in another one of our locations. We are able, at very little expense, to incorporate that budget billing plan into our system here, and I think it would be in the public interest." He explained the plan is based on 11 months so that during the 12th month allowance can be made for any difference between the estimate and the actual consumption. In the 12th month, either the company repays the customer or the customer repays the company. That's the settle up month.

STEVE MARTINEZ, and unemployed father of seven appeared to ask for a deferred payment program.

Mayor Pro Tem Goodman asked if there are any other major requests other than the four listed:

1. Customers rights on bills.
2. Due date interval of 25 days.
3. Deferred payment plan.
4. English/Spanish language on important notices.

Mr. Guymon Phillips told him those are the four major complaints. Mayor Pro Tem Goodman asked which other things ACORN considers major. ROBERT RIMA told him that there are some other minor differences but these are the four major ones. He said he would add no Friday cut-off, and that the deposit proposals are also a major item.

MR. BOB LACZKO, District Vice President, Southern Union Gas Company, appeared before Council and reported as follows: "We have had our rules of service on file with the City of Austin since the summer of 1976 when we were required by the Public Utility Regulatory Act. However, those were not our first rules. We've had rules of service in existence in our company for a long time prior to 1976. Our rules give our people something with which to work. The company has met with representatives from ACORN and the City of Austin on three different occasions to discuss proposed amendments to our rules of service. After the first meeting we had with ACORN, they revised their request into a more organized format since the first one was haphazardly put together and very difficult to follow. We have already acted on numerous issues which we have considered to be in the public's interest. ACORN has made no showing that any of our other rules are unreasonable and currently the burden is on them to demonstrate that further changes are in the public interest. Admittedly, the company would prefer not to make any further changes in its rules, but I think that if any further changes are to be made, Council should understand that changes cost money and increased expenses are often incurred for the benefit of a very few people and have to be borne and passed on ultimately to all of our rate payers. If changes are going to be made, the Council should also consider the changes which have been recommended by Southern Union Gas Company as well as those changes which have been recommended by ACORN. In our meetings with ACORN, their position has been to strongly advocate numerous positions, to accept any which the company feels it can reasonably amend, to continue to push strongly for any of those which the company opposes, and to quietly ignore any changes which the company has suggested.

"Let me review for you some of the changes we have discussed and which the company has acted upon, and which the company has felt are in the public interest. Our table of contents was amended, a revision was made to Section 4.1, Provision of Service; a revision was made to Section 4.2, Fees and Charges; a revision was made to 4.10, Availability of the Tariff. We added a Section 4.11, Consumer Information. We added a Section 4.12, Consumer Complaints. We revised Section

now.' This is the problem we're having that different times we deal with different clerical personnel. We want to get things more down in black and white so that when you are dealing with different people you still get a fair shake. We know that the appeals process could be spelled out before now if you were a consumer that could take your attorney in. But we want it to be so that the common person who does not have an attorney can know what his rights are with the gas company and what procedures he needs to go through if he has a dispute. We feel this will result in better public relations with the gas company. All of our proposed service changes are current practices by the City utility department. We feel the City has done a commendable job in the way they have changed their service policies and it has made dealings much clearer for the consumer. Among the things we would like to see still are a concise bill of rights for the consumer included in his bill at least once a year. We would like to see this in English and Spanish. Another major point is the deferred payment program. If we had a deferred payment plan like the City now has, if a zonker month came because of an estimated bill, you'd still be able to pay it off by keeping your next bills current. So this would be one way to take care of estimated bills. The third major point we disagree on is that we would like to see 25 days after the billing before the due date. The main reason in this is that not all of us are paid on a weekly or bi-weekly basis. Although this has been advocated for some time by central government, not all groups are required to do this. If you do not get your bill close to when you get your paycheck, you may not have time to gather together the money you have to pay, especially if it is bigger than you thought it would be, before it is due. This is going to be more critical as we have a larger percentage of elderly people in our population and already it is critical for people who are paid just once a month. ...We have two more things, not quite this major but which we think are important. The cut-off notices need to be in English and Spanish and we'd like to see something that makes them more strikingly different from a regular bill.

"Another issue we feel strongly about is the Friday cut-off. The City has a policy that there are no cut offs after noon on Friday and they are able to do this by having Saturday morning collection. But sometimes the reason your gas is cut off is not that you have not paid your bill, but there is a billing mistake and there is no option about getting it back on until Monday."

STEVE KRAEGER, representing the French Place Neighborhood Association, as well as himself, appeared before Council. In the course of his work with the Department of Human Resources in East Austin, he sees a number of low income people who have problems with their gas utilities. Many involve cut-offs and many people pay for their gas rather than buy food for their children because they have no recourse. These people are not pleased with the less flexible attitude the gas company has than the electric company. Mr. Kraeger stressed the importance of putting the bills and notices in bi-lingual language which is easy to read and understand. Some of the elderly have trouble with their eyesight, and it is important to have the notices legible. Mr. Kraeger suggested an appeal type process which would eliminate the cut-offs without any type of due process and more of an advanced notice. He concluded by saying he thought more consideration should be given to people by the gas company than is given now. The proposals they are making are reasonable and fair and treat people as humans rather than as numbers in some computer bank somewhere.

"In addition to the budget billing plan Southern Union Gas has been in touch with, and has consulted with the Child and Family Services Agency in Austin. They are about to embark on a consumer credit counseling service which will be offered to all citizens of Austin as soon as the program is operational. I have here tonight Mr. J. B. Brannen, Executive Director of Child and Family Service, and I would like him to briefly explain how that consumer credit counseling works. Consumers financial problems would be worked out by professionals rather than clerical workers of the Southern Union Gas Company, who has already advised Mr. Brannen they will accept any of the recommendations by the credit counseling service, because Southern Union does not have any of the staff for it, nor would they have to go to any of the clerical work required to establish a sound plan."

MR. BRANNEN, Child Family Counseling Services, said that they were going to undertake a new program by April of this year. They are a United Way agency receiving about 70% of its funds from the United Way System. "While we have several services designed to help families who are experiencing problems, our core program is individual marriage and family therapy. In our program we have found out that approximately 80% of the clients are also experiencing financial problems in their families. With that kind of experience fact, our Board of Directors has agreed to try to embark upon this kind of a program for Austin. A consumer credit counseling service has three programs. First, it has budget establishing, not on a monthly basis but for a year. A second program is a debt management plan, designed to help clients and their creditors be able to come to a reasonable agreement on the debts owed to them and to design a new payment plan so they can work their way out of their debt problems within a 24-month period." He went into further explanation how they help their clients. "The third part of the program is education to help people to learn how to use money and credit. So we plan to establish educational classes in high schools, colleges and business to help people learn how to use credit and use cash flow appropriately."

Mr. Laczko continued with his presentation. "My proposal is that a properly instituted budget payment plan, which spreads large bills out into equal monthly payments throughout the year, combined with the availability of deferred payments through professional counseling service and education as provided by Mr. Brannen's program, would more than provide the service needed by Southern Union Gas Company's customers as well as providing a community service for other big businesses and even the City of Austin's own utility department. There are some other major differences which have been mentioned. The amount of the security deposit, for instance. This is in the area which Southern Union is promoting as a change in our current service regulations. The reason for it is that the current security deposit amounts which are included in Southern Union Gas Company's franchise, which Southern Union inherited in 1949 when it bought the gas utility here, are completely outdated. Our security deposit amounts are substantially below any amounts the City collects from its customers in the Electric Department, and it is considerably below that which is recommended by the Texas Railroad Commission in their rules of service. The City Electric department now asks for deposits of \$40, \$50, and \$60, and our deposit is limited by our franchise to \$5.00. In fact, the only place we collect a deposit is from a customer whose service has been disconnected for non-payment because it's really not worth it for us to collect from anyone else. Commercial deposits

should also be included because the current language talks about boarding houses and rooming houses and hotels. It does not mention commercial establishments, motels or any of the modern terminology we do business with. It is simply outdated, so we're requesting a change but ACORN would not like to change any of those things which are not necessarily in their best interest.To change the amount of the security deposit would also require a change in Southern Union Gas Company's franchise."

Mayor Pro Tem Goodman asked if the other changes ACORN is recommending would effect a change in the franchise or just the service regulations. Mr. Laczko said he did not think it would effect the franchise.

Mr. Laczko said that in Section 5.4 the amount of fees which Southern Union Gas Company charges for various of its services they would like to change and ACORN would like to keep them as they are. Again, they are both outdated.

Mr. Laczko continued, "ACORN would like a bill of rights. Quite frankly, I think they ought to print the bill of rights and distribute it. For us to print it means that it is a cost that is going to have to be borne by all of our rate-payers. The last thing is both English and Spanish notices. We deferred on that particular item because it would require completely revamping our bill forms and completely revamping printing of bills and completely revamping computer programs. Those are all expensive and we just declined to readily accept an amendment in that matter. Someone said our notices should be distinct from our bills. Our bills are white with blue printing and our notices are pink. I would think it would be easy to distinguish a notice from a bill when one is white and one is pink." Mayor Pro Tem Goodman asked if he had commented on the Friday cut-off. Mr. Laczko said he had not commented on that but wanted to talk about something else first and that was one of ACORN's requests for a 15-day versus a 25-day due date on a bill. He had prepared what they are doing currently for their billing procedure and passed out copies to the Council. (CLERK DID NOT RECEIVE A COPY.) Mr. Laczko said they are currently operating under a 10-day pay day because of the rules of the Texas Railroad Commission. The Southern Union Gas Company had changed the due date to 15 days two years ago, but the Railroad Commission had ordered them to change it back. Mr. Laczko then referred to the chart he had handed out, explained it, and said it would be impossible to squeeze any more than 15 days into the due date period without completely eliminating the benefits of the cycle billing which we currently have. We would be rendering two month bills, the bad debts would increase, costs of collection would increase. He said he had fewer complaints when they were on 15 days then they have had since they returned to a 10-day billing period. Southern Union Gas Company proposes 15 days. The City Attorney stated that the Railroad Commission's ruling would supercede City rules and regulations.

Mr. Laczko then continued with an answer to Mayor Pro Tem Goodman's query about Friday cut-off's. "We currently have three people who provide outside collection activity. To cut off service serves no purpose because it costs more to turn it on again. If we don't cut off gas on Friday we are going to have three people who have four day a week jobs. ...We do have personnel who are available on Saturday to have gas restored and the only problem with that is the customer who does not get it turned back on by Friday has to pay the extra fee because we're paying overtime to people working on Saturday. In answer to a

question by Councilmember Himmelblau, Mr. Laczko explained the turn-on and turn-off fees and the special qualifications needed by the personnel who do turn-on and turn-off. Councilmember Cooke asked if a ten-hour day four days a week had been tried anywhere. Mr. Laczko said it had been tried elsewhere and regressed to eight hour days because of two problems. One, the extra hours worked were not hours where anyone wanted somebody around...either early in the morning or at a very busy hour in the afternoon. Secondly, the company found that in a relatively short period of time the company paid for 10 hours work for four days and got 8 hours work in four days. So, ultimately the employees were paid more but still only did what they had done in 8 hours.

Councilmember Cooke referenced Mr. Laczko's statement that the five additional requests by ACORN would bring additional cost to the ratepayer. He asked if Southern Union had analyzed what the costs are. Mr. Laczko repeated what he had said previously about the added costs that would be involved in bi-lingual billing. He said he had examined added costs involved in a deferred payment plan. "The City has 3200 accounts on deferred payments. That's 2.18% of their 147,000 customers. The amount which they have deferred is approximately \$1,200,000.00 or approximately \$350.00 per account. Some are residential and some commercial so it is difficult to take an average. To ratio the City's experience with the deferred payment plan to Southern Union's customers, we would have to have 2,050 deferred customers if we had such a plan in our company...that is the same percentage. We would have \$768,000 in deferred accounts, and our cost of capital would be a \$92,000 per year expense. In addition the City utility has ten customer consultants. Southern Union has four. We would have to add three additional. Those would cost approximately \$38,000 in annual salary investments. Combining the two together you would get \$130,000. We have 95,000 customers. So it is about \$1.45 a piece every customer would have to provide a benefit for 2,050. It's the only analysis I have made."

Mayor McClellan expressed her feelings on inclusion of customer rights and thought the cost of including same one time a year would be no more than the cost of enclosing the informational sheets which Southern Union now does monthly.

Mr. Laczko said, "I will be happy to go back and provide the Council with some late filed exhibits detailing those areas where Councilmember Cooke has raised questions as to cost implications. In some of these areas, the one you mentioned, Mayor, it is not that we really don't want to do either this, that or the other thing. All these things can be done for a cost. As a regulatory body you just need to decide that if Southern Union is required to do it, well, we certainly would have to do it. The cost would just end up being a cost of our doing business. ...In those areas that have cost implications we will submit to you an estimate of what they will be. Then you will be better armed to make a decision."

Mayor Pro Tem Goodman asked for a fiscal note on 25-day due date for bills and a fiscal note on the implementation of a deferred payment plan. Councilmember Himmelblau wanted a fiscal note on Friday cut-off's. Mayor McClellan stated that it will be the Council's responsibility to determine the need for these things, whether they are just and reasonable, and the burden of proof need not be put on ACORN.

STEVE GARDNER, attorney for ACORN, told Council, "I think the ACORN members who have already more than adequately stated our position is what you have before you. Our position is a proposed change in the service regulations. We feel they should be adopted totally. Mr. Laczko has attempted to go piecemeal to objections the company has to our proposals. I do not feel he has raised any serious flaws or problems with our proposals that have not already been raised. I don't think Mr. Laczko is concerned with the public interest, I would be surprised if he was. And it is the City Council's responsibility to watch out for the public interest. That's what we are asking all of you to do tonight. The main points we hit on were the deferred payment plan. We have not seen the figures Mr. Laczko quoted tonight. We had requested earlier to see some figures like that. I would remind Council in considering figures that Southern Union has given you that Southern Union has in the past given the Council figures which your consultant has had occasion to seriously question as to the accuracy and magnitude of the amounts they represent... I would like to remind Council that whatever burden of proof ACORN might bear, that ACORN has presented it tonight and previous nights the testimony of people who have had particular problems and on previous occasion ACORN presented to the Council 4,000 signatures of people who supported these regulations that ACORN is presenting to the Council. I think the Council should consider the needs of the people and I urge the Council to adopt the proposal ACORN has suggested... As far as the consideration, tonight is the public hearing and tonight is the night to make the decision and we would ask the Council to make the final decision tonight." (Petition not filed with City Clerk).

Councilmember Cooke said he is not ready to make a decision until he knows what the numbers are, either on ACORN's behalf or Southern Union's behalf. The City Manager, he continued, has said the City could analyze figures which Mr. Laczko will present, and "I think this Council has a responsibility to ACORN and Southern Union and the ratepayers, of which we all are, to see those numbers and analyze them before we can make an intelligent decision." After more discussion the following motions were made:

Motion

Mayor Pro Tem Goodman moved that the Council authorize the City Attorney to draw ordinances to instruct Southern Union Gas Company to include annually the customer's rights in the customer's bills, and to present them to all new customers. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Motion

Mayor Pro Tem Goodman moved that the Council instruct that customer rights brochure, notice of turn-off of gas service, and door-hanger notice, all be printed in both English and Spanish. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Further discussion followed concerning costs of services considered, and it was unanimously decided Council would receive fiscal notes as requested concerning due dates, deferred payment plan, no Friday cut-offs and printing of bills in English and Spanish in two weeks so they can be studied before continuing the public hearing. Councilmember Cooke requested that a consultant analyze Southern Union's proposed figures.

Motion

Mayor Pro Tem Goodman moved that the Council continue the public hearing on Southern Union Gas Company's Service Regulations on March 19, 1979, at 6:00 p.m.; Southern Union to provide cost of changing due dates, deferred payment, no cut-off on Friday, and printing of bills in English and Spanish in two weeks. (The Council instructed that the information given to the Council be shared with ACORN) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

PUBLIC HEARING ON ECONOMIC DEVELOPMENT PLAN

Mayor McClellan opened the public hearing scheduled for 9:00 p.m. on Overall Economic Development Plan and consider adoption of the OEDP. She called upon Mr. Chester Snyder to speak.

MR. CHESTER SNYDER, Chairman of the Economic Development Task Force addressed the Council saying that because of the lateness of the hour and because he was going to ask Council to delay and send this back to the Task Force anyway, he skipped over the outline of the OEDP presentation. He did give a short report saying that since February 2, when the City Council called the public hearing, the Planning Department and staff have met with the various Boards and Commissions to go over the old OEDP plan. They have met with the Planning Commission, the Historic Landmark Commission, the Urban Transportation, Austin Tomorrow On-Going Goals Commission, the Parks and Recreation Department, the Mayor's Economic Task Force, the Citizens' Board of Natural Resources, Human Relations Commission, and the Community Development Commission. "As a result of these meetings," he said, "we have received a number of comments suggesting changes to the draft, and we've learned that the fundamental purpose of the OEDP was being confused with other revitalization projects. This confusion has led to widespread fears that OEDP might be used to divert federal economic development assistance for low income-high unemployment areas to the Central Business District. This is not true. One cause of this confusion we believe is the amount of emphasis in the draft which is given to the many recommendations which articulated in the strategies for economic redevelopment for the City of Austin. The Task Force is anxious to correct the disproportionate emphases by excluding all the recommendations which relate exclusively to downtown Austin, and reaffirm it's commitment to the Economic Revitalization of the entire special impact area. The Task Force believes that an Economic Development Program, if

it's to succeed, must have widespread community support free from suspicion and fear; therefore, we request the task force be given an opportunity to revise portions of the plan, and after completion of this hearing based upon the comments and concerns which we have already received from the many Board and Commissions as well as additional concerns, we wish further to express our belief that this will involve a new plan only in portions of sections would not particularly take the time of the Council to resubmit it again."

Mayor McClellan assured Mr. Snyder his request was reasonable and a most admirable one.

Councilmember Cooke said at this time a formal input from the Community Development Commission has been received by Council. He too echoed what the Mayor said to Mr. Snyder.

MR. JOHN DARROUZET, member of the Human Relations Commission, spoke next. He said he brought with him a letter which was sent to all the Councilmembers and he presented the original to Mayor McClellan. He went on to say the Human Relations Commission has appointed an Ad Hoc Committee to work with the overall Economic Development Plan and having just listened to Mr. Snyder's comments about reviewing the plan, he added he did hope the new plan will list the Human Relations Commission as one of the Commissions eager to cooperate with this plan. The Human Relations Commission, he added, looks at this as a project that could offer their commission a way of positively involving itself in the community and not just reacting to situations as they develop. He continued, saying they hope to get in on the ground level and work with other interested parties and seeing the plan work well.

MR. ELLIOTT NAISHTAT, Chairperson of the Community Development Commission spoke. He said copies of several resolutions were presented to the Mayor and Council which were adopted by the Community Development Commission relevant to the overall economic development plan as it exists right now. He added he was very pleased with Mr. Chester Snyder and the comments he made. One of the major concerns of the Commission was that it appeared all this was happening too fast. People were telling the Commission they had not enough time to review some of the documents. He went on to say the concerns brought up by the Human Relations Commission were the same as the Community Development Commission has. He expressed the need for additional public hearings in the East Austin area and the South Austin area which are integral parts of the proposed special impact area. He asked the Council to clarify the Economic Development Certification approval process and particularly the process which will be used to actually develop economic development projects in the special impact area. He quoted from the letter he gave to Council, saying, "The Austin Economic Development program should concentrate on developing jobs which match the skill levels of the local unemployed and underemployed, allow for participants to upgrade job skills, provide opportunities for the development of entrepreneurial skills and in general encourage upward mobility. We are also recommending that an inventory or listing of City sponsored economic development groups, task forces, boards, etc. and Economic Development activities currently underway be prepared, because it is very difficult to keep up with everything that is going on right now concerning Economic Development in terms of downtown and in terms of the City as a whole. Resolve that as integral parts of the proposed special impact area, East and South Austin be treated equitably in the development and implementation

of the Economic Development Program and that any economic development administration or related funds not be expended disproportionately in the downtown area. Resolve that a majority of the members of the Economic Development Committee which will be created if the City is certified to more or less replace the Economic Development Task Force, that a majority of the members of the Committee be residents of the special impact area and that the composition of the Committee reflect the ethnic distribution of the special impact area."

ANTONIO HERNANDEZ, representing all of ACORN organizations in Austin was the next speaker. He said Mr. Naishtat brought out all the points he was going to bring out himself so he thanked Mr. Naishtat and the Council.

Motion

Councilmember Mullen moved that the Council close the public hearing and send the Overall Economic Development Plan back to the Task Force for reconsideration. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

NAMING OF RECREATION CENTER

Mr. Leonard Ehrler, Director of the Parks and Recreation Department appeared before Council recommending the Recreation Center in Givens Park be named Givens Recreation Center. MS. DELORES DUFFEY asked that the plaque to be hung on the wall of the Center read "Dr. E. H. Givens." The Council agreed.

Councilmember Mullen moved that the Council go along with the recommendation for naming the recreation center at Givens Park "Givens Recreation Center" and to have the plaque read "Dr. E. H. Givens." The motion, seconded by Councilmember Snell, carried by the following vote:

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

ELECTRIC UTILITY COMMISSION REPORT

DR. STRAITON, Chairman of the Energy Conservation Commission was called upon to speak. He said, "Back in October you heard from a group that wanted to establish a new Commission on alternate and renewable energy resources and you sent a directive to the Energy Conservation Commission and to the Electric Utility Commission to give you a report in thirty days and the thirty has expired, and I appreciate you doing this on an emergency basis because I think you developed an extreme allergy to overruns so in this particular instance our Commission is very strong in favor of pushing the renewable sources and the alternate sources as rapidly as practical. We endorse the idea fully and we set out to do

this first by possibly making an Ad Hoc Committee, but after consulting with the Energy Conservation Commission, they recommend that we do several things to identify what we were already doing in resources in our Charter and this would first change the name to include resources. It would also identify some of the objectives that were listed in a memorandum which was brought to you in the October meeting. It would make essentially parallel two committees, one with a major concentration in energy conservation and the other one with a major conservation in renewable and alternate sources. After four or five drafts of this being written up in this form, it was passed as is by the Energy Conservation Commission. It was endorsed by the Electric Utility Commission with two exceptions which are structural: one, they proposed a somewhat longer name, and the other one was that the Chairman of the Commission be appointed by the Council and not elected by the Commission. We are proposing this ordinance to you for adoption which would reconstitute the Commission, add four additional members to it, whose primary expertise would be in the area of the resources and then form the two parallel committees and proceed to get the work done that we are already in the process of doing."

BRUCE TODD, Chairman of the Electric Utility Commission, said he had nothing to add to what Dr. Straiton had just said, but if there were any questions, he would be glad to answer. Mayor McClellan asked if the Utility Commission had endorsed putting this as part of the Energy Conservation Commission? Mr. Todd said two votes were taken on that, one earlier when they had a full commission in attendance and another vote last Monday with six people and the vote was 3-3. He feels the majority of the Commission feel both groups can work well together. He also feels the two groups would be compatible and that would save creating another Commission. Councilmember Himmelblau asked if a fiscal note was needed for this. Dr. Straiton answered he did not think there would be any expansion budget.

City Manager Dan Davidson stated at this time that Councilmember Himmelblau would have a chance to look at this before Council actually considers the ordinance, but it appeared to him that most of any additional cost would come from programs that might be recommended, and in those cases fiscal notes would be submitted to Council.

Mayor Pro Tem Goodman at this time suggested to Mayor McClellan that this matter be scheduled for consideration one week from today while Council assess the differences between a separate commission for energy conservation.

Motion

Mayor Pro Tem Goodman moved that the Council bring back February 22, 1979, the recommendation regarding Energy Conservation Commission/Renewable Energy Resources Commission. The motion, seconded by Councilmember Trevino, was agreed to by consent.

PARADE PERMITS

Councilmember Trevino moved that the Council approve a Parade Permit request from MR. BILLY RODRIGUEZ, for the Students Involvement Committee sponsored by the Ex-Students Association of the University of Texas (Texas-Exes) from 11:15 a.m. to 11:45 a.m., Friday, March 2, 1979, beginning from the north steps of the Capitol, up Congress Avenue to Martin Luther King, turn Left off M.L.K., right on University Drive towards U.T. Campus, terminate at the University's Main Building. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

Councilmember Trevino moved that the Council approve a Parade Permit request from MR. FRANK A. NEWSON, for the Austin-Travis County Livestock Show and Rodeo, from 11:00 a.m. to 11:45 a.m., Saturday, March 17, 1979, beginning from 11th and Congress, south on Congress, right on 2nd Street, crossover on South 1st Street to Auditorium Shores Park. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

CITIZENS COMMUNICATIONS

Ms. Evelyn Louise Neal Ta Tae Austin of the Austin For Austin, and Ms. Socorro Leos and others who had requested to appear on Citizens Communications did not appear.

MS. KATE HEYHOE, SGT. LYN CROSHAW and MS. SYLVIA CALLOWAY, representing RTF Department (University of Texas), the University of Texas Police Department, and the Rape Crisis Center, appeared requesting to continue discussion of a rape prevention film and possible funding through the City. Councilmember Himmelblau suggested alternative funding through discretionary state funds. (University of Texas)

ZONING

MR. MICHAEL J. KELLAM, President of Liberty Insurance Agency, Inc., appeared before Council requesting withdrawal of Zoning Case No. C14-78-246, scheduled for March 1, 1979, zoning hearings.

After a request by Mr. Kellam that the zoning be referred back to the Planning Commission, as he felt he had not had a thorough hearing, Councilmember Mullen moved that the Council send Zoning Case No. C14-78-246 back to the Planning Commission for rehearing, and also to notify the neighborhood. The

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

ECONOMY ENGRAVING COMPANY

After a brief discussion, Councilmember Mullen moved that the Council postpone to Executive Session consideration of authorizing lease agreement and settlement of eminent domain proceedings with Economy Engraving Company, 401 West 2nd Street. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

LEASE AGREEMENT - TRAVIS PROPERTIES

Councilmember Mullen moved that the Council adopt a resolution authorizing execution of a lease agreement with Travis Properties for office space, Finance Systems and Analysis Office. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

BURNUP & SIMS CONTRACT

The Council had before it consideration of authorizing extension of a contract with BURNUP & SIMS OF TEXAS, INC., for Electric Utility Transmission and Distribution, Alterations and Line Clearing Work, for a period of one year with unit prices and price schedules increased in accordance with existing contract provisions.

In response to Mayor Pro Tem Goodman's question, Mr. Peterson of the Electric Utility Department, stated that if the item were put out for bids the cost would be higher than the negotiated extension.

After a brief discussion, Councilmember Cooke moved that the Council adopt a resolution authorizing extension of the contract with BURNUP & SIMS OF TEXAS, INC., as recommended by the City Manager. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Mayor Pro Tem Goodman

INSURANCE PREMIUMS

The Council had before it consideration of authorization to pay insurance costs of \$109,623.00 on electric utility boilers and \$84,861.00 for fire renewal coverage. Mr. Norman Barker explained to Councilmember Cooke that the money was budgeted and ultimately charged to the department having the facility. The City had had the insurance in its present form since at least 1961.

Councilmember Trevino moved that the Council adopt a resolution authorizing payment of the insurance premiums as recommended. The motion, seconded by Councilmember Snell, carried by the following vote:

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

COMPREHENSIVE PLAN - CHAPTER 4

Council had before it for consideration of approval Chapter 4 of the Comprehensive Plan. Councilmember Himmelblau stated she is interested in seeing some amendments to the plan and made the following motion:

Councilmember Himmelblau moved that the Council approve an amendment to Chapter 4, Comprehensive Plan, page 20, as follows:

"Direct the Planning Commission to report final recommendations on redesignation of lands currently in the interim classification Area V to one of the remaining growth areas within ninety days."

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

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

Motion

Councilmember Cooke moved that the Council approve an amendment to Section III (Growth Management Plan, Page 12) Chapter 4 (Growth Management Process) of the Austin Tomorrow Comprehensive Plan by adding a new sentence after the second sentence of the second paragraph of said Section III, which new sentences shall read as follows:

"If the Planning Commission in considering specific proposed developments finds that development suitability of a tract is incompatible with the growth area to which it is assigned, it shall redesignate the tract appropriately subject to approval of the Council."

The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Goodman said, "Mayor, we probably will need some discussion on the third item, which is procedure establishing the rule-making process, which is called for in several sections of Chapter IV. There is a difference of opinion as to how it should be adopted, and I'd like the City Attorney to briefly comment on his position."

City Attorney Harris stated: "It was our position on matters of this nature that if the Council should determine that the Planning Commission considered this area or this sort of thing, or that this was an extension of some consideration given to the matter by the Planning Commission, then the Council could adopt it as part of Chapter IV even though it wasn't a specific recommendation to include it by the Planning Commission. On the other hand, if this was something the Council determines the Planning Commission really never got into or an area that they touched upon, then it would be our interpretation to charge that it really needs to be considered by the Planning Commission first and then routed through the City Manager back to the City Council if they intended to make it part of the Master Plan."

Mayor Pro Tem Goodman recommended, "It is my suggestion we consider adopting this as an additional part of Chapter IV. It is an extension of, for example, on page 19 of the proposed Chapter IV, it says 'A Development Guidelines Manual with standards addressing particular conditions in this area should be promulgated.' This is an extension of that in that we would establish a process for the promulgation of those rules." He went on to cite other examples concerning standards and regulations and adoptions thereof.

Motion

Mayor Pro Tem Goodman moved that the Council amend Chapter IV (Growth Management Process) of the Austin Tomorrow Comprehensive Plan by adding a new section to be entitled "Section V," which shall be the implementation of rules, guidelines, standards, and specifications. Councilmember Cooke seconded the motion.

Councilmember Mullen said he wanted to hear a clear definition from the City Attorney concerning what is being said in reference to the motion. City Attorney Harris said, "In reference to the motion, it was the Council's determination that this is an extension of something the Planning Commission considered in passing on the Master Plan, or that if they find they touched on it specifically, then it would be all right for Council to adopt this. If it's something they think the Planning Commission never thought of and never got close to thinking about, then it would be our opinion that procedure requires that it go back and be considered by the Planning Commission." Councilmember Mullen asked, "What Richard said, do you think that is an extension of what was intended?" Mr. Harris answered, "I think that's a factual determination that has to be made by the Council and that if that is what the Council determines, then we are supportive."

Mr. Davidson, City Manager, commented, "I've seen this proposal for the first time late yesterday afternoon. If the Council desires to have this kind of procedure, I would like to have the opportunity to show it to all the department heads who are going to be complying with such a requirement to see if some of it should be worded in a more positive way or in a different manner to insure that it can be effective. Frankly, I told someone who did bring it to my attention this morning that I felt that certain sections of it could be counter-productive and be just the opposite intent of what the Council may want to be accomplished under these guidelines. For example, based on the copy I saw this morning, it requires a 30-day notification before any change can be made. A lot of times that can be interpreted as the judgment call on the part of the department head, usually made to assist an applicant out of a hardship condition in order to prevent a development from being held up an additional 30-45 days. I interpret what's written in this particular set of guidelines that would not be possible any longer. The department head could not render that kind of judgment in order to assist an applicant out of a hardship without going out to the 30-day notice and post it on the bulletin board and conduct a hearing. I don't think that is what the proponents of this move intend and I'm not saying we're going to argue with it, I'm saying I think before the Council adopts something like this as a part of an ordinance, you need staff input or an opportunity for me to present some recommendations which we've not had in this case."

Mayor Pro Tem Goodman commented, "Part of the purpose of this particular section would be to establish definite procedures for one of the most persistent complaints we have from developers. They say they don't know the rules and that is the most frequent obstacle in getting the subdivision through or some other type of development. And that is what this is supposed to do...set up a procedure so they will know those rules and complaints we've had in the past should subside."

Mr. Davidson said, "I understand what is intended, Mr. Goodman, but I respectfully submit that some of this may in fact be in conflict with the new subdivision process which the Council has also adopted and which will be in effect March 1. ...Without the opportunity to study it, I cannot tell you how to resolve it.This is very unique to put something like this on the table that hasn't even been checked out. If you care to go ahead and adopt it we'll do our best to comply with it."

Mayor Pro Tem Goodman stated, "Just for the record, this is a very basic model that's being used across the country to establish administrative procedures in response to these type of complaints that the developers don't know the rules and prefer that option over the other."

Councilmember Cooke asked Mr. Davidson what his plan of action will be if Council allows his (Mr. Davidson's) request. Mr. Davidson answered that one week would be great.

Motion Withdrawn

Mayor Pro Tem Goodman withdrew his motion, and Councilmember Cooke withdrew his second.

Mayor Pro Tem Goodman requested this be put on the agenda February 22, 1979, with appropriate comments from the City Manager.

Motion

Mayor Pro Tem Goodman moved that the Council adopt a resolution to adopt Chapter IV of the Austin Tomorrow Comprehensive Plan of "Growth Management Process," with two amendments; and in one year re-evaluate Chapter IV and make any adjustments that may be necessary. Councilmember Himmelblau seconded it.

BILL SCUDDER, speaking for the Austin Association of Builders, stated that Chapter IV is a very important thing. "One of our concerns, the way it is presently written, it is a six-year plan. It has reviews and evaluations every couple of years. I'm not sure I understood your language about the one-year review. There are things in the plan we have reservations about I think only time will tell whether they are right or not. If I heard you say that in a year we're going to check and see how this plan is working, then re-structure the plan through the process of public hearings and so on, that answered practically all the questions we had." Mayor Pro Tem Goodman told him that is a part of the motion. Mr. Scudder said the only other thing he wanted to comment on is the problem that Mr. Davidson was wrestling with. "I think you were talking about the mechanism of how guidelines are set. That's a very interesting problem. All the members of the staff...like Chapter IV, when it comes to planning a specific piece of land or planning a specific part of town...it is a pretty abstract document as it is written. Someone needs to set down some rules as to how it's done. The staff has tremendous problems as to how to follow these abstract statements and I think that is the problem we are trying to deal with. What we would like to see is when guidelines are promulgated that somehow they come through the public hearing process so we all have a chance to review them and comment on them before they become the rules." Discussion continued among Mayor and Councilmembers as to the interpretation of Mayor Pro Tem Goodman's proposals.

Mayor Pro Tem Goodman asked, "Will we, in one week, be able to add on this amendment if Council makes that determination?" City Attorney Harris said, "No, you would have to send it back to the Planning Commission because then it is a bona fide unquestionable amendment to the Master Plan, because once you adopt Chapter IV tonight, it is the Master Plan. I would suggest if you wanted to go ahead and adopt something as part of the Master Plan tonight, that maybe you'd bring back this particular item as an ordinance or something." Mr. Goodman asked why this would not be an extension one week from now just in amendment form. Mr. Harris replied, "Although it may be just an extension, once you adopt something as a Master Plan and try to put something else on it, even though it may be an extension, I think it becomes a bona fide amendment, no question about it. I would just as soon you put it in there now to avoid that amendment problem, or bring it back as an ordinance that doesn't have to be considered under this amendment to the Master Plan."

Mayor Pro Tem Goodman said, "We'll go ahead and stick with the original motion so we don't have any further delay in adoption of Chapter IV. I'd like to request that question be thoroughly researched in the next week so we know definitively whether or not we can add that on as an amendment." Mr. Harris said he'd be glad to do that for him. Mayor Pro Tem Goodman added, "We should have it in ordinance form as well in the event that is the position you find to be the definitive ruling." Mr. Harris agreed to this also.

Roll Call on Motion

Roll call on Mayor Pro Tem Goodman's motion, Councilmember Himmelblau's second, showed the following vote:

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

ANNEXATION PLAN

Council had before it a resolution to approve the Annexation Plan.

Mayor Pro Tem Goodman moved that the Council adopt a resolution adopting the Annexation Plan, Plan C; and in 90 days review any areas that may be necessary as a result of the Area V. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

RED RIVER STREET PROJECT CONTRACT

Council had before it for consideration an amendment to the Red River Street Project contract between the University of Texas and the City of Austin. Mayor McClellan said staff and concerned neighbors have spent a lot of time on this, but everyone seems to be in agreement now.

DR. SHIRER, member of the neighborhood association, asked what will happen next if this is approved. He wondered if they would have an opportunity to work with the redesign. Mr. Joe Ternus, Director of Urban Transportation, answered that if Council approves they will begin to develop construction plans and then visit with any citizens interested in the plans. They will be going out on bids and then coming back to Council asking for an award of contract.

Motion

Mayor Pro Tem Goodman moved that the Council adopt a resolution to amend the Red River Street Project contract between the University of Texas and the City of Austin so as to (1) provide that Red River Street between 32nd Street and 38th Street may be constructed to a width of 48 feet instead of to a width of 60 feet, and (2) provide that the City of Austin will acquire the street right-of-way for Red River Street between 26th Street and 32nd Street with the University of Texas paying acquisition costs incurred by the City of Austin. The motion was seconded by Councilmember Cooke.

Friendly Amendment - Accepted

Councilmember Mullen offered a friendly amendment that the word "reimburse" be changed to "pay" in Paragraph 5 of the contract. Mayor Pro Tem Goodman and Councilmember Cooke accepted the friendly amendment.

Roll Call on Motion with Friendly Amendment

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

REMODELING OF ROSEWOOD-ZARAGOSA CLINIC

Councilmember Himmelblau introduced an item to Council to request staff to furnish a progress report on the remodeling of Rosewood-Zaragosa Clinic. She said she wanted to know how they were going to utilize the space that the library had previously occupied, and if it would be incorporated into the primary care clinic.

Ms. Sue Edwards, Acting Director, Public Health, stated, "We just finished signing an agreement with the Human Resources Department for about 2,000 square feet of space over at the library. We're meeting this week with the division head which will be involved with the programs. We're planning on moving into that space within two weeks. We will have several alternatives...put the eligibility determination workers in that space; put the Witt program in that space; or move public health nursing in that space. Any one of those three would free up the clinic area so that we would have room for the clinic operation and for the medical assistance program."

C.I.P./BUDGET POLICY STATEMENTS

Councilmember Cooke asked, "Mr. Davidson, you are fully familiar with these 18 policy proposals. The question is now, in relation to your staff work beginning on the new budget and the new C.I.P., give us a perspective on time as it would influence anything we might try to deliberate on." Mr. Davidson answered, "We're almost too late now on some of the items if we're going to meet the required deadlines that City Council had within its original recommendation." Mr. Daron Butler stated, "If you reviewed the issues that were raised by the Council memorandum and the staff responses to those issues, such as provision of certain data, special reports and analysis, we indicated that one, we were prepared to do that and two, that was part of the process. We redesigned the entire C.I.P. forms to provide you a more detailed history of the projects and justification analysis. The budget will continue in the same format. I think the issues that I presented for you at one time to consider was the discussion of the contribution of revenue sharing funds to the C.I.P. and the operating budget where the Council had some notion that they wanted to continue the current 60/40 split. And other items like that. I think there is still time for Council to deliberate that." Councilmember Cooke said he is talking about other items like merit pay and cross the board concepts of how to pay for general wages... major concerns. Mr. Butler said he understood "Council had clearly indicated to them that Councilmember Cooke wanted to see a type of wage increase proposal,

wage adjustment plan for the City that explored something other than flat percentage across the board wage increase. The staff work is under way and we are prepared to address it as part of your budget deliberations in the summer. The merit increase we need to discuss with you because the policies enforced by the Council specify certain increments of merit increases and Council's questions are not so much how we budget merit increase but how the merit increase plan is administered by department heads as part of the evaluation of their employees, which is more a management question and not so much a budget question. We responded in that fashion in our analysis for you."

Councilmember Cooke said they have not discussed the 18 items and staff does not know what Council wants. He said he wants to cover each one as briefly as possible and then see which direction Council wants, either directing further staff work, implementation of change of policy or rejecting it altogether. Councilmember Cooke said they need a session to do this and do it as a consensus.

Mr. Davidson said he hoped Council could see staff was aware of changes Council wanted during the budget process, so even if they have no more work sessions or make any more decisions, most of what they have asked to be considered is going to be incorporated in this process. Councilmember Mullen asked if Mr. Davidson and Mr. Butler could make a presentation next Thursday. It was agreed to bring it back on February 22, 1979.

MONTHLY FINANCIAL REPORT

The presentation of the Monthly Financial Statement for the month ending December 31, 1978 was postponed until February 22, 1979.

LOOP 360 ANNEXATION

Mr. Lillie reported on the Loop 360 Annexation study.

Councilmember Himmelblau moved that the Council authorize proceeding with the Loop 360 Annexation report and come back to Council with a request for a public hearing. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember
Trevino, Mayor McClellan

February 15, 1979


RAILROAD CROSSING IMPROVEMENTS

Mr. Joe Ternus, Director of Urban Transportation, reported on railroad crossing improvements. He told Council that as specific ordinances and procedures are established, he will bring them to Council for their consideration. He said there would be a report probably every 2-3 weeks with a final overall protective plan for railroad crossings in the City of Austin.

ADJOURNMENT

Council adjourned its meeting at 12:45 a.m., February 16, 1979.

APPROVED


Mayor

ATTEST:


City Clerk