

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 2, 1978
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, Mayor Pro Tem Cooke, Councilmembers Mullen, Goodman, Himmelblau, Snell, Trevino

Absent: None

EMERGENCY MEDICAL SERVICES WEEK

Mayor Carole Keeton McClellan issued a proclamation designating the week of November 6-13, as Emergency Medical Services week. She also urged all citizens to recognize the contributions Emergency Medical Services personnel make to provide and maintain a healthy community. Danny Wynn, Karen Korkmas, and Bobby Gutierrez accepted the proclamation and thanked the Council.

AUSTIN A&M MOTHERS DAY

A proclamation was read and issued by Mayor McClellan designating the day of November 7, 1978, as Austin A&M Mother's Day and called on all citizens regardless of collegiate ties, to recognize the dedication exhibited by these mothers of A&M students, and to applaud their loyalty, hard work, and conscientious spirit. Mrs. C.O. Smith accepted the proclamation and thanked the Council.

TELEPHONE PIONEERS DAY

A proclamation designating Thursday, November 2, was issued by Mayor McClellan as Telephone Pioneers Day in Austin. Accepting, was Mr. Carl Tumey. He thanked the Council.

POPPY DAYS

Mayor McClellan designated the days of November 6-11 as Poppy Days in Austin, and urged all citizens to wear the Memorial Poppy as a tribute to all Veterans of Austin who served in defense of our land and to whom we pay honor on Veteran's Day. Mrs. Lois Hansen and Mrs. Betty Horton accepted the proclamation and gave the Mayor and Councilmember Himmelblau a Poppy corsage and all of the Councilmen a poppy for his lapel as they expressed their appreciation for the proclamation.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve Minutes for Regular Meetings of October 12 and 19, 1978; and Special Meetings of September 25, October 12, October 13, October 16, October 11, and October 19, 1978; The motion, seconded by Councilmember Goodman carried by the following vote:

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

Councilmember Himmelblau moved that the Council approve Minutes for the Regular Meeting of October 26, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino
Noes: None
Abstain: Mayor McClellan, Councilmember Snell (Absent from the October 26 meeting)

DRAINAGE EASEMENT

Councilmember Trevino moved that the Council adopt a resolution to approve the acquisition of an open or enclosed drainage easement for the East Riverside Drive Improvements. (C.I.P. No. 73/62-03)

9,303 square feet of land out of the remaining portion of that certain 52.078 acre tract out of the Santiago Del Valle Grant (Walter J. Kassuba, et al)

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

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

RELEASE OF EASEMENTS

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

A portion (1325 square feet) of a Drainage Easement out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, as recorded in Volume 5646, Page 362, Deed Records of Travis County, Texas, locally known as 2122 E. Riverside Drive.

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

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

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

A portion of a Public Utility Easement on Lot 14, Balcones Woods, Section 2, locally known as 11000 Alhambra Drive. (Requested by Mr. H.H. Persky, Jr. owner)

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

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to approve the construction change order in the amount of \$17,650.00 to Austin Road Company for accomodation of FAA Building at Robert Mueller Municipal Airport. (C.I.P. Nos. 78/81-03 and 78/81-04) The motion, seconded by Councilmember Snell, carried by the following vote:

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

Councilmember Himmelblau asked why this was not in the original specifications. City Manager Davidson replied, "That they had not known that the FAA would want to proceed with the project, and that they did not want to recommend additional funds unless it was required."

Councilmember Trevino moved that the Council adopt a resolution approving the firm of Snowden and Meyer Inc., for soils investigation and engineering materials testing services in connection with design and construction of Federal Aviation Association Flight Services Building at Robert Mueller Municipal Airport. (C.I.P. No. 73/81-03) The motion, seconded by Councilmember Snell, carried by the following vote:

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

PAYMENTS AUTHORIZED

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

Bill Milburn, Inc.	- The cost difference of 12"/8" water mains installed to serve Milwood, Sections 1, Phase 2 - \$11,691.05
--------------------	---

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

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

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

Lamar Savings Association and Vintage Hills, Inc.	- The cost difference of 12"/8" water main installed to serve Horseshoe Bend, Section 111 - \$648.90
---	--

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

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

CONTRACTS APPROVED

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

Continental Oil Company 5 Greenway Plaza East Houston, Texas	- Turbine Oil in bulk for use in Unit No. 2, Decker Power Plant, Power Division. Item 1 - 6,000 gal @ \$1.03/gal. Total \$6,180.00
--	--

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

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

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

Exxon Company, U.S.A.	- Turbine Oil, in bulk for use in Units Nos. 7 & 8 at the Seaholm Power Plant, Power Production Division Item 1 - 6,000 gal. & \$0.9850/gal. Total \$5,910.00
-----------------------	--

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

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

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

Westinghouse Electric Corp.	- Repair parts, Equipment, Technical Supervision and other items necessary for the disassembly, inspection and repair for turbogenerators to Decker Unit No. 2, Seaholm Units Nos. 7 & 8, Power Production Division, Electric Utility Department - \$80,000
-----------------------------	---

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

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

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

RFL Industries, Inc. 6 Powerville Road Boonton, N.J.	- Laboratory Standard Calibration Instrument - Electric Department Item 1, - 1 ea. \$5,034.00
--	---

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

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

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

Bid Award:	- Industrial Gases In Cylinders, Various Departments
Big Three Industries, Inc. 4927 East 5th Street Austin, Texas	- Items 1 thru 8, 10, 11, 13, 14, 16, & 18 - \$29,880.50
Austin Oxygen Company 3519 East 5th Street Austin, Texas	- Items 9, 12 & 15 - \$3,949.10
Wilson Oxygen & Supply Company 150 East Ben White Austin, Texas	- Item 17 - \$324.00

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

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

BRACKENRIDGE HOSPITAL CONTRACT

Councilmember Trevino moved that the Council adopt a resolution authorizing a contract between the City of Austin/Brackenridge Hospital and the Travis County/Medical Examiner Program for the purpose of compensating Brackenridge Hospital for their utilization of the Brackenridge Hospital Morgue. (Recommended by Hospital Advisory Board) The motion, seconded by Councilmember Snell, carried by the following vote:

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

Councilmember Himmelblau commended Mr. Spurck for his action.

CETA TITLE VI POSTPONED

Councilmember Trevino moved that the Council postpone indefinitely the options for administrative costs of CETA Title VI subcontractors. The motion, seconded by Councilmember Snell, carried by the following vote:

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

LEASE OF BRACKENRIDGE HOSPITAL PROPERTY

Councilmember Trevino moved that the Council adopt a resolution for lease of Brackenridge Hospital property to John D. Byram for construction of a private medical professional office building. The motion, seconded by Councilmember Snell, carried by the following vote:

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

ADVISORY SERVICES

Councilmember Trevino moved that the Council adopt a resolution approving a one year extension of the advisory services arrangement with Mr. W. J. Murray, Jr. for natural gas matters at the rate of \$10,000 annually. The motion, seconded by Councilmember Snell, carried by the following vote:

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

AGENDA ITEM POSTPONED

Councilmember Trevino moved that the Council postpone until November 30, 1978, the Growth Management Process Chapter 4 of the Comprehensive Plan. The motion, seconded by Councilmember Snell, carried by the following vote:

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

PUBLIC HEARING SET

Councilmember Trevino moved that the Council adopt a resolution setting a public hearing for December 7, 1978, at 10:00 A.M., to consider amending the Zoning Ordinance of the City of Austin regarding commercial dog kennels. The motion, seconded by Councilmember Snell, carried by the following vote:

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

RAIL CARS LEASE

Councilmember Trevino moved that the Council adopt a resolution to approve the lease of 110 cars to Northern States Power Company for two weeks. The motion, seconded by Councilmember Snell, carried by the following vote:

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

183/MOPAC INTERCHANGE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780925-B, THE CAPITAL IMPROVEMENT PROGRAM BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1978 AND TERMINATING SEPTEMBER 30, 1979; AUTHORIZING AN APPROPRIATION AND TRANSFER OF FUNDS FOR PROPERTY ACQUISITION FOR THE U.S. 183/MOPAC INTERCHANGE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (CAPITAL IMPROVEMENT PROJECT)

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

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

The Mayor announced that the ordinance had been finally passed.

WATER APPROACH MAIN

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN APPROACH MAIN CONTRACT WITH NPC REALTY COMPANY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES OF THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

LAKE AUSTIN INTERIM CONTROLS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967; DECLARING CERTAIN FINDINGS OF FACT; ADDING A DEFINITION OF LAKE AUSTIN WATERSHED; AMENDING SECTION 29-3.1 TO APPLY TO LAKE AUSTIN WATERSHED SPECIAL DEVELOPMENT PERMIT AND APPROVAL; PROVIDING FOR APPLICATIONS FOR DEVELOPMENT PERMITS AND CONTENTS OF SAME; PROVIDING FOR PLANS AND SPECIFICATIONS TO BEAR SEAL AND CERTIFICATE OF A TEXAS PROFESSIONAL ENGINEER; PROVIDING STANDARDS FOR APPROVAL OF DEVELOPMENT PERMITS; PROVIDING FOR VARIANCES; PROVIDING REASONS FOR DENIAL OF DEVELOPMENT PERMIT TO BE STATED; PROVIDING FOR APPEALS; PROVIDING FOR PERMIT FEES; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; PROVIDING A PENALTY PROVISION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

ST. ELMO ROAD

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND 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 1, 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 A METHOD OF REIMBURSING 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. (C.I.P. No. 78/62-04)

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

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

The Mayor announced that the ordinance had been finally passed.

AID TO VICTIMS IN DISTRESS

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

AN ORDINANCE AMENDING ORDINANCE NO. 780925-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1978-79, BY APPROPRIATING FUNDS FROM THE 1978-79 GENERAL FUND ENDING BALANCE FOR OPERATING EXPENSES ASSOCIATED WITH A PREVIOUS TITLE VI COMPREHENSIVE EMPLOYMENT AND TRAINING ACT GRANT TO THE AID TO VICTIMS IN DISTRESS (AVID) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

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

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

ARTS COMMISSION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 47 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING FOR TWO-YEAR STAGGERED TERMS EXPIRING OCTOBER 1 FOR MEMBERS OF THE ARTS COMMISSION; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

COUNCIL MEETING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CANCELING THE REGULAR COUNCIL MEETING OF NOVEMBER 23, 1978; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

TRACT 1A: A 1.6 ACRE TRACT OF LAND; AND,
TRACT 1B: A 0.39 ACRE TRACT OF LAND; AND,
TRACT 2: A 0.52 ACRE TRACT OF LAND; AND,
TRACT 3: A 0.51 ACRE TRACT OF LAND; AND,
TRACT 4: A 145.5 FEET BY 160 FEET TRACT OF LAND; AND,
TRACT 5: A 0.37 ACRE TRACT OF LAND; AND,
TRACT 6: A 0.14 ACRE TRACT OF LAND; AND,
TRACT 7: A 1.0 ACRE TRACT OF LAND, ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9613-9719 BURNET ROAD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Donald S. Thomas C14-73-253, part)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

TRACT 1: A 2.574 ACRE TRACT OF LAND; AND,
TRACT 2: A 13.205 ACRE TRACT OF LAND; AND,
TRACT 3: A 2.951 ACRE TRACT OF LAND, ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 1316-1408 KRAMER LANE AND 10906-11200 PECUSA DRIVE; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (NPC Realty Company, C14-77-066)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

LOTS 1, 2 AND 3, PARKER ACRES, LOCALLY KNOWN AS 1601-1623 CAMERON ROAD, 1600-1610 FUTURE DRIVE, AND ALSO BOUNDED BY FERGUSON LANE; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (John A. Parker, C14-76-093)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

TRACT 5: A 15.096 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 6: A 77.8165 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 7: A 21.88 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 8A: A 1.7987 ACRE TRACT OF LAND OUT OF A 23.097 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED ON U.S. HIGHWAY 183, JOLLYVILLE ROAD, LOOP 360, GREAT HILLS TRAIL, AND GREAT HILLS PARKWAY; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Cotton Texas, LTD., et al, C14-73-054)

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

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

The Mayor announced that the ordinance had been finally passed.

MEETING WITH SOUTH TEXAS PROJECT MANAGER

Council had before it for consideration the setting of dates for an on-site meeting with the South Texas Project Manager (Houston Power and Light), to review status and current information on that project.

Councilmember Himmelblau said she is in favor of having a meeting here rather than the Council travelling to the site. Councilmember Mullen suggested someone take slides to show construction and then bring the flow charts to Austin to have the meeting here. Mayor Pro Tem Mullen agreed. Mayor McClellan asked Mr. R.L. Hancock, Director of Electric Utility, his opinion of holding the meeting in Austin. He told Council that he had discussed this with the project manager and was told they could do a better job of discussing the status in Bay City because they have better people resources down there for explanation. Mr. Davidson, City Manager, said that anything the Council desires can be arranged...a meeting either here or there. All Councilmembers agreed they need an in-depth discussion, including why there are cost overruns and their justification, the reason for the delay in finishing the project and an explanation of the flow charts. Councilmember Goodman questioned Mr. Hancock about how information was relayed from the project to the Electric Utility Department and then to Council. He felt that Council has not been up to date regarding the changes and said that formal reports are needed. He also said that the minute staff receives some information on the South Texas Project, Council should receive the information also, even if staff has not had time to evaluate it. When Mr. Hancock told him that minutes are taken at the Management Committee Meetings, Councilmember Goodman said it would be helpful if Council received a summary of the minutes.

Further discussion ensued on the date and where the meeting should take place, and the fact that the Electric Utility Commission should attend the meeting.

Motion

Mayor Pro Tem Cooke moved that the Council hold a meeting with the South Texas Project Manager to review status and current information on that project on November 20, 1978 at 6:00 P.M. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Councilmember Snell said he still thought Council should take a trip to the site. The Mayor said that arrangements will be made for anyone from the Council who wants to go to Fayette and to the South Texas Project. She said that perhaps some members of the Utility Commission would like to go also.

Mayor McClellan stated, "We have set forth an extensive and expensive schedule for our Electric Utility Commission" and asked Bruce Todd, Chairman Electric Utility Commission, what the fiscal impact would be because they plan

to bring in extra people for expert testimony. Mr. Todd explained what the Commission has done. "In the interest of making sure both sides are represented, I've contacted Dr. Draper of the University, who is a pro-nuke person, and Roger Duncan on the other side, and asked them to submit a list of names of people that they feel would be useful in discussing these particular three areas that I think you have, either/or, a two-sided situation. The academic community, the selected interest groups and the health and safety experts. What I had proposed to do is conduct hearings, one on each side for each of those three issues...a total of six people.We are a little unsure as to what financial arrangements need to be made with these people. I've heard figures as high as \$1,000.00 a day, plus expenses, for these people to attend, so we are talking about a potential of \$6,000 plus expenses." The Mayor asked if the dates have been set, and he said they had anticipated starting on the 20th, but since Thanksgiving is that week, they may have a meeting on Tuesday the 21st and then taking it up again the following Monday, and having meetings three days that week in the evening. Perhaps even a Saturday meeting if it doesn't conflict with too many other activities. Mayor McClellan asked Mr. Todd to share their schedule with Council as soon as they have it. Mr. Todd said he would inform Council and the news media so that as many people as possible will know about the meetings. He wanted to know what the feeling was about the dollar figures and the Mayor told him they expected what he had quoted ...that \$6,000 to \$10,000 is very reasonable for expert testimony. She said that no specific vote from the Council is required on this.

CITY SPIRIT GRANT

Council had before them a resolution to consider accepting \$14,530 City Spirit Grant National Endowment for the Arts (\$14,530 city match - October 1, 1978 through September 30, 1979); and an ordinance amending Ordinance No. 780925-A to appropriate \$14,530 from the Bed Tax to Match City Spirit Grant.

Mr. Al Golden, Chairman of the Arts Commission, told Council that the City Spirit Grant has been pending for 4½ months and they feel the matching grant of Federal dollars, in a needs assessment could be worked into not only revitalization of neighborhoods but also revitalization of downtown since this is a planning grant with a great deal of flexibility. The money involved is a 50/50 match and they anticipate some other matching funds from the Texas Commission on the Arts and Humanities and the Texas Commission on the Humanities and Public Policy in the arts needs assessment. Councilmember Himmelblau called attention to the talk she and Mr. Golden had when he said he thought they "could go with \$9,000 in cash and the rest in-kind and staff wanted to put it on the agenda in this manner which would be straight cash. Do you have any words on that?"

Mr. Golden answered, "That presumption was based on the fact that there would be a way to allocate staff time. I know it's the feeling of the Parks and Recreation Director and rest of the staff involved in this that because of the fact that at least one position was cut from the parks budget in the cultural arts division that there is no staff time they can use to expedite without endangering existing programs. That's a determination I'm not really qualified to make." Councilmember Himmelblau wanted to know what the city's

\$14,500 will cover, and whether it will restore a park position to PARD. Mr. Golden answered, "Because of the fact that the original proposal as contemplated considered hiring an outside project director as well as an allocation of staff time and because that is now impossible, how the money will be allocated will be dependent upon what the Commission and city staff can work out in the most economical way to get the best amount for the dollars. I think the Arts Commission feels the most advantageous way is not to put on another staff position but to contract this service because it can be done more cheaply with lines of authority running through Mr. Ehrler, in the Parks and Recreation Department as an overseer of this project. Councilmember Himmelblau asked if the amending of the ordinance would create a new position in PARD. Mr. Ehrler, Director of Parks and Recreation, said he has nothing to refer to except the grant and the information from staff, but that a position is necessary to be added because something was cut out. He said this is not one that was in existence, but it was anticipated and budgeted for. Along with the request is permission to establish a position to act as the program supervisor which will fluctuate from whatever the grant calls for. To say at this time that it will be a certain amount, other than falling within the \$14,530 matching grant is impossible, because he said we're not sure what the extent of the other responsibility will be.

Mr. Davidson asked what will be accomplished under this program. Mr. Golden told him that there is a great interest in the development of neighborhood art programs and that they hope to develop pilot programs and long range planning. He said that a large part of this could be used in developing needs assessment and cultural resource assessment in the downtown revitalization program. He explained the grant has two thrusts...the development of pilot programs and the gathering of data to assist in future planning and development. Mr. Davidson asked about CETA positions and Mr. Golden said that if they have the CETA positions, then the plans can become a reality, but that these positions will not require an addition to the budget. In answer to Councilmember Himmelblau's question concerning the position Mr. Ehrler discussed, Mr. Golden stated that he thinks we are missing a lot of Federal and State dollars in Austin that don't have to be matched one for one by not having an active grant program within the city. Mrs. Himmelblau asked if this is high priority as far as the Commission goes; Mr. Golden assured her it is.

Motion

Councilmember Himmelblau moved that the Council approve the resolution and ordinance. The motion was seconded by Mayor Pro Tem Cooke.

Councilmember Mullen asked, "One of the things we have been talking about is not amending the budget, and I'd like to know some things that have changed since the budget to make this an unusual and unforeseen condition which could not by reasonable diligence, thought and attention, be included in the original budget for the current year." Mr. Golden answered there are two things, "(1) My failure to communicate to you that part of the bed tax funding was really for this, (2) There had been a supplemental position requested in the PARD budget which would have been able to allocate staff time to this. That position was not funded and we had no way of knowing until you

adopted the budget whether or not the person would be available within the Parks and Recreation Department staff to do this. The thing that makes this of an emergency nature is the fact that there is a November 6 deadline for acceptance. Until the budget was adopted the full impact of this program could not be assessed and I may have failed to communicate the importance of the budget to this particular project. The other thing that worries me about not doing this is that the National Endowment for the Arts is working with HUD on the livable cities program. If we reject this grant and send it back to them, I don't know what it will do to the ability to get further Federal funds to aid downtown. Councilmember Himmelblau said she understands there is already money accrued in the bed tax as far as the Arts go...not enough to cover this...but this money is to come out of the bed tax and not the general fund. Councilmember Mullen pointed out that he wants to consistently look at the criteria everytime it is suggested the budget be amended.

Mr. Daron Butler, Budget Director, told Council that the funds would come from the bed tax to match the grant. Last year when Council apportioned the bed tax they did so as 1/8 of the revenue of the bed tax to the arts. He said they have interpreted that to mean 1/8 of the actual receipts based on budgeted receipts, which were actually more. He thinks there is \$9-10,000 left over from the prior year to be allocated for art related purposes. Mr. Butler said that they still have to make up some money out of next year's revenues. He said the funds are there to make the appropriation and no difficulty is anticipated.

Mr. Davidson stated: "In fairness to the staff and Council who worked many long hours on the budget, I think the Council approached that budget, and I know we certainly did on the Council's behalf, as though nothing were sacred. Everything the Council cut out dealt in some fashion with a previously adopted City Council policy, and the Council did not say to us let's not consider cutting anything that we had previously said would be applied for in the future or begun or undertaken. Frankly, we could line up a whole bunch of things which were reduced or cut back where some board or commission or this Council or a previous Council had undertaken a particular path toward a successful program. So, we understand what you are doing, the money is available to carry it out. Mr. Ehrler and his staff will implement what you adopt today. But as far as why this was cut out of the budget when it may have been indicated 12-14 months ago that we were going to proceed with it, I think this is just one of 40 or 50 areas that were in the same category.

Roll Call on Motion

Councilmember Himmelblau moved that the Council adopt a resolution to accept a \$14,530 City Spirit Grant National Endowment for the Arts (\$14,530 city match - October 1, 1978 - through September 30, 1979). The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780925-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1978-79, BY APPROPRIATING FUNDS FROM THE 1978-79, CITY BED TAX TO MATCH A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS FOR THE CITY SPIRIT PROGRAM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

CETA TITLE III YOUTH EMPLOYMENT & TRAINING

Council had before it for consideration a resolution to enter into an agreement with Region XIII Education Service Center to negotiate a CETA Title III Youth Employment and Training in the amount of \$162,140 for the period October 1978 to September 1979.

Mr. John Hopkins, Acting Planning Coordinator, told Council that the contract proposed is an extension of activities begun under a contract approved with Education Service Center last year for guidance information, and what is called in the broad sense, "transitional service for students." These are services which assist them in moving from a school setting into the work force. Last year's contract was primarily for the development of the computer based system, the placing of the system in the schools, and the training of the staff to work on those. This year's contract, he continued, adds many more services that are not necessarily related to the guidance and information system. That system will be continued in the 16 sites. In addition for FY 1979 five new campuses will be added to the 16 for the guidance information system. Curriculum resources will be added to that, including actually integrating this into the classroom work of the student, bus transportation for students to be taken to the sites where the services is available, continued staff development, the addition of two junior high school campuses, the development of new student work books to assist them in their post secondary goals, the development of two new pilot projects called responsibility language which is a communications program which allows students to acquire verbal skills in handling interviews and coping with decisions and problems on the job and to update and conduct some better labor market analysis for the Austin SMSA over and above what the Texas Employment Commission is able to provide us for students. This, in part, he concluded, explains why the cost has shot up. It's not just the cost of the guidance information system now. The \$50.00 or so cost per student includes all the other programs, whereas the cost for guidance information will still remain relatively low....\$10-\$15.00 per student. The other services will be more expensive.

Councilmember Mullen asked how much the contract was for last year and Mr. Hopkins replied it was for about \$220,000. Very little of that money was spent last year because it was mainly setting the program up. Probably no more than \$50,000 was spent setting up the contract. In answer to Councilmember Mullen's question regarding the results of last year's contract, Mr. Hopkins told him the computers were placed in the schools, the staff training was completed and the councils which are called Campus Career Leadership Teams made up of teachers, counselors, administrators, aides, etc., were established. Their job is to work and implement the system. A comprehensive needs assessment was completed on what problems exist in the labor market for youths and what resources need to be brought to bear in those activities.

MR. DONROY HAFNER, Director, Instructional Services, Region XIII, reiterated to Council that terminals had been put in the schools this past year. There has also been training of school personnel and counselors. He said the function of his department is to work with the students to improve their employability when they get out of school. Mayor Pro Tem Cooke clarified it by saying they have helped to enhance an information system that's available in the schools that they serve as a region.

There was some discussion about the system devised and Councilmember Mullen asked, "How will we know how effective this is?" Martha Solomon from the Region XIII Education Service Center answered that there is a Career Education Leadership Team established on each campus to address themselves to a management plan for utilizing the program this year. A component of the plan is how they will evaluate it, whether a student fills out a form after he uses it, etc. Each campus has its own strategy for the follow-up evaluation on it. Mayor McClellan commented that it takes a period of years to evaluate the impact of anything. Ms. Solomon said she has noted that when she is in the schools where students have access to the terminals their motivation is very high. Councilmember Mullen said the Mayor's statement is correct but there also has been millions of dollars spent on useless programs that go for years without proper evaluation. He said that is why he is looking at the program very carefully and Council should continue to look at it very carefully. After more discussion re the cost, the program and the expected results, Councilmember Mullen stated that next year he wants to have more information on this program because Council has direct accountability to the schools they serve.

Motion

Councilmember Mullen moved that the Council adopt a resolution to enter into an agreement with Region XIII Education Service Center to negotiate a CETA Title III Youth Employment and Training program in the amount of \$162,140 for the period October 1978 to September 1979. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Abstain: Councilmember Goodman

LAKE AUSTIN METROPOLITAN PARK WATER LINE EASEMENT

Mayor McClellan opened the public hearing set for 10:00 A.M. on the proposed waterline easement at Lake Austin Metropolitan Park. Curtis Johnson, Director of Water and Wastewater, showed slides of the proposed easement. Councilmember Himmelblau asked if this was part of East Ranch, but Mr. Johnson told her it was part of the Wilding Development. She asked if the City would be compensated for the easement. Mr. Johnson told her that the compensation as such would be the companion item on the agenda which is a resolution. No money would change hands at this point, but with a private system being built, if there was not some contractual arrangement between the city and the proposed private system, it would continue to be a private system which if we wanted to acquire we would have to either work out a mutually agreeable contract to purchase or failing that we would have to go to condemnation, and in essence end up paying fair market value for the system. Councilmember Himmelblau asked if this would be annexed any time in the near future. Mr. Davidson answered that they do not think so. He pointed out that the applicant came to the City of Austin only to request an easement. All of the other agreement re amortization of cost if the city takes it over sometime, is what the city said it would have to have in order to recommend it to the City Council. Councilmember Himmelblau commented that any time the city wants an easement the city has to pay for it. Mr. Davidson answered that if the applicant had come to Council the way it was originally submitted, they would recommend some payment for easement, "but we think it's more important for the city to have the right to acquire this system and the line than it is to get paid for the easement, which would probably come after the 12 years." Mr. Johnson said it is his department's opinion that this is compensation for the easement.

Councilmember Goodman asked Mr. Johnson, "Is there any feasible and prudent alternative to the use or taking of such land for the use of a waterline easement?" Mr. Johnson answered, "No". Mr. Goodman asked, "In your opinion has all reasonable planning been undertaken to minimize harm to the use of this land as a park?" Mr. Johnson answered "Yes".

Motion

Councilmember Goodman moved that the Council find that there is no feasible and prudent alternative to the use of this land for the purpose of a water line easement and that this project includes all reasonable planning to minimize harm to such land as a park, and further move that the City Council approve this project; and to adopt a resolution authorizing an agreement between the City of Austin and Glenlake developers for installation of a waterline at Lake Austin Metropolitan Park. The motion was seconded by Councilmember Mullen.

Councilmember Himmelblau asked, "Does there have to be a permit to draw water from the lake from the Water Rights Commission?" Mr. Johnson said he understands the developers have been in contact with LCRA for purchase of the water. She asked if Council would be seeing this request from other subdivisions and wanted to know if in any way it would jeopardize the City of Austin's water supply. Mr. Johnson replied that he could not see where it would. Councilmember Himmelblau asked for a little history on the Wilding

subdivision, which Mr. Johnson gave her. He then told her the preliminary is in and the final is in process, and that septic tanks will take care of the effluence.

Motion Withdrawn

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

Motion

Councilmember Goodman moved that the Council continue the public hearing on November 9, 1978 at 10:00 A.M., and postpone approval of the resolution. The motion was seconded by Councilmember Snell.

MR. LEE BLOCKER, one of the owners of the company that is proposing to develop this property, appeared before Council and stated they have received preliminary approval for the project...it's a 406 acre piece of property...in November of 1977. He said they have prepared plans and specifications to work out with the various city departments and the City Planning Division and have gone into the project quite thoroughly. He said they feel they are doing an excellent job of developing in the area with lots being two-acres and larger in size. Mr. Blocker continued that they have encountered countless delays and the last insurmountable problem was a 189' strip of land between their property and Lake Austin they needed to cross to go into their water intake line. He said they wanted to go to the Planning Commission on November 14 and the week delay because of Council will cause them to miss the meeting. He said he has a good grasp of the development and the market they will serve and will be happy to answer any questions. Mayor Pro Tem Cooke told him that this is a delicate area of waterline and that he wanted to be able to look at it longer before making a decision.

Roll Call on Motion

Roll Call on motion to continue the public hearing on November 9, 1978 at 10:00 A.M., showed the following vote:

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

Noes: None

ZONING HEARING

Mayor McClellan announced that Council would hear the following zoning case scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning was publicly heard:

LITTLEFIELD BUILDING
C14h-78-033

East 6th Street and
Congress Avenue

From "C-2" Commercial
District
4th Height and Area
To "C-2-H" Commercial-
Historic
4th Height and Area
Recommended by the Plan-
ning Commission.

Councilmember Himmelblau asked if the city would have a legal conflict of granting "H" zoning since the city rents office space in the building. Mr. DeLaRosa, Assistant City Attorney, answered that is the first time he has heard the question and off hand he does not think there is a conflict with the City of Austin. It is subject to the zoning ordinance of the city and he did not think this would create a conflict of interest. Councilmember Himmelblau continued, "I would also like that the Council re-examine the ordinance granting the tax abatement, particularly looking at commercial category. Mayor Pro Tem Cooke stated, "I remember when we did that we looked at it very hard as far as people living and commercial, and it was my feeling that when we gave the 25 and 50 for commercial for historic structures that that was a reasonable approach to tax abatement for any commercial business." Councilmember Himmelblau said that staff prepared a map and that they would be looking at it in almost the entire downtown area. Part of the revitalization was to give us a tax base, she continued, "and I'm not too interested in seeing it disappear. I'm also not interested in seeing it in buildings that were built after 1900."

Councilmember Mullen stated, "I was the only one who voted against tax abatement when it was presented because of some of those concerns. But as I looked at the Littlefield Building I was ready to vote against that also because of loss of revenue. Then I thought, if they are going to put a lot of money into it and raise the value up, it's going to more than pay for what's lost and if that is what is going to end up happening, it will be much better for the City of Austin if we do it to a few buildings and end up with a lot stronger tax base than we started with. I think that's what the end result will be." I hope so, said Councilmember Himmelblau, if the tax office takes this into consideration when they reappraise. Councilmember Goodman thought Councilmember Mullen had brought up an excellent point and both he and Mayor Pro Tem Cooke thought they would gain revenue. Councilmember Goodman commented that he had concurred with a delay of this zoning case from last week because he wanted to find out what the loss in tax revenue would be if eligible downtown buildings are zoned "H". A memo from staff to Council stated that the impact of loss of tax revenue would be \$37,000, but the city probably would gain a lot more. Mayor Pro Tem Cooke said he thought that the tax abatement might be the incentive for other property owners to restore their historic buildings.

Councilmember Mullen pointed out that the owners of the Littlefield Building are taking definite steps toward restoration, but wondered what will happen if other property owners take their tax abatement and then let their building deteriorate until it falls apart. He said he thought they should look at that as another option on the ordinance, and it is something which

should be tied down. All Councilmembers agreed this is an excellent suggestion.

Mr. Richard Lillie, Director of Planning, stated that the ordinance the Council passed on abatement requires an annual inspection and if that building has not been kept up it could lose its permit to qualify for abatement. So, he continued, we need to come back to you every year to let you know how those structures are doing. Councilmember Mullen asked if he would look into holding historic zoning on commercial buildings unless there is going to be some improvements put into them. Mr. Lillie said he would come back with a report in 30 days. Mayor Pro Tem Cooke had commented earlier that such a provision was current in Savannah, Georgia, and Councilmember Mullen said he may want to check with that city.

Motion

Councilmember Goodman moved that the Council close the public hearing, accept the finding of fact (a), (c), (d), (f), (h), (k), (l), and (m), and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

OLYMPIC SWIMMING PRACTICE

Councilmember Goodman moved that the Council grant the request of the University of Texas to utilize the City of Austin swimming facilities for Olympic Swimming practices on June 13th through June 25th, 1980, from the hours of 7:00 a.m. to 11:00 a.m. The motion, seconded by Mayor McClellan, carried by the following vote:

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

ALCOHOL COUNSELING SERVICES

The Council had before them an Ordinance to consider amending the 1978-79 Annual Budget Ordinance by transferring \$31,654 from the general fund balance to the budget of the Municipal Court for the purpose of paying for Alcohol Counseling Services provided by Austin-Travis County Alcohol Counseling Services.

Councilmember Himmelblau stated that she had a lot of questions and had asked for it to be pulled. First there was a grant that was acted on in 1978 that had some allocations for the County, but there was one allocation that was for the Municipal Court, and she wondered how many clients this would cover, and also wanted to know the total number of clients that would be served with this amount of money. She also asked if there might not be some money available from some of the state alcohol programs.

Judge Garcia stated that the contract that was proposed to the Council, would serve approximately three hundred and fifty persons during the Calender year of 1979. He went on to say that the counseling services had also agreed to serve any additional personnel that come in free of charge. He also stated that last year some funds were received from the state, but dealt more with placement of personnel than actual counseling. Most of the money was actually used for county cases. Councilmember Himmelblau asked if there was a follow through to see that after they went from the court to the counseling services that these people availed themselves to the service and actually followed through. Judge Garcia answered to the affirmative. Mr. Gil Ortiz, director of the counseling program, answered another of Councilmember Himmelblau's questions, by adding that there are only about fifteen percent of rearrest cases for the people who actually went through the complete program.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE TRANSFERRING \$31,654 FROM THE GENERAL FUND BALANCE TO THE BUDGET OF THE MUNICIPAL COURT AND APPROPRIATING \$31,654 FROM THE BUDGET OF THE MUNICIPAL COURT FOR THE PURPOSE OF PAYING FOR ALCOHOL COUNSELING SERVICES PROVIDED BY AUSTIN-TRAVIS ALCOHOL COUNSELING SERVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Further discussion followed, with Councilmember Goodman commenting that he thought the program was a good one, and with Councilmember Mullen inquiring why this was not included in the budget. Judge Garcia stated that they had relied on Social Services Programs to help fund this program, but that did not come through. Mr. Mullen, who took a definite stand on not amending the budget before conceded that this would fit into the unforeseen and unusual, and suggested that Mr. Daron Butler, Director of the Research and Budget Department keep a list of all amendments that would be forthcoming in the future.

EXECUTIVE SESSION AND RECESS

At 12:05 P.M., Mayor McClellan announced that the Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session, will be made in open session, should such action, decision or vote be necessary. She announced that Council will resume its meeting at 2:00 P.M.

MEETING RESUMED - ANNOUNCEMENT MADE

Council resumed its meeting at 2:45 P.M. The Mayor said she wanted "to take this opportunity to state that in Executive Session the Council evaluated our City Clerk who is sitting right in front of me, and the Council wholeheartedly and unanimously endorsed the fine job she is doing and looking forward to her continuing in that position."

BOARDS AND COMMISSIONS

Mayor McClellan announced that they had a confirmation to make on the MH/MR Board who is a county appointee, as well as other appointments.

MH/MR BOARD

Councilmember Trevino moved that the Council confirm the appointment made by the Travis County Commissioner's Court of Mr. Leonard Mann to the MH/MR Board. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

ELECTRIC UTILITY COMMISSION

Councilmember Himmelblau moved that the Council appoint Larry M. Deuser to a term on the Electric Utility Commission which will expire 7-1-80. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

VENDING COMMISSION

Councilmember Himmelblau moved that the Council appoint Carol Packwood to a term on the Vending Commission which will expire 6-1-79. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Mayor McClellan announced that the following Board and Commission appointments will be made November 9, 1978:

Building Standards Commission, 3;

Vending Commission, 2;

Community Development Commission, 1;

Dental Health Advisory Committee, 1;

Wrecker Standards Commission, 7;

Medical Assistance Advisory Board, 9;

Construction Advisory Committee, 4;

On-Going of Goals Committee, 4;

Human Relations Commission, 7;

and the appointment and reconstitution of the Electrical Board. The following appointments will be made December 7, 1978:

Building Code Board of Appeals, 1;

Elizabeth Ney Museum, 1;

Commission on the Status of Women, 1;

SAVE THE UNIVERSITY NEIGHBORHOODS

MS. BETTY PHILLIPS, president, Save the University Neighborhoods, appeared before Council to discuss the cost and benefits of police protection in the neighborhood surrounding the University of Texas. She thanked Council for providing police protection in their neighborhood during football games. She said that the police officers are taking time and care with their patrol during the games, and curbing the horn honking. She said the point was brought up at the last Council Meeting that the extra police on duty during football games is costing a great deal of money. In her opinion the high taxes that the residents of the neighborhood pay support the extra cost for policemen.

BOAT RACE PETITION

MS. STEPHANIE CALDWELL and MR. ROYAL MASSET appeared before Council to discuss the boat race petition. Ms. Caldwell discussed a petition now being circulated to bring before the citizens the chance to vote concerning whether or not three boat races a year can be held on Town Lake. She asked if the question could be called to vote without a petition. She said not having to have the City Clerk validate signatures would save thousands of dollars. She also presented other options. Mr. DeLaRosa, Assistant City Attorney, told Council that the City Code and Charter are very specific about procedures and the Election Code does not cover initiative petitions. He continued, "Her suggestion for a statistical sampling would not meet the requirements of our City Charter. I would suggest that she meet with our staff and try to work around the problem. At this particular time we cannot propose a solution to the problem. We realize one exists and there is a definite problem with a statistical portion of sampling."

PARADE PERMIT

Councilmember Trevino moved that the Council approve the request for a Parade Permit from Mr. Jack G. Fritts for Corps of Cadets - Texas A&M University from 8:30 A.M. to 1:00 P.M., Saturday, December 2, 1978, beginning from staging area on East Second (between Congress and San Jacinto) north on Congress Avenue to 11th Street, west on 11th to west side of Capital grounds; alternate date 12-1-78, 2:30 to 5:30 P.M. The motion, seconded by Councilmember Snell, carried by the following vote:

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

PUBLIC HEARINGS - LAKE LONG

Mayor McClellan opened the public hearings scheduled for 2:00 P.M. on:
(1) Request from the Austin Radio Control Association to develop and use

approximately 30 acres of land near the northwest corner of Lake Walter E. Long Metropolitan Park for the purpose of flying radio controlled model aircraft; (2) Request from Capital City Trap and Skeet Club to make use of a 70-acre tract of land located at the corner of Decker Lane and Lindell Street, and in Lake Walter E. Long Metropolitan Park, for the construction of trap and skeet shooting facilities, a small bore rifle range and archery range; (3) Request that portions of Lake Walter E. Long Park be used to graze cattle.

Mr. John L. Ehrler, Director of Parks and Recreation, appeared before Council and stated that the Parks and Recreation Department has reviewed the requests from the Austin Radio Control Association and the Capital City Trap and Skeet Club, and that both are recommended. He said that the request for cattle grazing has not yet been reviewed by PARD. The staff looked into the possibility of alternate sites, investigated ten of them, and did not recommend any of them, but feel that the site at Walter E. Long Park is the best for radio controlled aircraft and the skeet and small bore rifle range.

Councilmember Snell asked if any other trap and skeet ranges are being established near here. Mr. Ehrler answered that the closest one he knows of is in Fort Worth. Mr. Snell asked if there any houses close to the proposed site, and Mr. Ehrler told him that they were far enough away so there would be no noise but there may be a traffic problem because of the narrow road.

Councilmember Trevino asked Council if they had seen the letter from HUD saying that the requests of the Trap and Skeet Club and Austin Radio Control Association seem to be satisfactory as long as the general public is not excluded from these areas. He said the letter then talked about proposed certification of the plan, and the way he interprets it is that CAPCO should review and comment about this. Mr. Trevino said that to his knowledge CAPCO has not reviewed.

Mr. Davidson, City Manager, stated: "There's one part of all three of these uses that I think needs to be put in perspective. All three of these uses which happen to be discussed on the Municipal Park area were not initiated by the Parks and Recreation Department. They have helped a number of groups come before the Parks Board who have actually made the request to use municipal land for these purposes. There are a number of things that would have to be done if the City Council says yes you may use that park for this purpose, including any required applications to CAPCO or other agencies. I think that as a policy matter we need to know if the City Council would allow that before proceeding with any of those other steps. Likewise, I explained the other morning that we have had a number of inquiries to use the Decker or Lake Long area for grazing purposes but knowing about this requirement from the Federal Government and others and knowing that it is a lot of trouble... it's simpler to manage that park area without having to fool with cattle grazing in the pasture. But after seeing enough of these requests, I think it needs to be a policy matter of the City Council as to whether or not we are going to try to raise \$30,000 to \$40,000 over a five-year period in revenue from leasing this land for cattle grazing, and whether or not there is validity to some of the applicants claims that it would reduce the tick population in the area, and

also reduce the likelihood of having forest fires. So, we are coming to you not necessarily pushing any of these. We have citizens interested in utilizing parkland for this purpose and our role is to try to assist the Parks Board and the Council in determining whether or not these are worthwhile uses on this park property."

Mr. Ehrler commented that "The Parks Board said these are acceptable uses if accepted by Council. They must still sign off on these and must review any kind of improvement before anything is accepted."

Outside of Federal regulations are there any other legal prohibitions which would prevent us from leasing park land to these organizations, asked Councilmember Goodman. Mr. Clay Strange, assistant City Attorney, said there were none that he could think of. There was further discussion among the Council concerning the procedure for lease of park land, and then the hearing was opened to the public. Speakers for remote controlled model airplanes were first.

Mr. Charles Neuenschwander, Austin Radio Control Association, appeared before Council as the spokesperson for the Austin Radio Control Association. He gave a brief history of his organization and showed slides of the type of model airplanes that they fly, plus an example of runway used. He said that at the present time the club has no place to fly their planes in Austin but use a grass field in Pflugerville to accommodate the 76 members. He told about the flying meets on Sunday afternoons and the fact that many spectators appear. They hope that the acquisition of the use of park land in Walter Long Park will attract more people into their club.

MR. JIM WEBB, a resident in the area near Long Park, appeared before Council to enumerate the promises made regarding the park when the land was acquired 13½ years ago, and which have not been accomplished. "For the public record," he said, "I would like to make the Council and residents of Austin aware that the city owns 3,753 acres just east of the city between FM 969 and Highway 220. It is absolutely amazing how many people do not know what exists on the east side of Austin. The majority of citizens only know that we send all of our effluent east and it winds up in east Austin. Other than that there is very little concern as to what happens in East Austin." He continued with a history of what has happened since acquisition of the land by the city. Mr. Webb concluded that he does not oppose a skeet range, nor an airplane range, but wants them located somewhere other than Lake Long Park.

Richard Cram spoke to the fact that model airplanes are not as dangerous as man piloted airplanes.

J.B. Flink told Council he is opposed to the proposed usage because the land should be free and open for the public's use. He said that the land should not be controlled by private clubs, the fences should come down, and he is against the use of the land for anything other than the general public.

Joe Barlow spoke for the model airplane field and said that the site will be available to the public. He continued that there really is no other suitable site available for this purpose in the city and that the club will

spend their money and their man hours to prepare the fields for a runway, etc. He reiterated the field will be open to the public, that the extent of the club's controls will be to prevent any dangerous conditions to exist.

Councilmember Snell indicated opposition to the taking over of the park land usage. Councilmember Goodman pointed out that the Zilker Garden Club does not charge anything to view the flower area in Zilker Park. Mayor Pro Tem Cooke wanted to know if there would be any charge for use of the field for flying. Mr. Barlow told him that it will cost \$8,000 to fix up the field, but the real issue is upkeep and need for money for operational expense. He said they plan a \$2.00 charge per weekend for the use of the field so that upkeep can be maintained. Mr. Barlow said the fees for joining the club are \$60.00 a year and they hope to see the club get bigger. He also pointed out that the club has liability insurance, and it covers non-members as well as members. Councilmember Goodman stated that there are several wrinkles to iron out, such as who will open the field, keep it maintained, etc. Then he asked why there is a fence around Walter Long Park. No one seemed to know and he asked for a report on why the fence was built around the lake.

Mr. Webb reappeared and asked about restroom facilities if the skeet range and airplane field is granted. He said the land will not support septic tanks. Councilmember Himmelblau pointed out that there is a sewer line up to the park and asked why it is not attached. Mr. Homer Reed, Deputy City Manager, told her that it will take several hundred thousand dollars to connect it to something. Mr. Neuenschwander told Council, in answer to their question if he had thought about this, that the Austin Radio Control Association has discussed the use of a holding tank but plans have not been finalized.

Larry Anderson, representing Colony Park, appeared before Council and said that noise and traffic in their neighborhood would be a problem if the proposed uses of the park are approved.

ELMER E. NYGREN, former landowner in Decker Lake, said his land was condemned for the park and he is distressed to think Council might approve leasing the land to someone who will charge admission for it. He said the land is for the public's use. Mr. Nygren also told about Earl Bergstrom who grew up on the land. Bergstrom Air Force Base is named after him because he was the first casualty from Austin during World War II. He requested Council to institute an appropriate manner of marking this site in honor of Earl Bergstrom.

AL JEKYLL, a representative of the Austin Radio Control Association, told Council that the Association wants to use the land for recreational purposes. The only reason they are requesting a fee for usage is because there are no funds from the city for upkeep. Also, there must be some controls imposed in order to keep this as a safe sport. In the past 20-25 years they have not caused any damage that they cannot take care of easily.

Mayor Pro Tem Cooke asked Assistant City Attorney Clay Strange to answer some of the legal questions that have been asked. He asked what commitments the city initially made to HUD and if there is "any implication as to

what we initially said we were going to use the money for and if these proposals would be in conflict". Mr. Strange said the Legal Department has looked at the proposals, but he was totally unaware of the HUD mandate until today, as well as the original purchase of the property, and it's compatibility of use with that. He said that from what he has heard this is a complicated question that needs to be given considerable thought. He said he does not think there is a problem regarding the use of the land with the skeet range and the model airplane field. But, he said, there needs to be more research.

Mr. DeLaRosa, Assistant City Attorney, pointed out that the letter from HUD also indicates that they feel there may be a conflict and he also feels this whole issue should be more closely examined.

Gerald Capperelli, speaking for the Capital City Trap and Skeet Club, said that at present there is no trap and skeet place in Austin. He stated that Lake Long Park would be an ideal place for this facility. The site is easily accessible, and there are no residents in the area so there would not be a problem with noise. Safety features will be outstanding and they need the Council's approval to build a first class facility. Furthermore, he stated, this skeet range will not cost Austin any money because they are a non-profit organization.

Gene Garrett, Capital City Trap and Skeet Club, told Council that trap shooting is a safe sport, and they want to attract more people to it.

Mr. Capperelli added, to his statements above, that at present there is no formal hunter safety training in Austin and they plan to conduct courses in same for youth and adults alike.

DAVID MAHLER appeared before Council to speak to the use of Walter E. Long Park for grazing cattle. He said there are many questions which have not been researched regarding grazing...it can effect plant cover, and he asked Council to please be careful to find out how grazing will effect the land.

(Public Hearing to be continued at 6:30 p.m.)

There were no more people to be heard so the Mayor announced that this hearing would be continued at 6.30 p.m. this evening, as previously announced.

(Public Hearing Resumed)

MR. MERLE MODINE, president of University Hills Neighborhood Association, appeared before Council and said that they are in favor of open land and opposed to anything else. He does not understand why staff finds it so difficult to develop this land as a park as it was originally intended. Mayor Pro Tem Cooke pointed out that the discussion so far is a question of whether or not to let a specific organization lease the land, or should the city develop it. Mr. Modine said they thought the land should be a park only. Mayor Pro Tem Cooke told him that Council had received a letter from HUD and they were

having some problems regarding the development of the land. Mayor McClellan said that perhaps Council should be working with specific groups to determine how the park should be developed.

No one else appeared to be heard.

Motion

Councilmember Mullen moved that the Council close the public hearing, and postpone for two weeks to have the legal department look at implications received from HUD as to whether what they are doing is legal and right, and bring back a report in two weeks. The motion was seconded by Councilmember Goodman.

Councilmember Goodman referenced what Mayor Pro Tem Cooke said earlier and said, "As a part of the contract with the model airplane association, as a part of the proposed contract, the Director of Parks and Recreation would be in charge of approving the fee. This is a Council prerogative in nearly every situation I know of and I think that part of the proposal should be changed when it comes back before us. In addition I think we should be given some options in Section 7 and Section 9 concerning the cancellation provisions. In Section 9 with cause, we would have to give the association 180 days, and without cause, one year's written notice. ... We should be given some options like 90 days without cause, or whatever is appropriate. In addition I would recommend to the Radio Control Association that you come before us with some established hours for operation of the facility. When you have to shut down due to rain or wind, that is understandable, but for non-members of your association, it will have to be open on some sort of regular basis so there are hours, or we will definitely be in violation of the HUD rule because we must use the park land for the public."

Councilmember Snell stated: "The city doesn't own any other property and hasn't made a study of land use. I don't understand why we can't now make a study of the land use of Decker Lake. It is very important that we do this. We promised the people this a long time ago. We make a study of it, we decide what we're going to use it for and then do just that. ...if this fits in with the studies that have been made and recommended, then I see nothing wrong with it, because we make a study of it and it should fit in just like a Master Plan." Mayor Pro Tem Cooke said, "Your point is well taken, Jimmy. We bought this as open space and said we were going to use it for a park and for some reason it appears the implication is there we're not going to make any significant improvement toward it being a district level park." Mr. Snell asked, "Why aren't we making any improvement?" Mayor Pro Tem Cooke answered, "I'm with you. I think we need to be definitive as to why we are not, or if we are, why we are and get on a time schedule and get this through the C.I.P. process." Councilmember Snell stated, "I feel that if this was in any other area of the city something would have been done with that property...that's valuable property. We leave it like that so we can use it when issues come up. We've had several things before us for that area since I've been on the Council, and I think now is the time to stop it. Let's make a study and see

what we are going to do with it and then do just that." Mayor Pro Tem Cooke said, "We own a district level park that's near LBJ High School. It hasn't been developed yet, but I know right after we became Councilmembers, Mr. Robinson took me out there and showed it to me. It's in the proximity of this whole effort and from the implication in trying to recall it seems that was purchased well after this whole Decker Lake."

Mr. Mike Segrest, Parks and Recreation Department, told Council that Lake Long "is classified as a metropolitan level park and it serves the entire city. District parks are normally to serve an area within a 1½ mile radius. The park you're speaking of is a district park next to L.B.J. High School. It has been acquired and it was one of the items in the past Capital Improvement Program that Council approved, but it was not an item that was authorized or will be in the upcoming bond issue for the initial development of the park site. The development in Lake Long as it is envisioned in the overall planning and based on the classification it falls in would not be a duplication of a district park facility because the Lake Long development is a unique type of park like Lake Austin and Zilker Park, where you are expecting to attract from the entire city because of the type of facilities you would be providing there." Mayor Pro Tem Cooke asked, "When do you anticipate Lake Long will develop out and be needed as a park to be used by the entire City of Austin?" Mr. Segrest answered, "I doubt that Lake Long will ever be completely developed. There will always be improvements occurring, just like Zilker Park, which is 50 years old, and we still have plans for it." Mayor Pro Tem Cooke asked what time frame was discussed with HUD as to commitment of facilities when the park land was acquired in 1965. Mr. Segrest told him there was no commitment of time on when it would be developed. Mr. Segrest said that in the nine years he has been with PARD, Lake Long Park Improvements have been included in C.I.P. in an unfunded year, and due to fiscal constraints and priorities as approved by previous Councils, it has not fallen within the framework of a funded item. It has been brought before Council every year for the past nine years. He conjectured that if there was more out at Lake Long now, it would probably relieve some of the heavy use experienced at Zilker Park. He said there are also other areas of the city which needs parks and the Council has to place it all at some level of priority. Mayor Pro Tem Cooke said, "The only thing I'd like to get a perspective on is apparently when we sent a letter to HUD saying in the 'apparent future, that's the way they phrased it back to us, it doesn't appear we are going to be doing any development there and I guess that could be taken with perspective of this current C.I.P. we just adopted. So the implication is that Lake Long as a metropolitan park may not be developed to where it would be perceived to be a Zilker type park for maybe another 15 years." Mr. Segrest replied that easily it could take that long.

Councilmember Mullen stated, "Money came from HUD to help buy this and on the application letter we just got back it says 'no portion of the land or water within the project limits will have any use except that of a recreational reserve', which is more than just a park, and in Mr. Moden's presentation he said it's use was 'just for a park'. It was also supposed to be a recreational area. And that's what was on the application. Also this letter says we may be in conflict on this application if we don't have complete plans." In this two week process, commented Councilmember Mullen, we need to check out the last point made about the overall development plan, and how the restroom facilities

will be handled for both the Radio Control Association and the Trap and Skeet Club, because if that is not in final form the Council will not be able to act on it. We need to know whether a septic tank is going to be workable and if not how much it will cost to have a restroom facility out there. Secondly, I recommend to both groups that you have before us when we consider the contracts, the fees you will charge non-members.

Roll Call on Motion

Roll Call on motion to close the public hearing and postpone for two weeks to have the legal department look at implications received from HUD as to whether what they are doing is legal and right, and bring back a report in two weeks, showed the following vote:

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

Noes: None

EMS REPORT PROPOSED RATE STRUCTURE FOR TRANSFER SERVICE

Council heard a report by the EMS Quality Assurance Team. Mr. Bulloch, Director of the Emergency Medical Services Department, addressed the Council, stating that the Council had before them an Ordinance for the transfer service here in Austin and he wanted to go over some things with Council. He stated that from an operational standpoint, we require the franchise holders to respond to any transfer call in the city. A maximum time of one hour is very important to the public. He also asked that a clear definition needed to be put in the Ordinance as to the role of EMS services and transfer service. He would prefer that transfer service vehicles are not equipped with lights, sirens, and other emergency logo. These items, he said, do not contribute to the efficiency of these vehicles, as they are used only for transportation and not for emergencies. Next, he said, standard requirements were for minimum heights of vehicles specified at 60". He would like to see that changed to 53". Mr. Bulloch would also like a requirement written in the Ordinance for reimbursement by the franchise holder to the city for the actual cost of the administrative franchise. The city staff would be going out to inspect the vehicles and the operation for reports to the boards and commissions. The intent would be to make sure the city does not incur any cost of the actual franchise. There is a limit in the Ordinance of \$10,000 per year for that franchise administration. Mr. Bulloch would like a proposed rate structure of \$40.00 per one way trip for any transfer of less than four miles, and \$45.00 for greater distances. He suggested that EMS work with private sector to provide the best life support system when needed.

Dr. Leaman, EMS Quality Assurance Team, was the next speaker. Councilmember Goodman asked him what would happen if an emergency occurred while transporting someone and the private vehicle had no sirens, lights, etc. Dr. Leaman answered that if such an event were to happen, EMS would dispatch an emergency vehicle immediately. He also commented that very few of these situations arise.

TOM CURTIS, appearing before the Council on behalf of Capital Ambulance talked about a clause as written in the Ordinance, which would preclude anyone wanting to operate in the county from getting the franchise in those situations when both EMS and private should both respond, as for multiple car accidents. The way the Ordinance is written that cannot be done. Events like these do not happen that often but that clause should be changed. On duplication, franchise E is subject to cancellation if it responds at the same time as EMS to the same call. There will be times when EMS will want private to make that same call, but it can't be done the way it is now written. When private makes a call EMS wants to be notified and determine who transports. We need a set of guidelines, Mr. Curtis said, so that if you have a situation warranting EMS, they transport, and if you do not warrant EMS, they do not transport.

Mayor McClellan at this point suggested all parties work out problems and bring them back to Council next week. Then she said all problems might as well be aired now. The following were discussed. It was said to be safe to assume that private sector could transport at less cost than it would cost the city. The City is now charging \$45.00 per non emergency transfer. The cost to the city is \$62.50, and the collection rate is 70%. For the city to break even they would have to charge a little over \$80.00 per in the city non emergency transfer. The EMS people have projected that you can improve the 4,000 per year non emergency calls to 5,000 per year non emergency calls. Councilmember Goodman requested at this point that further discussion on this matter be postponed for a week in which time more figures could be studied and more information and a fiscal note will be available to present to Council at next weeks meeting.

Motion

Councilmember Goodman moved that the Council have a public hearing on the proposed rate structure for ambulance transfer service for November 9, 1978 at 3:00 P.M. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

RECESS

The Council recessed at 6:00 P.M. and resumed their meeting at 7:15 P.M.

ZONING HEARING

Mayor McClellan announced that Council would hear the following zoning case scheduled for 7:00 P.M. Pursuant to published notice thereof, the following zoning was publicly heard:

WOODBURN HOUSE 200 East 40th Street
By Kim Williams
C 4h-78-034

From "A" Residence
1st Height and Area
To "A-H" Residence-
Historic
1st Height and Area
Recommended by the Plan-
ning Commission

Mr. Tom Knickerbocker reviewed the application by use of slides and stated that the application had been filed by representatives of the Hyde Park Neighborhood Association. The owner of the property, the Hyde Park Baptist Church, had filed a valid petition opposing the zoning change so the 6 votes would be required of the Council to grant the change.

KIM WILLIAMS, 4103 Avenue C, stated that he was presently practicing with an Austin architectural firm specialized in architectural restoration and preservation. He first reviewed the purposes of "H" zoning as defined in the zoning ordinance, and commented on them.

Mr. Williams stated that when he filed for "H" zoning on July 14, 1978 the Hyde Park Baptist Church did not own the Woodburn House. On that same date he had contacted Mr. Weldon Raines, executor for the Woodburn estate, owner of the subject property, and Mr. Raines had no comment as to opposition to historic zoning for the property.

Mr. Williams stated that for the past several years the neighborhood had considered the house a landmark, and that this was not a last-minute effort to save the house. He cited a recent Supreme Court case which supported "H" zoning for the Penn Central Station, which was opposed by the owner, and stated that not only did the Court support individual spot zoning, but also historic district zoning as both legal and encouraged the same. He also cited a case in Ohio whereby the city lost Federal funds because a terminal in a historic district was torn down.

Mr. Williams then reviewed what he had heard from the Church's representative and understood to be their opposition to historic zoning for the Woodburn House. Those points were:

1. Prohibitive rehabilitation costs,
2. Increasing need for parking,
3. Need for open and light spaces for a playground,
4. Eliminate blight and improve the neighborhood by razing the deteriorating structure,
5. Emphasized that they wanted to work with the neighborhood, compromise and benefit the neighborhood by removing the house and other activities.

Mr. Williams indicated his willingness to work with the Hyde Park Baptist Church, but pointed out that there was no diagrammatic master plan which showed where future church buildings would be located. He then outlined a plan to rehabilitate Woodburn House for adaptive use as office or school use. Rehabilitation costs at \$30/square foot would amount to \$82,200. Porch restoration costs at \$15/square foot would be \$19,500 for a total cost of \$111,700. To construct an institutional building of masonry and concrete would cost a minimum of \$50/square foot for a total cost of \$151,000, which would be a savings of \$39,300. Included in the plan would be seven additional parking spaces and an enclosed, improved playground of 6,500 square feet.

A second alternative would be to add new construction to the existing structure. A two-story wing of approximately 3,500 square feet at \$50/square foot would cost \$178,500. Including the property value of \$55,000 would bring the total investment on the site to \$345,200.

Mr. Williams then reviewed two other situations, one in New York, the other in Austin (Tips House), involving historic preservation. He felt that the Woodburn House was a much more feasible adaptive use project. He stated that the neighborhood would donate 700 man-hours of work on the exterior of the house, and asked the Church to work with the neighborhood to resolve the problem.

Mayor McClellan then referred to a letter which had been circulated among members of the Church by the Hyde Park neighborhood expressing concern over the purchase of the Woodburn House by the Church. The letter was dated June 23, 1978, and was written by Mr. Abe Zimmerman.

In response to Mayor McClellan's question, Mr. Williams said that it was not intended to imply that the neighborhood did not know what was going on in regard to the possible purchase of the Woodburn House by the Church. He felt that the Church knew before the purchase that the house was being nominated for "H" zoning.

Mr. Williams then asked everyone in the Council Chamber who supported the proposed zoning to stand.

Mr. Albert DeLaRosa, representing the City Attorney, stated that the City Council was the final arbiter, and it alone had the authority to zone the structure historic or to change the zoning of any structure. He then reviewed the section of State law granting the City zoning authority and cited specifically the historic zoning section. It was his opinion that time of ownership favored the Church and they had a right to present a valid petition in opposition to the proposed zoning.

MRS. ADA SIMON spoke to the Council regarding the Hamilton House which was destroyed years ago for landfill. She noted that the house had belonged to Governor Jack Hamilton and was of historic significance.

MR. JACK EVINS related to the Council some of the history of the Woodburn House. Betty Hamilton, daughter of the former Governor of Texas, was

married to Frank Woodburn. Mr. Evins stated that the Hyde Park Association feels that the Woodburn House addresses the development of the City. He also stated that in terms of its heritage, "it really is all that is left of Governor Jack Hamilton, one of Austin's most significant personalities; and, in terms of culture, finally, the character of the Woodburn House and the presence of Colonel Tom Woodburn, the artist, represents one of Hyde Park's greatest assests, then and now - its artists."

MR. JOHN SANFORD spoke to the issue of identification of structures and how their architecture and individual work influence the development of a City. He stated that the builder of the Woodburn House had built many structures in the City, several of which are still standing, and contributed greatly to the development of the City over a period of some forty years. (Criteria D)

MR. LEE MORRISON spoke to the Council regarding the relationship of the Woodburn House to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on the architectural, historic or cultural motif. He said that the removal of the Woodburn House would threaten a cluster of historic houses located in Hyde Park.

Mayor Pro Tem Cooke asked for a restatement of Criteria F, to which Mr. Morrison was speaking.

DR. AGNES EDWARDS addressed Criteria J - location at the site of a significant historic event. Dr. Edwards first defined the meaning of a historic event and stated that the Woodburn House would qualify as such. She then told the story of Leadbelly, a famed black musician and guitarist, and noted that the Woodburn House played a major role in depicting his life on film and that it should be set aside from other houses of its period because of its uniqueness and its role in recording a significant part of black history.

MRS. DOROTHY RICHTER addressed Criteria L, noting that the Woodburn House, because of its location, has become a value to its neighborhood. She said that it forms a buffer for the neighborhood from the asphalt and bricks of the church. She said that the location of the Woodburn House adds an important link in the chain of the historic, unique and different two-story structures in the immediate area. Ms. Richter further stated that the Woodburn House meets Criteria L, as well, if not better, than any other structure in Austin.

Ms. Richter also noted that the Woodburn House meets Criteria M, which states that it has value as an aspect of public sentiment and community pride.

MS. KATE VANDERMOER discussed the contribution of the Woodburn House in regards to Criteria H, or its archaeological significance. She said that the Woodburn House, in its design and construction, is representative of a time when builders took into account the climatic features of a region and is an extremely energy efficient house. She said that its close proximity to other houses built during that era, no doubt will contribute to other archaeological finds and that the house serves as a model to us, as well as a symbol of our heritage.

MR. GEORGE BOUTWELL, noted artist and Vice-President of the Hyde Park Association, pointed out a number of parallels between his house which has been zoned historic and the Woodburn House.

MS. MAGGIE POLACHEK spoke to the issue of the 1900 cut-off date for historic zoning, which has been espoused by some, as being completely without foundation. She stated that the American Arts & Crafts Movement didn't get off the ground until 1900 and was probably the most important cultural and architectural movement of its time. Ms. Polachek stated that the Woodburn House, which was built in 1909, share many of the architectural traits of the period.

DR. ROBERT HILL, Associate Professor at U.T., stated that the Woodburn House is representative of the various styles and phases of turn-of-the-century architecture in Hyde Park. He further stated that it is the intention of the Hyde Park Association to have Hyde Park placed, as a district on the National Register and to have the neighborhood designated as a historic district by the City.

MR. C.C. CRUTCHFIELD appealed to the Council to follow the recommendations of the Planning Commission and the Historic Landmark Commission.

Mayor Pro Tem Cooke commented that no matter how the vote goes, Mr. Crutchfield is "hanging in there pretty tough" at eighty years of age.

MR. MIGUEL GONZALES-GIRTH addressed the staff, asking several questions regarding "H" zoning. He inquired as to how many instances had the staff recommended against "H" zoning and what was the disposition in those instances.

Tom Knickerbocker, of the City Planning Department, answered that there were two instances, and in both cases, the zoning was not granted.

Mr. Gonzales-Girth further inquired as to how many historic zonings have been made with owner opposition.

Mr. Knickerbocker replied that there had been one or two historic zonings made without the owner's approval.

Mayor Pro Tem Cooke noted that the present Council has had some thirty-nine historic zoning cases before it, of which eight have had owner opposition. Of those, approximately five have been granted.

Mr. Gonzales-Girth then inquired as to how many have been supported by the staff and not by the Council. The Council was not certain of the number but stated that probably no more than one or two.

Mr. Knickerbocker replied to Mr. Gonzales-Girth's next two questions that two of the historic zonings thus far were built after 1900 and that no house had ever been zoned historic, unless it had met at least five of the criteria for historic zoning.

Mr. Gonzales-Girth noted that he is concerned about the feelings and hopes of the Hyde Park Association, as well as the feelings of the Hyde Park Baptist Church. He noted, however, that his greatest concern was for honoring the opinion of the Historic Landmark Commission and the Planning Commission in zoning the Woodburn House historic.

Mayor Pro Tem Cooke stated that he wanted to clarify an earlier statement. "On the owner opposition - this Council has granted four and denied four."

Councilmember Goodman noted that in a couple of those where there was owner opposition, the structure still stands. He stated that the Council had an agreement from the owners to maintain the structures, although they didn't want historic zoning.

MR. JOHN KERR stated that the Hyde Park Association had completed their presentation and that any others who wished to speak would be speaking as individuals, not as representatives of the association.

Mayor McClellan recognized Mr. David Mahler who stated that he wanted the house to remain in the neighborhood, as so many houses had already been removed.

Councilmember Himmelblau commented that "I can understand why you want the house to remain there; but, I can't for the life of me, feel why it should be zoned "H". I'm probably the only one in the room who helped draft the ordinance and when the ordinance was being written, it was my feeling, at that time, that buildings that were constructed after 1900 were not to receive the "H" zoning. That was my opinion. It was an AD HOC Committee. I can't compare it with Frank Lloyd Wright. I don't think that house needs to be zoned, the Robie House, needs to be zoned "H". It's there...that's because of Frank Lloyd Wright, not because of the age of the house. I walked by that house everyday on the way to high school. I'm very well aware of where it is and what it is. I just have a hard time using the "H" zoning to prevent a parking lot. That's where I'm coming from."

Mr. Mahler replied that he wasn't at the meetings, but certainly one of the intentions of people on the committee must have been to save historic neighborhoods.

Mr. Grant Thomas noted that the 1900 cut-off date was left off the historic zoning ordinance.

Councilmember Himmelblau replied that there wasn't total agreement among those working on the ordinance.

Mr. Thomas noted that the Woodburn House has become a symbol of the democratic process in Austin.

MR. BILL WILLIAMS, III, grandson of Monroe Shipe who was one of the developers of Hyde Park, appealed to the Council to help preserve the neighborhood by granting an "H" zoning to one of the landmarks in the neighborhood - the Woodburn House.

DR. SUZANNE SMITH SAULNIERS, a member of the Historic Landmark Commission, addressed the Council as a private citizen. She noted that the Woodburn house substantially meets several of the criteria for "H" zoning. She further noted that there has been much public involvement in this particular zoning and "that land use and houses that have been zoned historic (should) be made for the public, as well as just for the neighborhood and that zoning a house historic is a concern for both the public and private citizens, as well as the owners of houses."

MR. GENE TANKERSLEY, the last speaker as a proponent for historic zoning, stated that he lives in Austin because it is pretty and that one of the things that makes it pretty is the old houses.

Opponents

Mr. Doren Eskew, attorney, representing the Hyde Park Baptist Church, requested that his witnesses be sworn in. After some discussion, the Council agreed to hear the witnesses without swearing them in.

Mr. Eskew first called Mr. Don Tew, who stated that he was an architect registered in Texas. Mr. Tew spoke to the architectural value and character of the Woodburn House. Through a series of slides he compared recognized Arts and Crafts architecture to the Woodburn House. Mr. Tew stated that in his opinion the Woodburn House was not an example of Arts and Crafts architecture.

Mr. Eskew next called upon Mr. Ernest Parker, 4509 Avenue G, who had lived at that address for 52 years and had built the house. Mr. Parker stated that he had been continuously employed in the construction business in Austin since 1923 and most recently had worked on restoring old homes, including the Walter Tips House, the Radke House and the house located at 770 Bee Caves Road.

Mr. Parker stated that he had inspected the Woodburn House and felt that it would cost \$169,400 to restore it and an additional \$3,000 for heating and air conditioning. He stated that he could see no insulation, sub-flooring or storm sheathing in the house. There was also a problem with the piers and footings. He said he would rather build a comparable new one than restore the existing structure.

Mr. Eskew asked Mr. Parker if he would restore the Woodburn House under a firm contract for \$172,400. Mr. Parker replied that he would not because he would not know what his costs would be until he completed the work. Most of his work was on a cost plus basis.

Mr. Eskew next read the following list of addresses where it was known that the Woodburn family had lived in Austin: 4001 Avenue G; 4112 Duval; 706 West 23rd Street; 700 West 23rd Street; 2306 Rio Grande; 609 West 16th Street; 1905 Nueces; 1122 Navasota.

Mr. Eskew also pointed out that the City Directory indicated in every case until 1934 that the Woodburn family were transients. The artist, Thomas B. Woodburn, apparently never lived in the house under discussion, but was shown to have lived elsewhere in Austin.

Mr. Eskew then introduced a two-page document prepared by a Mr. Reedy which traced the history of occupants of the Woodburn House at 200 East 40th and a portion of the Woodburn genealogy. He minimized the significance of having a governor's daughter living at the 200 East 40th address.

Mr. Eskew said that the only reason the Hyde Park Baptist Church had the subject house was because Mr. Woodburn wanted the Church to have it. Regarding when the Church became the owner, Mr. Eskew produced a contract dated June 16, 1978 by which the Church became entitled to buy the house.

Mr. Eskew distributed to the Council and City Clerk, then read the following letter from Mrs. Ellen Bagby, age 95, who resided at 4003 Avenue F:

"I have lived next door to the Woodburn house for twenty five years or more so I feel the old structure has seen its best years and is in no shape for restoration. It is an eye sore to me and my property and is a fire hazard, a rat harbor, a roach den, etc. so I am in favor of its removal."

Mr. Eskew next spoke in regard to the cisterns in the yard of the Woodburn House and described them as cesspools.

Mr. Eskew then introduced a letter from Mr. H. Hadley Sleight, A.S.I.D., who had made a cursory inspection of the Woodburn House and estimated that an on-site preservation/restoration price would range approximately from \$150,000 to \$175,000. To relocate the structure would cost from \$10,000 to \$25,000, depending on the variables involved. To do "to the period" restoration would cost an additional \$75,000 to \$125,000, depending upon the requirements of the owner for the structure. Mr. Sleight had received international recognition for his restoration work.

Mr. Eskew showed and commented on a series of slides which depicted the condition of the Woodburn House, both at the time the Church acquired the property and presently.

Mr. Eskew stated that the only legal recommendation before the Council was the recommendation at the original hearing before the Historic Landmark Commission. He then elaborated upon his statement. Discussion followed as to whether or not the Planning Commission closed the public hearing at which time the case was first heard.

Mr. Eskew questioned the evidence presented to qualify the Woodburn House as an historic site. He further questioned the evidence given that the site was an archeological site. He also pointed out that the Hyde Park Baptist Church had served the neighborhood for 83 years and would continue to do so.

In response to Mayor McClellan's question, Mr. Eskew responded that the Woodburn House might meet one criterion for historic zoning.

In response to Mayor McClellan's question's, Betty Baker of the Planning Department said that in her opinion the Woodburn House met 6 criteria for historic zoning, two of which ((a) and (d)) were significant criteria. The other 4 criteria could apply basically anywhere. The staff did not recommend historic zoning because the structure was deteriorating and the owners had stated that they would not restore or maintain the structure. Even if the owners had favored historic zoning, she still felt that she would have recommended against it because of her personal feelings in regard to 20th century historic zonings.

Mayor McClellan then reviewed data on some of the historic zoning cases considered to date.

Councilmember Goodman referred to a Halloween program held at the Woodburn House and questioned Mr. Eskew's characterization of the house as wavy, dangerous and a fire hazard. Mr. Eskew did not retract his characterization of the property.

In response to Mayor McClellan's question, Mr. Parker stated that the house was not structurally sound.

Mayor Pro Tem Cooke reviewed some of the testimony given and said that he felt that the structure met the criteria presented with the exception of (i) and that (k) was severely diminished based on Mr. Eskew's rebuttal. He also did not feel that (c) was relevant because it was not presented as a finding of fact by the Historic Landmark Commission.

Mr. Eskew pointed out that findings of fact had to satisfy the Council, regardless of what anyone else thought.

Mayor McClellan said that in reviewing her notes on criteria presented five were strong, two were marginal and five were negative.

MR. KIM WILLIAMS, in summarizing for the proponents, said that the six criteria recommended to the Council had not been negated. He reiterated that his figures were based on adaptive use, not full restoration. He felt that rehabilitation of the house was feasible, either by the Church or a private group.

MR. JACK EVINS stated that if the Church were unwilling to undertake restoration of the house that there were people available who would be interested in doing so, and he wished that the Church would relinquish the property for restoration.

Councilmember Himmelblau read from the Planning Commission minutes regarding Mr. Sid Jagger's motion to grant "H" zoning for the Woodburn House. She commented that it rather made mockery of the "H" zoning ordinance.

Mayor Pro Tem Cooke said that he would discount Mr. Jagger's comment in deciding on how to vote tonight.

Mr. Eskew said that anyone who attended the two Planning Commission hearings could not doubt that the objective was as Mr. Jagger expressed it, which was to find a way to keep churches from expanding.

Mayor McClellan stated that the decision before the Council was not a church growth issue, but one of zoning.

Councilman Mullen said that he had had a hard time with the historic zoning ordinance because of its misuse. He felt that something was wrong with the ordinance when a property owner could be deprived of his rights. He said that if the City zoned a piece of property historic against the owner's wishes, then the city should buy the property.

Motion

Councilmember Goodman moved that the Council grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion was seconded by Mayor Pro Tem Cooke.

In response to Councilwoman Himmelblau's question, Betty Baker said that the staff's position was that the criteria other than (a) and (d) met by the structure were broad and general and applicable in many instances, perhaps in every instance if a house was over 50 years old. Because of the owner's opposition to the zoning change and the statement that they would not maintain or restore the structure, the staff felt that eventually there would be conflict with other ordinances, and that there was no way to recommend historic zoning comfortably.

Councilmember Himmelblau asked if there was going to be any attempt to revise the ordinance if it was so out of line.

Tom Knickerbocker said that there was a work session with the Historic Landmark Commission last year to consider defining the criteria much more closely to make them more significant and to consider a minimum number of criteria to include certain mandatory ones. The Commission decided not to restrict themselves further to allow themselves the broadest flexibility under the ordinance. The staff felt uncomfortable with the broad criteria.

Councilmember Himmelblau stated that she had never been completely satisfied with the ordinance and was not comfortable with it. She agreed with Councilmember Mullen that the ordinance should be re-examined.

Roll Call on Motion

Roll Call on Councilmember Goodman's motion, showed the following vote:

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

Noes: Councilmember Mullen

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

Mayor McClellan stated that it was her belief that the structure in finding of fact met criteria (a), (d), (h), (1) and (m) very definitely.

Councilmember Himmelblau made the following statement in connection with her vote:

"I have real problems with the ordinance as I have expressed tonight, would like to see it revised and would instruct the staff to do so. But, regardless of how my feelings are, it does meet criteria (a), criteria (d), criteria (f), (1) and (m). Because of this, my vote will have to be Yes."

Councilmember Mullen reiterated his position that it was a misuse of the historic zoning ordinance.

PURCHASE OF HOUSE FOR MULTIPLY HANDICAPPED

The Council had before it for consideration the option to purchase property at 701 Herndon Lane. Councilmember Himmelblau asked who would be in charge of the upkeep of the property. Councilmember Snell answered that the Texas Rehabilitation Commission would be responsible for maintenance of the facility. He also stated that the legal Department is at this time drawing up lease agreements between the City and the T.R.C. Commission. Councilmember Himmelblau stated that she wanted to be assured that no one would be returning to ask for more funding, and also asked who maintained ownership of this property. Councilmember Snell assured Mrs. Himmelblau that there would be no return by anyone to ask for more funds, and stated that the City would maintain ownership.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution to enter into an option to purchase contract with owners of property located at 701 Herndon Lane to establish housing for the multiply handicapped. The motion, seconded by Councilmember Snell, carried by the following vote:

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

CHANGE ORDER

Councilmember Himmelblau moved that the Council adopt a resolution approving a change order in the amount of \$46,000 to construct two additional restrooms, one each at Bartholomew Park and St. Elmo Park, CAPITAL IMPROVEMENTS PROGRAM Nos. 75/86-47 & 78/86-05. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

LAKE AUSTIN INTERIM CONTROLS

An Ordinance, to consider amending the 1978-79 Annual Budget by transferring \$17,961 from the general fund balance to the budget of the engineering Department for the purpose of implementing Chapter 29 of the Austin City Code to apply to Lake Austin Interim controls to land that is not being subdivided, was postponed for the second time. A date was set for November 9, 1978 for the return of this item to the agenda.

ITEMS FROM COUNCIL

The Council postponed until November 9, 1978 the following items:

1. Feasibility of a right turn lane on the west side of Lamar Boulevard and 24th Street for southbound traffic.
2. Request staff to look into a moratorium on curb cuts on Reagan Terrace from I.H. 35 to Betty Jo Drive.

ADJOURNMENT

The Council adjourned its Meeting at 12:30 A.M., November 3, 1978.

APPROVED

Carole Kector McCallister
Mayor

ATTEST:

Grace Monroe
City Clerk