

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 4, 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, Mayor Pro Tem Snell, Councilmembers
Cooke, Goodman, Mullen, Trevino

Absent: Councilmember Himmelblau

The Invocation was given by Reverend John C. Towery, of the Congregational Church of Austin.

ANNOUNCEMENTS

The Mayor announced that as of today the new procedures for Boards and Commissions will go into effect. She said she would announce today all of the appointments that will be made on the first Thursday of September at the Council Meeting. Applicants, she said, must have their application on file in the City Clerk's office one week before the appointments are made. The closing date for September appointments is August 25, 1977. Councilmembers may put an application on file for a nominee. All applications are public information in the Clerk's office. She read the following list of vacancies with appointments to be made September 1, 1977:

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| Arts Commission | 5 |
| Building Code Board of Appeals | 1 |
| Electric Board | 3 |
| Board of Adjustment | 1 alternate |
| Dental Health Advisory Committee | 3 |
| Energy Conservation Commission | 3 |
| Ethics Review Commission | 1 |
| Explosive Appeals Board | 1 |
| On Going of Goals Assembly Committee | 4 alternates |

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| Navigation Board | 1 |
| Plumbing Advisory Board | 8 |
| Heating, Air-Conditioning and Refrigeration Appeals Board | 1 |
| Solicitation Board | 3 |
| Vending Commission | 4 |
| Community Development Commission | 6 |
| Manpower Area Planning Council | 14 |
| Urban Transportation Commission | 1 |

Mayor McClellan said that at previous meetings she had announced appointments that will be made August 11, 1977, such as to the Community Development Commission.

Notices Regarding Street Vacations

Mayor McClellan pointed out that there were notices sent out regarding street vacations. The request was by the Austin Corporation by Jeryl D. Hart for the proposed closing and vacating of a street 40 feet in width and an alley 20 feet in width out of White and Wolf Subdivision in Travis County, Texas, westerly from Tortuga Trail. She said there was a procedural problem and it is not listed on today's agenda and wanted anyone there in the audience concerning the item, to know that it will not be discussed today.

Funeral Escorts

She also announced that the agenda item concerning funeral escorts is not scheduled for action today, but is a City Manager report. She said that anyone there to listen was welcome, but the report would not be given until afternoon. There was a question from the audience regarding whether or not funeral directors had been contacted regarding the proposed change. City Manager Dan Davidson replied that Chief Dyson is in the process of contacting the funeral directors and the Austin Council of Churches and giving them a copy of his report. Mayor McClellan said there would be a public hearing on the subject before the Council takes any action.

LIBERTY LUNCH AND WAGON YARD

The Council had before it an item under Citizens Communications concerning Mr. James M. Boni, Proprietor, Liberty Lunch & Wagon Yard, requesting to appear before City Council to request renewal of lease for business located at 405 West 2nd Street. Mayor McClellan said the staff had been trying to get in touch with Mr. Boni and had not been able to do so. Mr. Davidson said they had hand-delivered a letter to him stating they were standing by waiting to be contacted so they could set up a meeting for discussion as requested by the City Council. He said the item would be re-scheduled on the agenda as soon as the meeting has been held.

"WELCOME TO COUGAR COUNTRY"

Councilmember Trevino moved that the Council approve the request of Miss Alice Aldridge, Cheerleader, Crocket High School, for permission to place a "Welcome to Cougar Country" banner across Manchaca Road at Jones Road by August 29, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

APPROVAL OF MINUTES

Councilmember Mullen moved that the Council approve the Minutes for July 28, 1977. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

RELEASE OF EASEMENT

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

A portion of a Drainage and Public Utilities Easement out of and a part of Lot 48, Block D, Crown Ridge Village, Section One. (Requested by Ms. Pat Dugan, Fort Worth Mortgage Corp.)

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

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

LICENSE AGREEMENT

Councilmember Cooke moved that the Council adopt a resolution authorizing the entering into of a License Agreement with the Missouri Pacific Railroad Company for the purpose of constructing a 12-inch water line along Missouri Pacific Right-Of-Way at Mile Post 171.3, Travis County, Texas at Austin. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

PUROLATOR SECURITY CONTRACT

PUROLATOR SECURITY, INC.
78 East Avenue
Austin, Texas

- Guard Services, Uniformed, Unarmed and Armed, General Services Division and Health Department.
- Twelve (12) Months Service Agreement, including option for two (2) one (1) year extensions.
- Items Nos. 1 through 3, estimated \$65,457.40.

Councilmember Mullen moved that the Council adopt a resolution approving the above contract. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

OFFICE SPACE FOR LAW DEPARTMENT

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

MORIN M. SCOTT
708 Colorado Street
Austin, Texas

- Real Property, Office Space for Law Department, Property Management Department. Five (5) Year Lease of Office Space at \$2,728.00 per month, including options for two (2) one (1) year extensions thereafter.
- Total - \$163,680.00.

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

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

Before the vote was taken, Councilmember Goodman asked if the Fehr-Granger Building had been considered as a suitable office for the Legal Department. Mr. Jerry Harris, City Attorney, said the building had been looked at after the City Council last considered this matter. Based on the distance that building is from City Hall, it was decided it would be best to see what kind of offers would be received through the competitive bidding process. Based on the results of competitive bidding, and the distance of the Fehr-Granger building from City Hall, there was not further consideration of the building. Mr. Davidson told Mr. Goodman that the City will have other projected needs for office space that they think will be more suitable for the building in question. Councilmember Goodman asked how soon that would occur. Mr. Davidson replied it had not been discussed in several weeks, but they had been

looking at the space needs of Human Resources. They also will have need for space associated with Brackenridge Hospital, but that cannot be firmed until the completion of the health study. Mayor McClellan pointed out that she is pleased with the bidding process which was used and believes it should be used from now on. Mr. Davidson told the Council and audience that because of the bidding procedure used, desirable space had become available in the Brown Building which had not been vacant in previous searches for office space for the Legal Department.

CULTURAL ENRICHING PROJECT
SYMPHONY SQUARE EXPOSURE TO THE ARTS YOUTH PROGRAM

Councilmember Cooke moved that the Council adopt a resolution to authorize submission of two applications to the Texas Department of Community Affairs for projects entitled "Cultural Enriching Project," and "Symphony Square Exposure to the Arts Youth Program." (No cost to City) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

PUBLIC HEARING ON OPENING THE 23RD STREET
RENAISSANCE MARKET TO ALL VENDORS

Mayor McClellan opened the public hearing scheduled for 10:30 A.M. by asking City Manager Dan Davidson to present a statement of City policy regarding vending practices in the 23rd Street Market area. Mr. Pieter Sybesma, Administrative Assistant, told the Council that the current Vending Ordinance was adopted in 1976 and provided for the creation of a seven-member Vending Commission. This Commission was charged with determination of standards of the goods being sold by vendors. They were also empowered to suspend or revoke vending licenses. The Ordinance reaffirmed the market hours from 8:00 a.m. to 10:00 p.m. and established a \$60.00 annual permit fee, pro rated at \$5.00 per month with a minimum permit fee of \$10.00. The Ordinance closes West 23rd Street between Guadalupe Street and San Antonio Street, excluding the alley from Thursday through Saturday in November, and Monday through Saturday in December. There are 88 spaces in the vending market and an additional 58 spaces when West 23rd Street is closed. The Ordinance also provides for inspection of licenses, locations and goods by members of the Vending Commission or the appropriate staff, and provides for an appeal procedure for the denial, suspension, and revocation of licenses. The Vending Commission has approved 67 licenses this year as opposed to 250 license approvals last year. Mr. Sybesma told the Council that the proposal presented to the Vending Commission by MR. RUSTY KORMAN sought to accomplish the following:

1. To open the Market to all vendors.
2. Reinstate the lottery procedure of specifying spaces for each vendor.

3. Close 23rd Street during peak times to provide additional spaces for vendors.
4. Establish an annual cut-off date for obtaining licenses.

Mr. Rusty Korman stated that the idea of the annual cut-off date for licenses was to prevent persons from coming in from out of town only during the peak seasons.

REVEREND JOHN TOWERY, Minister of the Congregational Church of Austin, spoke before the Council. He told the Council that his church was against expansion of the Renaissance Market because of the inconvenience to the church.

MR. MICHAEL WOLVERTON spoke before the Council in favor of bringing importers back to the market place. He stated that business on the Drag has dropped off by 50% to 75% since the importers were excluded from operating in the area. Mr. Wolverton stated that the importers attracted consumers to the market. He stated that he would like to see the lottery procedure continued during the Christmas season.

MR. NEIL RIEMER, representing the Vendors For An Open Market, spoke before the Council. Mr. Riemer stated that the distinction between an artist and a non-artist was an arbitrary one and that the Vending Commissions represented unnecessary governmental regulation. He proposed that the consumers of Austin be the final arbiters of what is to be sold in the market and that they manifest this decision by virtue of their purchasing power. Mr. Riemer made the following proposals:

1. That a lottery system, which does not distinguish between groups of business people, be established as the most fair and equitable means of space allocation.
2. That 23rd Street be closed during peak business times to provide for additional space.
3. That an annual cut-off date for the licensing of vendors be established.

Mr. Riemer concluded by requesting that the Council open the market to all vendors.

MR. DON REESE spoke before the Council stating that the market place was deteriorating due to the removal of certain vendors along the Drag. He stated that in his best interest he would like to see the area opened up to all vendors again.

MR. DAVID HART, owner of a Crown Shop located in the market area, spoke before the Council. He felt that the City should not subsidize the market place with money from the taxpayers.

MR. MIKE GROSSBERG, Vice-Chairman of the Texas Libertarian Party, spoke before the Council. He stated that the market place should be open to any one. He felt that the consumer should have the choice as to the goods one wished to purchase in the market place. Mr. Grossberg felt that the Council should do away with the Vending Commission and the license requirements for the vendors.

Mr. Rusty Korman spoke against the idea of having an import market in the market place. He did not feel that the market area hurt other businesses in the area.

Motion - Died For Lack of a Second

Mayor Pro Tem Snell made a motion for the Council to take action on the proposed amendments to the Vending Ordinance. The motion died for lack of a second.

Motion

Councilmember Trevino moved that the Council postpone action on the matter out of courtesy to Councilmember Himmelblau. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: Councilmember Mullen

Absent: Councilmember Himmelblau

Mayor McClellan stated that, as a matter of future Council policy, she would prefer that all Councilmembers be present at meetings of great importance. In lieu of the previously approved motion, she indicated that a vote would not be taken until the next regular Council session, Thursday, August 11, 1977.

MS. YVONNE ATLAS told the Council that she was in favor of opening the market area to importers. She stated that without the importers in the market area, there was nothing to attract consumers to the area.

MS. DEBBIE KLINE, Manager of a shoe store located in the vicinity of the market area, spoke before the Council. She indicated that she was in support of the arts and crafts market and that she would like to see more craftsmen out there. Ms. Kline felt, however, that it was unfair to allow importers to sell in the area. She stated that area merchants could not compete with importers because the importers did not have to pay the taxes, overhead, advertising and rental that store merchants had to pay.

MR. ALBERT LANDA spoke in favor of opening the market area to importers. He felt that the market was a bore ever since the exclusion of the importers from the area.

MR. WALTER FAULK, representing the Committee to Preserve the 23rd Street Market (in its present form), spoke before the Council. Mr. Faulk indicated that the present market was functioning without the importers selling in the area. He stated that the market area should be reserved for true craftsmen only. Mr. Faulk pointed out that arts and crafts were the third largest industry in Austin and as such attracted many persons to the City. He felt that the City has worked out good administrative standards and that the market has given many the chance to grow as artists.

MS. ELAINE PEOPLE stated that allowing importers into the market area increased the number of people coming to shop in the area. However, with the exclusion of the importers in the market area, business has dropped off. She noted that the bead stringers have also been eliminated.

MR. PHILLIP DUNN stated that any group that was willing to work with the Vending Commission could come in and help develop guidelines to achieve workable situations. He stated that the Commission carried on a sort of exchange with the vendors that came before it.

MR. PHIL GORDON stated that there would be a space problem if the importers are allowed to sell in the market area. He stated that the inclusion of importers in the area would degenerate the market into a flea market which would be incompatible with the arts and crafts also being sold. Mr. Gordon stated that he had a petition of 30 names of Guadalupe Street merchants who opposed importers selling in the market area. He stated also that a flea market would not be advertised in any tourist literature of the City. He said that in the interest of tourism, it would be best to allow the market to remain an arts and crafts market. Mr. Gordon felt that it would be a great cultural loss if the importers were allowed to sell in the market area.

MS. EUGENIA SCHOCH felt that importers should be excluded from the market area. She felt that the Council acted correctly when it restricted the market to arts and crafts persons 13 months ago.

MR. MIKE MOHAN stated that opening the market to importers would bring in a lot of unhealthy competition for the merchants in the area. He felt that merchants needed some sort of protection from this.

MS. CINDY SLINTKA told the Council that she had informed persons of the market situation when she appealed to persons to sign a petition she had circulated. She stated that the Vending Commission was viable in determining what it determined to be arts and crafts.

MR. ABE ZIMMERMAN, attorney representing the Vendors for an Open Market, spoke before the Council. Mr. Zimmerman stated that the previous Council had voted to exclude importers from the market in spite of a court appeal that he had made. He felt that restricting the market established a dangerous precedent and gave persons arbitrary power to edge other persons out of the market area. Mr. Zimmerman stated that there would be problems involved with opening the market to the importers, such as space allocations, but that those problems could be worked out with proper regulations.

MR. ROBERT CAMPBELL felt that the market area should be open to anyone who wished to trade, sellers and buyers. He felt that the market should offer the widest variety of goods the people want. He did not feel that the market could survive by restricting the type of wares sold there. Mr. Campbell stated that the true spirit of the market was a market that would be open to everyone.

MR. HANS FLENTGE, a craftsman in the market area, stated that it would be impossible for him to compete with importers because they could bring in goods from Mexico or Guatemala and sell every day of the week whereas he has to take time out from his sales work to create the articles he sells.

MS. CHRISTY RUDEFEATHER stated that the market area was losing money ever since the elimination of the importers from the market. She felt that the elimination of the bead makers eliminated craftsmen. Ms. Rudefeather indicated that the importers added a great deal to the market area.

MR. JAY KNOWLES felt that the importers should be excluded from the market area. He stated that because of the great amount of money they pulled in, they were competition for the various stores in the area. He felt that it was unfair that anyone who could afford to travel abroad to purchase his wares should be allocated free space in the market area. Mr. Knowles indicated that it took him a good deal of time to produce the craftworks that he sold whereas the importers brought goods en masse.

MR. JAMES JENKINS, a member of the Vending Commission, spoke before the Council. He stated that as a vendor himself, he could not compete with the mass produced items sold by the importers. He stated that the Commission would be more than willing to reopen the case if they could find some way to insure that the people in the market were artist and craftsmen. Mr. Jenkins indicated that the Vending Commission recommended no change in the current Ordinance.

MS. ALICE ROBERTS stated that as a craftswoman, it was impossible for her to subsist without the market area. She stated that she could not compete with the importers selling items at retail prices below what her own materials cost her. She indicated that last Christmas was the best season she has had in the market in the past seven years due to the exclusion of the importers from the market area.

MR. RON AVNEY stated that hand crafted items were good but that a free market should be opened to everyone concerned. He felt that the question of what can and cannot be sold in the market place should be left up to the consumer.

MR. ROGER DUNCAN, representing the Vendors For an Open Market, spoke before the Council. Mr. Duncan read a letter from the former chairperson of the Vending Commission who recommended to the Council that the market place be opened to both importers and crafts people. He also read a letter from Ms. Theresa Hill who was dismayed at the fact that importers can no longer sell their goods in the market area. Mr. Duncan stated that the Vending Commission had difficulty in determining what was art and what was not art. He felt that this question could not be readily resolved. Mr. Duncan stated that the market area was dying without the importers.

MS. PHYLLIS POLLARD, a former vendor in the market area, spoke before the Council. She stated that they needed a Commission that did have hardfast guidelines that anything strung should not be allowed in the market place.

MR. TOM POLLARD, a former vendor, stated that the main function of the market was one of financial enterprise and that it should not be considered a museum. He felt that the importers helped the merchants along Guadalupe Street.

MR. ROBERT LEE WRIGHT, JR. stated that he did not think the City should raise the licensing fees. He referred to the Kerrville Arts and Crafts exhibit where artists and craftsmen are charged \$75 for three days at the festival but there are 60,000 people in attendance.

Councilmember Trevino moved that the Council close the public hearing. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Himmelblau

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

Councilmembers Cooke and Trevino requested that the item be placed under Ordinances on the agenda of the Council meeting for August 11, 1977.

STREET VACATIONS

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. on vacating the following.

WOODROW SLEDGE, representing the Austin Independent School District, noted the owners of the property adjacent to the West 10th Street Alley were not listed on the agenda, and he felt this was a bad precedent. He said the School District was the owner and they were in agreement. City Manager Davidson stated A.I.S.D. was aware of this request to vacate.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WEST 10TH 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 close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance, vacating a portion of WEST 10TH STREET ALLEY, an alley fifteen (15.00) feet in width, 250 feet long and 122 feet southeast of Essex Avenue. (Requested by Mr. Jack W. Robinson, Director of Austin Parks and Recreation Department.) The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Himmelblau

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF IROQUOIS LANE AND OLGA COURT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance to vacate EXCESS RIGHT-OF-WAY on Iroquois Lane, extending from the east line of Metcalfe Road in an easterly direction to the west line of Burleson Road and on Olga Court extending from the north line of Metcalfe Road in a northeasterly direction 255 feet. (Requested by Mr. W. Harvey Smith, Registered Public Surveyor, representing Mr. C. L. Reeves, owner of Parker Heights Section 1-13) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Himmelblau

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF EAST RIVERSIDE DRIVE AND ARENA DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR DRAINAGE AND PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance to vacate a portion of RIVERSIDE DRIVE at Parker Lane, containing 5,755 square feet of land and a portion of ARENA DRIVE at Riverside Drive containing 3,233 square feet of land. (Requested by Mr. Ralph Daugherty, representing the Gulf Oil Corporation) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Himmelblau

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

The Mayor announced that the ordinance had been finally passed.

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. on the following zoning:

C. L. REEVES
C14-77-072

9484 Jollyville Road,
also bounded by Loop
360 and U.S. Highway 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area(Tract 1)
"BB" Residence
1st Height and Area(Tract 2)
NOT Recommended

RECOMMENDED by the Planning Commission
"LR" Local Retail, 1st Height and Area on
Tract 1, subject to a restrictive
covenant, as agreed upon with the neigh-
borhood with a provision for special
permit prior to the development of Tract
2, and "BB" Residence, 1st Height and
Area on Tract 2 as requested.

Mr. Lillie reviewed the application by use of slides. Applicant was present. Councilmember Goodman asked if the recommendation included any buffering along the residential area with which this area comes in contact. Mr. Lillie said this would be covered in the special permit, and there was discussion of buffering by the Planning Commission as reflected in their minutes. MR. C. L. REEVES, the developer, appeared before Council and stated that he and the neighborhood are in agreement. He told Councilmember Goodman that the restrictive covenants create a buffering of 25 feet with no buildings, no garbage receptacles, no parking...it will be strictly a green area abutting the property. He pointed out that ingress and egress is on the highway side, and there is no way to drive from this development into the residential area. Councilmember Goodman asked if there were any plans to separate the "LR" Local Retail tract from the "BB" Residence tract with buffering. Mr. Reeves said not at this time. He said if the "LR" Local Retail zoned tract is developed, then by necessity there would be something between it and the apartments. Mr. Reeves said the representatives of the neighborhood association were in the audience and were in agreement...their main concern was that they be able to review the plans of the construction on Tract 2.

MR. DON BEYER, President of the Balcones Civic Association, appeared to say they had spent numerous hours with the local neighbors and Mr. Reeves in an effort to resolve all the problems satisfactorily. He said he believes this has been accomplished. Main concern was to protect the privacy of the backyards in the residential zone, he pointed out. "When you have something of high density such as apartments adjacent to you, that's not easy to work out. In the restrictive covenant," he continued, "we have gone to great detail as to how this can be accomplished. I think paragraphs one, two and three of the covenant are examples of what one must do to accomplish the protection of the privacy of the backyards of single-family homes. The fourth paragraph talks about the opportunity for us to go through the special permit process whereby we can look at specific site plans. We feel this is extremely important because you can put all the restrictions you can think of in these things to protect yourself. It may turn out that apartments never are developed on this land, but something else. But whatever is developed on it we want the opportunity later on to come back and look at specific site plans. So, we ask that be included in here. We also want to have an understanding, particularly the neighbors who are here now who haven't had an experience of going through this before, that when we say we want to look at a special permit, that means

we will have a specific site plan, and that later on we can come back and talk about that at the Planning Commission hearing when we go through that process. I just want it put on the record that that's what we are talking about here. We also want the understanding that the green belt area will be taken care of. This is covered under the existing City ordinances. If there are any revisions that are eventually made to the special permit, we want an understanding that we can have an opportunity to come back and take a look at that too."

Councilmember Goodman asked Mr. Beyer if when he referred to the green belt, he is talking about the 25 foot buffering which will be along both sides of the "BB" Residence tract. Mr. Beyer answered, yes. "Who was it," asked Councilmember Goodman, "who told you the City would maintain these and keep the area clean?" Mr. Beyer said what he meant was in the restrictive covenant he asked that a statement be put in there that the 25-foot green belt would be properly maintained and existing trees preserved. He was told that might not be necessary to put in the restrictive covenant, because it is something that can be enforced through existing City ordinances such as health." After more questioning about the buffering by Councilmember Goodman, Councilmember Mullen stated he used to live in one of the existing duplexes and it is protected by a high fence that requires no buffering. Mr. Beyer said he had one other point he wanted to get on the record. "So far," he said, "we have not talked about the density of the development of the "BB" Residence tract, but it is our understanding we can address that subject during the special permit hearing. We would like to do that at that time."

Motion

Councilmember Mullen moved that the Council grant "LR" Local Retail, 1st Height and Area District on Tract 1, subject to a restrictive covenant being reviewed by the City Attorney and returned to Council prior to the development of Tract 2, and "BB" Residence, 1st Height and Area District on Tract 2, as recommended by the Planning Commission. The motion was seconded by Councilmember Cooke.

Mr. Reeves came back to say the "LR" tract is completely oriented toward the other tract and the major construction there will be self-contained under one ownership, which is himself. He said he was at a loss about the buffering situation...the duplexes are there. They have six-foot fences all around them and he feels there is no need for more buffering.

Roll Call on Motion

The City Clerk began to call the roll, with an aye from Councilmember Cooke.

Councilmember Goodman said he had one more question. "You are going to review the site plan for the "LR" tract with the Balcones Civic Association?" Mr. Reeves said he had not agreed to do this because it is of a commercial nature and he is already providing 600' of buffering. (The "BB" tract which will be filled with apartments.) He said he did not know what could be better buffering than that. Councilmember Goodman said he recommended Mr. Reeves extend the 25-foot strip on the western edge on the "BB" Residence tract 25 feet to the north.

Friendly Amendment - Not Accepted

Councilmember Goodman asked Councilmember Mullen if he would accept the additional 25 feet of buffering as part of his motion. Councilmember Mullen replied he wouldn't mind if Mr. Reeves does not mind, but he saw no necessity for it. Councilmember Cooke agreed.

Councilmember Goodman made further comments about the zoning and buffering. Mr. Reeves said 25 feet of buffering is not a requirement of adjacent areas and that the land in question has a steep terrain with no trees. He wondered who would maintain it back of a shopping center. Councilmember Cooke said he felt there was an attempt being made to create unnecessary buffering and a burden for the developer.

Councilmember Mullen felt the vote should be postponed until all the Council members are present. At this point, Mayor Pro Tem Snell, who had been out of the room returned and roll call continued.

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

Noes: None

Absent: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Trevino

RECESS

Mayor McClellan recessed the Council Meeting at 2:00 p.m. and said the meeting would resume at 2:45 p.m.

CONTRACTS APPROVED

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

UNITED CONSTRUCTION COMPANY
4311 Brookview
Dallas, Texas

- CAPITAL IMPROVEMENTS PROGRAM for
MoPac. Water and Wastewater Adjustments
- \$868,352.25.

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

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

Noes: None

Absent: Councilmember Himmelblau

Councilmember Cooke had asked for a short report concerning the above contract. Mr. Rodger White, Wastewater Treatment Department, reported the penalty is \$250.00 per day for late completion. Completion time for the project is 180 days scheduled time.

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

JOE McDANIEL CONSTRUCTION
15203 Highway 71 West
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, 42"
CSC Water Transmission Main for the
Davis Lane Reservoir - \$484,858.40.

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

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

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, MoPac
Interchange Bikeways from Campbell
Street to Atlanta Street -
\$149,357.54.

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

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

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

COMMERCIAL BODY CORPORATION
Fifth at Pedernales
Austin, Texas

- Truck Body, Vehicle and Equipment
Services Department.
Bid Item 1 - 1 ea. - \$9,736.00

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

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

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

GURASICH, SPENCE, DARILEK &
McCLURE
150 East Riverside Drive
Austin, Texas

- Advertising Promotion, Transit Fare
Prepayment, Urban Transportation
Department. Approximately 12 months
contract - \$40,854.00.

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

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

Before the vote was taken, Mayor Pro Tem Snell asked what the bid had been from Neal Spelce Associates and Image Makers. Mr. Joe Ternus, Director, Urban Transportation, stated that the bids from those two firms had not included any printing costs and if these were added to the total, it would be about \$46,000 which is higher than the bid from Gurasich, Spence, Darilek & McClure, for the same services. Councilmember Goodman asked if the selection process included a committee. Mr. Ternus said there was a committee, two from Urban Transportation, two from the Transit System, and one from Purchasing and Stores. The committee reviewed the proposals and individually evaluated each proposal. As a group they went over the evaluations and all five, independently, chose the firm of Gurasich, Spence, Darilek & McClure. Councilmember Goodman asked if there would be more money in the contract. Mr. Ternus replied this is the amount set for the marketing section of the contract. There are other costs, he continued, such as some evaluations, studies, surveys, etc., that will be done as a part of the total project which has been budgeted at \$125,000.00. Mayor Pro Tem Snell asked if they would be trying to capture a certain market. Mr. Ternus said they would but it has not been identified at this time. Upon approval of this contract, City staff will work with them to provide data concerning a specific market. He explained they will be using multi-media with posters, newspapers, radio, etc. Councilmember Mullen asked who wrote the specifications. Mr. Ternus replied that his department and representatives of the Transit System had. Councilmember Mullen said that according to information submitted it appeared only one firm understood the project. Mr. Ternus replied there was only one firm that took the effort and energy and originality of putting together a proposal which dealt with all of the areas in their proposal request. This is not to say, he continued, that the others did not understand the proposal.

Mr. Davidson, City Manager, stated his office had one inquiry as to the clarity of one of the provisions, which was brought to the attention of Mr. Ternus and Purchasing and Stores Department. The wording was then adjusted to clarify. Mr. Ternus added that no one else asked for any clarification. Mayor Pro Tem Snell asked what kind of work the three minorities do in the firm. Mr. TIM McCLURE, a member of the firm, responded one is the office manager and account executive for the San Antonio office, another is a production artist. Mayor Pro Tem Snell thanked him for the information.

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

ALLIS-CHALMERS CORPORATION
Tower Life Building, Suite 2606
310 South St. Mary's Street
San Antonio, Texas

- Engineering, Transmission Line
Performance Studies, Electric Utility
Approximately 3 months contract -
\$33,000.00.

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

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

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

| | |
|--|---|
| ASHLAND CHEMICAL COMPANY 5200 Paul G. Blazer Memorial Parkway Dublin, Ohio | - Caustic Soda, Liquid, used as a demineralizer in power plant boilers. Twelve months Supply Agreement including option for a 90-day extension Item No. 1; Estimated 120 tons at \$150.00/ton Estimated \$20,544.00. |
|--|---|

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

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

Councilmember Mullen asked if this would be delivered over a period of time or all at once. Mr. Solon Bennett, Director of Purchases and Stores, answered that it will be delivered only as needed over a period of twelve months.

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

| | |
|---|---|
| SOUTHWESTERN HYDRAULICS, INC. 812 South Second Mansfield, Texas | - Overhaul and Transfer of Crane and Body. Vehicle & Equipment Services Department. Item 1 - \$5,650.00. |
|---|---|

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

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

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

| | |
|--|--|
| WESTINGHOUSE ELECTRIC CORPORATION Lester Branch Box 9175 Philadelphia, Pennsylvania | - Engineering Services for permanent changes to Decker Unit #1 Kromarc Piping - \$24,000.00. |
|--|--|

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

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

Noes: None

Absent: Councilmember Himmelblau

Mr. R. L. Hancock, Director, Electric Administration, presented the following report to the Council:

BACKGROUND INFORMATION:

The City Council previously authorized the inspection, testing, and repair of the hot reheat piping on Decker Unit 1 Turbine. This action was in response to a recommendation from Westinghouse that Decker Unit 1 hot reheat piping be carefully inspected for hairline cracks that had developed in other units with special high chromium content, high pressure, high temperature piping, called Kromarc. Similar problems have been identified in other steam turbines manufactured by Westinghouse in the United States. The problem centers around the difficulty associated with the welding transition between high chromium content piping and lower chromium content piping. In Austin's case, Decker Unit 1 was found to have 52 minute cracks within the welds, all but 5 of which in two areas could be polished out. In these two small areas the small cracks were rewelded, tested, and some additional welding required, finally finished and the unit has been restored to normal service. Compared to the repair experience of some other utilities in the United States, Austin was indeed fortunate as many could not effect temporary repairs and invested substantial funds in attempting the repair only to require more permanent corrections. On the Decker Unit 1 section repaired, further repair is not possible unless new transition sections are obtained at an approximate cost of \$70,000.

WESTINGHOUSE RECOMMENDATION:

Westinghouse, the manufacturer of the turbine, recommended the inspection and the subsequent repair. They have further recommended, (1) continued and close surveillance of the existing piping to identify any additional problems that might develop and, (2) permanent repair that requires the replacement of present high chromium content Kromarc piping with a more common Chrome-Moly piping that has had much broader application and longer term experience at the steam pressures and temperatures encountered on the hot reheat piping.

Westinghouse's recommendation is based on the economics of repetitive repair and the consequences of identifying cracks requiring that the unit be removed from service for any extended period of 10 to 12 months.

OPTIONS:

The City of Austin is faced with two alternatives with respect to the Westinghouse recommendation:

1. Leave the repairs as they are and make permanent corrections only after the identification of new cracks in the repaired welds or in other welds that have not previously experienced cracks.

2. Proceed now to effect long term permanent corrections that require the replacement of Kromarc piping with Chrome-Moly piping.

ASSESSMENT OF THE OPTIONS:

If the piping is left as is, inspected frequently, and repaired as additional cracks develop, the cost of the repairs will soon exceed the price of permanent replacement. In addition there is always the risk of not being able to effect repairs and then incurring the cost of permanent corrections. This would require extended down time while the engineering associated with the correction was being done, time allowed for the purchase and fabrication of the piping was allowed, and finally time was allowed for the installation of the newly fabricated piping. It is anticipated this would require 10 to 12 months and if the temporary repairs were not successful then long and undesirable loss of Decker Unit 1 would result. If Decker Unit 1 was removed from the system for this period of time, it would require the operation of less efficient units at an economic loss of approximately \$420,000.

Under Option 2, the permanent replacing of the high chromium content piping with normal Chrom-Moly piping, it is anticipated that engineering would be completed in a two-month installation time, reducing the down time of Decker Unit 1 significantly, which would be programmed to occur in the off-peak period in which other equally as efficient units could be operated to replace Decker Unit 1 capacity for the two-month period. The preliminary estimated cost for permanent repairs are,

| | |
|---------------------------------|-----------------------|
| Engineering | \$ 24,000 (firm) |
| Pipe Fabrication & Installation | \$450,000 (estimated) |

OTHER UTILITY RESPONSES:

The Electric Department has been in contact with a number of other utilities who have units with this type piping, and all either have replaced the piping with permanent piping or made temporary repairs in anticipation of permanent piping installation. Some have experienced extreme cost associated with attempted temporary repair only to have the temporary repairs fail, requiring permanent correction.

POSSIBLE CLAIM:

Decker Unit 1 was purchased from Westinghouse Electric Corporation and placed in commercial operation July 1, 1971. The subject high chromium content piping was furnished by Westinghouse under the Turbine-Generator Contract, and the subject welds made by Westinghouse for the construction contractor who was responsible for the assembly of the special piping to the turbine.

All information relating to the original contract with Westinghouse, the subsequent repairs, Westinghouse's recommendation, and the experience of other utilities has been forwarded to the Law Department for their assessment of any potential claims that the City of Austin might have with respect to this matter.

RECOMMENDATION:

In view of the relative economics, the fact that Decker Unit 1 is the largest unit in the system, and that it is one of the two most efficient units in the system, the Electric Department recommends that we proceed with the engineering on the necessary permanent changes to be followed immediately by bidding for pipe fabrication and pipe installation. It is estimated that engineering will require about two months and pipe fabrication and installation about six months. It is further recommended that Westinghouse be employed to accomplish the engineering and that the pipe fabrication and installation be handled on the normal construction competitive bidding process.

Westinghouse is recommended for the engineering because they are the original manufacturer of the turbine, have access to proprietary information with respect to turbine materials and stresses, and have addressed this identical problem for a number of other utilities in the United States. The cost of the Westinghouse engineering is \$24,000. The estimated cost of the pipe fabrication and installation is approximately \$450,000.

In the event option one was exercised, and in the event that subsequent failures could not be corrected without permanent repair, the City would not only incur the cost of the permanent repair but also the additional \$420,000 associated with the economic loss of operating less efficient units for the extended period of time in which Decker Unit 1 would be out of service.

Mayor McClellan informed the Council that they really aren't left with much of an option if the problem is not corrected. She said the City Attorney, Jerry Harris, is already investigating any potential claims that the City of Austin might have with respect to this matter.

After further discussion and questioning by the Council, the vote was taken as above.

BLACKSHEAR PROJECT

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve the disposition of Parcel R-1-2, located in the Blackshear Project, Tex A-11-12. (Mt. Olive Baptist Church, \$5,500.00) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

EMINENT DOMAIN PROCEEDINGS
SANITARY SEWER PURPOSES

Councilmember Goodman moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following described tract of land for sanitary sewer purposes:

Two 5-foot strips of land out of Lots 14 and 15, Kramer
Lane Industrial Park 1 (C. Darrel Hopkins & Associates, Inc.)

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

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

COMPREHENSIVE EMPLOYMENT & TRAINING
ACT TITLE VI PROJECTS

Councilmember Goodman moved that the Council adopt a resolution to authorize negotiation of contracts with nine non-profit agencies to operate Comprehensive Employment and Training Act Title VI Projects. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Councilmember Mullen asked how the City of Austin became involved with contracts outside of Austin. MRS. JACKIE WILLIAMS, Director, CETA Administration, stated that we are part of the nine-county consortium, with the City of Austin being the prime administrative arm. Councilmember Trevino said that by being a part of the consortium, the City of Austin receives a bonus.

STREET NAME CHANGES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM TANBARK TRAIL TO D-K RANCH ROAD;
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 Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM ROBIN RAY ROAD TO MCKALLA PLACE;
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 Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM DECKER LAKE ROAD TO LOYOLA LANE;
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 Goodman, carried by the following vote:

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

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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 1.50 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7200 MANCHACA ROAD AND 1915-1927 MATTHEWS LANE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE 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. (Eula May & Henry E. Lais, C14-77-021)

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

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

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:
TRACT 1: LOT 5-B OF HOUSTON STREET SUBDIVISION, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
TRACT 2: THE EASTERNMOST 160 FEET OF A 53,750 SQUARE FOOT TRACT OF LAND, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 5500 AND 5534 NORTH LAMAR BOULEVARD AND 800-816 HOUSTON STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (William J. Joseph, et al, C14-77-032)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 1.13 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8569-8603 RESEARCH BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (NPC Associates & Nash Phillips & Clyde Copus, Jr., C14-73-223)

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 Cooke, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

BIKEWAY PROJECT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760909-K, THE CAPITAL IMPROVEMENT PROGRAM BUDGET ORDINANCE FOR THE FISCAL YEAR 1976-1977, BY APPROPRIATING AND TRANSFERRING FUNDS FOR THE 5TH AND 6TH STREET BIKEWAY PROJECT; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

ONE-WAY STREETS BETWEEN 5TH & 6TH STREETS

Mayor McClellan brought up the following ordinance for its second and third readings:

AN ORDINANCE DESIGNATING THE DIRECTION IN WHICH TRAFFIC SHALL MOVE ON CAMPBELL STREET, WEST LYNN STREET, POWELL STREET, OAKLAND STREET AND PRESSLER STREET, BETWEEN 5TH AND 6TH STREETS, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Mullen moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Goodman stated that in his opinion these changes would create more traffic through the neighborhood area. Mr. Joe Ternus, Urban Transportation Director, replied that the Transportation Department looks at it differently...that it will take traffic out of the area.

ELECTRIC UTILITY COMMISSION

MR. BRUCE TODD, member of the Electric Utility Commission, appeared before Council and referred to them the Resolution adopted by the Commission approving the concept of delaying the present cut-off of payment of bills from

15 days to about 28 days. In addition to that the penalty for late payment will be reduced from 10% to 5%. He said the Commission proposes to incorporate these changes into the service regulations which they will present later this year. However, he said, the revenue generated by both of these proposals is an integral part of the rate study and rate design. He said they are soliciting Council approval at this time so that Touche-Ross may incorporate it in their rate design. The Commission, he said, has attempted during its deliberation to base things on cost. They feel the penalty should not be any greater than the cost of collecting late payments. In Austin, where there are a great number of state and federal employees who are paid only once a month, the Commission feels that the high utility bills cause an undue burden on the people who have to pay a penalty before such time that they receive a pay check. Mr. Todd said this corresponds to the charge practices of other large businesses.

The loss revenue from this, continued Mr. Todd, will be \$2 to \$3 million dollars. He said he felt the term shift of revenue is more appropriate than loss revenue because there will be an adjustment for those whose due date is a little further out. It is difficult to say that that is really going to cost any money. It is something that will have to be generated from the electric rates, but he reiterated he thought it could be called a shift in the burden more than a cost loss by implementing the proposals.

Councilmember Mullen asked the City Manager to clarify the \$2 to \$3 million dollar loss. Mr. Davidson replied that they were talking about the need to recover that amount of cash flow which is lost once you put the Commission's suggestion on line and start using the new deadline. Mr. Davidson said that if the Council wants to adopt this resolution, they should indicate the preference now so the rate consultant can be told that the one time difference in revenue should be included in the over all rate structure that they are going to bring back for review of the Commission and the Council. He said he could not suggest the Council adopt the recommendation without either doing that or without addressing another issue concerning service regulations.

Mr. Todd re-appeared to say the Commission's suggestion is to adopt the changing of the due date on utility bills after the new rates are in effect. Another proposal the Commission will be bringing forth, he said, is that there will be a \$7.50 turn-on fee for all new customers. Based on current business, that will raise about \$1.3 million annually. Again, he said, this is a case of shifting the cost to the people who are causing the cost to occur. That, he said, will off-set some of the annual loss incurred by reducing the penalty and changing the billing date.

Councilmember Mullen stated that he did not think there would be a permanent loss of \$2-\$3 million. He said he thought the only money lost would be the value of the money that the \$2 to \$3 million would have earned during the 13-day shift period.

Councilmember Cooke said he felt the delayed period for paying a bill would reduce a person's incentive to pay a bill as quickly as possible. Mayor McClellan noted her approval of the delayed billing since Austin is comprised of so many state and federal workers. She also said she liked the idea of labeling the charge for a late payment of a bill as a "penalty," rather than the present wording of "gross" and "net." Mr. Todd said they have talked with

the billing department, who deal with collections on a day-to-day basis. They feel the extension of time to 28 days will reduce the number of late payments and reduce the personnel costs of the dealing with delinquent accounts. He then listed the other cities in Texas and the percentage of penalty they charge for a late payment. He re-stated the Council would not lock itself into anything with a recommendation today.

Mayor McClellan told the Council she thought they should direct the City Manager to confer with Touche-Ross and let them determine what difference it would make in the rate design and come back with that information prior to taking final action on it. Both Mr. Davidson and Mr. Todd said this could be done. Mr. Homer Reed said the answer they give the City will depend on whether or not the Council is willing to buy the other recommendation related to the connection charge. Mr. Davidson said this should be studied both ways until the Commission is ready with their new recommendations. Mayor McClellan said they should do it with and without the connection charge. Mr. Todd said it is his opinion everyone on the Electric Utility Commission is in favor of the turn-on charge.

Councilmember Trevino moved that the Council direct the City Manager to supply Touche-Ross with information regarding the 28-day delay, \$7.50 turn-on charge, and 5% penalty to be incorporated in their rate study, with the study to be done both ways (with and without a turn-on charge.) The motion, seconded by Mayor McClellan, carried by the following vote:

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

ELECTRIC DEPARTMENT REORGANIZATION

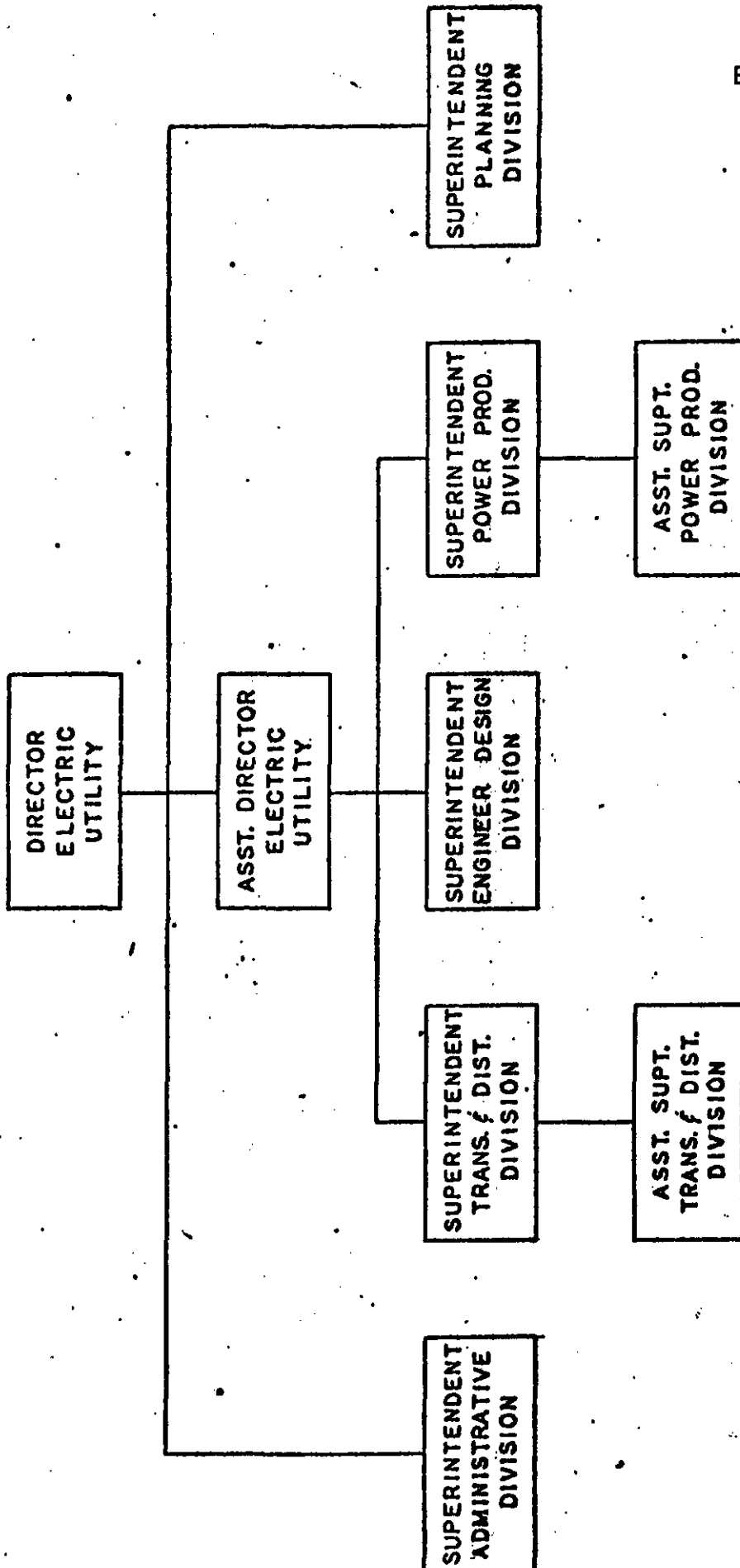
Mr. R. L. Hancock, Director of the Electric Department, showed via slides the charts (see the two following pages) which reflect the reorganization of the Electric Department. He discussed the functions of the departments and the effects of the reorganization.

Councilmember Goodman said he has received several calls from the Power Production Department concerning overtime hours worked by the employees. Mr. Hancock told him that there is more overtime during periods when power usage is at its peak and when repairs are being made to the power plants. Mayor McClellan said she thought there had been some communication problems in the department and wondered if the reorganization would improve this. Mr. Hancock answered that it will be improved with meaningful and helpful suggestions from the field people, plus the positive attitude of employees and the support of the Council. He invited members of the Council to go take a tour through the power facilities at any time.

August 4, 1977.

EXHIBIT "A"

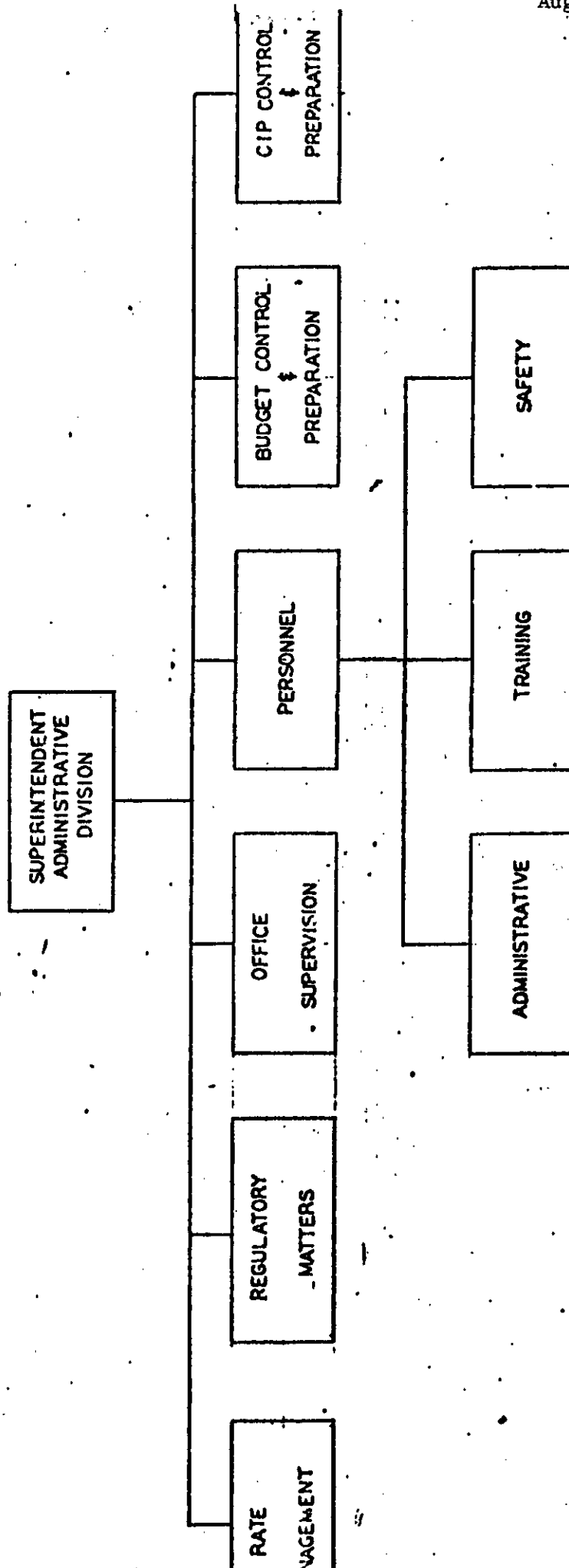
ELECTRIC UTILITY DEPARTMENT



August 4, 1977

EXHIBIT B

FUNCTIONAL ORGANIZATION CHART ADMINISTRATIVE DIVISION



IMPROVEMENTS TO RM 2222

Mr. Joe Ternus, Director of Urban Transportation, said he was requesting the Council to authorize the City administration to proceed with the State Department of Highways and Public Transportation and Travis County to improve RM 2222. He said they would come back to the City Council with specific contracts for acquisition. He said there are funds available in the Capital Improvements Program for this project. Councilmember Goodman asked how many curves this would take out of RM 2222. Mr. Ternus replied the plans were to take out the most severe curves and he believes that will eliminate one of the biggest safety hazards there is.

Councilmember Cooke moved that the Council approve the specific request for Right-Of-Way acquisition for Roadway improvements to R.M. 2222 to be presented to the City Council in the near future. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Trevino

BRACKENRIDGE HOSPITAL PARKING FACILITIES

A report on the Brackenridge Hospital Parking Plan was presented by Mr. Joe Ternus. He said the plan provides for adequate parking for employees, visitors, clients and doctors. He said the proposal has been reviewed and endorsed by both the Urban Transportation Commission and the Hospital Advisory Board. He said permits will be provided to family members, clergy, news media, and perhaps some employees and doctors, to insure adequate parking spaces. He explained the method of allocating spaces in response to a question by Councilmember Goodman who was concerned that there were not enough parking spaces. Mr. Ternus indicated the rotating of shorter time periods needed for parking by individuals will allow adequate parking facilities.

Mr. Davidson commented that this parking lot should have been built about 12 or 15 years ago, and said everyone was very happy that it is almost ready for use. He said approval of the concept is being sought today, and Mr. Ternus will return with specific ordinance requests that will be necessary to implement the plan. Councilmember Goodman asked how they arrived at the monthly \$3.00 parking fee for employees, nursing students and staff. Mr. Ternus said they were attempting to identify a fee that would recoup some of the expenditures for the bond indebtedness of the facility. He said if it was too high it would not be available for as many employees. Mr. Davidson stated they hoped to be parking some other revenue producers in the parking facility during non-peak periods at the hospital. These will include people attending the Special Events Center, Symphony Square area, etc. Rate structures will be brought back to the Council for their approval.

Councilmember Cooke moved that the Council approve the concept of the Brackenridge Hospital Parking Facilities. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

HEARING SET ON PUBLIC TRANSPORTATION PLAN

Councilmember Trevino moved that the Council set a public hearing on the Public Transportation Plan for 10:30 a.m. on August 25, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

POLICE ESCORT FOR FUNERALS

Mr. Frank Dyson, Chief of Police, referred to the report which had been distributed to the Councilmembers which explains what has been done and what the status of Austin is today in regard to funeral escorts provided by the Police Department, and what some of the options for Council consideration are and what their recommendations are. Chief Dyson said the matter of police escorts has been under review for some time. In March of this year the Council amended the City Code to provide for police escort service for oversize loads in house moves. Further action on police escorts for funerals was postponed at that time until further input could be developed. At the present time, he stated, the Police Department is providing escorts on an average of five funerals per weekday, plus Saturday funerals. An average funeral procession amounts to about 20 cars, and one officer is normally assigned to the procession, which takes about one hour of his time. A large funeral requires more officers. The unusual demands, highlighted in the report, are the ones that really foul up the traffic operation in the downtown area. He said they have had 14 funeral escorts in one day, and another time 8, and another time 6 (three of which were scheduled at 10:00 a.m.) Surveys conducted in Texas and in cities outside Texas indicate the majority of the cities have done away with the funeral escort service, and let the private sector provide it.

Chief Dyson said they have held several meetings with funeral home directors and representatives of the Austin Area Congress of Churches, and he said they have a difference of opinion about the services. They want to retain the service as it is without any change.

Chief Dyson outlined the following options:

1. That funeral escort services provided by the Austin Police Department be discontinued and that the City Manager be directed to work with appropriate private sector persons in developing a feasible alternative.

A possible consideration regarding this option would be for the private sector to assume responsibility for this service. In order to keep costs of this service at a reasonable level the Police Department could be instructed to provide supplemental assistance to the private escort service where the need of a particular service would exceed normal requirements.

Another possible consideration regarding this option would be the elimination of funeral processions completely. This means that graveside services would have to be scheduled in such a way as to provide ample time for attendance without the use of a funeral procession.

2. That the Austin Police Department continue the current practice of providing funeral escorts at full cost to the City but with the provision that additional manpower be provided to the Austin Police Department.
3. That the Austin Police Department continue the current practice of providing funeral escorts but that a fee be charged for the service in order to develop the financial resources needed to fund additional police officers and equipment.
4. That the Austin Police Department continue the current practice of providing funeral escorts but with the understanding that the Austin Police Department would provide funeral escorts only when that practice would not interfere with other demands for police service.

Chief Dyson said it is recommended that the City Council adopt Option Number One at the appropriate time.

City Manager Dan Davidson informed the Council that they will need the guidance of the City Council by the time they adopt the 1977-78 Operating Budget. He said he understood a public hearing on the matter is desired and at a later date he can suggest an appropriate time for that. Mayor McClellan asked if they could get some cost estimates for the different options. Mr. Davidson replied affirmatively. He said copies of Chief Dyson's report had been provided to interested parties that day, who were advised no action on this matter would be taken by the City Council today.

LEASE/RENTAL AGREEMENTS REAL PROPERTY and/or BUILDING SPACE

Mr. Joe Morahan, Director of Property Management, told the Council they have been provided with the new procedures involved in Lease/Rental Agreements - Real Property and/or Building Space. These procedures, he said, have been prepared by the Property Management Department and by the Department of Purchasing and Stores, in response to the request by the City Council when the Law Department discussed a lease about six weeks ago.

In summary, Mr. Morahan said they proposed land or buildings be acquired by leases or rentals by three different methods:

1. Competitive bids
2. Request for proposals
3. Negotiation

He referred to the remainder of the report which discussed the internal procedures on how the operations would function. This will be a part of the Purchases and Stores Manual.

Councilmember Goodman moved that the Council approve the Administrative Procedures for Lease/Rental Agreements - Real Property and/or Building Space. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Cooke

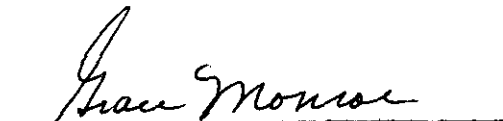
ADJOURNMENT

The Meeting of the Council adjourned at 5:10 p.m.

APPROVED


Mayor

ATTEST:


City Clerk