

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 8, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: Councilmember Trevino

CITY NATIONAL BANK RESOLUTION

Mayor McClellan read a resolution, signed by all Councilmembers which had been presented earlier to City National Bank citing them for reducing its energy consumption by 30% since 1975, and its continuing conservation program, expecting to reduce energy consumption by even greater margins.

WOMEN WHO WORK AT HOME WEEK

The week of December 11-17, 1977, has been declared Women Who Work at Home Week in a proclamation read by Mayor McClellan recognizing the accomplishments of the women who work at home and are seldom honored for their daily contributions. MRS. SANDRA PHELPS, representing homemakers, accepted the proclamation with her thanks.

APPROVAL OF MINUTES

Councilmember Cooke moved that the Council approve as corrected (To add statements made by Councilmembers Mullen, Snell, Mayor Pro Tem Himmelblau, and Mayor McClellan) the Minutes of the Council Meeting for December 1, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## PLUMBING ADVISORY BOARD

Councilmember Mullen moved that the Council approve the appointment of Clint Smith, air conditioning, and Don Emeraon, architect, to serve terms expiring 8-1-79 on the Plumbing Advisory Board. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## ITEMS PULLED FROM AGENDA

Mayor McClellan announced that the following items are pulled from the agenda for the benefit of anyone in the Council Chamber who is attending because of these items:

G.1. Electric Rates - Touche-Ross consultants are not ready with this report.

H.7.h. Bids to be received - CAPITAL IMPROVEMENTS PROGRAM,  
December 6, 1977 Metz Park Economic Development  
Administration Local Public Works,  
Round II, Metz Park Open Gym,  
CIP No. 78/86-25

I.2. Amending Chapter 21 (Limited visibility) of the Austin City Code by deleting Section 21-66; by amending Sections 21-65, 21-67, 21-68, 21-71, 21-72 and 21-73.

D.2. 2:00 P.M. - Mr. Dale Ossip Johnson, representing Forrest M. Crews, Sr., requesting to appear before Council to discuss rezoning of 2612-2614 South 1st Street from "A" Residential to "O" Office.

A communication was received from Mr. Johnson saying he could not appear today.

## AUSTIN SIGN ORDINANCE APPEAL BOARD

MR. BRUCE V. KILMER, SR., Vice-President, Modern Signs, Inc., appeared before City Council to discuss the establishment of an appeal board to the Austin Sign Ordinance. He pointed out that an ordinance had been passed in 1976 to control on-premise and off-premise signs. Conflicts have been created under the Sign Ordinance because there is no method of appeal, and businesses have been penalized because of not having a right to appeal. Mr. Kilmer did not think that adding another board would necessarily be the answer, and he also does not think business people should have to pay a lot to appeal.

MR. DON KYLBERG, Regal Signs, appeared before Council to say he has served on an appeals board in Austin, knows how helpful they can be, and makes him desirous of having an appeals board for the Sign Ordinance. He pointed out that it is difficult to work with a set ordinance when times keep changing, thus effecting signs.

Mr. Dan Davidson, City Manager, agreed that this is a problem and said he would work with these men to prepare a plan to present to the Council.

Mr. Lonnie Davis, Director, Building Inspection, stated he has met with Mr. Kilmer and Mr. Kylberg and agrees with them that it would be a good idea to have a board of appeals for the Sign Ordinance. This would cover things which do not fall under the existing ordinance. Mr. Davis said they have discussed two approaches which they feel the Council could take. (1) Review the existing ordinance and those things that apply strictly to the construction aspect and recommend that they be amended out of Chapter 3, and put into Chapter 36, which is actually the Building Code, the structural aspects of installing the sign. Then, take the things that refer to aesthetics and design, included in the ordinance, and put them in Chapter 45. Councilmember Cooke asked if this is done, if there would be some direction to address aesthetics or address an appeal type situation to an existing commission or board, from the point of view of the building code and the point of view of zoning. Mr. Davis answered that both of the chapters he mentioned have appeals boards. Chapter 26 is appealable to the Building Code Board of Appeals, and Chapter 45 is appealable to the Board of Adjustment. Councilmember Cooke said, "So you are saying that if we did that then we would in essence be placing this under jurisdiction of existing commissions." Mr. Davis answered this is correct.

Mr. Davis said the second alternative (2) would be to take Chapter 3, which presently has the portion of the sign ordinance in it and adopt it as a separate chapter of the zoning ordinance. That is, take it in its entirety and move it to Chapter 45, which would still make the Board of Adjustments the proper appeals board. The only difficulty he felt there might be there would be that those appeals referring to the structural aspect would be somewhat out of the realm of the Board of Adjustment's expertise. Mayor Pro Tem Himmelblau said she thought there might be a problem with this, because if anything is turned down by the Board of Adjustment, it goes to the Courts. There is no appeal to the Council, like it would be if it were the Planning Commission. She said she does not want to cut off that avenue on something like this. Mr. Davidson said that after staff has direction from the Council, he would like to check with the City Attorney's office to determine whether everything assignable to the Board of Adjustment would be in that category, or if it's possible to separate out this particular ordinance with some different directives by the

City Council indicating it could be appealed to the City Council. Mr. Davis said his department would like the opportunity to work with members of the sign industry and the City Attorney's office. In so doing, they could address the concerns of Mr. Kilmer regarding fees, membership of the board, where to put it, etc. Mayor McClellan commented that if there is a way to work through the existing structures without jeopardizing the ability to approach the Council, she would certainly like to do so.

#### PARADE PERMIT

Councilmember Cooke moved that the Council approve the request for a Parade Permit from MR. FRED LUNDGREN, III, from 2:00 p.m. to 5:00 p.m., Saturday, December 10, 1977, beginning at Municipal Auditorium up Congress to the Capitol. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Travis County Commissioner David Samuelson spoke before Council to thank them for granting the parade permit, and said the purpose of the parade was to encourage help for the farmers. He said the American Agriculture Committee has no official organization but they have been endorsed by Texas AFL-CIO and the Longshoremen. Mayor McClellan thanked the Commissioner for appearing.

#### ELECTRIC COMMISSION REPORT

MR. BRUCE TODD, Chairperson of the Electric Utility Commission, discussed the Utility Service Regulations which are being recommended to the Council by the Commission for implementation along with the new electric rates. He said the proposed document is an attempt to bring together, clarify, and in some cases change some of the existing provisions of the service regulations. One of the key provisions is an extension of the due date of the bill. They are proposing a change from the present 15 days to approximately 29 days. Interest costs of the change would be about \$135,000 annually. Other significant proposed changes were:

1. Reduce late penalty to 5% for electric bills.
2. Set a turn-on charge of \$7.50.
3. Change bill format to enable customers to understand it better.
4. Change deposit requirements to allow letters of guarantee rather than actual deposits for residential customers. Also reduce deposit return time, from 12 months to 8 months.
5. Deferred payment plan for customers with financial problems.
6. Clear cut procedure for customer utility complaints.

7. More timely notification of past due bills and consequences of past due bills.
8. Method of identifying people who exist on life support systems within the City so that they could be helped immediately in an emergency.

Considering the items which would effect revenues, there would be an increase in revenues in time. Cash flow impact would be substantial, but would be less if the regulations were implemented during a period of low electric usage.

At this point, Councilmember Trevino entered the Council Chambers.

There was discussion among the Council regarding the turn-on fee and its effect on students. Councilmember Goodman stated that some students had suggested that a limitation be placed on the number of times the fee could be charged a person during a 12-month period. Mayor McClellan felt that the charge should be based on cost of service. Mr. Todd agreed and stated that the cost of determining a different rate for students would be monumental. A procedure was included in the Utility Service Regulations (proposed) whereby a connection service fee could be avoided.

In response to Mayor Pro Tem Himmelblau's questions, Guymon Phillips, Manager, Utility Customer Services, stated that there were approximately 2,000 deferred payment accounts at present and that a 3-month payoff was recommended. The only interest charged was on the gross amount (10%). The State Public Utility Commission had recommended a one-time 5% charge on any unpaid balance. There had been a few individuals who had wanted to renegotiate extending repayment.

Mayor McClellan expressed her appreciation to Mr. Phillips, Sheila Matthews and Joe Magnum for their work in the Utility Customer Services Office.

The Council agreed to place on the December 15, 1977, agenda the setting of a public hearing on the proposed Utility Service Regulations.

#### PUBLIC HEARING ON ALLEY VACATION

Mayor McClellan opened the public hearing scheduled for 10:30 a.m. on vacating the following, and passage of Ordinance:

An ALLEY between East 17th Street and East 18th Street extending from east line of San Jacinto Street in an easterly direction 276.00 feet to the west line of Trinity Street. (Requested by Mr. Gary Guenthner, P.E., Project Analyst for the Texas State Board of Control.)

Mr. John German, Director of Public Works, stated that this is a public hearing to consider vacating an ALLEY (description above.) He said the property on either side of the alley is owned by the State of Texas and the State Board of Control is proposing to build a central services facility in this block. The proposed development is in accordance with the Brackenridge

Urban Renewal Plan. The alley is no longer needed for public access or service to the adjacent property. This request was reviewed by all public utilities, and City departments, and it was considered by the Planning Commission on November 8, 1977. The Planning Commission recommends approval of this vacation. Mr. German said that the \$100 filing fee has been received and since this is a state agency, there will be no charge for the vacated right of way. He said the applicant is present in case there are any questions.

The Council had no questions, and no one appeared to speak at the public hearing.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF EAST 17TH STREET ALLEY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

#### PUBLIC HEARING ON OFF-STREET PARKING

Mayor Pro Tem Himmelblau opened the public hearing scheduled for 11:00 a.m. to consider an amendment to Section 45-30(c) of the Austin City Code regarding off-street parking.

Mr. Lonnie Davis, Director of Building Inspection, stated that off-street parking requirements in the zoning ordinance at the present time has no requirements for kindergarten or day care centers. This is a housekeeping measure since for the last several years they are required to have a special permit for 13 or more children, and we are recommending exactly what is being proposed this morning. One parking space for each employee and off-street loading facilities for the children. This has been complied with for several years. He said they feel it should be made part of the ordinance. Mayor Pro Tem Himmelblau said she can remember back to when it was not required. "It still isn't required, Mrs. Himmelblau, we just would like to have it put into the ordinance." She asked, "You want it firmed so when it comes up on the permit, it's definite?" Mr. Davis said, "Yes." Councilmember Cooke said, "In other words you've been requiring it by special permit although you had no legislative jurisdiction to require it." Mr. Davis said they have just been making it part of the notes and the Planning Commission has been incorporating it into their approval. Mayor Pro Tem Himmelblau said she thinks this is necessary. She asked if there was anyone present to speak in favor or in opposition of the ordinance. No one appeared to speak.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-30(c) OF ARTICLE III OF CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN, 1967; ADDING A NEW SUBSECTION THERETO REGARDING OFF-STREET PARKING REQUIREMENTS FOR DAYCARE AND KINDERGARTEN FACILITIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### RELEASE OF EASEMENT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to release the following Easement:

The Drainage and Public Utilities Easement ten (10.00) feet in width and centered between the common lot line of Lots 22 and 23, Block J, Highland Park West, a subdivision in the City of Austin, Travis County, Texas. (Requested by Doris D. Bolton, owner of Lots 22 and 23, Block J)

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

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

Noes: None

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to release the following Easement:

A portion of a Drainage and Public Utilities Easement in Lot 35, Block D, Balcones Village Section Three, Phase A, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mary Nell Garrison, Realtor, representing the owner of Lot 35, Block D)

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

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

Noes: None

## CONSTRUCTION OF A PIER

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to allow Dr. George D. Bittner to construct a pier on Lake Austin and to add to an existing retaining wall. (Recommended by Navigation Board). The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## DEMOLITION OF STRUCTURE

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize demolition of the following structure:

Accept negative bid:

2515-17 South 1st Street	David Lee	\$750.00
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The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## UTILITY JOINT USE AGREEMENT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a Utility Joint Use Agreement with the State Department of Highways and Public Transportation for the location of RM 2222 from 0.1 mile north of City Park Road to 0.1 mile southwest of Dry Creek Drive. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## CHANGE ORDER

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve a Construction Change Order in the amount of \$10,000 to Jack A. Miller for Festival Beach Roadway and Parking Lot Improvements. CIP No. 8623-2. The motion, seconded by Councilmember Cooke, carried by the following vote:

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



## CONTRACTS APPROVED

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

AUSTIN ROAD COMPANY  
428 East Anderson Lane  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Tillery Street Paving and Drainage  
Improvements - \$303,150.23  
CIP No. 78/07-06

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

OLMOS CONSTRUCTION COMPANY  
1103 Howard  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Robert Mueller Municipal Airport  
Perimeter Road - \$217,327.02.  
CIP No. 74/81-07

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

D. L. CURBOW CONSTRUCTION  
COMPANY, INC.  
8330 Burnet Road, Suite 107  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Access Road and Irrigation System  
Improvements at Evergreen Cemetery -  
\$26,202.87. CIP No. 75/74-03

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

NATIONAL RECORD PLAN  
44 West 18th Street  
New York, New York

- Records and Cassettes, Austin Public Libraries.
- Twelve months Supply Agreement including option for an additional twelve months extension.
- 43.5% discount on musical and spoken records - \$10,000.00
- 34% discount on cassettes - \$2,500.00

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

AUSTIN ENGINEERING COMPANY  
6304 West Bee Caves Road  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Boggy Creek East 36-inch Wastewater  
Force Main - \$330,236.00  
CIP No. 73/50-14.

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

LICHTI-TARKAN INTERNATIONAL, INC.  
11834 South Bloomfield Avenue  
Santa Fe Springs, California

- Confirmation of Unscheduled  
Maintenance of Loading Bridges,  
Robert Mueller Municipal Airport,  
Aviation Department - \$5,698.70.

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

JOE McDANIEL  
15203 Highway 71 West  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
Construction of 4,042 feet of 16-inch  
water main in the vicinity of US-183,  
Burnet Road and Kramer Lane -  
\$130,726.50. CIP No. 75/40-04 (The  
remaining portion of this project was  
awarded by Council November 10, 1977)

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

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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve the following contract:

AUSTIN ENGINEERING COMPANY	- Water Systems Improvements, Bullard
6304 West Bee Caves Road	Drive 12-inch Water Main - \$42,028.00.
Austin, Texas	

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

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

#### APPROACH MAIN

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution authorizing construction of an 8" wastewater approach main to serve the proposed Michael Addition, L. C. Reese, owner. (No cost to City) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### LICENSE AGREEMENT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a License Agreement with the Southern Pacific Transportation Company for the purpose of installing a 36-inch concrete steel cylinder water main beneath said railroad's right-of-way at Mile Post 13.25 in the City of Austin, Travis County, Texas. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### CETA TITLE VI

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to negotiate contracts with six (6) rural non-profit agencies to operate CETA Title VI Public Service Employment Projects. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

AGREEMENT  
MEXICAN-AMERICAN CHAMBER OF COMMERCE

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a Contractual Agreement with the Mexican-American Chamber of Commerce for promotion of tourism and conventions for the period of October 1, 1977, through September 30, 1978, in the amount of \$50,000 derived from the Hotel Occupancy Tax. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

AGREEMENT  
AUSTIN CHAMBER OF COMMERCE

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a renewal of contractual agreement with the Austin Chamber of Commerce for promotion of tourism and conventions for the period of October 1, 1977, through September 30, 1978, in the amount equal to approximately one-fourth of the annual income derived from the Hotel Occupancy Tax. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

APPLICATION FOR FUNDING

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to submit an application for Section 5 funding to Urban Mass Transportation Administration in the amount of \$439,340 for Operating Assistance, and to establish a public hearing for January 12, 1978 at 11:30 a.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

TRAFFIC SIGNALS

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into an agreement with the State Department of Highways and Public Transportation for the operation and maintenance of the traffic signals at the following locations:

1. IH 35 Frontage Roads with Bluff Springs and William Cannon Boulevard
2. IH 35 East Frontage Road with St. Elmo Road

3. IH 35 Frontage Roads with Rundberg Lane.
4. IH 35 Frontage Roads with 51st Street.
5. Spur 69 (Koenig Lane) with Airport Boulevard.

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

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

#### TECHNICAL STUDIES GRANT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a contract with the Urban Mass Transportation Administration, US Department of Transportation for a Technical Studies Grant of \$70,000. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### PUBLIC HEARINGS SET

Mayor Pro Tem Himmelblau moved that the Council set a public hearing on January 19, 1978, at 8:00 p.m. to consider an amendment to Chapter 45 of the Austin City Code (Zoning Ordinance) to establish criteria for Historic District. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mayor Pro Tem Himmelblau moved that the Council set a public hearing on January 12, 1978 at 3:30 p.m. on expanding the proposed Lake Austin Development Ordinance to cover land in the Colorado Watershed located on the east side of Lake Austin from Mount Bennell south to Tom Miller Dam. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Ord. 77/208-C I.4  
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## CRIMINAL JUSTICE ASSISTANCE GRANT

Mayor McClellan introduced the following ordinance:

771208-C  
Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, appropriating funds in the amount of \$13,077 from the available balance in the Anti-Recession fiscal Assistance Funds to be utilized by the Criminal Justice Assistance Grant. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

PAVING  
CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 12TH DAY OF JANUARY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.  
(Alamo Street and Sundry Other Streets, CIP 75/62-20)

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 12TH DAY OF JANUARY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Alamo and Sundry Other Streets [Non-Interest Bearing], CIP 75/62-20)

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS



IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 12TH DAY OF JANUARY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HERING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Woodward Street, CIP 73/62-11)

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 12TH DAY OF JANUARY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (William Cannon Drive, CIP 76/62-21)

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 12TH DAY OF JANUARY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Burleson Road, CIP 73/62-22)

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### BOARDS AND COMMISSIONS TERMS...

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY AMENDING ORDINANCE NO. 740117-A TO PROVIDE FOR TWO-YEAR STAGGERED TERMS EXPIRING FEBRUARY 1 FOR MEMBERS OF THE ENERGY CONSERVATION COMMISSION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY AMENDING PART 3 OF ORDINANCE NO. 770303-A AND ARTICLE VII OF CHAPTER 2 TO PROVIDE FOR TWO-YEAR STAGGERED TERMS EXPIRING JULY 1 FOR MEMBERS OF THE ETHICS REVIEW COMMISSION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND PROVIDING AN EFFECTIVE DATE.

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

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

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY AMENDING SECTION 8-2 TO PROVIDE FOR TWO-YEAR STAGGERED TERMS EXPIRING JULY 1 FOR MEMBERS OF THE SOLICITATION BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY AMENDING ORDINANCE NO. 771103-C AND SECTION 46-3 TO PROVIDE FOR TWO-YEAR STAGGERED TERMS EXPIRING JULY 1 FOR MEMBERS OF THE CITIZENS' BOARD OF NATURAL RESOURCES AND ENVIRONMENTAL QUALITY AND TO PROVIDE FOR THE ELECTION OF A CHAIRPERSON BY THE MEMBERS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760122-B AND ORDINANCE NO. 771103-E TO PROVIDE FOR TWO-YEAR STAGGERED TERMS EXPIRING JANUARY 1 FOR MEMBERS OF THE URBAN TRANSPORTATION COMMISSION AND TO PROVIDE FOR THE ELECTION OF A CHAIRPERSON BY THE MEMBERS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE 1967 CODE OF THE CITY OF AUSTIN, AMENDING ORDINANCE NO. 771103-D AND SECTION 29-28 TO PROVIDE FOR TWO-YEAR STAGGERED TERMS EXPIRING FEBRUARY 1 FOR MEMBERS OF THE NAVIGATION BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

A 2.774 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3501 ED BLUESTEIN BOULEVARD, FROM INTERIM "AA" 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 PROVIDING AN EFFECTIVE DATE. (East Industrial District [Motorola Tract], C14-75-126[a])

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
THE SOUTH 150 FEET OF THE EAST 150 FEET OF LOT A, COMMERCE SQUARE ADDITION, LOCALLY KNOWN AS THE REAR OF 5501-5511 NORTH LAMAR BOULEVARD AND 704-714 NELRAY BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL 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. (Iza M. Willin and Allen C. Clark, C14-74-020)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 2.652 ACRE TRACT OF LAND, SAVE AND EXCEPT A FIVE FOOT STRIP OF LAND ALONG THE WESTERN BOUNDARY TO WITHIN 120 FEET OF MANOR ROAD, LOCALLY KNOWN AS 2810-2818 MANOR ROAD AND 3301-3411 RANDOLPH ROAD, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE

Ord. 771208-R I.9.

Captain goes here.

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. (E. D. Bohls, C14-77-092)

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

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

The Mayor announced that the ordinance had been finally passed.

#### ORDINANCE CANCELLING COUNCIL MEETING

Mayor McClellan introduced the following ordinance:

771208-R  
Council  
for  
Dec 22, 1977

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

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

The Mayor announced that the ordinance had been finally passed.

#### ORDINANCE AMENDING COUNCIL MEETING TIMES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING MEETING TIMES FOR THE REGULAR WEEKLY MEETING OF THE AUSTIN CITY COUNCIL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

## CLOSEOUT OF URBAN RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROGRAMS

Mr. Leon Lurie, Executive Director, Urban Renewal, explained "that what the Memorandum of Agreement means, is closing out with the Department of Housing and Urban Development, all of the current Urban Renewal programs which are still on the books in the City of Austin. This includes Brackenridge area, University East area, Kealing area, Blackshear area and Glen Oaks area. Mr. Lurie stated they have had a final audit by the audit section of the Department of Housing and Urban Development and down through the years the City of Austin, as a portion of its one-third share, has put in little over \$141,000 during previous years and has provided \$695,893 in services which have been credited to the gross program cost. Those ineligible items to finish up and close out under this Memorandum of Understanding amount to \$73,235.95, which is effectively the bottom line at this point to close out all of the projects. By adding those figures the City participation is \$910,266.75. This has generated for the City in total program cost some \$49,073,090.00. We have utilized, to offset the City's one-third share within these various program areas, a total of \$11,694,818. I realize all of these figures are a little bit confusing because relative to this matter we had actually accumulated almost \$13,000,000.00 worth of total credits, primarily from the University of Texas almost \$12,000,000 in their acquisition programs which under a section of the old Act there was the ability to pick up these credit items which certainly benefited the City to a tremendous extent. So that in effect, with our net program costs, this of course taking our gross cost to carry out all of these programs, and taking away from this the land proceeds, we did come up with a net program cost of \$35,000,000.00 which under normal circumstances the City would have had to fund to the tune of one third of that amount. But of course, utilizing all of the various credit items and everything, including the amount which you have before you today of the \$73,235.95, we're talking about \$910,000 total City of Austin participation.

"I think this is a rather impressive record over the last 14 years of benefiting, economically speaking, the Citizens of Austin in bringing these funds into the areas which were originally determined by Council action after public hearings to the blighted and slum areas. I do bring to you the recommendation today which has already been acted upon by the Urban Renewal Agency Board of Commissioners, the recommendation that it be brought to you for the authorization for the execution for the Memorandum of Understanding. I have the fiscal director with me today to answer any questions because this gets very involved when you start talking about close-out figures. Hopefully, we have given to you the main figures for your consideration."

Councilmember Mullen moved that the Council adopt a resolution to approve the execution of a Memorandum of Agreement by and between the Urban Renewal Agency of the City of Austin and the City of Austin for close-out of Urban Renewal and Neighborhood Development Programs (recommended by Urban Renewal Board of Commissioners.) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None



## CETA TITLE VI

Mr. Andy Ramirez, Director of Human Resources, referred to the memo Councilmembers Have received outlining basic criteria which have been used to date on the various projects in the urban area. "We were initially using a rating system which included criteria concerning the projects clarity, effectiveness, degree of labor intensity, skill level, and career occupational development. This accounted for a minimal score of 24.5 of the requesting agency to the Manpower Area Planning Council Review Committee, and from there to the Council. We were initially going on a first come, first served basis in order to meet the employment quotas as set out by the Department of Labor which go on a month to month upward scale basis. About September, we had more projects than we had money available. At that point in time we concentrated on the labor intensity of the project, because of the Department of Labor's requirement that we have so many people employed at the end of each month. We are required for this month to come up with an additional 103 jobs as a minimum and a maximum of 259. The projects which you have before you which are being recommended come up to a total of 105 actual job slots. In your report memo you have a list of 19 agencies which are being recommended by the staff. All of these have been reviewed by the MAPC, and we had to prioritize them based solely on the labor intensity. There is a total of 77 projects which are currently eligible for funding. As contrasted with funding agencies based on the kind of services they provide, or the quality, we are looking primarily at this point at the labor intensity of the project, i.e., how many people will they hire, because we do have to meet those quotas as set up by the Department of Labor. All of the 105 positions must be filled by the end of December. If these positions are not filled, then there is a possibility we will be losing some of the money back to the Department of Labor. To my knowledge there are currently three prime sponsors in the State of Texas which have received letters from the Department of Labor telling that they will be de-obligating some of the money because they have not met some of the employment quotas set out by the Department of Labor. And that is by Executive Order of the President setting 775,000 jobs filled by this Title VI money."

Mayor McClellan asked what A.I.S.D. is requesting funds for. Mr. Ramirez answered, training program for kindergarten aides in schools with high percentages of economically and educationally disadvantaged children, and some money is to be allocated for teacher's aides on other levels. Councilmember Cooke asked how the assistance for University Y will be used. Mr. Ramirez said it would be for assistance in the east Austin area in order to reach teenage women. There will be informal education on household budgeting; job information, skills and opportunities; interviewing skills for work, etc. Mayor Pro Tem Himmelblau said, "I understand we have some problems with a couple of these agencies. Will we defer it then?" Mr. Ramirez answered, "Two of the projects have been worked out..one was with Laguna Gloria concerning the hiring deadline by the end of the month. CAPCO indicated they may have some problems and we are re-evaluating that. What we would like to do," he continued, "is that if they are unable to comply, then we would go to the next highest labor intensive project that could use the amount of money that is available, or go to a City project." Mayor Pro Tem Himmelblau said she hoped he would be able to work it out with CAPCO but if not she said she would like to see it go to a City project and would make that in the form of a motion.

Motion - Died for Lack of a Second

Mayor Pro Tem Himmelblau moved that she hoped Mr. Ramirez would be able to work it out with CAPCO, but if not she would like to see it go to a City project. The motion died for lack of a second.

Councilmember Cooke said he wanted to ask a question before they get into that. "I draw a comment from the last part of your memo, Andy, on the fact that some of the things we've funded prior to this had a lower labor intensity ratio. Your referencing a project where the ratio was .0001211 for TDHR. And that was lower than the lowest of these 19. Explain to me with regard to several pages of request, which I presume went out in the form of a notice, is it just that we ran out of potential candidates and we dropped down to .0001211 labor intensity ratio and then the thing that concerns me we just made those recommendations on November 17, 1977, and here we come less than a month later and we've got 40 or 50 additional requests for Title VI monies and the labor intensity ratio is way up again. I'm just wondering why those kind of requests might not have been considered earlier in the previous request we had been considering. Do you understand my question?" "Not really," answered Mr. Ramirez, "but let me see if I can answer it by first of all on the Texas Department of Human Resources. Primarily, there was an inconsistency in the salary they were going to pay for the same job that they normally pay their employees. They were going to pay less the Title VI project clients, and that's in violation of regulations because you must pay them the going rate and provide them the same kind of benefits. The State Department of Human Resources did not intend to do that. We met with them to discuss the issue and whether they wanted to provide the additional money in the project request to be able to do this. They opted not to, therefore, we could not recommend them in as much as they would be in violation of the regulation. Regarding the last part of your question.."

Councilmember Cooke said, "Say you had 300-400 agencies or particular entities that were making requests for Title VI money. We exhausted those, we got down to the lowest labor intensity ratio where we still had funds available. Here by your memo you show that being .0001211 and the lowest labor intensity ratio we're being shown today is .0001357, Zachary Scott Theater, and this is just one month later. I'm trying to understand how we got 19 maybe 35 labor intensity situations in regard to agencies that suddenly surfaced in a matter of one month." Mr. Ramirez answered, "All of these projects..these are not new requests, these are projects that have come in to us since about September. Again, once we have evaluated them, if there were problems with a particular agency, we asked for clarification. When we initially started the funding of Title VI projects, as soon as we had one or a group of them evaluated and eligible for funding, we brought those to the Council because the intent was to get as many jobs created and jobs filled as possible before the end of the year. So we are still taking that approach in the rural area on a first come, first served basis. We have available in the rural area a quarter of a million dollars. We're only allocating \$148,000 of that. The reason is that we do not have any project proposals out there. That was the case here in the Austin area up until about two months ago. Then we had more projects than we had dollars, so we went to the labor intensity ratio of the projects because we had to use some criteria for evaluating our recommendation. We were funded for 18 months, and the reason this large amount of money became available is because

the Department of Labor said, make it for only 12, so that made more money available. And because again the idea behind it is to make sure the President's figure of 775,000 jobs to be filled is in fact met by each of the prime sponsors. Where the prime sponsor is not meeting that quota they are taking the money back and giving it to somebody else."

Councilmember Cooke asked if he thought these 19 under consideration could meet the December 31, 1977, commitment. Mr. Ramirez answered that his department has met with them and asked if they could meet the deadlines established. All of them felt they could except Laguna Gloria and CAPCO. Mayor Pro Tem Himmelblau commented, "That was the reason for my motion." Mr. Ramirez said, "Laguna Gloria has since said they would be able to meet it if we agreed to some minor modifications, and we have, so they will be able to fill them. CAPCO, because it is a joint funding of both urban and rural funds, under the same Title VI project money, does not see that they can fulfill that deadline and they would not like to start the project right away. That's another problem. So what we've asked them to give us some final work and if they do not feel they can meet that deadline, we have to go to the next highest labor intensity project or to a City project."

Mayor Pro Tem Himmelblau said that the brochure sent by Interart Works indicates that they are working in Bryan, Texas, which is not even in the 10 county area we are responsible for. She wanted to know if this has any influence on their eligibility. Mr. Ramirez answered that they have to hire from this labor market area. They cannot hire from outside. He said they have some projects that were funded out of Austin and the people are working in Lockhart, but they are transporting the people back and forth. He said that those kind of restrictions cannot be set as long as the people who are being hired are from this prime sponsor area. Mayor Pro Tem Himmelblau asked if Girlings Home Health Care is non-profit. Mr. Ramirez answered they are. She said that just means that their board of directors do not derive a salary, but asked if this is a profit business for the Girlings themselves. He replied, "In as much as the Girlings are paid a salary by the board, yes, it is. Basically the only requirement we can lay out is whether they are a profit, non-profit organization. There's no way we can control that element other than saying, one, they have proof of non-profit status, and two, that in fact their project is labor intensive."

Mayor Pro Tem Himmelblau asked, "Will we be able to work with CAPCO at a later date?" "Yes," answered Mr. Ramirez, "as we de-obligate money, obviously unless we get new dollars we will not have as large a chunkk of money in the future but we will have enough to fund CAPCO at a later date, and in as much as they were a labor intensive project, and we are not receiving new projects at this time, I would imagine they would more than likely be eligible. Of course, Council can set that as a priority." Mayor Pro Tem Himmelblau said that with her motion, she would like to set it as a priority. Mr. Ramirez said they are hoping to have some new figures by the middle of January. "Whether or not there will be enough to fund such a project, we will have to wait and see."

#### Motion

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize negotiation of contracts for nineteen (19) Urban CETA Title VI Public Service Projects (11 non-profit agencies, 8 governmental agencies) totalling

\$538,486; if any cannot meet requirements, contracts will be awarded to the City of Austin; with CAPCO to be given future priority. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

CETA TITLE VI PUBLIC SERVICE  
PROJECTS RECOMMENDED FOR FUNDING

PROJECT NO.	AGENCY NAME	LABOR INTENSITY RATIO	REQUESTED FUNDS	RECOMMENDED FUNDS	NO. OF POSITIONS
109	Laguna Gloria	.0003835	\$ 13,035	\$ 13,035	5
116	A.I.S.D.	3111	32,135	32,135	10
168	Vehicle & Equip. Services, COA	2372	25,295	25,295	6
59	Austin State Hospital	2045	48,893	40,744	10
97A	Interart Works	2045	39,110	39,110	8
112	Mary Lee Foundation	1897	36,883	36,883	7
140	COA Personnel Department	1705	5,865	5,865	1
154	YWCA	1673	11,950	9,958	2
108	CAPCO	1652	18,150	16,270	3
97B	Interart Works	1594	12,545	12,545	2
97C	Interart Works	1594	12,545	12,545	2
102	A.I.S.D.	1485	53,841	44,868	8
170	Girlings Home Health	1447	20,772	17,268	3
100	Girlstown, U.S.A.	1428	69,991	58,326	10
162	Austin-Travis County MHMR	1418	112,822	94,018	16
86	SW Center for Public Policy	1392	43,108	43,108	6

163	University "Y"	1386	14,427	12,023	2
35	Caritas	1373	7,283	6,069	1
149	Zachary Scott Theater	1357	22,105	18,421	3
TOTAL			\$600,705	\$538,486	105

## AGENDA ITEM PULLED

Mr. Dan Davidson asked that agenda item H.12. be pulled from the agenda: Consider authorization to utilize the firm of Ernst & Ernst to review and assist in the preparation of the Medicare and Medicaid Cost Reports. It is to be put back on the agenda December 15, 1977.

## SUBDIVISION SALES OFFICE

Mayor McClellan opened the public hearing scheduled for 11:30 a.m. to consider amendment to Section 45-4(c) of the Austin City Code regarding the establishment of a period of time for a temporary sales office for use in the development of a new subdivision.

Mr. Lonnie Davis, Director, Building Inspection, said that in the present ordinance there is provision that a sales office can be put in a residential subdivision for a period of two years from the date of recording the subdivision. This has posed some problems since oftentimes a subdivision is recorded and as much as a year will lapse before construction begins. "So," he said, "we are proposing to amend that and permit that for a period of four years from the date of the first building construction permit." Mayor McClellan asked if there was anyone present who wanted to speak to the public hearing. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-4(c) OF ARTICLE I OF CHAPTER 45 OF THE CODE OF THE CITY OF AUSTIN, 1967; EXTENDING THE TIME LIMITATION ON THE OPERATION OF TEMPORARY SALES OFFICES FOR NEW SUBDIVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Ord No. 771208-U I.I.

appropriation for General Revenue Sharing  
caption goes here

## RECESS

The Council Meeting recessed at 12:00 noon and resumed at 2:10 p.m.

## ITEM WITHDRAWN

Mayor McClellan announced in the morning session that Mr. Johnson would not appear as scheduled under 2:00 p.m. Citizens Communications, but she announced it again in the event there was someone in the Council Chamber for that particular item.

## GENERAL REVENUE SHARING

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the appropriation for 1975-76 federal General Revenue Sharing. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor Pro Tem Himmelblau asked why the City was turned down on the funds from Criminal Justice on the police range, because at budget time a matching amount was set aside for this and they were almost assured it was a sure thing. Ms. Ruth Rubio, Research and Budget, said there were two reasons why the grant was not approved by Criminal Justice:

1. It did not conform with Criminal Justice priorities.
2. The Criminal Justice Division did not fund any pistol range improvements prior to this submission and did not want to set a precedent for themselves in funding that kind of improvement.

Mr. Davidson, City Manager, said, "We made a pretty heavy attempt even though we were told in advance that it probably would not be approved." Mayor Pro Tem Himmelblau asked if it was just a supposition at budget time that this would be a match. "No, we tried our best to get it in very good faith and made every attempt that we knew how to make to get that funded..the fact of the matter is we had to have a pistol range and we were scrambling around trying to get it funded any way that we possibly could, hoping that we could minimize the

771208-0  
I.I.

amount of capital funds the City would have to provide," answered Mr. Davidson. Mayor Pro Tem Himmelblau said she was just interested in knowing why the City did not receive the money.

#### HIGH SCHOOL INTERN INTRODUCED

Mayor McClellan introduced her new high school intern to the Council and Chamber audience. She is Julie Little from Austin High School.

#### JOURNEYMAN'S LICENSES HEATING, AIR CONDITIONING AND REFRIGERATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 39-307(c), 39-307(d), AND 39-307(n)(5) OF THE 1967 AUSTIN CITY CODE; DELETING SECTIONS 39-307(n)(6) AND (7) OF THE 1967 AUSTIN CITY CODE; RENUMBERING SECTION 39-307(n)(8); PROVIDING FOR THE COMBINATION OF THREE CLASSES OF JOURNEYMAN'S LICENSES INTO ONE CLASS WITH ONE FEE; CHANGING THE TESTING AND EXPERIENCE PREREQUISITES FOR JOURNEYMAN'S LICENSES, CHANGING THE TIME PREREQUISITES FOR RETESTING; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Mullen asked, "Who does the testing?" Mr. Lonnie Davis, Director of Building Inspection, answered that it is done in his department. Mr. Mullen asked if the \$10.00 fee covers the City's cost. Mr. Davis said that the way they come in, they are tested one time, and normally they do two or three at one time. He said it is a close proposition, but he feels it comes very close to covering their cost.

#### BUDGET AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1976-77 BY TRANSFERRING VARIOUS AMOUNTS FROM THE GENERAL FUND BALANCE TO VARIOUS CITY DEPARTMENTS AND CITY FUNDS; AMENDING THE 1977-78 OPERATING BUDGET TO REFLECT THE CHANGES TO THE BEGINNING 1977-78 GENERAL FUND BALANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.



Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the 1976-77 Operating Budget to adjust certain departmental expenditures and transfers to insure that City departments and agencies are within authorized funding levels. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mr. Daron Butler, Budget Director, appeared before Council to state that every year about this time the staff is faced with making some adjustments in the previous year's operating budget to insure that we meet the Charter requirements to have a balanced budget in all our accounts and funds. He said there is \$399,507 in over expenditure in some of the general fund departments and the Council's authorization is needed to be able to shift funds from departments that underspent their budget to balance the budget in some of the departments that for various reasons went over their's. The usual cause for this is that they have budgeted for grant money which they do not receive even though there have been assurances beforehand that they are forthcoming. Mr. Butler said that in total the general fund departments did quite a good job, they only spent 95% of the money that was appropriated. The 5% savings is the amount that will be moved around to balance the other departments out for their overages. He reminded the Council that during the morning session they had approved the closing out of the Urban Renewal Agency. He said it is in this vehicle that the Council is being asked to pay the \$73,000 ineligible cost. Mr. Butler discussed various items that were in his letter, which the Council has.

Councilmember Mullen said he wanted some information concerning the overage in Special Services of \$286,977.00. Mr. Butler said the City's experience with workman's compensation is relatively new and he thinks that as employees become more aware of benefits from it there will be more claims against the City. Last year, he said, the budget department simply did not have an adequate guide line to budget for and this figure is a reflection of inexperience with the program. He said that the Personnel Department is focusing on this item to get a better handle on the risk management in this area. He said the total spending for workman's comp claims in the past year has been \$518,000. The other claims represent everything from the Public Works splattering tar on a car when it is re-surfacing a road to somebody stepping in a pothole and twisting their ankle, to the City agreeing they were wrong in some engineering studies and the wrong papers were filed. Mr. Butler said this fund covers a gamut of activities. Councilmember Mullen said he would like to know more about what the City is doing and how they got into this doubling of what was projected. Mr. Davidson said it is not a doubling, but more like 80%.

Mr. Davidson continued, "Mr. Mullen, that, as you know, is changing considerably with some new legislation and I can get some people in here to prepare a report now, or I can bring back to the Council a more thorough explanation including some contributions by the City Attorney's office, by the Personnel Department, and by a couple of others on our staff who have been working with this." Councilmember Mullen said he thought it would be more important to have a report later, but that he wanted to know what is being done to increase the safety level. Mr. Davidson answered they have transmitted to the Council periodically some of the successes of the safety program. He said they have five or six departments now receiving awards for having some of the best safety records in the state, and in a couple of cases in the nation. He said the Sanitation Division is one of those. Mr. Davidson said the City is improving its program and will home in on areas that have not been so productive, and if the Council likes, that will be included in the report on workman's compensation. Councilmember Mullen said he thought this is a lot of money to overbudget and asked how the Council was told of the changes. Mr. Davidson answered, "Either as a part of the budget, or in a separate communication." He said he did advise the Council periodically concerning the changing legislation having to do with Workman's Comp, and some of the new trends throughout the State of Texas. "But," he said, "I am sure I made no attempt to estimate how much over the budget that would likely be, because I didn't know." Mr. Davidson informed the Council that he thinks the experience in Austin will pretty much match the experience of other Texas cities, except for those already experiencing some very heavy loads per employee. He concluded that, considering what has happened in the past two years with the Workman's Compensation program, he does not look on what has happened in Austin as being unusual.

Councilmember Mullen also asked for clarification on the Council over-runs. Mr. Butler replied the item for \$3,000 was for remodeling work. He said there were increases in membership fees to the National League of Cities. These are assessed by population, and sometimes the size of the City budget is figured in too. Office equipment is part of the overage..when new members and staff came in, they had to be accommodated.

#### PUBLIC HEARING CANCELLED

Mayor McClellan announced that the public hearing scheduled for 2:30 p.m. has been cancelled, on an appeal by Robert Penn Fowler about the cutting of weeds and removal of rubbish. She has received a message from Mr. Fowler, who had been scheduled to appear, stating that his problem is being worked out. She asked if there was anyone in the Council Chambers who had come to speak to this hearing. No one appeared to be heard.

#### ECONOMIC DEVELOPMENT AND REVITALIZATION RESOLUTION

Mayor McClellan said she and Councilmember Cooke are presenting a resolution on Economic Development and Revitalization. She said that before they proceed any further, they want to get the Council's consensus and approval because this obviously will take staff time. She said the resolution is aimed at Austin's central business district. She referred to the report distributed to the Council concerning the proposed resolution. There will be a lot of

cooperation needed on the part of private enterprise. Today, she said, they are asking for:

1. Council's concurrence on the proposed resolution.
2. Informal meetings with individual groups for the next few weeks.
3. A formal meeting the third week in January to discuss and brainstorm with groups and individuals who are interested in this particular matter.

Councilmember Cooke said they are talking about something that is a trend all over the nation, and he thinks it is extremely important to Austin. He said he thinks it is unfortunate that there is a growing conflict between frost belt and sun belt. Mr. Cooke said the cities in the south need to try to prevent some of the things that have been occurring to cities in other parts of the country. He thinks municipal government can play a vital role, and private enterprise has to be an important catalyst because the public sector cannot really dictate the economic condition and vitality of our community as much as the private sector can. Some of the things they are addressing are parking in the streets, which occupies as much as 35% of the land use in the core; renovation of downtown buildings; funding strategically planned Capital Improvement Program projects. He said the Carter administration is very interested in the revitalization of central city areas. He thinks Austin should make every attempt to gain its share of federal funding for its revitalization. He also feels the City should work in cooperative efforts with the State of Texas, citing the example heard this morning concerning the Urban Renewal agency. Realizing, he said, that this resolution is going to take staff time and indirectly committing money, he thinks something significant should be decided by late January and certainly by April.

Mayor McClellan said she wants to stress that this resolution is approval of the concept of pursuing this plan, but before any decision on specifics she expects the staff to come back with details and with fiscal notes on any steps to be taken before any approval of details. She said, "concerning the frost belt-sun belt, we may get less federal dollars;" she doesn't think "we should expect to be getting more, because Austin is not a distressed City. However, we know what has happened to cities who have ignored the central business district and we don't want to ever become a distressed city." She stressed the inclusion of private enterprise in the planning before any details are firmed, because they will be asked to contribute monetarily. Councilmember Cooke and the Mayor both commented on the number of ideas and plans that have already been forwarded to them and Councilmember Goodman stated his belief that the proposed resolution promises to be an exciting project.

Councilmember Cooke moved that the Council endorse the Economic Development and Revitalization Resolution. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## CITY OF AUSTIN MANDATORY RETIREMENT POLICY

City Manager Dan Davidson pointed out that the City Council adopted as one of its goals and objectives, implementation of a flexible retirement age policy for all City employees. He stated that on October 6, 1977, Council-member Mullen requested that the City Manager and staff study the City's mandatory retirement age and return to the Council within 60 days for further action. Mr. Davidson asked Mr. Jimmie Flakes, Director of the Personnel Department, to deliver a report to the Council.

Mr. Flakes told the Council that they were recommending that the mandatory retirement age be raised from 65 to 70 years of age. He stated that this recommendation was based on the following considerations:

1. The goals and objectives as outlined by the City Council.
2. Proposed legislation at the Federal level which supports the provision.
3. An employee survey which supports current policy modification.
4. A trend among other jurisdictions to relax their mandatory retirement age policy.
5. Life expectancy for Americans has increased over the last 10 years.
6. Forcing persons to retire at age 65 robs the City of valuable talents, skills and experiences of some of the older employees.

Mr. Flakes stated that the current City retirement policy encourages people to retire at age 62 but has incentives for them to remain until age 65. There are certain exceptions where persons are allowed to stay employed by the City until age 70. The policy disallows retirement contributions beyond the age of 62 for most City employees and it offers no real incentives for early retirement. Mr. Flakes indicated that the primary recommendation was raising the ceiling on the mandatory retirement age from 65 to 70 years of age, with certain exceptions on certain job classifications and the provision for some retirement incentives. These incentives include semi-retirement which offers part-time, seasonal, temporary and consultant type employment opportunities for those persons in retirement. The secondary recommendation or alternative is to have no mandatory retirement age at all. This is coupled with some of the recommendations made for the primary recommendation. Mr. Flakes stated that if the Council chooses to adopt one of the alternatives, there were a number of things that should be considered. They are as follows:

1. The incentives for early retirement are primarily geared towards the executive level positions in the City of Austin.
2. Consideration may be given to improve health insurance programs for retirees.
3. Reduction of the de-incentives that currently exist in the policy for early retirement.

4. Deferred compensation programs for City executives.
5. Higher retirement contributions both on the part of the City and the City executives so that retirement payment may be greater and they won't be forced to stay on the payroll for a period of time.
6. Allowing employees, under the current system, to contribute for the duration of employment, and not cut it off at age 62.
7. A bonus for employees who stay on after age 62.
8. Development of a more comprehensive, pre-retirement counseling and planning program for City employees.

Mr. Flakes indicated that some of the other issues that are encompassed in the recommendations are as follows:

1. Age is not necessarily an accurate indicator of a person's ability to perform a job.
2. Relaxing the retirement age may strengthen both the City's pension program and the social security system.

Mr. Flakes then indicated some of the problems that would be generated with the program. They are as follows:

1. There may be some hesitancy on the part of City supervisors to address older workers' performance problems.
2. There may be low turn-over rates which, in effect, would reduce upward mobility for the younger employees.
3. There may be some jobs in the City that would not be suitable for older workers.
4. There is a social question of whether it is more dignified for an employee to retire mandatorily or is it more dignified for an employee to be forced out because of performance reasons.
5. There is argument that staffing patterns would be less predictable and may cause some problems in staff planning.

Mr. Flakes felt, however, that if the City adopts a well-supervised program that contains sufficient management controls, the City could effectively operate a program that could meet the Council goals and provide the quality of government and governmental services that the citizens of Austin and the employees both expect and deserve.

Mr. Davidson stated that the policy change may also be an opportunity to correct some inequities that exist in connection with the way employees are treated who decide to retire at age 62 or 65. He stated that if the Council directs that such a new policy be pursued, they would examine the alternatives

that should exist for employees in regard to retirement at most any age between 62 and 70, to insure that inequities are not created and so that present inequities can be corrected.

Mayor McClellan felt that raising the mandatory retirement age to 70 was a step in the right direction but that it was still as arbitrary as retirement at age 65. The Mayor indicated that there should be no mandatory retirement age and that there should be good evaluation, both medically and professionally, for employees. Mr. Flakes indicated that age 70 was chosen because that was where most other jurisdictions seemed to be going. He stated that this is the most supportable position that is documented. Mr. Flakes stated that they felt a mandatory retirement age of 70 was the most appropriate step to take at this time but that the ceiling could be removed altogether if so desired in the future. The Mayor said this may be the most acceptable but not the most equitable. She felt that if a good procedure is worked out, there was not reason to have an arbitrary cut-off age. Councilmember Mullen pointed out that there needed to be information as to how many City employees would want to continue employment beyond the mandatory cut-off age. He stated that there was certain actuary work that needed to be done. Councilmember Snell asked what the policy changes will do to City insurance premiums. Mr. Flakes indicated that they were not proposing anything other than the two possibilities. He stated that they would have to examine what impact the changes in policy would have upon the insurance program. Mr. Flakes indicated that on the face of it, neither one of the recommendations would effect the insurance program. Councilmember Snell then asked what effect the changes would have on the City's Affirmative Action Program. Mr. Flakes felt that within a couple of years when everything stabilizes, there would be no change in the program. He stated, however, that he did not have any solid facts to present in response to the question. Councilmember Snell felt that a way would be found to encourage Affirmative Action even if the City went with no mandatory retirement age.

#### Motion

Councilmember Mullen made the following statement and motion which was seconded by Councilmember Goodman:

"I'd like to say that I commend Mr. Davidson and Mr. Flakes for getting this report out in the 60 days. It was a very good report. I'm also pleased that the study shows that the recommendation for changing the mandatory age is what you all came up with because I don't think there is any proof that chronological age is an accurate indicator of the ability to perform a job. And I would..I know too that as we talked about, this could create some problems that will take good management to solve, but I think that with good management we can solve those problems. I would like to proceed with these options as to cost and effects on the retirement program, effects on insurance and all these items that we need to know before we can know where we're heading specifically and I'd like to make a motion that we direct the City Manager to proceed with this."

Councilmember Goodman asked if the motion pertained to both options and Councilmember Mullen replied that it did. Mayor McClellan indicated that she would vote for the motion but preferred the second option of doing away with the mandatory retirement age altogether.

MS. ETHEL DAVIS, former City employee at the Public Library, requested that the Council include in the motion that retirement be held in abeyance until all of the policies are worked out. She suggested that the City retain persons who are on the job now and let the details be worked out later. City Manager Davidson recommended against Ms. Davis' request but stated that he would direct City department heads to consider any request by an employee to have his or her retirement period extended. He stated that not all employees would want to have their retirement periods extended and also not all persons requesting extensions would be recommended for one by their department heads. Mr. Davidson indicated that when they come back to the Council with a recommendation, this would be spoken to. He stated that they would advise the Council as to how this would work in the future on the date that the Council adopts a new policy if it in fact adopts one. Mayor McClellan asked if a directive could be issued to all departments instructing that retirement extensions could now be asked for. Mr. Davidson indicated that employees could do that now under the existing personnel policy. He stated that he would communicate with departmental personnel to readvise them of that and also to communicate what has been adopted by the City Council and what is being worked on, and ask that City employees be advised that they may care to request an extension or else they might not.

In response to a question from Councilmember Goodman, Mr. Davidson, indicated that if a person requested an extension of the retirement period, they could continue to work if the request is approved by the department head and the City Manager. Mr. Davidson assured the Council that they would give a careful look at all retirement applications while the policy is pending. Councilmember Goodman suggested including with each employee's pay check, a notice advising that over the next few months the Council will adopt a policy that will bring about some change in the retirement policy.

#### Roll Call on Motion

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

Noes: None

#### ROLLBACK OF ZONING

The Council heard a report on Mrs. Harold Walker's request for a rollback of zoning for file number C14-77-048.

Mr. Jerry Harris, City Attorney, said that the report concerning this has been circulated to the Council and includes a letter from MR. PHIL MOCKFORD, the attorney who represented Dr. McElhenney, as well, has his report and that of Mr. Lillie, Director of Planning. Mr. Harris said the main problem involved in the zoning of the six lots was the fact that Dr. McElhenney did not own one of the six lots. He said the Planning Department memo details how that came about. Mrs. Walker, he said, had asked questions of the Council last week when this was brought before Council, one of which was what had anyone done on reliance on the zoning. Mr. Harris said, "It's our information at this time that Mr. Clifford Rainford, Jr., had purchased these lots from Dr. McElhenney under contract of sale and that contract of sale was conditioned on the zoning being granted. I received a telephone call from Mr. Rainford earlier today and my best information is that he has spent \$19,225.00 on the purchase of two of the

lots, and \$5,310.00 on plans and specifications and \$600.00 on interest." Mayor Pro Tem Himmelblau asked if this was on all the lots. "No, it is my understanding only two of the lots at this point have been conveyed," said Mr. Harris. Councilmember Cooke said, "We are only talking about the one lot that was never under the jurisdiction." "That's right," said Mr. Harris, "and I don't think Mr. Rainford will spend any money on that lot since we have discovered the seller did not own it. Our conclusions are that the zoning ordinances are valid. We think all procedures necessary were followed to make the ordinances valid. The question then is what sort of options the Council has. They are as follows:

1. Take no action and, therefore, leave all six lots zoned "A" Residential.
2. At the request of the true owner of the one lot re-institute a zoning case on that lot and zone it back to permanent "AA", if that's what the Council decides to do after the public hearings. (On this point Mrs. Walker brought to my attention this morning that the true owner of the lot had contacted at least some members of the City Council and had evidenced that indeed that is his desire that the lot never be zoned "A" in the first place, so I appreciate that information.)
3. Council could re-institute zoning hearing on all of the lots if they thought that this sort of mistake merited this sort of action."

Mayor Pro Tem Himmelblau asked why Council would have to have a public hearing on one lot zoned incorrectly on assumption of ownership. She asked if they could roll back the zoning today without a hearing. Mr. Harris answered, "Technically, all steps of the zoning statute were followed. Owners were notified, and even though, as Mrs. Walker pointed out, the true owner of the lot did not actually receive notice, ~~he was mailed notice~~ according to the tax rolls, and that's all that state statutes provide." Mayor Pro Tem Himmelblau said it has been the practice of Councils in the past not to zone unless the owner requested the zoning. "That policy is not true in the case of Historic zoning, and I think you're right and I think the Council would have followed that policy if before all the legal steps had been taken this had been pointed out. And I think it is very unfortunate this was not pointed out prior to the time that the case was heard by the Council and Planning Commission. The fact remains the state statute was followed, and I cannot find any legal basis for saying the zoning ordinances are absolutely void," stated Mr. Harris. Mayor Pro Tem Himmelblau asked if it is the responsibility of the applicant, Mr. Mockford and his client, to bear the cost of going through the zoning then since they handled it incorrectly the first time? "I know it was a mistake," she said, "but why should the owner have to go through not only the inconvenience but the financial burden of rezoning this."

Mr. Harris answered, "I think that's a very good point and there are at least three different ways expenses can be handled. The City could process it without cost. We could at least ask Mr. Mockford to bear the expense of undoing a mistake which he had a good deal to do with. The third option would be to require the owner to do so. There are also other options and we can pursue any of those the Council so desires."



Mayor Pro Tem Himmelblau said she wanted to make it easier on the property owner who was inconvenienced..whichever way it would make it easier for them, and on the single lot. She said she did not see any sense in going back on the others. Mr. Harris said if this is the desire of the Council, it could be done and the Council can decide if the City should process this without taking the normal application fee. "Or," he said, "we can pursue with Mr. Mockford the possibility of bearing the cost." Councilmember Cooke said he understood, the City met the intent of the law, but he did not think the property owner should bear the expense since everything was accomplished under false pretense. Mayor Pro Tem Himmelblau asked if Council had to go through hearing procedures on this. Mr. Harris replied, "Yes, the statute is very specific about this." Mayor Pro Tem Himmelblau asked if staff could represent the property owner in order to not inconvenience them. She said this procedure usually takes an attorney and sees no sense in putting them through all of that.

#### Motion

Mayor Pro Tem Himmelblau moved that the Council send this case (one lot) to the Planning Commission to roll the zoning back to "AA" as expeditiously as possible; someone from the Planning Commission is to represent the owner so no legal fees will be incurred by the owner. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Mullen said he wanted to make sure they have a formal request from the owner. Mrs. Walker appeared before the Council and read a letter from Robert Williams, the property owner:

"To Whom It May Concern: Please be advised that Mrs. Harold Walker and Mrs. Ron Gish are hereby authorized to act as our agent before the Austin City Council and the City of Austin Planning Commission to discuss why the zoning of Lot C, Block B of the Thomas R. McElhenney re-subdivision of Summit Oaks was erroneously changed from a single family residential. It is further stated the above lot was purchased through Dallas Title Company of Austin on November 24, 1970, and we have never requested the property be zoned anything other than single family residential. Signed Robert L. Williams and his wife, Joan S. Williams."

Councilmember Mullen looked at the letter and said he did not see a request that it be changed back. He said he did not care as long as it is legally proper. Mayor McClellan asked Mrs. Walker if she is making such a request in Mr. Williams' behalf. Mrs. Walker answered that she is. Councilmember Mullen said he wants to make sure the Council is acting legally at this time because there is no formal request to roll it back, but as long as Mr. Harris says it is okay, then he is for it. Mr. Harris said, "Now that we have his real place of residence, we will mail him a letter every step of the way, and he can have a fair opportunity to object if he cares to."

Mrs. Walker appeared before Council and reiterated her statements of last week. She again charged the Planning Department with negligence with checking the tax rolls. Councilmember Cooke said according to the report presented by Mr. Lillie, the latest information may not be posted so the owner is not necessarily on the rolls. Mayor Pro Tem Himmelblau commented she has sat on the Planning Commission for two years and is in her second term on the Council and this is the first time a lot has been zoned without the owner's request, other than historic zoning. She said she is sorry it has happened but she thinks the Planning staff has done a fine job and this is one mistake in hundreds and hundreds of zoning cases.

Mrs. Walker asked about the area study she had requested. Mr. Lillie said the staff will not be able to undertake an area study because of other priorities sent to them by the City Manager's office and Council. He did say he would be happy to meet with the neighborhood association and work out a zoning request based on the area, as they have done with other associations. Councilmember Cooke asked Mrs. Walker if her neighborhood would like to do this so they can return with a proposal for the Council concerning the entire area. Mrs. Walker said they would be happy to do as suggested, but are concerned about how the fee will effect the neighborhood association. She wondered if they would have to pay so much per lot for each residential home. Mr. Lillie answered the procedure used in the past has been that one or more members of the homeowner's association comes to the Planning Commission and requests consideration for zoning for the whole neighborhood and the rezoning is initiated by the Planning Commission, therefore, no fee is considered. Mrs. Walker repeated, "We will be happy to work with the Planning Department. I also would like to know what our interim petition rights are."

Mr. Harris said, "As we pointed out last week, the concern here is when property is up for zoning consideration and it happens to be Interim "A", a petition by surrounding owners has no effect as far as the vote required to approve the zoning. This is because of a state statute and a judicial interpretation of the state statute. The only thing the City can do is make a suggestion during a legislative session that it should be changed. There is nothing the City can do on its own until the state law is changed or until the Court reverses itself." Mrs. Walker asked if the City could petition for all residents of her area to be zoned permanently. Mr. Harris said, "One problem is that it doesn't matter what your property is zoned, it's what the property that's up for consideration for a change. If it is Interim, then petitions do not count against it." Mrs. Walker wanted to know if the residences already built can be zoned permanent "AA" by the Council. Councilmember Goodman said he thought the answer to that is, "in order to get their residences zoned "A", they are all going to have to make applications or else they will be in the limbo of "AA" forever, until you make application." He asked Mr. Harris and Mr. Lillie if this is correct. They answered affirmatively. Mr. Lillie told her that she needed to stop at his office and show him the area she wants considered. Councilmember Cooke asked if that application should include all homeowners involved. Mr. Lillie said that is not necessary, but it helps for as many as possible to be part of that process.

Mayor Pro Tem Himmelblau asked if most municipal airports provide facilities for general aviation aircraft. Mr. Kusche replied that they do. Mr. Kusche went on to say that it was the recommendation of the consultant to route air carriers to Bergstrom and retain the general aviation aircraft only at Robert Mueller Airport. Councilmember Goodman asked about getting a positive response from the Pentagon on the use of Bergstrom Air Force Base. Mr. Kusche indicated that forms have been submitted to the Pentagon but that he has not received a response from them as of yet. Councilmember Mullen indicated that Congressman J. J. Pickle had assured him that he would try to get an answer about the air base from the Air Force within six weeks.

Councilmember Cooke asked about other cities the size of Austin that were currently engaged in joint-use programs with the Air Force. Mr. Kusche indicated that Albuquerque, New Mexico, which has about the same population as Austin; Yuma, Arizona; and other cities around the country currently engage in such joint-use programs. Councilmember Cooke also asked Mr. Kusche about the fact that air carriers going to Bergstrom would degrade the operations of the base. Mr. Kusche indicated, however, that he had assurance from the Air Force that this would not be the case. In response to a question from Councilmember Cooke, Mr. Kusche stated that if the joint-use request is turned down by the Air Force, the consultant recommends renovation of the present Robert Mueller Airport.

Mayor Pro Tem Himmelblau asked about the possibility of entering into a joint-use program with the City of San Antonio. Mr. Kusche did not feel that this would be a viable solution and stated also that he did not think the City of San Antonio would be interested. Councilmember Goodman asked Mr. Kusche how he felt about pushing forward with the joint-use request to the Air Force. Mr. Kusche indicated that the City should meet with the Air Force prior to any decisions being made.

Mr. Davidson indicated that once the Council makes a decision on the airport situation, the matter should be pursued as quickly as possible. Mayor McClellan felt that there was a need for the Council to address the issue.

#### Motion

Councilmember Cooke moved that the Council pursue the possible joint-use concept as rapidly as possible and try and get a decision rendered by the Department of Defense; and that any negotiations between the City of Austin and Bergstrom Air Force Base not jeopardize relations between the two bodies. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Cooke stated that the joint-use concept would require a lot of negotiation between the City and the Department of Defense, but that the motion at least put the issue into that mode of communication. Councilmember Mullen made the following statements: "I want to be sure of the repercussions of the possibility of losing Bergstrom. I don't want us to get in a bind that we are, for sure, bound to go after this." Mr. Davidson commented that a resolution made by the previous Council stipulated that if negotiations jeopardized relations with Bergstrom Air Force Base, the matter would be referred back to the Council. Mayor McClellan felt that it would be good to initiate contact with Bergstrom officials as quickly as possible after the updated Airport Master Plan report is received from the consultant in January.

## AIRPORT MASTER PLAN

Mayor McClellan indicated that an updated version of the Airport Master Plan is scheduled for January of next year. City Manager Dan Davidson introduced Mr. Roy Bayless, Director of the Airport, who told the Council that since they have not had a chance to interview the consultant to the Master Plan, the consultant was asked to make a presentation before the City Council. Mr. Bayless introduced Mr. Ray Kusche, Vice-President of R. Dixon Speas Associates, who make a presentation to the Council.

MR. RAY KUSCHE told the Council that the Airport Master Plan for Austin was authorized in June of 1975. He indicated that they basically followed the Federal Aviation Administration (FAA) format, which he outlined as follows:

1. A forecast of expected growth in the Austin region.
2. Determination of the airport requirements for the Austin region.
3. Site selection of the airport that will do the best job.

Mr. Kusche stated that the previous Council authorized the consultants to prepare a joint-use application for sharing the use of Bergstrom Air Force Base and completion of the Master Plan for Robert Mueller Airport. He then made a statistical slide presentation demonstrating passenger increases during the 20-year planning period, increase in the number of operations, increases in air carrier based aircraft and increases in general carrier aircraft. Mr. Kusche indicated that, given the increases in air traffic over the next 20 years, the airport will begin to run out of runway capacity sometime during the 1980's. He stated that there was also a problem with intersecting flight paths between Bergstrom flights leaving to the north and Robert Mueller flights leaving to the south. Mr. Kusche also made reference to the number of acres that will be impacted by noise from the airport.

Mayor McClellan asked Mr. Kusche how many persons would be effected by noise from the airport. Mr. Kusche replied that 1,900 persons would be effected by noise. In response to a question from Councilmember Mullen, Mr. Kusche stated 1,900 was the current number of persons who would be effected by noise from the airport. Mayor Pro Tem Himmelblau asked if there was any difference in impactation between air carriers and general aviation aircraft. Mr. Kusche indicated that air carriers generally dominate noise factors whereas general aviation noise factors are not as impacting. Mr. Kusche indicated that by the year 1995, the number of persons effected by noise will increase to 2,700. He indicated that, over the years, the airport will improve due to FAA guidelines but that noise factors will not because of the projected increases in operations. Mr. Kusche then continued with the slide presentation which addressed site locations and alternative recommendations pertaining to the airport. (SEE Appendix I) Mayor Pro Tem Himmelblau asked what the price would be to keep both air carrier and general aviation aircraft at Robert Mueller airport. Mr. Kusche indicated that the price recently designated in the Master Plan Study is \$39 million. He compared this to the \$40 million cost of moving air carrier traffic to Bergstrom Air Force Base and retaining only general aviation aircraft at Robert Mueller airport.

(NOTE: An attached Appendix I entitled "Summary Report of the Airport Master Plan Study" follows this report.)

ADJOURNMENT

The Council then adjourned at 4:40 p.m.

APPROVED

Carole Kester McEllen  
Mayor

ATTEST:

Grace Monroe

City Clerk

SUMMARY REPORT  
OF THE  
AIRPORT MASTER PLAN STUDY

INTRODUCTION

The City of Austin retained R. Dixon Speas Associates to prepare an airport master plan study of Robert Mueller Municipal Airport. The study has proceeded through various phases, and concludes that the long range solution for air carrier airport needs for Austin is joint use with Bergstrom Air Force Base, retaining Mueller for general aviation. The City Council directed the staff to pursue joint use with the Air Force and the Department of Defense and those agencies are now considering the request.

This summary outlines the findings and recommendations of the study in terms of the principal questions which were asked during the study. Also, implementation issues, costs, and alternatives available to the City Council are outlined.

THE STUDY

Purpose of the study was to determine whether Robert Mueller Airport can be developed to handle Austin's aviation activity (commercial and general aviation) through the mid-1990's or if additional facilities will be required. To make such a decision, four basic questions had to be answered concerning both civil and military aviation activity in Austin:

1. What types of aircraft will use the airport(s) and which will be the critical aircraft (requiring maximum runway dimensions)?
2. What level of activity (in terms of aircraft operations) will exist?
3. Will the activity create airspace conflicts or other safety problems?
4. What facility(ies) are environmentally compatible with the expectations of Austin residents?

### Study Findings and Recommendations

Summarized below are the consultant's answers to these questions and resulting recommendations.

The study established the Boeing 7X7 as the critical aircraft for runway design through 1995. (This is an aircraft now under design). A 9,000 foot runway would be required to support the 7X7 (current primary runway length is 7,270 feet). If operations out of Austin remain restricted to the Boeing 727 type aircraft (or smaller) with maximum stage lengths of 1,200 to 1,300 miles, a minimum useful runway length of 7,500 feet will be required. Extension of Mueller's main runway would be extremely expensive. Nine thousand feet will be difficult to attain.

While projected Austin carrier operations during the next twenty (20) years can be supported by one runway of sufficient length, total general aviation, military, and carrier operations will approach capacity of Mueller's current configuration by the late 1980's (peak hour congestion will begin to occur in the early 1990's). The FAA reports that eighteen private airports in Texas were closed in 1975. Should some of the private area airports close in the interim, Mueller could approach operational capacity immediately. Operations and based aircraft projections developed by the consultant are extremely close to those developed by the State in the Texas Airport System Plan and are consistent with growth trends identified by FAA, the Air Transport Association, and the General Aviation Manufacturers Association at the national level.

In determining whether projected Austin aviation activity would create airspace problems in the future, the consultant confirmed that a conflict already exists between the departure course from Mueller and approach course to Bergstrom under south traffic flow (the prevalent situation in Austin). Both Bergstrom and Mueller are under FAA radar surveillance. The Air Force has cooperated by developing alternate arrival and departure courses for most Visual Flight Rule (VFR) conditions. Under Instrument Flight Rules (IFR) and certain VFR conditions, however, these intersecting courses must be used. When they are used, aircraft departures from Mueller or approaches to Bergstrom must be delayed to avoid the possibility of two aircraft approaching the intersection at the same time. This airspace conflict, known affectionately as "Snafu" intersection, degrades capacity at both Mueller and Bergstrom.

An environmental analysis of Mueller under current and projected conditions shows that noise levels generated by air carrier operations are, by modern standards, incompatible with land uses around the airport and under its approaches. This problem is compounded by rising terrain to the northwest (under the primary runway approach) which includes substantial new and

projected residential development. Any further development at Mueller would be subject to full environmental review as well as an analysis of alternative courses of action prior to federal assistance. Continued carrier operations at Mueller may invite the type of environmental problems being encountered at numerous airports around the country.

No solution to these four basic problems that would allow carrier operations to remain at Mueller has been found. Indeed, individual solutions to each problem only compound the others. The consultant has, therefore, examined a series of alternative airport sites, uses, and configurations that would meet Austin's aviation needs through the 1990's.

Based on convenience to the air traveler, lowest cost to the City, and positive environmental factors, the consultant has recommended that carrier operations be moved to Bergstrom leaving general aviation operations at Mueller. In order to maintain Bergstrom mission integrity, the shorter north-south parallel runway would be extended and strengthened and a commercial terminal on the west side, separate from military activities, would be constructed. To eliminate airspace conflicts, the current (NW-SE) primary runway at Mueller would be closed or perhaps shortened and the existing north-south runway extended to accommodate large general aviation aircraft. Capacity of this system would accommodate anticipated Air Force, other military, and civil operations in Austin well into the 21st Century. The existing runway at Bergstrom will already accommodate 747 type aircraft. Noise impact of carrier operations at Bergstrom will not exceed that of current military operations. Noise impact of general aviation operations at Mueller will be contained within its slightly extended north and south boundaries.

#### Robert Mueller Municipal Airport

The Robert Mueller Municipal Airport is located approximately three miles east of the center of Austin, Texas. It is entirely within the city boundaries and bordered on the west by Interstate Highway 35.

The airport is utilized by air carriers, general aviation, and military aircraft. Air carrier operations are expected to increase in the twenty year planning period from 20,751 in 1974 to 48,670 in 1995. Growth in general aviation operations will result in 296,095 annual operations in 1995, compared to 132,793 in 1974. Total aircraft movements at Mueller are expected to increase from 166,958 in 1974 to 359,765 in 1995. Results of the runway long-range demand/capacity analysis revealed Robert Mueller will reach 80% of its unconstrained runway capacity



(the level at which additional capacity should be available) not later than 1986. Activities proposed for relocation to Bergstrom include all air carrier operations. Present and future operations are projected to increase from 21,422 in 1975 to 48,670 in 1995, as indicated below. General aviation operations including business/executive and charter aircraft requiring access to the terminal will increase from 4,150 in 1975 to 15,320 in 1995. Potential third level carrier operations are assumed to be in the general aviation category.

#### Air Carrier Activity Forecasts

The air carrier operations proposed for relocation from Mueller to Bergstrom Air Force Base are forecast as follows:

<u>Forecast Year</u>	<u>Certificated Scheduled</u>	<u>Air Carrier Non-Scheduled</u>	<u>Scheduled Intra-State</u>	<u>Total Air Carrier Operations</u>
1975	21,380	42	--	21,422
1980	28,800	62	1,458	30,320
1985	35,310	90	2,555	37,955
1990	41,600	116	2,919	44,635
1995	45,240	142	3,288	48,670

#### Bergstrom Air Force Base

Bergstrom Air Force Base was activated in 1942 on land acquired by the City of Austin and leased to the United States Government for one dollar per year. Bergstrom serves as Headquarters for the 12th Air Force Tactical Command and home base for the 67th Air Force Reconnaissance Wing and the 602nd Tactical Aircontrol Group. There is also a C-130 Reserve Unit located at the facility. The Base has 5,120 military personnel and 570 civilian employees. The 67th Tactical Reconnaissance Wing flies the RF-4C "Phantom II" jet aircraft, and provides by aerial reconnaissance overt intelligence to the United States Strike Command.

Bergstrom Air Force Base was included in a list forwarded to the Department of Defense (DoD) on April 2, 1971 by the Chairman of the Aviation Advisory Commission, asking DoD for the availability of these bases for joint use. The list was originally compiled by the FAA and later revised by the Commission based on the recommendations of the State Aeronautics Directors. The DoD's comments on Bergstrom Air Force Base at that time were, "Commercial air carrier use would be possible if an additional parallel runway could be constructed for such traffic at no cost to DoD, and an acceptable agreement can be negotiated." In addition, a report was prepared by the FAA Southwest Region and submitted in connection with the preparation of the 1972 National Airport System Plan (NASP). The joint use of Bergstrom was listed in

the report as the preferred alternative to other nearby airport development.

A formal request for joint use of Bergstrom was presented to the Bergstrom Base Commander October 12, 1976.

### IMPLEMENTATION ISSUES

The consultant's independent study of Austin's airport needs is technically sound and compelling. A number of questions generally arise in discussing joint use of Bergstrom Air Force Base and the following brief discussion is in response to them.

Foremost among the issues raised is the question of whether proposed commercial operations are compatible with Bergstrom's mission and, if so, should the Department of Defense (DoD) be amenable to joint civil-military use of the Base. In a report dated October 1, 1972 the FAA identified Bergstrom as the preferred alternative to other nearby site development after consultation with DoD. On November 17, 1975 the FAA reconfirmed that Bergstrom offered the best solution for Austin's long range aeronautical needs. As proposed by the consultant, commercial and limited general aviation (some business jets and larger charter and nonscheduled commercial aircraft) activities are compatible with the Air Force's mission. The Air Force would benefit operationally by elimination of the current airspace problem that degrades Bergstrom's capacity and financially by FAA operation of the tower. General aviation activity can be minimized through a landing fee scheme similar to that at DFW. Extension of the parallel runway will provide sufficient capacity to support joint use. Location of a civil aviation terminal on the west side will provide sufficient separation of activities. It is felt that these arguments are not sufficient to justify a threat to the current or future level of Air Force activity at Bergstrom.

By relocating air carrier operations to Bergstrom and retaining general aviation activity at Mueller, the substantial private investment in fixed-base facilities will be preserved and will not have to be redeveloped elsewhere. The proposed configuration of Mueller is sufficient to support anticipated growth of general aviation activity and is more efficient than the current configuration.

### Costs

Facilities required to relocate air carrier operations to Bergstrom are estimated at \$40,000,000 (1975 dollars) and the City might anticipate participation from the Federal Aviation Administration in the amount of \$19,000,000.

## ALTERNATIVES

Although the consultant has recommended joint use of Bergstrom Air Force Base as the most viable and economic solution to Austin's long range Airport needs for air carrier operations, he evaluated eight sites with serious consideration given to the following two as alternatives.

### A. Air carriers and general aviation remaining at Mueller.

Should total operations be continued at Mueller, the consultant's study established the following.

- . The projected total of air carrier, general aviation and military operations will approach capacity of Mueller's runway configuration by the late 1980's, with peak hour congestion beginning to occur in the early 1980's.
- . The critical aircraft for runway design through the twenty-year planning period is a Boeing 727-200, or aircraft under design, such as the Boeing 7X7. Under maximum configuration with probably stage length of 1,200 to 1,300 miles (Austin to Los Angeles), the desired runway length is 9,100 feet. Current primary runway length is 7,270 feet. Extension of the Mueller runway would be physically feasible, but costly and difficult to obtain. Manor Road would have to be realigned to the southeast through a portion of Morris Williams Golf Course.
- . With respect to airspace, a conflict exists between the departure course from Mueller and approach course to Bergstrom under south traffic flow. Both Mueller and Bergstrom are under FAA radar surveillance, but Bergstrom has developed alternate arrival and departure courses for most Visual Flight Rules (VFR) conditions. However, under Instrument Flight Rules (IFR) and certain VFR conditions, aircraft departures from Mueller and approaches to Bergstrom must be delayed to avoid aircraft approaching the intersection at the same time. This airspace conflict, known as SNAFU intersection, degrades capacity at both Mueller and Bergstrom.
- . Mueller Airport is developed on a 770 acre site in the center of an intensively developed urban complex. As a minimum, considering clear and approach zones,

noise and safety requirements, an air carrier airport should be developed on a 3,100 acre site, not including necessary adjacent compatible land uses. Attainment of adequate clear zones for an expanded runway system accommodating both general aviation and air carrier activity would require the acquisition of 155 acres of residential/commercial property at a cost of 17 million dollars. This property contains 48 commercial sites, 312 single family residential and 371 apartment units.

Continued air carrier and heavier general aviation aircraft operations at Mueller may invite the type of environmental problems being encountered at numerous airports throughout the country. Current noise impacted areas which should be in airport ownership total 350 acres, including 1,900 residents. This is expected to increase to over 400 acres and 2,200 residents in 1995. In addition, areas in which occasional noise complaints occur will increase from 2,700 acres and 15,000 residents (6 schools) in 1975 to 3,890 acres and 21,500 residents in 1995 (9 schools and hospitals). The noise problem is compounded by rising terrain to the northwest (under the primary runway approach which includes substantial new residential development). Moreover, with proposed schedules of Southwest Airlines, we will reach 1995 operations projections of 48,670 air carrier movements over the next few years; thus, the 1995 noise impact will occur at a much earlier date.

No ideal solution of the foregoing problems which would allow air carrier operations to remain at Mueller has been found.

#### Costs

The Consultant has estimated costs at 39.1 million dollars (1976 dollars) to implement the long range (20 year) plan for Mueller Airport, of which we might anticipate 14 million dollars in federal funds.

As pointed out earlier, it appears there is little question that the 20 year projection of 48,670 air carrier operations and 1.3 million enplaned passengers will occur sometime during the next ten year period. Therefore, the Staff believes it would be unwise to embark upon an expansion program at Mueller of the

above magnitude only to find the City facing the same problems and difficult decisions almost surely within ten years and definitely within the next twenty years. The question would be, where do we go from here?

B. Develop an entirely new site at the Tims Air Park location near Pflugerville.

In considering this alternative the consultant studied the relocation of air carriers only and relocation of both air carriers and general aviation to the Tims site.

With air carriers and general aviation at the Tims location, it is estimated that 3,680 acres would be required for a 9,000 foot runway and a paralleled general aviation runway with relocation of the private general aviation facilities to the east. Although good ground access could be provided from IH 35, the consultant believed that severe environmental problems would be encountered in attempting to construct a major air carrier airport at that site.

A case in point here is the effort that was made in St. Louis over a six year period to build a new air carrier airport. About a year ago an FAA grant for initial land acquisition was approved by the Secretary of Transportation over the strong objection of environmentalists. The new Secretary of Transportation appointed by President Carter upon being sworn in immediately rescinded that grant.

Thus, one might anticipate long delays in pursuing this alternative with the same results experienced at St. Louis.

The two main factors which led the Airport Citizens Advisory Committee and the Technical Committee to give little consideration to this alternative were potential environmental problems and difficulty, as well as high costs, in implementing the plan.

Costs

The consultant estimated costs of this plan at 63.6 million dollars (1975 dollars), of which the City might anticipate 38.5 million dollars in federal aid.