

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 5, 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
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

The Invocation was given by Father Richard McCabe, St. Theresa's
Catholic Church.

PARENT TEACHER ASSOCIATION MONTH

Mayor McClellan read a proclamation designating October 1978 as Parent
Teacher Association Month. It was accepted with the thanks and appreciation
of MS. GERALDINE ROBINSON, MR. KENNETH WEATHERFORD and MRS. W. L. DODSON.

SCHOOL LUNCH WEEK

School Lunch Week will be observed October 8-14 according to a
proclamation read by Mayor McClellan and accepted by MS. LINDA FARRELL and
MS. VIVIAN BAUHOF, with their thanks.

AUXILIAN VOLUNTEERS WEEK

Several auxiliary hospital volunteers were present in the Council Chamber to receive, with their appreciation, a proclamation setting aside the week of October 9-15, 1978 as Auxilian Volunteers Week, which was read by Mayor Pro Tem Cooke. Those accepting were: Virginia Pargmann, Gerry DaSilva, Dee Emig, Grace Horstmann, Mary Lou Nuhn, Evelyn Pontesso and Robert Merriman.

LEGAL SECRETARIES WEEK

MS. JANEAN FERGUSON accepted the proclamation for the legal secretaries of Austin which designated the week of October 8-14, 1978, as Legal Secretaries Week and Wednesday, October 11, 1978, as Day-In-Court for Legal Secretaries. The Mayor read the proclamation and Ms. Ferguson expressed her appreciation.

OSTOMY AWARENESS MONTH

Councilmember Himmelblau read a proclamation naming the month of October, 1978, as Ostomy Awareness Month. MS. CAROL LAUBACH, R. N., and MS. BETH MOSLEY, R. N., thanked the Mayor and Council for the proclamation and made Mayor McClellan an honorary member of their chapter of the United Ostomy Association.

ALPHA DELTA KAPPA WEEK

Mayor McClellan read and presented the Alpha Delta Kappa Week proclamation to MRS. KERMIT F. RUSCH, who expressed her appreciation that the week of October 8, 1978, has been set aside as the week of observance.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for the Regular Meeting of September 28, 1978, and Special Meeting of September 27, 1978. Mayor Pro Tem Cooke asked that the record reflect that there was a memo from the City Clerk's office, dated October 3, 1978, noting a correction to the September 7, 1978, Minutes. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

LEASE AGREEMENT - AUSTIN SHOPPING CENTER, INC.

Councilmember Himmelblau moved that the Council adopt a resolution to execute a Lease Agreement with Austin Shopping Center, Inc., to provide for space for the Govalle Public Branch Library. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

RELEASE OF EASEMENT

Councilmember Himmelblau moved that the Council adopt a resolution to authorize release of the following easement:

A portion of a 7.5' public utility easement at the rear of Lot 1, Block A, Onion Creek Section 2 amended as recorded in Plat Book 70, Page 90, Travis County Plat Records. (Requested by Mr. James T. Watson, P. E., representing Mr. Bert Dement, owner)

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

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

CONTRACTS APPROVED

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

B & B LAND CLEARING COMPANY, INC. 8011 East Riverside Drive Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Construction of an underground Electric Conduit System for Springwoods Section 1 - \$42,575.12 C.I.P. No. 75/30-01
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

DRESSER INDUSTRIES VALVE & INSTRUMENT DIVISION Highway 71 North Alexandria, Louisiana	- Parts for Dresser Safety Valves, Unit #2 Decker Power Plant, Electric Department - \$5,776.70
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

ROBERT C. GRAY
P. O. Box 9442
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Montopolis Community Center Parking
Lot Improvements - \$21,711.54
C.I.P. No. 76/86-21

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

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

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

LEON GRIFFIN COMPANY
2153 South Lamar #201
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Parking Improvements, Mabel Davis
Park - \$21,096 C.I.P. No. 75/86-45

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

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

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

SECURITY GUARD SERVICE, INC.
4406 Russell Drive
Austin, Texas

- Twelve Month Security Service
Agreement for City Facilities -
\$74,514.01

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

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

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

HAWTHORNE CONSTRUCTION COMPANY
P. O. Box 95
Llano, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Montopolis Community
Public Health Center - \$179,967
C.I.P. No. 76/91-04

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

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

PROGRAM TO DEFINE HYDROLOGIC REGIMEN

Councilmember Himmelblau moved that the Council adopt a resolution to renew an agreement between the United States Geological Survey of the Department of Interior and the City of Austin for operation and management of a program to define the hydrologic regimen (surface and ground water quality and quantity) in the Austin Metropolitan area. (Cost \$254,000; City's share \$127,000) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

WATER QUALITY SURVEYS ON TOWN LAKE

Councilmember Himmelblau moved that the Council adopt a resolution to approve the United States Geological Survey to operate a motorboat on Town Lake for water quality surveys for the period October 1, 1978, through September 30, 1979. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

FLIGHT SERVICE BUILDING

Councilmember Himmelblau moved that the Council adopt a resolution to approve a lease with the Federal Aviation Administration for a Flight Service Building to be constructed by the City. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

ARCHITECT NAMED FOR FLIGHT SERVICE BUILDING

Councilmember Himmelblau moved that the Council adopt a resolution to select the architectural services of Emerson Fehr for construction of FAA Flight Service Building. CAPITAL IMPROVEMENTS PROGRAM No. 73/81-03. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

TRANSIENT TERMINAL AREA

Councilmember Himmelblau moved that the Council adopt a resolution to approve a restructured agreement with Ragsdale Aviation for the Transient Terminal Area. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Himmelblau commented that this agreement is much better than the one previously drawn up.

PASSENGER VAN FOR AREA AGENCY ON AGING

Councilmember Himmelblau moved that the Council adopt a resolution to accept supplemental Title III Older American Act funds in the amount of \$7,027 from the Capital Area Planning Council, Area Agency on Aging, to purchase one passenger van. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

AUSTIN/TRAVIS COUNTY SENIOR LUNCHEON PROJECT

Councilmember Himmelblau moved that the Council adopt a resolution to approve submission of a Sixth Year contract renewal request for the Austin/Travis County Senior Luncheon Project for Title VII Older American Act funds in the amount of \$297,960. (City's share \$35,479) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

WALK-IN COOLER FOR SENIOR LUNCHEON PROJECT

Councilmember Himmelblau moved that the Council adopt a resolution to accept from the Capital Area Planning Council, Area Agency on Aging, Title V Older American Act funds in the amount of \$3,540 to purchase a walk-in cooler for the Senior Luncheon Project. (Total funding \$4,720; City's share of \$1,180) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

TRANSPORTATION FOR ELDERLY PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution to accept an interim three-year renewal application from the Capital Area Planning Council, Area Agency on Aging, for Title III Older American Act funds in the amount of \$6,150 for the Transportation for Elderly Program. (Contracts period December 31, 1978 through February 28, 1979; total \$6,850; City's share, \$700.00) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

AGENDA ITEM WITHDRAWN
CETA TITLE III

Councilmember Himmelblau moved that the Council withdraw from consideration authorization to negotiate CETA Title III Youth Community Conservation Improvement Project Contract with Austin Urban League for \$37,425; SER-Jobs For Progress, Inc. for \$25,222; and Employment Service for \$18,713 to provide employment and training services in Travis County for the period October 1, 1978, through September 30, 1979. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

MATAGORDA COUNTY AND STNP

Councilmember Himmelblau moved that the Council adopt a resolution to authorize an agreement between Matagorda County and all the participants in the South Texas Nuclear Project wherein:

1. Matagorda County agrees to vacate to the South Texas Project certain portions of a road needed for the South Texas Project railroad.
2. South Texas Project participants agree to relocate the portion of the County road needed for the South Texas Project railroad.
3. Matagorda County agrees to vacate all roads located within the South Texas Project site.
4. The South Texas Project participants agree to dedicate a new road on the west side of the South Texas Project Electric Generating Site and to contribute to the cost of constructing the new road.
5. Matagorda County agrees to construct and maintain the new road to be constructed on the west side of the South Texas Project Electric Generating Site.

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

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

AMENDMENTS TO URBAN MASS TRANSPORTATION ACT

Councilmember Himmelblau moved that the Council adopt a resolution to authorize amendments to operating assistance grant contracts under Section 5 of the Urban Mass Transportation Act of 1964 for Project No. TX-05-4007-01 \$510,805 and Project TX-05-4030 in the amount of \$1,008,237. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

ITEM WITHDRAWN - PAVING POLICY ASSESSMENT

Councilmember Himmelblau moved that the Council withdraw consideration of the Assessment Paving Policy. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PEDESTRIANWAY PUBLIC HEARING SET

Councilmember Himmelblau moved that the Council set a public hearing on the proposed Austin Pedestrianway Plan for October 26, 1978 at 11:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PAY INCREASE FOR CITY EMPLOYEES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780105-D BY REVISING THE BASIC PAY PLANS FOR REGULAR CITY EMPLOYEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, 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 AMENDING ORDINANCE NO. 780105-E BY REVISING THE CIVIL SERVICE PAY PLAN; REPEALING ALL ORDINANCES ON CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES OF 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 effective immediately. The motion, seconded by Councilmember Goodman, 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 ORDINANCE AMENDMENTS

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 1-7, RUTLAND DRIVE BUSINESS PARK, SECTION 7, BOUNDED BY METRIC BOULEVARD, RUTLAND DRIVE AND CENTIMETER DRIVE; FROM INTERIM "A" RESIDENCE, INTERIM 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 DECLARING AN EMERGENCY. (Crow-Austin #3 a partnership, Bart Brown, General Partner, C14-73-161)

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 Goodman, 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 1-6, MCKALLA DRIVE BUSINESS PARK, BOUNDED BY MCHALE COURT, FM 1325 (BURNET ROAD) AND MCKALLA PLACE; 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. (Crow Central Industrial, Inc., C14-73-253)

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 Goodman, 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.

BOARDS AND COMMISSIONS

Mayor McClellan announced that Council would make several appointments to Boards and Commissions. The following motions and nominations were made and voted upon.

Arts Commission

Councilmember Himmelblau moved that the Council have the following people serve terms on the Arts Commission:

Beulah Agnes Curry Jones to August 1, 1979
Roslyn Martin to August 1, 1980
Luis Guerra to August 1, 1980
Christopher Harte to August 1, 1980
Richard Orton to August 1, 1980
Joan Holtzman to August 1, 1980
Helen Frantz to August 1, 1980.

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

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

Building Standards Commission

Councilmember Snell moved that the Council allow Mr. Bill Dorman, Chairman of the Building and Standards Commission to move from the Interested Citizen category to that of Home Builder, which was recently vacated. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Heating, Air-Conditioning & Refrigeration
Appeals Board

Mayor Pro Tem Cooke moved that the Council appoint Mike Chang and Jerold Jones to terms on the Heating, Air-Conditioning and Refrigeration Appeals Board, which will expire January 1, 1980. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Historic Landmark Commission

Councilmember Mullen moved that the Council appoint Eugenia Schoch to a term, ending June 1, 1979, on the Historic Landmark Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Vending Commission

Councilmember Himmelblau moved that the Council appoint Cathy Fairchild to a term on the Vending Commission, which will expire June 1, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Appointments to Be Made

Mayor McClellan announced that future appointments to be made next week are:

Building Standards Commission - 2
Electrical Board - 1
Vending Commission - 1
Community Development Commission - 2
Dental Health Advisory Committee - 2
Construction Advisory Committee - 4
MH/MR - 1
Parks and Recreation Board - 2

In addition, on November 2, 1978, the following appointments will be made:

Building Code Board of Appeals - 1
Building Standards Commission - 1
Elizabeth Ney Museum appointments
Medical Assistance Advisory appointments
Human Relations Commission - 7

CONTRACTS APPROVED

Council had before it for consideration three contracts under the Capital Improvements Program. They were for construction of wastewater system improvements for Boggy Creek, construction of Decker Lane 16-inch water transmission main, and construction of golf cart paths at Jimmy Clay and Morris Williams golf courses.

Councilmember Mullen questioned these because he said the engineer's estimates are coming in much higher than the actual bid. He said this is favorable but wondered "why are we missing the boat so far?" He wondered if there is such a difference, what value an engineer's estimate is. City Manager Davidson told him that the engineer's estimates are used as a guide so that Council can help determine whether or not the bids are reasonable. In the first case, he said, Mr. Johnson, Director of Water and Wastewater, had told him it was determined because of the number of bidders there were, and what is happening on the market place for this type of construction. Mr. Davidson continued, "We have seven bids on that item. On the next item we got 12 bids and he does say in that case that they feel the engineering estimate is a little low." Councilmember Mullen said, "I'm looking at an engineering estimate of \$275,000 and the person who got the job is at \$151,000 which is almost 150% below. And no bid out of the 12 came in above or at the engineer's estimate. Again, I am glad of that but I'm wondering why our engineers miss it so badly."

Mr. Curtis Johnson explained, on the Decker Lane water transmission main, that he felt the estimate was higher than he would have made it if he had done it personally. However, he said, the unit prices that did come in on the job were extremely good in comparison to recent similar type work. He said that

one of the difficult things for an engineer trying to make an estimate is to accurately read what is happening in the marketplace for bids at that particular time. His conclusion is that the contractors are less loaded with work and are taking a sharper pencil to figure their bids, and at the present time the City is reaping the benefits of it. Councilmember Mullen said he has a problem because if the estimates continue to come in high from the engineers, then Council may start passing everything because they would feel the low bids are favorable for approval. Mr. Murchison, Construction Management Department, pointed out the estimate for wastewater improvements for Boggy Creek was based on unit prices for the previous past work with escalation in the figure. He continued, "We did have eight bidders on this project. The previous past work had about 3 or 4 bidders and I too feel an estimate is just a scientific guess and we have difficulty in determining just where the contractors are going to bid these jobs."

Councilmember Mullen asked that the engineers sharpen their pencils so that their estimates are a little closer to what bids will be. He also said that if the marketplace is getting that good, the City should put a lot of the projects on board right away. City Manager Davidson said it depends. Some of the work in Mr. Johnson's department is coming in under the estimate and some of the work in the building type construction is coming in over the estimate, but he said Mr. Mullen is right, they need to fashion certain timing of the Capital Improvements Program to take advantage of a good market.

Motions

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

AUSTIN ENGINEERING COMPANY
P. O. Box 3255
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Wastewater System
Improvements, Boggy Creek (south) -
\$581,202.00 C.I.P. No. 73/50-26

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

ROBERT HURST COMPANY
9741 Highway 290 East
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Decker Lane 16-inch
water transmission main - \$151,928.50
C.I.P. No. 74/40-01

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

B. G. BOYD CONSTRUCTION COMPANY
6505 Brownwood Ct.
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of Golf Cart Paths at
Jimmy Clay and Morris Williams Golf
Courses, Phase II - \$46,071.89
C.I.P. Nos. 76/86-31 & 76/86-30

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

ON-SITE ENERGY AUDIT PROGRAM

Council had before it for consideration authorization to apply for a 12-month grant to operate an On-Site Energy Audit Program, from the National Center for Appropriate Technology. (Total funding \$35,536; \$21,171 federal and City's share \$14,365.)

Mayor Pro Tem Cooke asked for a report on this because he wasn't sure whether or not he was ready to vote on it. Mr. Buck Apelt, Director of Human Services, stated that this is an application which would basically provide an estimator to be working out of Building Inspection, coincidentally with the weatherization that is now running out of there. The person would be doing on-site audits of energy consumption in low income areas of town. He said they estimate that about 400 homes could be assessed by this person in a year, and it would be a one year project. There would be no continuing commitment on the part of the City to retain the position. Results of the audits would be made available to homeowners and to the Weatherization Advisory Commission to:

1. Enable the homeowners to undertake corrective actions to cut down on energy consumption in their home if they so desire, and
2. Enable the weatherization program and Weatherization Advisory Commission to target their activities.

Mayor Pro Tem Cooke asked how this issue will correspond with what Council will hear at 11:00 a.m. today re Energy Conservation Commission - Project Benchmark. It was decided to postpone further discussion on this until after the commission report is heard. Councilmember Himmelblau asked, "The City's share will be in-kind but would this take one position from Building Inspection or is this in the weatherization program that is already in progress?" Mr. Apelt said that this would involve a very small portion of a number of positions in the Building Inspection Department, like administration and clerical support, plus allocation for things like space, equipment usage, etc.

Later in the day Council resumed discussion of this item. Mayor Pro Tem Cooke asked if the Energy Conservation Commission has studied this. Mr. Apelt said he thinks the Commission is aware of it but it has not been formally

presented to them for discussion. Mr. Cooke said he thinks this falls in their realm of responsibility and they should be aware of it to give them a better idea of what the City is trying to do for energy conservation. He suggested that Council present this to the Energy Conservation Commission as an information item.

Motion

Mayor Pro Tem Cooke moved that the Council adopt a resolution to authorize application for a 12-month grant to operate an On-Site Energy Audit Program, from the National Center for Appropriate Technology. (Total funding \$35,536; \$21,171 federal and City's share \$14,365.) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

BRACKENRIDGE HOSPITAL COLLECTION ACCOUNTS

MR. BOYCE HORNBERG, President, Merchants & Professional Credit Bureau, appeared before Council to present a complete report on the company's handling of Brackenridge Hospital collection accounts. He told Council that they had copies of letters he had sent them and would not "belabor a lot of historical statistics, back from his original letter to the City Manager, to reputation and correction of figures that were originally supplied at the time the Claims Division was set up, and that the pursuing of Brackenridge Hospital collections be done through the City Claims Division. You have copies of my letter to the Mayor with supporting documentation and Mayor's answer back including Mr. Harris' reports and Mr. Kraft, plus my last letter to the Mayor.When you all were approached with setting up this new program, and I think documentation shows there were some errors made in information given to you, our company was charged with collecting delinquent accounts for Brackenridge Hospital since August, 1973.Last year we read an article in the Austin Citizen which set the figures considerably further apart from those we had. Since then, Mr. Kraft of the City Claims Division, has told me he has been able to reconstruct the \$1,000,000.00 error and that my company's figures were correct, but that the information passed from Brackenridge Hospital to the City Manager's office was in error. Also there was an error by some half million dollars in the actual amount that had been collected by our company...not even considering the three-quarters of a million dollars that our company has indirectly been responsible for recovering through claims, insurances etc., back to the hospital on a direct basis.The accounts that were placed with our company were considerably old, years and years old..... At the time when the accounts were being assigned to our company, they were generally nine months or so past dismissal from our hospital. The City Attorneys' claims division is now getting accounts at 90 days of age. Mr. Kraft, when visiting my office recently, said there is no way they would take them age-wise like we did because of the uncollectibility. The uncollectibility has not been a factor in our office because the way our people work with people and do budget counseling and work

with the consumers, although the story in the Citizen stated that they do nothing with small accounts. At that time, I went back to our November report and saw we were covered 977 payments in the month of November, 1977; 412 of these were \$10.00 or less. We have a lot of areas that were somewhat in disagreement figure-wise, but the main thing I would like, if you deem, this is going to sound wrong, but a million or so dollars I think is of consequence, even with a \$282,000,000 budget. Since we've not been able to all get together to discuss the same information at the same time and to come up with some procedures of what is best for the City, I would like if you would see fit to schedule a Council work session of some sort, and have the representatives of the City Attorney's office there with our company and sit down and explore what is really best for the City and where can the most money be recovered, as I've said, in a painless way for those citizens who don't pay their bills, but also for the citizens that do pay.We're talking about five years of documentation experience, a lot of disparaging or different type figures, and I think the only way it can be reconciled or resolved is to have some sort of informal discussion to determine what will be best for our City."

In answer to Councilmember Goodman's question as to what Mr. Hornburg specifically wants, he said, "I think it was an error, back at the time when the Council decided to change policy completely 100% and go totally with the claims division." Councilmember Goodman said, "We were certainly in error to do so without getting a transition period set up because we missed all those months altogether." Mr. Hornburg said that amounted to about seven or eight months with everything just sitting.

Motion

Councilmember Goodman made a motion to lay out the corrected figures along with the figures from the Merchants & Professional Credit Bureau before having a work session. The motion was seconded by Councilmember Snell.

Councilmember Himmelblau said, "I'd also like some more information on claims that are pretty much automatic, like Workman's Comp...."

Mayor Pro Tem Cooke, after determining that it would take two to three weeks to obtain the information requested, offered the following Friendly Amendment to the motion:

Friendly Amendment

"I think we need to share that information with Mr. Hornburg at that time and then we need to, at the next Council meeting after that have on the Agenda a decision regarding his request, and I'll amend the motion to that a friendly amendment." Councilmembers Goodman and Snell accepted the Friendly Amendment.

Mayor McClellan told Council, "We'll act one way or another on the following agenda as to whether to set up the work session."

City Attorney Harris stated: "Mayor, I would like to just make one comment here, and I appreciate your comments, Mr. Hornburg. We had a visit in my office yesterday with Mr. Kraft. The statement I would like to correct is

that it is a misimpression to make a statement that any money has been lost to the City in the switchover to the Claims Division. I think the overall impact, as Mr. Hornburg stated is that the accounts are now being pursued in an efficient and responsible collective effort at a much earlier time over all, and I believe that has increased the collectibility of those accounts to a very great degree. I think it's wrong to leave an impression on the record that any money has become less collectible because we have switched to the Claims Division. If anything, and it's not a reflection on Mr. Hornburg's effort, as he stated we're getting the account earlier to the collection stage and I think the money has become much more collectible not less so." Councilmember Goodman said he was addressing the transition period "we did not even begin to collect after we stopped referring accounts to MPB, in July or August, and then the next time the City started making any collections was January. Whether or not we lost any collectible accounts, it wasn't very smart business practice to suspend your collection procedures for about a six-month period. Whether or not we lost anything, we can't answer, but we know they would have been continued to be collected if we'd had a collection program in process for all of those months."

City Manager Davidson said, "Mr. Goodman, I doubt that because we weren't assigning accounts to his firm for six months anyway, so there's no lag.I agree, as Mr. Harris did, to imply the City lost money as a result of this process is not accurate. He made his statement and we will respond to it in this report but I agree with Mr. Harris, I don't think the impression ought to be left that way."

Mr. Hornburg told Council, "What I attempted to say, and it is sort of bearing out in Mr. Harris' report to you....where he stated that the longer accounts are past due the more uncollectible they become, my point being that while these were sitting for several months they were becoming more past due without any effort and that would be money that has been lost to the City."

Roll Call on Motion with Friendly Amendment

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

AID TO VICTIMS IN DISTRESS PROGRAM

MS. BARBARA SLAUGHTER had requested to appear under Citizens' Communications. She is the Acting Executive Director for Texas Council on Crime and Delinquency. Her purpose was to request funds for support of the Aid to Victims in Distress Program. MR. JOHN AUBACH, former Director for the Texas Council on Crime and Delinquency, appeared instead. He told Council that since last October they have been working with the Manpower Office, the Department of Labor, and with Council to get some changes in regulations governing CETA programs in Austin, specifically as they relate to administrative costs. He said that they believe CETA administrative funds should be paid from City funds rather than CETA funds. By administrative funds, he said, he means rent, utilities and printing.

Mayor McClellan asked if they could allocate 1978 CETA funds to this purpose. Mr. Buck Apelt, Acting Director, Human Services stated that the books were closed for CETA funds at the end of September. The Mayor then said that the only alternative would be the general fund, to which Councilmember Himmelblau voiced her opposition to its use for this purpose. Mayor Pro Tem Cooke commented that he is in sympathy with the cause and pointed out that the request for money for administrative costs had been made several months ago by the Texas Council on Crime and Delinquency and that time had run out before anything could be accomplished, which, he said, was not fair. Councilmember Trevino expressed concern that the Feds would penalize the City if such funds were allocated for administrative costs. Mayor McClellan asked if the amount requested is \$7,513.17. Mr. Apelt answered affirmatively. Discussion followed among Councilmembers regarding the pros and cons of funding money. Councilmember Trevino said he wanted to find out the financial impact, what Austin's policy is, and if we do have a policy, it should be followed. He continued that if we do have flexibility, then this must be done for all agencies. Councilmember Mullen, referring to Council's previous decision to fund the Veteran's Outreach Program administrative costs, stated: "The thing that concerns me, if we get back to fairness, is that we did do this once, and did it because we had a lot of pressure put on us by a large group of people. Unfortunately, or fortunately, the need was there and we went ahead and went with the program. If we are going to do that when we get pressure, we ought to do it, if we are going to be fair, to those like this man, who has been trying to bring this about for a year and try and find funds from general revenue sharing or somewhere else. But we should set out foot down, and say, this is it! We're not going to do it anymore. When you sign off, you're signed off, and don't come back to the City Council anymore."

Councilmember Goodman said he thought one thing that would help would be to amend the policy and follow the MAPC recommendation, limiting the money to strict operating costs. He said that if they introduced limitations to that extent, the impact would be minimal and if it occurs in the planning stage there will not be any impact on position or person being fired. Councilmember Trevino said he wanted to hear that from the staff. Mr. Apelt said that later, on the agenda, Council will receive a report on MAPC recommendations. Councilmember Cooke said that report (Manpower Advisory Planning Council - presentation of recommendations concerning administrative cost of CETA Title VI sub-contractors) should be heard before the decision before them can be made. Councilmember Goodman stated, "In answer to this question, in contrast to last time, let's not assume that it's going to be enacted today that every agency that has a contract is going to get a 15% administrative cost, because then you're going to tell us that too many people are going to have to be fired. And that's not the intent. The intent is to implement a slight policy revision which will occur during the planning process all year long, with the stipulation that nobody ever be fired."

Councilmember Trevino stated, "I'm very concerned about ordering staff to do something that the Federal government will come back and criticize us for. The program has been closed down and for us to provide money would be an exception and we would be severely criticized for it.However, a legitimate point has been brought up and I think Council should consider it, not utilizing CETA funds but utilizing some other....we have a very healthy ending balance and it would be in order to consider using monies from that source."

(Later in the day, after Council had heard the Manpower Advisory Planning Council report, they resumed discussion of the issue at hand.)

Councilmember Goodman said that he thought Council should find some way to give relief to the Aid to Victims in Distress agency for their administrative costs incurred during 1977-78, and treat that item independently. Councilmember Cooke said he would have a problem amending the general fund at this time. He said he knew there were some CETA funds left from last year, and did not know why Council cannot make an amendment and send it back to the Feds basing it on a policy change. Mr. Apelt told Council, "The reason we can't go back and amend this particular contract is the fact that not only the contract is closed down, but also the CETA books are closed out for expenditures in the last fiscal year. MS. JACKIE WILLIAMS, ESL Title III, told Council that there has been no authorization to spend any CETA dollars, although there is a pending resolution concerning same for FY 77-78. The money left over can be used to run the current programs from the various titles. She said that they had been told the continuing resolution should pass by the end of October. After more discussion, the following motion was made:

Motion

Councilmember Trevino moved that the Council amend the operating budget to assist the Aid to Victims in Distress program with \$7,513.17 out of the ending balance, with findings. The motion was seconded by Councilmember Goodman.

Councilmember Himmelblau stated that she is not willing to amend the operating budget.

Councilmember Mullen told Council he wanted to open up another approach to this, and said, "We may have been making mistakes in the past, and it may be a matter of judgement, but I for one don't want to continue if it is. I have a five page memo here, a brief...State law says 'only in the case of grave public necessity' can we amend a budget. 'Emergency expenditures to be unusual and unforeseen conditions which could not by reasonable diligent thought and intention have been included in the original budget.' So it appears to me that in the past we have not lived up to that law. Our own Charter says basically the same thing and to come back in two weeks after we looked at a budget and say this is a grave emergency, and a grave necessity, I cannot go for that. There are many things we have done in the past that may have been slipped by and it was convenient and nobody challenged us, but I think that is going to change and I for one do not want to be a part of amending a budget unless it fits the criteria set by the State." Councilmember Trevino said that Council has been challenged before on that particular statement, and "if I'm not mistaken the Court has ruled that Council determine what it considers to be an emergency." City Attorney Harris said that the City has had a challenge, "not to this particular aspect of this item, but just in normally passing an ordinance as an emergency, the Charter says that if you pass it as an emergency, state the nature of the emergency, then an ordinance will be effective immediately. We had that challenged and the Court said in that case if the City Council states, in the Charter language, that it is an emergency and states the nature of the emergency, then that would be uncontestable in Court.

Now, this is a different type of emergency situation, and I think what we have to state in order for budget ordinances to be technically correct is that it's a grave public necessity and that this is an emergency expenditure to meet an unusual and unforeseen condition which could not have been, by reasonable diligence, thought and attention been included in the original budget."

"In fact," said Councilmember Goodman, "we have had this request pending since before adoption of the budget, and part of the reason that it's an emergency is that it's part of the continuation of the budget hearings we had in progress." Councilmember Himmelblau said, "I don't think there was ever any thought on taking it out of the operating budget."

More discussion followed; Mr. Aubach was asked what would happen to the program if they did not receive funds. He answered that if the money was not obtained by October 15, the staff would be laid off, the office closed, and a 25-year program would come to an end. Councilmember Himmelblau asked who was been carrying the program for 25 years and Mr. Aubach told her it has been the United Way and private gifts.

Roll Call on Motion

Ayes: Mayor McClellan, Councilmembers Goodman, Snell, Trevino

Noes: Mayor Pro Tem Cooke, Councilmembers Himmelblau, Mullen

At the time of roll call the following statements were made: Mayor Pro Tem Cooke, "I still feel that the administrative charges should be paid out of the program which is primarily a Federal contract. I feel like the intent of the law was served when they served notice with the City of Austin. I'm still having a great deal of trouble understanding why that can't occur, but I don't want to amend the ending balance. I don't feel like the situation is grave as far as the ending balance, and I think it ought to come out of Federal funds." Councilmember Himmelblau, "I feel it's improper to amend the operating budget at this time." Councilmember Trevino, "Like Mr. Cooke, I wish that we could get it out of Federal funds but we are being told repeatedly that we may be in violation of Federal guidelines." Mayor McClellan: "I believe it is of an emergency nature." Mr. Cooke added that HUD should be given all the facts... that this was considered all year.

PUBLIC HEARINGS SET CAPITAL CITY TRAP & SKEET CLUB AUSTIN RADIO CONTROL ASSOCIATION USE OF LAND AT LAKE WALTER E. LONG PARK

Council had a request from the Capital City Trap and Skeep 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.

DARRELL KAPPERELI, representing Capital City Trap and Skeet Club, appeared before Council to state that there are no adequate facilities for trap and skeet shooting in the Austin area. He said there were no locations for

hunter safety programs either and that what they planned would be pilot program for the state. Mayor McClellan told him that the neighbors in the proposed area have expressed concern about the project and have requested a public hearing.

Motion

Councilmember Goodman moved that the Council set a public hearing for November 2, 1978, at 2:00 p.m. on the request from the 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. The motion was seconded by Councilmember Snell.

Councilmember Himmelblau asked, "If the state is in accord, why isn't this put in a state park out on Onion Creek?" Mr. Kappereli said they had not asked the state for that, basically their group is a bunch of shotgun enthusiasts who come to the city for their program and when they found out they could get Federal money which could be spent by the state, they then went to Parks and Wildlife. They told them they had been working with the City and that the City has some property which they can use...then the State would help them with the rest of the money. He said it would be a combined program. Councilmember Himmelblau pointed out, "We do have a land use map that was developed because of the Federal funds that were asked for in the development of the park in its initial stage. If we are going to have a hearing, this can be presented then, but I think we have some problems as to what has been done in the past."

At this point, Mayor McClellan introduced Mr. Ehrler, newly appointed director of Parks and Recreation, who was in the Chamber audience.

Councilmember Goodman asked if staff could report to Council any alternative sites that may be available.

Mayor McClellan told Council that this public hearing should be rolled in with one on:

Request from the Austin Radio Control Association to develop use on an approximately thirty (30) acre tract of land near the northwest corner of Lake Walter E. Long Metropolitan Park for the purpose of flying radio controlled model aircraft.

Councilmember Himmelblau asked what Federal funds have been received or applied for in connection with the land use program out there....Federal funds in the past at the initial stage of the park development. Mr. Mike Segrest, Parks and Recreation Department, said the land was acquired with a matching grant from Housing and Urban Development Department. He said that a letter has been submitted to them asking for their reaction to the proposal to use the land for these purposes. No response has been received as yet.

Councilmember Snell stated, "I would also like to include this item under the City Manager's report, possible use of land at Lake Walter E. Long, which is on the agenda today, in the public hearing."

Mayor McClellan asked if there was anyone in the Chamber audience who wanted to speak to the request from the Austin Radio Control Association, because Council was getting ready to roll both requests, concerning the same area into one motion for a public hearing, and also include the City Manager's report.

MR. CHARLES NEUENSCHWANDER told Council that they would have like to have presented their communication this morning, but they can wait.

Roll Call on Motion

(To set public hearings for November 2, 1978, at 2:00 p.m., on the 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; also on the request from the Austin Radio Control Association to develop use on an approximately thirty (30) acre tract of land near the northwest corner of Lake Walter E. Long Metropolitan Park for the purpose of flying radio controlled model aircraft; also on the City Manager Report on possible use of land at Lake Walter E. Long Park.)

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

Noes: None

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

ACORN

MS. MALONE and YOST, representing Austin ACORN (Association of Community Organizations for Reform Now) appeared before Council requesting to present a motion to intervene in the pending rate increase request by Southern Union Gas Company, and request that the Council extend the October 12, 1978, public hearing in the rate increase into the evening hours in order that more citizens will be able to attend. Mayor McClellan asked City Attorney Harris to speak to the intervention status. He said, "That's all in order. They have filed the formal document requesting to intervene with the City Clerk and they will be participating in the hearing and I believe that gives them full status just as any other citizen, to come before the Council to participate in the case and present testimony, or what have you." (Ms. Dorothy Malone and Ms. Beth Yost)

Motion

Councilmember Goodman moved that the Council continue at 7:00 p.m. the October 12, 1978 public hearing on the request of the Southern Union Gas Company for a rate increase; public hearing scheduled to begin at 2:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll is called: Mayor Pro Tem Cooke

The members of ACORN and all other citizens are extended all rights of intervention and to be parties to this proceeding as they are entitled to.

GROOMS STREET NO PARKING REGULATIONS

MR. BENTON YANTIS appeared before Council to discuss the recent "No Parking regulations" on Grooms Street from 31st to 32nd Streets. He asked Council if implementation of the no parking regulations can be delayed until the citizens can be heard, and passed pictures to the Council showing the streets in his area as well as Grooms Street. Mr. Ternus, Director of Urban Transportation, told Council and Mr. Yantis that he will be happy to visit with the neighborhood. He said there is a severe safety problem now existing in the street because with parking on both sides, there would be no room for an emergency vehicle to get through. Councilmember Goodman thought this would be a good idea. Mayor McClellan said that she would like a report on the possibility of a one-way street, and Councilmember Goodman asked for a traffic count on Grooms Street.

PARADE PERMITS

Mayor Pro Tem Cooke moved that the Council approve a parade permit for MR. REED L. COKER for Veterans of all military branches of service, from 9:30 a.m. to 10:30 a.m., Saturday, November 11, 1978, beginning from 2nd and Congress to 11th Street. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Mayor Pro Tem Cooke moved that the Council approve a parade permit for ANITA SPAIN for Crockett High School Student Council, from 2:30 p.m. to 4:30 p.m., Friday, October 27, 1978, beginning at Burger Activity Center on Jones Road, east to Manchaca, right on Manchaca, south of Crockett High Parking Lot. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Mayor Pro Tem Cooke moved that the Council approve a parade permit from ERASMO ANDRADE for Mapelwood Community Education Advisory Council from 1:00 p.m. to 2:00 p.m., Saturday, October 21, 1978, beginning east on Schieffer Avenue, turn north on Wilshire Boulevard, around Patterson Park, south on Brookview Road through Patterson Park. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Cooke moved that the Council approve a parade permit from THOMAS F. CRAIG for National Federation of the Blind of Texas, from 11:00 a.m. to 1:00 p.m., Sunday, October 15, 1978, beginning at Congress Avenue Bridge, up Congress to Capitol grounds. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Cooke moved that the Council approve a parade permit from DEANNE SHORT for Anderson High School student body, from 5:00 p.m. to 6:00 p.m., Wednesday, October 18, 1978, beginning at north parking lot, travel east on Cima Serena, turn north on Tallwood, west on Hyridge, south on Silver Ridge, west on Emerald Hill, and continue south on Silver Ridge, east on Steck and enter Anderson High south parking lot. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

PUBLIC HEARING ON ANNEXATION

Mayor McClellan opened the public hearing scheduled for 10:00 a.m. to consider annexation of and directing the administration to institute annexation proceedings to annex the following:

10.67 acres of land out of the Henry P. Hill League. (Requested by owner - Case No. C7a-78-002)

Mr. Lillie gave a presentation to the Council. Councilmember Himmelblau asked that the Planning staff look at the possibility of corridor annexation along Loop 360. She said that it had nothing to do with this particular annexation but thought it was appropriate to bring it up at this time.

No one appeared to be heard.

Councilmember Mullen moved that the Council close the public hearing and proceed with annexation ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PUBLIC HEARING ON AMENDMENTS
TO ZONING CODE

Mayor McClellan opened the public hearing scheduled for 10:30 a.m. to consider passage of proposed amendments to Chapter 45 of the Austin City Code (Zoning Ordinance) as follows:

- a. Expanding the area covered by the Central Business District Parking Area described in Section 45-30(a) of the Austin City Code.
- b. Revising the off-street parking space requirements in the Central Business District Area described in Section 45-30(a) of the Austin City Code.
- c. Establish a Central Business District Area Parking fund.

Mr. BILL MOORE, Chairman, Urban Transportation Commission, presented the following report:

"At our October 4, 1978, meeting, we considered the specific ordinances which would revise the off-street parking requirements in the Central Business District and establish a Special Central Business District Parking Fund. We unanimously recommended approval of these changes to City ordinances because we believe the proposed change will be an incentive to central City revitalization and are consistent with the transportation goals of the City.

"We would like to call your attention to the timetable for implementation of the CDB Parking Plan and a Central Area Circulation Plan. It is essential that approval of these ordinances is followed by an aggressive program, as outlined in the schedule, for the improvement of parking and transportation in Central Austin.

"With this concern in mind, we recommend your favorable consideration of these ordinance changes."

Councilmember Himmelblau asked how the \$5,000 per parking space figure was arrived at. He said that figure was based on the cost for spaces in multi-storied parking garage construction. Mrs. Himmelblau asked what the amount would be as it escalates. Mr. Joe Ternus, Director of Urban Transportation, stated that several construction costs were identified, and they ranged from \$3,800 per space to \$6500 per space. There were considerable amounts of construction costs in the range of \$5,500. He said that the \$5,000 was the figure they felt

most appropriate, but that they did not know how much money would be accumulated. It could be none, or there could be millions of dollars. Mrs. Himmelblau asked if this would be punitive. Mr. Ternus answered that he did not think so. Looking at the whole package, the exemption of the parking requirements gives a break to start out with. The remaining spaces can be provided on site or within 800 feet if this ordinance is approved, or, through contributions to the fund, or combinations thereof. So, he said, a person is not required to contribute to the fund. For example, if a facility required 100 off-street parking spaces, and you are in the Lavaca-Guadalupe area with 60% exemption, 60 spaces would not be required to be built. The requirement would be to provide 40 spaces. That can be provided either by 40 spaces on-site or within 800 feet or the equivalent of those 40 spaces, 40 x \$5,000 contributed to the fund, or any combination thereof. Depending on the design of the site, the usage of the site..they may decide to go with 30 on-site spaces and 10 spaces contributed to the fund would be \$50,000. Development will depend on the economics and usage of the individual site.

Councilmember Trevino said he understood what is being attempted but wonders if they are being too severe. Instead of encouraging revitalization of downtown, he said they may be running people away.

(Continued after following special news.)

GOOD NEWS FOR AUSTIN

Mayor McClellan interrupted the above discussion at 11:00 a.m. to read a news release to the Councilmembers and Chamber audience. She said that the news, which was coordinated with release to the media, was especially good for Austin. The release which she read is as follows:

"Mayor Carole Keeton McClellan announced today that a final settlement has been reached in the dispute over nuclear fuel for the South Texas Project's nuclear generating station. Houston Lighting and Power, Project Manager of the Plant, had filed suit against Westinghouse on behalf of the project participants. The settlement of this litigation assures a nuclear fuel supply for the project on terms very favorable to the participants and their customers who will receive electricity from the plant.

"Conservative estimates indicate that the settlement will provide for recovery of at least seventy-six percent (76%) of the value of the participants' claim against Westinghouse. This is based on the settlement provisions providing to the participants uranium, equipment and services valued in excess of \$300,000,000. If all the items in the settlement develop to their fullest potential, the value of the settlement to the participants could substantially exceed the \$300,000,000 figure.

"I am attaching a detailed explanation by the City Attorney that points out the value of the settlement to the South Texas Project is substantially greater than the out-of-pocket costs to Westinghouse.

"Under the terms of the settlement agreement, the South Texas Project will receive:

Fuel fabrication services for a certain period at no cost, and for an additional period with discounts provided against the purchase price,

2.3 million pounds of uranium under a Court-ordered allocation plan at prices originally quoted,

6 million pounds of uranium at production costs,

1 million pounds of uranium at a discounted price,

Certain other services and equipment with discounts provided against the purchase price, as well as

\$1 million in cash within thirty days, and

An option to take advantage of a new 'Optimized' fuel design, partially at no charge and partially at discounted rates.

"In addition, the project may, under certain circumstances, obtain at favorable prices as much as 4.5 million pounds of uranium which may be produced by Wyoming Minerals Corporation, a Westinghouse subsidiary.

"Also, the settlement provides for the possibility of project participants receiving a portion of any recovery Westinghouse might receive in certain antitrust litigation.

"The suit against Westinghouse was filed in 1975 following an announcement that Westinghouse would be unable to honor uranium agreements. Judge Robert R. Merhige, Jr., of the U.S. District Court for the Eastern District of Virginia, who presided over the trial consolidating eight of the cases against Westinghouse, signed the order approving the settlement agreement."

Mayor McClellan pointed out three further things: The Westinghouse settlement has short and long term tangible benefits to this City.

1. The nuclear fuel inventory item in the 1978-83 Capital Improvements Program that we just adopted will be reduced, the exact amount of the reduction is not known at this time, but will be available in 30-45 days, however, we expect Council will be able to lower our nuclear fuel inventory requirements by \$10-15 million dollars.
2. The settlement will allow the City to avoid \$40-50 million dollars in fuel costs over the 16 years of the settlement.
3. This assures Austin and other participants of an assured fuel supply at very favorable terms.

At this point members of the press asked a few questions which City Attorney Harris answered. Councilmember Goodman asked when the next cost overrun for the plant will be announced. He said he is pleased with the settlement, but asked this question. Mayor McClellan answered that they have already received notice that there will be more cost overruns. City Manager Davidson said that they have reported to the Council that sometime in October they will have a report on the new cost estimate and an estimate as to the timetable for completion of construction and putting the project on line. Mayor Pro Tem Cooke commented that it's only a bad deal if it is going to cost the rate payer more than other sources of fuel and he said he thinks that is yet to be determined. Councilmember Mullen stated that with this settlement there will be no doubt that the rate payers will come out way ahead. He said he is very pleased with the settlement. Mr. Cooke commended the City staff because he said he knew a lot of legal work had been done by them. The Mayor added, "We are absolutely delighted with this settlement."

PUBLIC HEARING ON AMENDMENTS TO ZONING CODE
(Continued)

Councilmember Trevino asked Mr. Ternus, "In the event the Council adopts this recommendation to pay \$5,000 a space, what would be the time period that a business would have to buy the spaces?" Mr. Ternus answered, "First of all it is not a requirement and I think that needs to be clearly stated. This is not a mandatory requirement that's being placed into the ordinance that you must pay the \$5,000. It's an option that an individual who desires to use it would have to pay in order to get occupancy. So, he said, he thought they would have the time until they occupied the parking facility to pay. Mr. Ternus also said they could look into the possibility of a pay-out plan. Councilmember Himmelblau said, "This is what I alluded to when I said this was fairly stiff, and I still feel that way." Mr. Ternus told her that the amount is a recommendation but it is up to Council to establish the cost.

MS. MARIE HANNA, property owner in the central area, appeared before Council and predicted that this parking plan will kill the central city. She said taxes are high, and asked how a merchant can pass on their costs if they cannot raise the rent. When Mayor Pro Tem Cooke asked what her main concern is, she answered that it is basic....money! that individuals will have to put out.

DOUG MARTIN, who owns a business on Lavaca, asked how the percentage of parking spaces required by each business in a parking garage had been arrived at. Mr. Ternus answered that it was by the existing parking demand and supply.

ANN NALLE appeared before Council and asked where the parking garages will be built. Mr. Ternus said that he could not speak to this today, but will come back in 2 to 3 months with specific site recommendations.

ALLEN MINTER, represented the 15th Street Building Partnership which is constructing the University State Bank. He proposed expanding the area covered by the central business district parking as described. He said they would be the only central bank excluded from the CBD and they would like the equal protection and benefit of the new proposed expansion of off-site parking.

Councilmember Goodman said that he thought Council would consider expansion since the bank is in a unique situation.

Motions

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-30 OF CHAPTER 45 OF THE AUSTIN CITY CODE, ESTABLISHING FOUR (4) AREAS WITHIN THE CITY WHICH WILL BE PARTIALLY EXEMPT FROM THE OFF-STREET PARKING REQUIREMENTS AND IN WHICH REMAINING OFF-STREET PARKING REQUIREMENTS MAY BE SATISFIED BY EITHER OFF-STREET SPACES OR BY CONTRIBUTION TO A SPECIAL CENTRAL BUSINESS DISTRICT PARKING FUND; EXEMPTING ALL HISTORIC ZONED SITES AND ALL BUILDINGS OF LESS THAN FOUR THOUSAND (4,000) SQUARE FEET OF GROSS FLOOR AREA FROM ALL OFF-STREET PARKING REQUIREMENTS; AUTHORIZING THE PLANNING COMMISSION TO ESTABLISH OFF-STREET PARKING STANDARDS FOR JOINT/MIXED USES, CARPOOLING/TRANSIT PASS PROGRAMS AND BICYCLE/MOTORCYCLE USES; AND REQUIRING THAT OFF-STREET PARKING SPACES BE LOCATED WITHIN EIGHT HUNDRED (800) FEET OF THE PREMISES THEY ARE TO SERVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: Councilmember Mullen

Abstain: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1967 CODE OF THE CITY OF AUSTIN, ESTABLISHING A SPECIAL CENTRAL BUSINESS DISTRICT PARKING FUND TO BE ADMINISTERED BY THE DIRECTOR OF FINANCE AND ESTABLISHING THE PURPOSES OF THIS FUND; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: Councilmember Mullen

Abstain: Councilmember Himmelblau

Councilmember Goodman moved that the Council direct staff to prepare a special report on the reduction of fees, expansion of the area, and raising exemptions in the Central Business District Area Parking. The motion, seconded by Councilmember Snell, carried by the following vote:

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

PUBLIC HEARING ON STREET VACATION

Mayor McClellan opened the public hearing scheduled for 10:45 a.m. on vacating the following and passage of Ordinance:

A portion of NASCO DRIVE between NORTHLAND DRIVE and ALLANDALE ROAD.
(Requested by Mr. J. Herschel Kelley, Trustee, representing Allandale Baptist Church.)

Mr. John German, Director of the Public Works Department, told the Council that all City departments have reviewed the request. He stated that certain requirements have been placed upon the request but that these requirements have been met by the applicant. Some of the requirements include the dedication of additional right-of-way on Allandale Road, filing of a short form subdivision, fiscal arrangements for curb and gutter, relocation of storm sewer inlets in the street and the payment of \$12,470.20 for the vacated right-of-way. Mr. German stated that the Urban Transportation Commission has considered the matter but has decided to postpone action until a pending law suit is resolved. He stated also that the Planning Commission considered the request on August 22, but that they had a 3-3 split vote to, first, postpone the matter and secondly, to approve the request.

MR. DOREN ESKEW, representing 100% of the owners of all of the property for the one block on Nasco Drive, spoke before the Council. Mr. Eskew indicated that it was the staff recommendation that approval of the application be granted. He pointed out that there would be additional improvements in traffic management that would result from the vacation of Nasco Drive. Mr. Eskew distributed to Council copies of the short form plat representing the area in question.

Mr. Eskew felt that the question at hand was what is the public's interest, and not the interests of Allandale Baptist Church. He stated that the question was one of whether the general public was going to be best served by eliminating the "trap" that now exists at Nasco Drive and Allandale Road. He stated that persons coming north on the particular block of Nasco Drive, come into a blind intersection which is created by double curves in Allandale Road. Mr. Eskew pointed out that Allandale Road is a very congested street due to the fact that it connects F.M. 2222 and MoPac in the west to I.H. 35 and U.S. Highway 290 in the east. Mr. Eskew stated that the Allandale Baptist Church would be willing to follow the recommendation of the City Traffic Engineer as to the safety aspects pertaining to the street. He pointed out that the Church is willing to dedicate additional right-of-way for the elimination of the awkward movement from Northland Drive to Allandale Road, beyond what is shown on the plat. Mr. Eskew stated that most everyone who uses the street is either attending the Church or going to its school. He felt that the petition which was presented to Council opposing the street vacation was unfortunate. Mr. Eskew presented the Council with an additional page to go with the petition. The page read as follows:

"We, the undersigned residents of Allandale, strongly oppose the closing of Nasco and the replatting of the properties on Nasco and the destruction of the single-family character of the neighborhood by any property owner, including the Allandale Baptist Church."

Mr. Eskew stated that this was the position of the Church and would remain the position of the Church. He stated that the Church did not want to change the residential character of the neighborhood, and that the Church would be opposed to the closing of all of Nasco Drive. Mr. Eskew stated that the Church would be in opposition to the replatting of all the properties on Nasco Drive. He pointed out that all of the persons who signed the petition were misled as to the Church's true position in the matter. Mr. Eskew stated that a majority of the property owners in Section IV have already consented to the use by Allandale Baptist Church, of all of its property south of Allandale Road for Church purposes, for off-street parking and for educational purposes. Mr. Eskew indicated that the Church was not asking for a gift, but wanted a vacating Ordinance declaring that the property is no longer needed for public purposes.

MR. BILL MOORE, Chairman of the Urban Transportation Commission, told the Council that the Commission could not base a decision until the neighborhood resolves issues that are currently pending in the matter. Mr. Moore stated that the Commission recommended taking no action on the street vacation until the other questions in the matter are totally resolved. Councilmember Himmelblau felt that the philosophical aspects in the matter had no relevance to the traffic safety considerations and felt that the Commission was derelict in its duty by not coming to the Council with a recommendation. Mr. Moore stated that he would inform the Commission of Councilmember Himmelblau's feeling in the matter. Mayor McClellan stated that the Council did not want the Urban Transportation Commission to become involved with philosophical matters.

City Attorney Jerry Harris stated that a temporary restraining order was applied for by the Allandale neighborhood residents but that this was denied. He stated that this suit was being appealed to the Court of Civil Appeals and that arguments in the case will probably be heard around October 25th. Mr. Harris stated that no matter what the ruling is on this case, the assumption is that the case will have a hearing on a permanent injunction at some time at the trial court level, and that there is some possibility that it will go to the Court of Civil Appeals and the Supreme Court after that. Mr. Harris, in reference to statements made by Mr. Moore, indicated that sometimes land use will effect the need for a street or the lack of need for a street and that the outcome of the law suit could provide the only definitive answer to the question as it relates to the existence or non-existence of Nasco Drive. He stated that the Council would not be able to resolve the merits of the case because the matter is in the hands of the Court.

Mayor McClellan asked what the applicants' plans were if they lost their case at the appellate level. Mr. Eskew indicated that the restriction does not apply to the vacated portion but to the area east of the vacated portion. Councilmember Goodman felt that the Urban Transportation Commission was not derelict in its duty because it did not have enough information upon which to base a decision. Councilmember Goodman felt that the Commission had indeed made

a recommendation in advising the Planning Commission to postpone action on the matter until litigation action is resolved. Councilmember Goodman felt that the question at hand was whether the street vacation would serve the immediate residents of the area. Mr. Eskew felt the question at hand was whether the street vacation served the public interest in general. Mr. Eskew felt that the Urban Transportation Commission outstepped its authority by involving itself with the philosophical aspects in the matter.

MR. BILL CASTILLE stated that it would be advantageous to the safety of school children if the street is vacated.

MS. JANICE KINDLE also spoke in favor of vacating Nasco Drive.

MR. JOHN SCANLON, representing the plaintiffs in the litigation, told the Council that if the property is vacated to the center of the street, all of the lots will retain their single family residential restrictive character on them. He stated that the fact that the land use for the property is so restricted is the basis for the litigation. Mr. Scanlon pointed out that if Nasco Drive is vacated, all of the lots fronting onto Nasco will not be on a public street. He recommended that the Council postpone any action on the matter until such time that the litigation is settled. Mr. Scanlon indicated that the neighborhood had made a reasonable effort to reach some compromise with the Church, but that they were unable to get anywhere with them. He reminded the Council that the Urban Transportation Commission had indeed recommended to postpone action until the litigation is resolved. He indicated that the proponents had also failed to convince the Planning Commission that the street should be closed.

In response to a question from Mayor McClellan, Mr. Scanlon stated that if the street is vacated, the land use of the property will be restricted and that this was their main area of contention. Mayor Pro Tem Cooke asked what position the City of Austin would be in if the street is vacated and the suit is won at the appeal level. City Attorney Harris indicated that the City would have to give up a public street and would have more money in the City Treasury as a result of the vacation.

Mr. Scanlon indicated that unless a certain easement right could be obtained, the property could not be re-subdivided into one lot. Mr. Harris indicated that there has been some disagreement over this particular point, and that this may be another matter of litigation. Mr. Eskew stated that the Courts will not exercise trustee authority for the City Council. He stated that the public need for vacation of the street is a matter which only the Council can resolve. Councilmember Goodman asked how many homes have been removed from the property that has been purchased within the last two years. Mr. Eskew indicated that all have been removed except for 2-1/2.

MR. ALLEN McMURTRY, representing the Allandale Neighborhood Association, told the Court that of the 160 homes visited within the area surrounding Nasco Drive, 92.5% opposed the vacation of the street. He stated that they then went the entire length of Nasco and visited some 83% of the homes in the area. In this category, 95% of the area residents opposed the vacation of the street. Mr. McMurtry stated that the Association has passed two resolutions:

1. Opposing the destruction of the neighborhood by the Allandale Baptist Church.
2. Directly opposing the vacation of Nasco Drive.

He indicated that the Association passed the first issue by a more than 90% majority and, on the second issue, the Association voted unanimously to oppose vacation of the street. Mr. McMurtry indicated that they had solicited the help of an independent Professional Engineer who determined that Nasco Drive had no undue safety hazards on it, that safety hazards should not be considered as a reason for vacating the street and that keeping Nasco Drive open to motorists does not cause any undue risk to motorists or pedestrians.

MR. DICK SHOCKET, a member of the Environmental Board, felt that the street vacation would cause damage to the neighborhood which could perpetuate flight to the suburbs. He stated that there is a need to keep inner-city neighborhoods vital. Mr. Shocket felt that, due to the expanding size of the Allandale Baptist Church, the Church was fast becoming a menace and a nuisance to the neighborhood. Mr. Shocket suggested that by the City Council not granting every request to come from the Church, that the Church might be compelled to relocate to another area where it would have adequate space and facilities to have the programs it wanted to. Councilmember Himmelblau did not feel that Mr. Shocket's statements addressed the merits of the case. Councilmember Snell felt that the effects a street vacation would have on the neighborhood was very vital to the case in general.

MR. DAVID BOULDIN pointed out that there is higher traffic usage along Nasco Drive than there is on Bull Creek. Mr. Joe Ternus, Director of the Urban Transportation Department, indicated that there is as much traffic if not more on Nasco Drive than there is on Bull Creek. Mayor McClellan felt that the real issue was is there a need for a public street.

MR. KIP HENRY, a resident of Nasco Drive, indicated that he used the street at least five days each week.

MR. E. C. STOCKTON told the Council that neighborhood residents felt infringed upon by the Church expansion. He stated that the closing of Nasco Street would cause more traffic congestion on Allandale Road from cars trying to turn into the Church. Mr. Stockton stated that it would be much harder to reopen the street once it is closed.

MS. SHIRLEY ROGERS spoke in opposition to closing Nasco Drive. She stated that the street is a very useful collector street for traffic coming from the north. Ms. Rogers stated that it was difficult to understand how preserving and maintaining a residential neighborhood can be accomplished by removing houses and closing streets. She felt that the size of the Allandale Baptist Church did not make it compatible with the residential neighborhood.

MS. JULIE EWALD stated that uncontrolled growth is not desirable. She felt that the Church needed to be made aware of that.

MR. JIM PIPER felt that the Council could not make a decision in the matter until it knew what the specific land use of the property would be.

MR. CHARLES WADE felt that the question at hand was what was the Church's rights in the matter versus the rights of private residents in the area. He suggested that the possibility of erecting new churches in different locations as an alternative to expansion be looked into.

Mr. Scanlon pointed out that the restrictive covenants could be amended, but that the matter before the Court in litigation was whether they were properly done. Mr. Eskew pointed out, in reference to comments made by Mr. Charles Wade, that the Supreme Court has handed down a ruling which provides that the freedom of assembly and worship are vital to the country. He pointed out that the Council has had valuable expertise from staff recommending that the street be closed. Mr. Eskew proposed that the vacation of Nasco Drive would have no adverse effect on traffic safety. He also pointed out that the traffic count taken along Nasco Drive was erroneous. In response to a question from Councilmember Himmelblau, Mr. Eskew stated that those who have the professional competence to do if the street is vacated, can then say that all of the traffic coming and going to Allandale Baptist Church is going to have to come and go at a particular location. He stated that if Nasco Drive remains open, then the City could make it one-way north or one-way south or prohibit parking on one side or the other. Mr. Eskew stated that if the street is closed, then all of the traffic that is generated to the Church would be required to come and go at access points that the City dictates it shall observe, rather than at Nasco Drive. He stated that the Church will abide by the decision of the traffic engineer as to what the proper points of ingress and egress should be.

Councilmember Goodman stated that by not vacating the street, it would not be the intent of the Council to restrict, in any way, the freedom of religious assembly, but to further promote the pursuit of personal happiness for the neighborhood residents in the area. He hoped that the Council would leave it to the Courts to decide the legitimacy of zoning laws.

Motion

Councilmember Goodman moved that the Council postpone any action on the matter until the Council receives a ruling from the Courts on the status of the land use for the property. The motion was seconded by Councilmember Trevino.

Councilmember Mullen felt that the Council should recess for lunch prior to discussion on the matter of vacating Nasco Drive. Councilmembers Trevino and Snell felt that the Council should not recess until some kind of decision was reached.

Roll Call on Motion - Failed

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

Mayor McClellan stated, for the record, that the Council was neither anti-Church nor anti-neighborhood. She felt that the real issue was whether there is a public need for the street. She felt that litigation, as such, could go on for a long time and that the Council already had recommendations from the City departments. Mayor McClellan felt that to delay a decision would displease everybody and therefore voted "no" to the motion as made by Councilmember Goodman.

Motion

Councilmember Mullen moved that the Council close the public hearing and vacate Nasco Drive. The motion was seconded by Councilmember Himmelblau.

Councilmember Mullen made the following comment: "And I certainly say 'amen' to what you said. I went back in the back room and said, 'Well, this is one of those that you're going to make a lot of enemies on, no matter what you do.' And no matter how conscientiously you look at the subject, whether it's from you gentlemen or this side, it's a tough one."

Councilmember Goodman made the following comment: "I think it's unfortunate that the decision is being made not on information but on political appeal."

Councilmember Himmelblau made the following comment: "I think that the.. I'm looking at it strictly as what merits a street vacation and what policies have been in effect in the past. Particularly when the ownership has taken in both sides of the street that's being asked to be vacated. And that's what I have to base my vote on."

Roll Call on Motion

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

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF NASCO DRIVE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: Councilmembers Snell, Trevino, Goodman

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

Mayor McClellan made the following comments: "I think, Richard, that all decisions this Council makes can be referred to in some way as political, but I think that, in my opinion, a vote to delay is also politically expedient at this point because you can delay and at least keep everybody... Maybe nobody embraces you, but nobody really has a distaste for you either, and the one thing that I really don't like to do is to delay decisions. And I don't think that we're going to have much different information for this Council for a long time. All our City departments recommended this. I think there are some safety concerns in that area, and I'm very anxious for that corner there at Allandale to be improved with that turn in the manner that it is. By the way, I was the one person who voted to put that fire station in that neighborhood where the neighbors didn't want it, it was a 6-1 vote. I also worked very strongly on keeping the fire station in Allandale. I think fire stations and churches are

compatible in residential areas, as are schools, etc., etc., etc. I think there are a lot of peripheral issues and philosophies that are brought into the Council Chambers today. This Council is not addressing, and I'm not answering, so I reiterate that my vote is neither to be interpreted as anti-church or pro-church or anti-neighborhood or pro-neighborhood. The issue that I see is is there a public need for a street. I have been out there, as I said, I used to live in that area. I've also been out there recently/frequently. I think the main purpose in that street has been for church purposes. The church owns the property on both sides of that street and I'm not getting into the litigation, but for a lot of those above reasons, I'll vote 'Yes' on the street vacation."

Mayor Pro Tem Cooke made the following comments: "I think all of us have to call it the way we see it, and that's not easy and I think all of you in the audience know that's not easy. I think that we hear a lot of testimony and also in the deliberations we hear a lot of emotion and I think that we've got to make the best decision with the information that's available and I'll assure you that no matter which way you vote, as the Mayor said, it can be construed politically, non-politically, favoring neighborhoods, favoring churches or whatever. As a good friend told me the day after I was elected, he said 'enjoy this day because your popularity is going to wane from this point on,' and I continue to believe that. But I do vote 'Yes.'"

Councilmember Goodman made the following comment: "I vote 'No.' I think the vote was premature."

RECESS

The Council recessed at 1:30 p.m., and resumed again at 3:20 p.m.

ENERGY CONSERVATION COMMISSION - PROJECT BENCHMARK

MR. ARCHIE STRAITON, Chairman, Energy Conservation Commission, presented the Commission's report on Project Benchmark, which is a plan to select a district of 500 or more homes of homogenous size, age and usage of appliances. Preferably they would be older homes in the low to medium income group. Each month their bills would be compared to others in the same category. At the end of a year comparisons would be made, and during the year advice would be given to the individuals concerning methods of energy conservation. Mr. Straiton felt that it would cost \$750.00 to do this for one year. Mayor Pro Tem Cooke asked how the program could be expanded if it were successful. DR. JOEL BARLOW, a member of the Energy Conservation Commission, who is the architect for Project Benchmark, advised Council that they then could set up computer programs concerning energy and what it should be, and then remind people that are using more energy than they ought to, what their usage could be with conservation. They could also publish tips in the newspapers.

Mayor Pro Tem Cooke moved that the Council endorse Project Benchmark. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

AGENDA ITEM POSTPONED

Action on the following agenda item is postponed until October 12, 1978:

Manpower Advisory Planning Council (MAPC) - Presentation of recommendations concerning administrative cost of CETA Title VI Sub-contractors.

NON-EMERGENCY AMBULANCE TRANSFER SERVICE FOR AUSTIN

Mr. Bill Bulloch, EMS Director, said that in June Council directed the staff to bring back to them the appropriate ordinances and standards for giving the transfer service in the City back to the private sector. He said that they have taken the ordinance that Council has before them through the Quality Assurance Team, and Urban Transportation Commission for review and recommendation. He told Council that the ordinance before them, with revisions, is recommended by the Quality Assurance Team and that they are now receiving recommendations of the Quality Assurance Team. Mr. Bulloch then reviewed the ordinance and suggested changes. (Copy on file in City Clerk's office) He requested Council to accept the report and bring back the ordinance. Council did.

YOUTH EMPLOYMENT AND TRAINING PROGRAM CONTRACTS

Council had before it for consideration the authorization to negotiate CETA Title III Youth Employment and Training Program Contracts with Region XIII Education Service Center for \$162,140; SER-Jobs for Progress, Inc. for \$88,565; and Youth Employment Service for \$56,650 to provide employment and training services in Travis County for the period of October 1, 1978, through September 30, 1979. Councilmember Mullen asked how it is determined how much money should be spent for people helped. MS. JACKIE WILLIAMS answered that they take an average yearly cost per participant and divide that into the total amount of funding to determine the cost. She said that these are demonstration programs which have only been operating for a short period of time, and therefore, have nothing to measure by. Mr. Mullen asked about the wide spread in the amount for spending, and Ms. Williams told him that the amount depends on the kind of activity in which they are involved. Mr. Mullen asked what percentage of the money, coming from the Federal government, is being given to the people for help. She said it's required that 80% goes to the participants. She said that all of the contractors are receiving a 13% administrative rate, and there is a maximum of 20% allowed in the grant. Councilmember Himmelblau asked if it was last year that the AISD program had to be re-allocated. Ms. Williams said, yes, but that this is not AISD...it's Region XIII Service Center, who are providing services for students in school enrolled in AISD. Councilmember Mullen said Council should have feedback next year concerning the results of these programs.

Councilmember Himmelblau asked what the Education Service Center is. Ms. Williams said that it is not within AISD (Austin Independent School District). It is one of the ten regional service centers that provide educational support within the CAPCO (Capital Area Planning Council) area.

There was further discussion and then Councilmember Himmelblau asked if they could approve the two they know about and find out more about the Education Service Center. Mr. Davidson proposed that they put a special item on either next week's agenda or the one following for a special presentation on each category of the CETA program, with some examples as to how the programs are applied to the students themselves.

Motion

Councilmember Mullen moved that the Council adopt a resolution to authorize negotiation of CETA Title III Youth Employment and Training Program Contracts with SER-Jobs for Progress, Inc., for \$88,565 and Youth Employment Service for \$56,650 to provide employment and training services in Travis County for the period of October 1, 1978, through September 30, 1979, and to come back next week with information on Region XIII Education Service Center for \$162,140. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Abstain: Councilmember Goodman

CREATIVE RAPID LEARNING CENTER

Motion

Councilmember Goodman moved that the Council pass as an emergency an ordinance to amend the 1978-79 budget to grant the Creative Rapid Learning Center \$3,215.00, their recommended amount. The motion was seconded by Councilmember Trevino.

Councilmember Goodman said this should be done as a matter of grave public necessity, and that this agency should be developed because of unusual and unforeseen conditions. Mayor McClellan said that she did not see how this could be justified under the State statute for City budget amendments. She pointed out that the last action taken as an amendment could be justified as an emergency because they were in the process of obtaining money during the budget year. The Mayor said she had real trouble in declaring this an emergency that could not have been avoided with diligent thought and attention at the time budget was adopted. Councilmember Goodman asked if she had any suggestions and she said she did not. Councilmember Goodman said he did not think that today was the time to introduce new facets of their parliamentary procedures, not make decisions. Following their traditional methods, he asked that they proceed with the vote on basis of what they think is right.

Roll Call on Motion - Failed

Ayes: Councilmembers Snell, Trevino, Goodman

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

Motion

Councilmember moved that the Council have the City Manager seek to identify \$3,215.00 in the budget and come back with a report to fund the Creative Rapid Learning Center. The motion, was seconded by Councilmember Trevino.

Mayor McClellan said she thought the Learning Center should look for funding from the School District or Laguna Gloria. City Manager Davidson said that this money could not be spent without amending the budget...that there was no other source where money could be obtained. Councilmember Himmelblau said, referring to letters concerning the center, that it appears that this should be funded by AISD and not the City.

Roll Call on Motion - Failed

Ayes: Councilmembers Trevino, Goodman

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

Not in Council Chamber when roll was called: Councilmember Snell

PROPERTY TAX APPEALS

Councilmember Goodman moved that the Council set public hearings for appeals to the City Council concerning property taxes for Wednesday, November 8, 1978, at 9:00 a.m. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

(List on file in the City Clerk's office)

WATER SKI LIFT CONCESSION

Council listened to a report from the City Manager on the proposed concession agreement with the North American Water Ski Lift Corporation for the purpose of providing a Water Ski Lift Concession, as presented by Mr. Mike Segrest, of the Parks and Recreation Department. He said that staff had been asked to review sites which could be used for the water ski lift and found that the area at Pleasant Valley Road and Lakeshore Drive could accomodate same with good facilities and access. He said that either that site or Fiesta Gardens would be good.

Councilmember Himmelblau said she hoped the City would not be responsible for parking facilities. City Manager Davidson said that Council really needs to look at the basic policy decisions concerning the water ski lift and decide if they want a commercial concession on Town Lake. If so, directions should be given. Councilmember Goodman asked what the possibility is of entering into

an agreement with an escape clause. MS. TINA TROCHTA, speaking for the North American Ski Lift Concession, said that there is a tentative agreement on file with the City with an 18-month clause which stipulates that if things do not hold up as agreed, the City could terminate the concession rights.

Motion

Councilmember Mullen moved that the Council allow the North American Water Ski Lift Corporation to have a water ski lift concession on the south lake shore at Pleasant Valley Road and Lakeshore Drive. The motion was seconded by Mayor Pro Tem Cooke.

Ms. Trochta said she wanted to go on record as stating that the south lake shore location would be a better place to have the water ski concession than Fiesta Gardens. It would be just as economical and a better location. She said that if this is approved now, they can use the winter months to install the equipment and open it up in the spring.

Councilmember Snell said he thought there should be a public hearing on this issue, and therefore Councilmember Mullen amended his motion.

Amended Motion

Councilmember Mullen's amended motion to set a public hearing for October 12, 1978, at 2:30 p.m. on the proposed concession agreement with the North American Water Ski Lift Corporation for the purpose of providing a Water Ski Lift Concession, with Mayor Pro Tem Cooke's second, showed the following vote:

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

Noes: None

Abstain: Councilmember Trevino

INTERDEPARTMENTAL COORDINATION FOR CONSTRUCTION

Councilmember Goodman introduced an item to Council for a request to the Construction Advisory Committee for recommendations on interdepartmental coordination for construction activities. He said that this would mean the Committee could look at some of the practices and procedures that are presently followed in arranging our own construction activities as well as those of other groups. He said that a study such as this may have prohibited the \$200,000 the City has to pay in the delay of the relocation of Southwestern Bell's utilities. He said that he would hope that such a study would result in a report to Council and the City Manager regarding various improvements that could be made.

Councilmember Goodman moved that the Council request the Construction Advisory Committee to present a report on recommendations in interdepartmental coordination for construction activities. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

EXECUTIVE SESSION

Mayor McClellan announced that 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, and 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.

ADJOURNMENT

After the Executive Session, Council adjourned its Meeting at 5:00 p.m.

APPROVED

Charles Keeton McClellan
Mayor

ATTEST:

Grace Monroe
City Clerk