

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 15, 1977
7:00 P.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, Trevino

Absent: None

The Invocation was given by Mr. Charles Graves, Director, Engineering.

CONSTITUTION WEEK

Mayor McClellan read a proclamation declaring September 17-23, 1977, as Constitution Week, commemorating the adoption of the Constitution on September 17, 1787. Mrs. Lynn Harding, Mrs. Griffin L. Hardin, and Mrs. John L. Wier, DAR members accepted the proclamation.

LUPUS AWARENESS WEEK

Mayor Pro Tem Himmelblau presented a proclamation to Mrs. Johnnye Harris, designating September 18-24, 1977, as Lupus Awareness Week, to bring to public attention Lupus Erythematosus as one of the ten major illnesses in the United States. Mrs. Harris accepted the proclamation and expressed gratitude that the disease was being recognized and treated.

PET RESPONSIBILITY WEEK

DOYLE NORDYKE accepted a proclamation, read by Mayor McClellan, designating September 18-24, 1977, as Pet Responsibility Week, urging all citizens to help make our City a better place for pets and people.

POLICE WIVES RECOGNIZE THE MAYOR

MRS. DOTTIE HUNT, representing the Austin Police Wives Club, presented Mayor McClellan with a certificate, pin and T-shirt, making her an honorary member of their organization. Mayor McClellan thanked them for their recognition of her.

MINUTES APPROVED

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes for September 1, 1977, and September 8, 1977. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

SMALL ANIMAL STEEL TRAPS BANNED

MS. PAM KEYS, President of Wildlife Rescue, appeared before City Council to request that the Council ban the use of steel traps in the City for the entrapment of small animals. She cited their cruelty and said household pets could be caught in them, as well as rodent type animals. Mayor McClellan informed her that the City Manager and City Attorney are in the process of drafting an amendment to Section 23-7 of the Austin City Code to prohibit the use of steel commercial traps within the City. The Mayor said the ordinance would be placed on the September 22, 1977, agenda.

TELEVISION COMMERCIAL

Councilmember Goodman moved that the Council approve the request of Mr. Leroy Lucas, Producer/Director, ABA Productions, requesting permission to use Mt. Bonnell, Sunday September 18, 1977, from 8:00 a.m. to 8:00 p.m., for filming of a television commercial. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

PARADE PERMITS

Mayor Pro Tem Himmelblau moved that the Council approve the request for a Parade Permit from Mr. Lee Boyd Montgomery, Jr., Director of Bands/Music, Eanes Independent School District, for Texas Tech University Marching Band, from 12:30 p.m. to 1:30 p.m., Saturday, October 29, 1977, beginning from the Ramada Downtown Motel (11th and Trinity), north on Trinity to Memorial Stadium (University of Texas Campus). The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Councilmember Mullen moved that the Council approve the request for a Parade Permit from Ms. Marilyn Samuelson for area Farmers and Ranchers from 11:00 a.m. to 12:00 noon, Tuesday, September 20, 1977, beginning at Municipal Auditorium, up Congress Avenue to Capitol grounds. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

MR. SAMUELSON appeared before Council concerning the permit request stating the farmers had been asked to produce food to feed the world and now there was a surplus that was netting farmers 1933 wages for farmers' families. He cited as an example, a 51¢ loaf of bread gives 2¢ to the farmers and a bale of cotton that brings \$225.00 to the farmer, produces \$9,000 in shirts. He said a drastic change is needed for farmers to survive. Mr. Samuelson also spoke to a resolution item which will terminate the water sales contract between the City of Austin and Manville Water Supply Corporation. He thanked the City for giving them the start they needed, and said they no longer need the supply.

PUBLIC HEARINGS ON FESTIVAL BEACH PARK

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. on the use of approximately 41,776 square feet of Festival Beach Park for street purposes. Mr. John L. German, Director, Public Works Department, gave a presentation with slides showing the Parks Department's plans to develop Festival Beach by vacating streets and realigning park land. Mr. German said this plan has been developed by Parks with the assistance of the Engineering Department, with reviews by the Planning Department, Legal Department, Urban Transportation, Human Resources, and Public Works. Mr. German continued by saying neighborhood groups have been apprised of the proposals and are aware of the plans being made. To his knowledge, he said, there is no opposition to the plan. The staff, he pointed out, has looked at the proposal very thoroughly and certainly recommends it for the Council's approval.

City Manager Davidson said, "Mr. German, didn't you meet with some of the neighborhood residents and make some adjustments in the plan in order to meet their objections?" "Yes," he replied, "there were a number of discussions between Parks Department and neighborhood representatives. Also, Mac Allen of my office has met with a number of representatives from the neighborhood within the past 30 days and some adjustments have been made."

Mayor McClellan told Mr. German she had two questions to ask him in keeping with the Texas State Statutes:

"Number one is, in your opinion is there any feasible and prudent alternative to the use of this park land for street purposes?" "No, there is not," answered Mr. German.

"The second question is," asked Mayor McClellan, "in your opinion has all reasonable planning been undertaken to minimize any harm to the use of this land as a park?" "Yes, we have," answered Mr. German.

Motion

Councilmember Mullen moved that the Council close the public hearing and approve the use of approximately 41,776 square feet of Festival Beach Park for street purposes. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. on the vacation of approximately 324,400 square feet of street right-of-way for Festival Beach Park as follows:

(SEE EXHIBIT "A" FOR FULL LEGAL DESCRIPTION)

| | |
|--|-----------------|
| 1. Salina Street/Proposed Cul-de-Sac, South-End | 18,800 sq. ft. |
| 2. Chalmers Avenue/Proposed Cul-de-Sac, South-End | 26,800 sq. ft. |
| 3. Comal Street/-± 1,080 feet south of Haskell Street, South-End | 9,600 sq. ft. |
| 4. Waterfront Street/San Marcos-IH 35 | 10,800 sq. ft. |
| 5. Canadian Street/Bergman, South-End | 34,800 sq. ft. |
| 6. Anthony Street/Bergman Avenue, South-End | 6,000 sq. ft. |
| 7. Lynn Street | 13,600 sq. ft. |
| 8. Lynn Street Alley | 1,600 sq. ft. |
| 9. Bogle Avenue | 30,800 sq. ft. |
| 10. East Avenue/Cummings, South-End | 137,200 sq. ft. |
| 11. Chicon Street/Bergman-430 ft. @ S. of Bogle | 34,400 sq. ft. |

and passage of ordinance.

1. Salina Street from 360 feet more or less south of Riverview Street to 760 feet more or less south of Riverview Street containing 18,800 square feet;
2. Chalmers Avenue from 390 feet more or less south of Riverview Street to 920 feet more or less south of Riverview Street - containing 26,800 square feet;
3. Comal Street from 1,080 feet more or less south of Haskell Street to 1,270 feet more or less south of Haskell Street-containing 9,600 square feet;
4. Waterfront Street from the east R.O.W. line of Interregional Highway to the West Line of San Marcos Street - containing 10,800 square feet;
5. Canadian Street from 100+ feet north of Bergman Avenue to 650 feet south of Bergman Avenue and a portion of Bergman Avenue containing 34,800 square feet;
6. Anthony Street from the south line of Bergman Avenue to the south line of Bogle Avenue - containing 6,000 square feet;
7. Lynn Street from the south line of Bergman Avenue to 120 feet more or less south of the south line of Bogle Avenue containing 13,600 square feet;
8. Lynn Street Alley from the south line of Bogle Avenue to 85 feet south of Boyle Avenue - Containing 1,600 square feet;
9. Bogle Avenue from the west line of Canadian Street to the east line of Lynn Street - containing 30,800 square feet;
10. East Avenue from the south line of Cummings Street in a southerly direction 800 feet more or less to the water edge of Town Lake - containing 137,200 square feet;
11. Chicon Street from ten feet south of the south line of Bergman Avenue to 430 feet south of Bogle Avenue - containing 34,400 square feet;

Mr. John L. German showed the proposed vacation of the eleven streets by use of slides and stated the proposal to vacate streets to dedicate park land has been reviewed by the Parks Board and the Planning Commission and both bodies recommend approval. He continued that if the Council approves this proposal, there will be a contract later in the agenda to do the access road construction within the Festival Beach area. At a later date the Council will consider the paving of Bergman which will be part of District 12 paving...formerly called Model Cities.

MR. MARVIN McFARLAND, who lives in the last house on Canadian, appeared before Council to state he didn't know, until this hearing, about the proposal and asked where the cars would be parked that go to Fiesta Garden. Mr. German pointed out that Bergman and Canadian come together into a triangular section of park land which will be dedicated for street purposes and there will be a connection made between Canadian and Bergman. There will not be a dead-end. Parking will be available along Holly Beach for activities. Mr. Jack Robinson, Director of Parks and Recreation, told Mr. McFarland that many parking problems will be alleviated when these changes are made. He said there would still be some problems at Aqua Fest time.

At this point, Councilmember Trevino asked, in Spanish, if there was anyone present who wanted to make comments or objections to the proposed street vacations. One man did appear, and after a discussion in Spanish with Councilmember Trevino, it was ascertained there were no objections.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF WATERFRONT STREET, EAST AVENUE, CANADIAN STREET, BERGMAN AVENUE, BOGLE AVENUE, ANTHONY STREET, LYNN STREET, LYNN STREET ALLEY, CHECON STREET, SALINA STREET, CHALMERS AVENUE AND COMAL STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY AND WASTEWATER PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, and 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: 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.

PUBLIC HEARING ON ANNEXATION
THEODORE BISSEL LEAGUE

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. to consider annexation of and directing the administration to institute annexation proceedings to annex the following:

221.00 acres uplatted land out of the Theodore Bissel League in Travis County, Texas, lying south of William Cannon Drive and east of Brodie Lane. (Initiated by the City - Case No. C7a-77-006)

Mr. Tom Knickerbocker, Planning Department, gave a brief presentation concerning the land and pointed out it is surrounded on all sides by Austin with six homes built on the acreage. All City services are available to the area and they recommend annexation at this time. Councilmember Mullen asked if they were on City sewer and water now. Mr. Knickerbocker said he did not know. Councilmember Mullen wanted to know if there would be any cost incurred if we had to supply the area with water. City Manager Davidson answered we are obligated, under law, to supply water within three years. Mr. Curtis Johnson, Director, Water Distribution, said that perhaps some of them are served water at present, but no wastewater. Mr. Davidson told Mr. Mullen that this is normal...we would not have extended into an unincorporated area with our sewer system until annexation takes place. Councilmember Mullen asked why the annexation proceedings had begun. Mr. Davidson told him it now is a "hole in a doughnut" situation and annexation of these acres will complete annexation of the whole area in a logical sequence. Mr. Knickerbocker stated it also represents an area where there will be a major intersection and as such we have no land use controls that would effect that property under its current un-annexed situation. Because of its size commercial uses or undesirable uses may come into the property without any action the Council could take. Annexation will provide a control.

No one appeared to speak on the annexation.

Councilmember Cooke moved that the Council close the public hearing and direct the administration to proceed with annexation proceedings. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

SAFE SCHOOL SIDEWALKS CHANGE ORDER

Councilmember Mullen moved that the Council adopt a resolution to approve a Construction Change Order in the amount of \$34,708.00 for 1976-77 Safe School Sidewalks Program to Austin Road Company, CIP 4019 1. 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

(continued)

Before the vote was taken, Councilmember Trevino asked what percentage of the change order this was. Mr. Charles Graves, Director, Engineering, answered that it is a 22.75% change. He said it is not an additional cost, but originally was to be done by the Water and Wastewater crews. They have so much under contract at the present time, that in order to expedite it they added this to the contract of the building contractor who is putting in the sidewalk. Total cost will be approximately the same, but it was an in-house cost and now will be added to the contract. Councilmember Cooke wanted to know what the City crews are doing and why. Mr. Graves said he knew Mr. Curtis Johnson could be more specific. They use the same crews for street improvement projects, relocating services and water meters, etc. City Manager Davidson stated the money was for a portion of an accelerated sidewalk program that is under way. Councilmember Cooke asked what would be wrong with delaying the work until City crews could finish the work they are doing elsewhere. Mr. Graves answered they would run into some problems with the contractor because we do have the contract and he cannot build the sidewalks until the utilities are relocated. Mr. Davidson said the contractor could come back and claim additional payments under the contract because of the delays we would cause. "We think," Mr. Davidson continued, "we can utilize our timetable better by contracting for the work rather than utilizing City crews in this case." Councilmember Cooke asked where the money is coming from. Mr. Graves answered it is budgeted in the water and wastewater budget and would be paid for on an item related to this project. Curtis Johnson, Water and Wastewater Department Director, stated all of the water and wastewater relocation monies, both for moving meters on sidewalk programs as well as relocating lines, making adjustments, etc., in streets, is all budgeted either separately under community development districts, others in CIP. This change order need arises, he said, because there are not enough crews to make all of the relocations required for the various street and paving programs, plus the sidewalk programs. Mr. Davidson pointed out this ties in with another trend they have been trying to utilize for the past couple of years...that is, any time the City can utilize private enterprise to accomplish this work as opposed to merely adding on to the City's payroll, they have been trying to do that. It saves the problem of what to do with new employees once a specific project is finished and there is no more work for them to do. Mr. Graves added that the funds to be used for this project were encumbered funds, not new ones.

CONTRACTS AWARDED

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

| | |
|-------------------------------------|---------------------------------------|
| ROBERT C. GRAY CONSTRUCTION COMPANY | - CAPITAL IMPROVEMENTS PROGRAM, |
| P. O. Box 9442 | Community Development District Number |
| Austin, Texas | 2, Street, Drainage and Sidewalk |
| | Improvements, CIP Nos. 6236 2, |
| | 7046 2 and 7536 2 - \$313,730.55. |

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

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

JACK A. MILLER, INC.
P. O. Box 9776
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, Festival
Beach Roadway and Parking Lot
Improvements, CIP Project No. 8623 2 -
\$288,490.30.

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

PARKING METER ZONES

Councilmember Goodman moved that the Council adopt a resolution authorizing the following Parking Meter Zones:

DELETING

| <u>Meter Zone</u> | <u>Street</u> | <u>Limits From</u> | <u>(Blocks) To</u> | <u>Side of Street</u> |
|-----------------------|-----------------|------------------------|------------------------|---------------------------|
| 120 | West 5th Street | 400 | 400 | N/S |
| 30/60/90/120 | East 6th Street | 600 | 700 | N/S |
| 30/60/90/120 | Guadalupe | 400 | 1300 | E/W |
| 30/60/90/120 | San Jacinto | 800 | 800 | W |
| 60 | West 5th Street | 500 | 500 | N/S |
| 30/60 | San Antonio | 100 | 100 | E/W |
| 30/60 | San Antonio | 200 | 200 | E/W |
| 30/60 | Colorado | 100 | 100 | E |
| 30/60 | Colorado | 200 | 200 | E/W |
| 30/60 | West 6th Street | 100 | 200 | N/S |
| 15 | East 9th Street | 100 | 100 | S |

INSTALLING

| | | | | |
|--------------|-----------------|-----|------|-----|
| 120 | West 5th Street | 400 | 400 | N |
| 120 | East 6th Street | 600 | 700 | N/S |
| 30/60/90/120 | Guadalupe | 500 | 1300 | E/W |
| 30/60/90/120 | Guadalupe | 400 | 400 | E |
| 30/60 | West 5th Street | 500 | 500 | N/S |
| 30/60 | West 6th Street | 100 | 200 | N |
| 30/60 | West 6th Street | 100 | 100 | S |
| 15 | Colorado | 600 | 600 | E |
| 15 | West 6th Street | 200 | 200 | S |
| 15/30 | West 6th Street | 200 | 200 | S |
| 15 | East 9th Street | 100 | 100 | N/S |

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

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

TEMPORARY STREET CLOSING

Councilmember Goodman moved that the Council adopt a resolution to temporarily close the 2500-2600 blocks of Pearl Street and the west end of Graham Place from 3:00 p.m. to 7:30 p.m., September 16, 1977, as requested by Mr. Curt Johnson of Sigma Phi Epsilon Fraternity. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

APPROACH MAIN FOR SCENIC BROOK WEST SUBDIVISION

The Council had before it for consideration the authorization of an approach main for Scenic Brook West Subdivision. The Planning Commission voted to approve this project subject to the following conditions:

1. That the City intends to annex the area, and that an exception be granted to the Approach Main Policy as to the one-year time limit, and that the staff be prepared to do a full-scale annexation study on the entire area.
2. That the creek permit be required in the planning and development of the line.
3. That the performance standards in the Texas Water Quality Board's requirements of the Edwards Aquifer be complied with.
4. That the staff be instructed to come up with some project review standards to be applied to the Edwards Aquifer and bring them to the Planning Commission for forwarding to the Council.

The Commission vote was 7-2.

The recommendation of the Environmental Board for an approach main for the Scenic Brook West Subdivision was as follows:

1. That the Environmental Board concur with the Planning Commission's recommendation concerning the Scenic Brook West approach main.
2. The annexation should take place after a full fiscal study and if when it is demonstrated that the development would provide enough money to pay for the higher services which are required.
3. Project review standards should be developed particularly standards to control urban runoff from the subdivisions which would come in subsequently to the extension of this line, particularly those over the Edwards Aquifer.

In essence, therefore, the Environmental Board recommends, as did the Planning Commission, that this approach main request be granted. This recommendation is made after due consideration was given for compliance with the Master Plan and environmental quality aspects.

The Environmental Board vote was 7-2.

Mr. Thomas Knickerbocker of the Planning Department told the Council that the approach main project was listed in the current CIP (#72/50-07) as the Williamson Creek Interceptor, Phase I. He stated that the \$760,000 project would be for the construction of a wastewater interceptor in Williamson Lane. Mr. Knickerbocker indicated that the \$740,000 Phase II of the project proposed the construction of another segment of the interceptor within the main branch from the Scenic Brook West Subdivision, near Oak Hill, back to the upper reaches of the Western Oaks Subdivision. He pointed out that the City Planning Commission had recommended the removal of Phase II of the project because it was not in line with managerial objections. The Commission recommended that if service is desired by property owners in the area, then the approach main policy should be used to determine the appropriateness of further extensions. Mr. Knickerbocker indicated that Phase II of the project was now under way with owners in the Scenic Brook West Subdivision participating with the City. He stated that the 11,000 feet of water main extension would cost \$600,000, with Mr. Jerry Angerman paying \$200,000 of this amount and the City paying the balance in annual increments over a five-year period. Mr. Knickerbocker then read the recommendations as submitted by the Planning Commission. He stated that the Planning Department endorsed the recommendations made by the Commission.

Motion

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to accept the recommendation submitted by the Planning Commission to grant the approach main request and that the proposed annexation study be completed in six months and due back to Council by March of 1978. The motion, was seconded by Councilmember Cooke, following vote: 3-2.

MR. JERRY ANGERMAN stated that main purpose of his request was to eliminate the existing package treatment plants and to also help in eliminating the existing septic tanks in the area of Williamson Creek. He stated that alternatives for the development of his property were as follows:

1. The proposed approach main line to eliminate the present package treatment plant and continue development.
2. Add an additional 115,000 gallons per day capacity to the existing sewer plant for which a permit has already been granted.
3. Continue development with limited use of package treatment plant and septic tanks under County specifications for roads, drainage, etc.
4. Pursue the possibility of special district and/or some form of an incorporation.

Mr. Angerman stated that the existing package treatment plant is overloaded. He indicated that originally, the pretreatment plant had overloaded because he was delayed in expansion of the plant due to the time factor involved in acquiring permits from the State Water Quality Board, the Health Department and various other City of Austin departments. Mr. Angerman stated that he wanted approval of the approach main because many of the area residents are currently on septic tank systems. Mr. Angerman made the following points:

1. That construction of the approach main would not retard the City Capital Improvements Program.
2. That a fire station was proposed on Slaughter and Brodie Lanes and that the area was within good response time from other emergency facilities.
3. Garbage service would be provided for the area.
4. A County EMS unit is currently located in the Oak Hills shopping center.

MR. BILL GERSICK made a visual presentation of where the planned and future CIP projects in the area were going. Mr. Gersick indicated that the project was within the restraints of the Austin Master Plan. Councilmember Goodman asked if the project was within the preferred growth corridor. Mr. Knickerbocker responded that the project was not within the preferred growth corridor as it was designed.

Mr. Angerman itemized several points which the staff presented to the Planning Commission in regards to the approach main project. Councilmember Goodman asked about the water quality of the area with regards to septic tanks. Mr. Charles Graves, Director of the Engineering Department, stated that he could not be definitive about the question because there had only been a two-year accumulation of data. Councilmember Goodman asked if there were any incidents of pollution that would cause alarm. Mr. Graves indicated that the U. S. Geological Survey had come in several times to take additional samplings but that there were not any special areas of concern.

Mr. Angerman indicated that the proposal was in conformance with the growth management objectives and addresses the environmental alternatives in the most preferred manner. In regards to the financial consequences to the City of Austin, Mr. Gersick stated that Mr. Angerman would put up \$600,000 for the project and that the City would repay him \$80,000 a year for a five-year period. He stated that given a future inflationary increase of 7%, the City's share of the cost would actually only be worth \$310,000. Mr. Gersick stated that the City would receive money from the \$160 tap fee if the approach main is constructed. He stated that there would also be an increment fee of \$250 at the present time. Mr. Gersick stated that there would be a monthly sewer revenue of \$7 per home. Mr. Curtis Johnson, Director of the Water and Wastewater Department, stated that the initial cost of providing taps could go as high as \$2,200 per tap. This would be for both the water and wastewater systems. Mr. Daron Butler, Director of the Research and Budget Department, indicated that the construction of the approach main, given annual maintenance costs, would nonetheless be revenue producing. Mr. Gersick stated that extension of the approach main would also generate additional property and sales tax for the City.

Mr. Angerman stated that the project did fall within the preferred environmental growth corridor. He felt that the package was financially attractive. Mr. Angerman stated that they were in compliance with growth management objectives according to the Master Plan. He asked the Council to approve construction of the approach main contract.

Councilmember Goodman asked what alternatives were opened to the City. Mr. Knickerbocker stated that the City annexation policy could be changed as presently it requires one-year annexation and provide the main with no immediate commitment to annexation or annex the entire area within a year. Councilmember Goodman asked if not annexing the area would require an amendment to the approach main policy. City Attorney Jerry Harris indicated that it would and that Council action could only be taken that night subject to amendment of the policy the following week.

Substitute Motion - Died for Lack of a Second

Councilmember Mullen moved that the Council accept the recommendations of the Planning Commission except for Item #1 which stipulates that an exception be granted to the Approach Main Policy as to the one-year time limit, and that the staff be prepared to do a full-scale annexation study on the entire area. The motion died for lack of a second.

MR. KEN MANNING, representing the Austin Sierra Club, stated that his organization felt that the approach main contract request should be denied. He indicated that approval of the contract would be detrimental to water quality. Mr. Manning pointed out that relieving the overloaded subdivision package treatment plant was not justification for construction of a wastewater line. He stated that the increased urban run-off would be more of a pollutant than the raw sewage that would be accommodated by the approach main. Mr. Manning stated that construction of the main would potentiate development in the area which could increase the quantity of urban run-off and decrease the amount of water quality. He pointed out that in the Environmental Management Section of the Master Plan, Objective 311.0 states that the City should discourage development in the areas of the greatest environmental or agricultural value. Mr. Manning also alluded to Master Plan Objectives 311.1 and 311.3. He indicated that the existence of major arterials in the area would also potentiate development if utilities were constructed in the area.

Mayor McClellan told Mr. Manning that she had also heard the argument that there would be run-off in the area with or without the approach main. She also stated that many persons felt that a better solution to wastewater pollution in the area was the proposed interceptor. Mayor McClellan also indicated that the area did fall within the secondary growth sector as outlined in the Master Plan. She pointed out that the approach main policy needed to be studied and the annexation study needed to be updated. Mr. Manning maintained that construction of the approach main would potentiate growth and development in the area. He stated that amendment of the policy would negate the growth restraints laid down in the Master Plan.

MR. ROBERT HAGAMAN stated that he was in support of the approach main to the Scenic Brook West area. He stated that a septic tank system does not work as well as a City sewer line would.

MR. JERRY LOBDILL, representing the McCarty Lane Neighborhood Association, spoke before the Council. Mr. Lobdill listed a number of points on what would occur if the City did not approve the proposed approach main contract. The points were as follows:

1. Mr. Angerman would upgrade the area package sewer treatment plant.
2. If Mr. Angerman chose to incorporate, the City would still have time to deal with the problem.
3. Development in the area will still be limited and controllable.
4. Septic tanks are not the cause of Williamson Creek pollution. Over-development in the area is the major cause. Therefore, this problem would cease if the main contract is refused.
5. Mr. Angerman would have no grounds for recourse against the City of Austin if the contract is denied.

Mr. Lobdill also listed a number of points on what would occur if the City did approve the proposed approach main contract. The points were as follows:

1. Mr. Sid Jagger of the Planning Commission will recommend the annexation of Oak Hill which would potentiate a dense population growth.
2. Plans would have to be made for a new fire station on William Cannon Drive.
3. Mr. Angerman would only have to pay for \$200,000 of the project and the City would have to pay the majority of the cost.
4. Cost recovery purposes to the City would necessitate promoting foster growth in the area.
5. A new bond election will be required to allocate money to meet City commitments in the newly annexed territory.

Mr. Lobdill presented graphical analysis of the City per capita indebtedness plotted against time from 1880 to present. He indicated that with the advent of the Council-Manager form of government, the population began to grow at an exponential rate as a result of annexation and the influx of people. Mr. Lobdill stated that the majority of increase in per capita indebtedness was due to utility expenditures. Mr. Lobdill remarked that in regards to the City 1976 Bond Election, the literature released on the program was full of lies and misrepresentations. He said that the bonds would require a tax or utility increase. Mr. Lobdill offered this observation as an opinion only.

Mr. Daron Butler stated that the per capita figure ~~was~~ presented by Mr. Lobdill was unfair and that ~~it~~ was derived using the wrong budget analysis formulas. Secondly, he stated that to make the statistical inference that the form of City government is directly related to the growth in spending and population was a misleading statement based on faulty analysis. Mr. Butler pointed out that growth in spending is directly relat~~ed~~ to the service needs and demands set by the community. He felt that Mr. Lobdill verged on slandering the staff and the Council with his presentation.

MR. DON SUMMERS, representing Ralph Morlon and the Convict Hill Restaurant, stated that they were in favor of the approach main.

MR. CARL WHEELER told the Council that his own property was adjacent to the proposed approach main route and that it would cost him about \$1,000 a year to hook onto the sewer system. He stated that he would like to see Mr. Angerman bring in the main and divert pollution from Williamson Creek but that he hated to see such action taken without the knowledge of the residents immediately effected by the Williamson Creek watershed. Mr. Wheeler stated that he needed to know what specific areas were to be annexed and when.

REV. WALTER HARMS, Pastor of Bethany Lutheran Church of South Austin, spoke before the Council. He stated that future development in the area would be detrimental to South Austin unless the sewerage disposal problem is adequately dealt with.

MS. BARBARA CILLEY told the Council that she was a pragmatist and made mention of philosopher William James. She stated that the community had to watch its growth because there were finite limits to it. Councilmember Mullen asked Ms. Cilley if she thought not putting the approach main in would stifle growth in the area. Ms. Cilley felt that it would. Ms. Cilley also went on record as saying that there should be some way to treat sewer waste in the area.

MR. JOE RIDDELL told the Council that the construction of the approach main in the area would place an additional 17,000 people in the Oak Hill area. He stated that the City annexation cost report came to the conclusion that the City would lose money annexing in the area. Mr. Riddell stated that the financial report submitted by Mr. Angerman ignored the cost for the City to maintain the sewerage system. Councilmember Goodman asked what the fiscal impact of constructing the approach main would be if the area were not annexed. Mr. Daron Butler indicated that such a move would have a negative fiscal impact on the City. Mayor McClellan asked Mr. Butler if he could prepare a more complete financial impact statement on the project by September 22, 1977, and Mr. Butler replied that he could not. Mr. Riddell stated that if the approach main were extended to the subdivision without annexation, revenues derived from the provision of wastewater service would exceed the expense of providing the service. However, if the City did annex the area, it would lose money on maintenance of the system. Mr. Riddell indicated that it was unrealistic to think that annexation would not occur in the area. He also felt that the capital increment fee should be larger in order to recover the expenses invested in the system. Mr. Riddell felt that the project was a gross deviation from the Master Plan growth corridor.

MR. J. W. SMITH told the Council that there was a need for both the approach main and annexation in the Oak Hill area.

MR. HANK WIER stated that he hoped the Council would vote in favor of the approach main that night and then continue to work on annexation.

MR. JERYL HART stated that in the Oak Hill area there was effluent discharging directly into caverns in that area. He stated that concern should also be given to the Onion Creek treatment plant. Mr. Hart pointed out that the Edwards Aquifer was also being subjected to pollution.

Councilmember Goodman asked Mr. Angerman if he had originally conceived the size of the approach main as it is presently. Mr. Angerman indicated that the size of the line was determined by the City Water and Wastewater Department and that his only concern was to provide whatever was necessary for the area.

Substitute Motion - Failed

Councilmember Goodman moved that the Council defer action on the matter for two weeks in which time the City Budget Department would prepare a more adequate fiscal statement on the project. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

Ayes: Councilmembers Goodman, Snell, Trevino

Noes: Mayor Pro Tem Himmelblau, Councilmember Mullen; Mayor McClellan, Councilmember Cooke

*Councilmember Mullen stated that as a rule of parliamentary procedure, the Council should in the future take action on original motions first and then later come back and amend those motions rather than cancel original motions with subsequent substitute motions.

Mr. Angerman indicated that he did not think anything substantial could be done with the main proposal within two weeks and stated that he would like a vote taken that night. Councilmember Mullen indicated that it would be better to go ahead with approval of the approach main now while a developer was willing to pay for a part of the cost. Councilmember Goodman noted for the record that the City would be paying for 77% of the total cost.

Vote on Original Motion

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

Noes: Councilmembers Trevino, Goodman, Snell

Mayor McClellan indicated that she wanted the following items looked into:

1. An update of the annexation study.
2. An increment fee study.
3. A variance to the approach main policy and/or an exception to the approach main policy.

LICENSE AGREEMENT

Councilmember Cooke moved that the Council adopt a resolution to enter into a License Agreement with Missouri Pacific Railroad Company for the purpose of installing a 16-inch water main beneath said railroad's right-of-way at Mile Post 169.66, Engineer's Chainage Station 8958+06 in Austin. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

WEATHERIZATION ASSISTANCE PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to authorize application to the Texas Department of Community Affairs for funds to operate a Weatherization Assistance Program for low-income persons in the amount of \$5,498.00. (Program period: October, 1977, to March, 1978) The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

COMMUNITY SERVICES ADMINISTRATION SUPPLEMENTAL FUNDS

Councilmember Trevino moved that the Council adopt a resolution to apply for Community Services Administration Supplemental funds in the amount of \$10,000 to pass through to Travis County for rural transportation. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

WEST RIM SUBDIVISION

The Council had before it a resolution to consider authorizing construction of a 12-inch water main and a 12-inch wastewater main to serve the West Rim Subdivision.

Motion

Councilmember Trevino moved that the Council deny authorization of construction of a 12-inch water main and a 12-inch wastewater main to serve the West Rim Subdivision. Mayor McClellan seconded the motion.

Councilmember Mullen said he had a note from the applicant indicating he might want to postpone and suggested they listen to him.

MR. DONALD BIRD, attorney for the applicant, stated their request was not to postpone, but to withdraw. A discussion ensued among the Council concerning whether or not to let them withdraw, or to go ahead and listen to the presentation. Mayor McClellan pointed out that a resolution was not like a zoning where there is a difference in timing between withdrawing and denying.

Mr. Bird explained their reason for wanting to withdraw was due to problems they have had the past two weeks with trying to redraw the plans based on the revised density. They have come to the conclusion they may not be able to meet their 1.75 and may have to ask for modification or perhaps drop it to a lower density. He said they also have some legal questions which they must clarify before they go any further, plus some engineering problems which may

develop from a problem that arose yesterday in a joint meeting with the engineering department of the county and Urban Transportation concerning the restructuring of West Lake Drive. That, he said, would probably make some major changes in the design of their subdivision, because of the re-routing. Until they get some better information on that, and all the other reasons, Mr. Bird pointed out they are confused as to what they are looking at in the way of a subdivision. There is the possibility, he continued, that they may not have a problem with an approach main in the future, but because of the problems he has listed and others which have come to their attention in the past two days, they have decided that if they got the approach main right now, they would not know what to do with it at this point. So, Mr. Bird felt it would be most advisable to withdraw their request and see if they are actually going to need one.

Councilmember Trevino asked if they anticipated returning soon. Mr. Bird answered that he had no idea and was not certain if they would be back at all. He said their preliminary plans had not been approved yet, and they are still at that stage with the Planning Commission. Councilmember Trevino said his concern is that the neighborhood be given proper notification if the West Rim question does go back to the Planning Commission. Mr. Bird answered that if it is decided they need an approach main, they will be in the position of starting all over, which will require the usual notices. At this point, though, they are not totally sure they will need one.

MR. SCANLON, representing a group in opposition, said it was their opinion a vote should be taken on the question today. Councilmember Trevino said, "There will be no problem with that, will there, Jerry? (City Attorney Harris)." Mr. Harris answered that there would be none. Mr. Bird asked, "You mean we are not going to be allowed to withdraw? I didn't realize that was a problem. I think that's a very punitive approach." Mayor McClellan asked why it would be punitive. Mr. Bird answered, "If you are going to make us make our presentation, we will, but it seems unnecessary when we have told you we would rather not even ask you for it. To force us to a vote seems to be rather punitive," Mr. Bird said. Councilmember Trevino said he did not think there would have been sufficient votes for the approval of the project. Mr. Scanlon stated his group has worked hard on the project and would appreciate the Council voting on this simply because it would set a standard and a precedent for the area once and for all. He said later they would welcome the opportunity to sit down with the Planning Commission and work out a Master Plan with that area which would be cost effective and non-polluting. Mayor McClellan said that if they were going to take a vote, in all fairness a presentation should be allowed.

Substitute Motion

Councilmember Mullen made a substitute motion that the Council let the applicant withdraw.

Mayor Pro Tem Himmelblau asked Mr. Knickerbocker of the Planning Department if this meant that the preliminary that is filed now would just stay in the files and another one would be.. Mr. Knickerbocker said they had not been allowed to file a preliminary. He would not be allowed to file one until he gets some resolution. If he chooses not to use an approach main, he can

come right back in with the densities that meet the Lake Austin standards. There is nothing on file, there is nothing before the Commission, and no precedents of any nature have been set at this point, concluded Mr. Knickerbocker.

Original Motion Withdrawn

Councilmember Trevino withdrew his original motion and seconded Councilmember Mullen's motion.

Roll Call on Motion

Roll call on Councilmember Mullen's motion, Councilmember Trevino's second to withdraw subject item from the agenda, showed the following vote:

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

Councilmember Goodman said he thought "this was a message enough to the residents in the neighborhood. In other words, the vote expresses the sentiment of the Council."

URBAN RENEWAL AGENCY

Councilmember Goodman moved that the Council adopt a resolution to authorize a contract revision to the FY 1976-77 contract with the Urban Renewal Agency. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Snell said he thought it was in order that they would change the name of this particular group. Mayor Pro Tem Himmelblau said she thought they could change it locally, but that the Federal government would still look on it as the Urban Renewal Agency. Councilmember Snell said it had been a local decision by the previous Council to change the name to Urban Alternatives.

Mr. Jim Miller, Assistant City Manager, said that it is an Urban Renewal Agency Board decision. It is a non-profit corporation incorporated under State laws and that Board will have to request a name change.

CITY MANAGER EVALUATION POSTPONED

The Council had before it a resolution to adopt a systematic process for an annual evaluation of the City Manager. Councilmember Snell stated that he had not had time to thoroughly evaluate the proposed resolution; some of the other Councilmembers concurred. Councilmember Snell commented that under number two, professional skills and status, it says, "respected in management

profession." "Who would be able to answer this?" he asked. "Probably no one could do this but another manager." Councilmember Cooke said the evaluation check list is just a suggestion, and that they would approve the resolution, not the check list. He said that would be open to consideration that anyone might want.

Mayor McClellan suggested they put the resolution back on the September 22, 1977, agenda. The Council unanimously agreed.

PUBLIC HEARINGS ON TAX APPEALS SET

Councilmember Mullen moved that the Council set public hearings on the following Tax Appeals as follows:

| | |
|-----------------------------|--|
| October 6, 1977, 10:45 a.m. | Holiday Inn-North 6901 IH 35 North Parcel I.D. 2-2915-0135 |
| October 6, 1977, 11:00 a.m. | Alvin Breit, Village Casuals 2525 West Anderson Lane at Burnet Road 465 North Cross Mall Parcel V-42071 |

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

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

PUBLIC HEARING SET

The Council had before it for consideration setting a public hearing for October 6, 1977, to amend Chapter 45 (Zoning Ordinance) to provide a new Section 45-14(b) and to enact certain amendments to Section 45-16.1 through 45-22.5; and passage of the Ordinance.

Councilmember Mullen asked if, just because it's suggested they have a hearing, is it necessary? City Attorney Jerry Harris said since this is a zoning ordinance, it is necessary to go through the process of the Planning Commission and they have to hold a public hearing. That is a state law.

Councilmember Mullen said he didn't even want "to consider part of this; that is, the portion that deals with the Planning Commission making us have a 6-1 vote to overthrow their motion. I don't want to approve that."

After some questioning, Mr. Harris stated there are two amendments here; one that would allow us to put in our ordinance the denial of the zoning request by the Planning Commission could only be granted by six votes of the Council. The second amendment deals with allowing non-profit recreational facilities going into certain zoning districts just as public recreational facilities can go in residential districts. For example, Little League Ball fields, etc.

Motion - Died for Lack of a Second

Councilmember Mullen made a motion to set a public hearing October 6, 1977, at 2:00 p.m. to hear Section 45-16.1 through 45-22.5. The motion died for lack of a second.

He explained this would not include the recommendation of the Planning Commission to make it where this Council has to have a 6-1 vote to ever change a motion. Councilmember Trevino said this would be a public hearing and thought they should listen to both sides. Councilmember Snell said he would second the motion on time, but wanted to hear both amendments.

Mayor Pro Tem Himmelblau said she was surprised at part of this coming from the Planning Commission and thought it would put too much power in the hands of an appointed board. She said she agreed with Councilmember Mullen. She would hear it, but that wouldn't change her mind.

Motion

Councilmember Trevino moved that the Council set a public hearing for October 6, 1977, at 2:00 p.m. to amend Chapter 45 (Zoning Ordinance) to provide a new Section 45-14(b) and to enact certain amendments to Sections 45-16.1 through 45-22; and passage of the Ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PROGRAM IN COMMUNICATION DISORDERS

Councilmember Goodman moved that the Council adopt a resolution to authorize extension of a contract between the City of Austin for Brackenridge Hospital and the University of Texas Department of Speech Communication, Program in Communication Disorders. (Period: October 1, 1977, through September 30, 1978 - City's cost \$7,603) The motion, seconded by Mayor McClellan, carried by the following vote:

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

Mayor Pro Tem Himmelblau commented that she objects to a lot of the educational programs that the City is picking up and asked why this one is needed. Mr. Robert Spurck, Brackenridge Hospital Administrator, said that in this instance they are buying a service, not educating, for stroke and cardio-vascular victims.

WATER SALES CONTRACT TERMINATED

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to terminate the water sales contract between the City of Austin and Manville Water Supply Corporation. 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

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 5.266 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1901-1925 SOUTH INTERSTATE HIGHWAY 35 AND ALSO BOUNDED BY THE PLANNED MARIPOSA DRIVE, 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. (Mrs. E. R. Youngblood and Mrs. Edna J. Duffy, C14-73-173)

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 Mullen, 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 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 92,338 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1502-1512 WHELESS LANE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE 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. (Margaret E. Hayes, et al, C14-72-178)

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 Mullen, 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 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:

(1) A 7.8641 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9904-10114 NORTH INTERSTATE HIGHWAY 35, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) AN APPROXIMATE 750 SQUARE FOOT TRACT OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INTERSTATE HIGHWAY 35 (SOUTH) AND NORTH BLUFF DRIVE, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (John Joseph, C14-77-088; H. E. Butt Grocery, C14-77-089)

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 Mullen, carried by the following vote:

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

Noes: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

CITY COUNCIL TRAVEL

The Council had before it a resolution concerning City Council travel. Councilmember Mullen said that it stated that at budget time, all Councilmembers would try to set out the trips that will be taken by individual members, and that these will be enumerated and outlined in the budget. If a trip comes up that a Councilmember wants to take that is not in the budget, he proposed that before it can be approved by the City Manager, it has to have approval by signature of at least four City Council members. Councilmember Cooke said his concern regarding the four signatures is that instead it should be brought before the full Council and make it an official action of the Council.

Mayor McClellan said she really has a problem with the proposal. "I think we certainly should have travel, and hopefully we do just as accurately as possible budget it. I think we are elected public officials and everything we do is certainly public information. I have not had the occasion to date when I've had to hop on a plane and do something that day. There have been such occasions in the past. All you Councilmembers have been various places. One has been on a health trip, one has been on an affirmative action trip. I think different Councilmembers have different areas of expertise and interest and I think each one ought to be able to make up their own mind as to how worthwhile it is, and is it appropriate."

Councilmember Mullen answered her by saying he did not understand her reasons why and he even would go along with Councilmember Cooke's suggestion to change it to a vote in Council meetings. "But, just forget this Council, just think that in the future any Council, anybody elected on here at any point, even at the end of his term, could walk in and say, I want a trip to Hawaii for a special deal, and there is nobody who can say 'no,' and that's not good." Councilmember Snell said, "That person is responsible to the citizens." "And so are we, as a City Council who approves the budget, to know where the money goes," replied Councilmember Mullen. "I can assure you," said Councilmember Trevino, "that this Council and future Councils will continue to be scrutinized by the media and the public." Councilmember Mullen replied he thought it was a job of the Council to scrutinize and not of the media. Councilmember Trevino said he had never heard of an abuse by a Councilmember concerning travel.

Councilmember Goodman said they had met Jason Luby, Mayor of Corpus Christi, that evening, who is outvoted on issues 6-1. "Suppose," he said, "the Mayor had to make a bond trip. If she was unpopular then she would not be allowed to go." Mayor McClellan pointed out an analogy was being used regarding one Councilmember who might be unpopular with the rest.

There was further discussion among all Councilmembers regarding the fairness of such a resolution, how the press is informed of trips, how other Councilmembers find out about trips, whether amount spent on trip is disclosed to the press, etc.

Motion - Failed

Councilmember Mullen moved that the Council adopt a resolution as presented concerning City Council travel with an amendment that it be brought before Council in lieu of our members signing. The motion, seconded by Councilmember Cooke, failed to carry by the following vote:

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

ATTITUDE SURVEY

The Council had before it for consideration the adoption of an Attitude Survey Program for City employees.

Councilmember Cooke said, "All I'm saying with regard to personnel policies, I'd like to see the Council direct the staff to bring forth some recommendations to conduct an annual people attitude survey of all the City of Austin employees, including an annual audit regarding team development recommended solutions to any problems that could be uncovered from this type of results. I would appreciate any consideration my colleagues will give to this. I attached a perspective example of what a survey could look like. My intention is not to have this survey conducted by a personnel consultant. It would be an in-house survey. I just want to refer this to the Personnel Department for their consideration."

"What would be the result of the survey?" asked Councilmember Goodman. Councilmember Cooke answered the results could be utilized by staff and Council and be an on-going process on an annual basis. Councilmember Goodman wondered what effect this would have in relation to the City Charter. Councilmember Cooke stated that this would be a part of the City of Austin personnel policies which in essence say if this is adopted and voted on by the Council, we will be including this in personnel policies.

Mayor McClellan said she would be interested to know what the attitude is concerning attitude surveys. "I don't know if it brings out in adults the same reactions it does when you give them to school students," she stated.

Mr. Dan Davidson, City Manager, said that "in connection with Mr. Cooke's suggestion, we have studied it, and as I understand it, Mr. Cooke would ask that we implement the program, design the survey, conduct it as part of the personnel effort. And, of course, it would be at our option as to what we would bring back and share with the Council, but definitely we'd want to do that. I think the Charter question would come up in the case of the Council wanting to conduct a survey of City employees. And I don't believe that is what Mr. Cooke has in mind. If the Council wants to adopt this, it is something we would look forward to working with. It is something that is done in other parts of the country. It's never been done, to my knowledge, in Austin."

COMMUNITY DEVELOPMENT DISTRICTS

The Council received the City Manager's report on Community Development Districts.

ADJOURNMENT

The Council moved to adjourn its meeting at 12:45 a.m., September 16, 1977.

APPROVED

Carole Keeton McClellan
Mayor

ATTEST:

Grace Monroe

City Clerk