

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 10, 1978
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

REAGAN CHORALE DAY

Mayor McClellan read a proclamation designating Saturday, August 19, 1978 as Reagan Chorale Day. Choir Director Ken Steele accepted the proclamation on behalf of the students, with his thanks.

CERTIFICATE OF RECOGNITION

Mayor McClellan presented a Certificate of Recognition to Mr. Andy Ramirez, former Director of Human Resources, who resigned his position in order to attend graduate school at George Washington University. Mr. Ramirez thanked her for the certificate and told her it has been a pleasure working for the City and with the Council.

VISITORS FROM SALTILLO

Councilmember Trevino introduced to the Council and Chamber audience Prof. Oscar Flores Iturbe, representative of the governor, Senora Gloria Thelma Cuevas de Flores, and Senorita Julia Maribel Flores Cuevas, all of Saltillo. Saltillo, Coahuila, Mexico is sister city to Austin. These people were here

because of the Aqua Fest. Prof. Iturbe extended greetings from the Governor and the City of Saltillo and presented the Mayor with a plate and artistic prints of the City of Saltillo. The Mayor thanked the visitors and said she would cherish the gifts and their friendship.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for Special Meetings of July 24, 1976, and July 26, 1978 and Regular Meetings of July 27, 1978 and August 3, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

EMINENT DOMAIN PROCEEDINGS

Councilmember Goodman moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tract of land for the widening and improvement of St. Elmo Road:

1,486 square feet of land out of and a part of the east 1/2 of Lot 16, Fort View Subdivision. (Otto Glenn Hanseler, et us, owners.)

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

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

RELEASE OF EASEMENT

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

A portion of a sixty (60.00) foot Drainage and Public Utility Easement out of Lot A, Dry Creek West, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Franklin Houston, P.E., representing Jeryl Hart Engineers, Inc.)

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

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

Councilmember Goodman moved that the Council adopt a resolution to enter into a Utility Joint Use Agreement with the State Department of Highways and Public Transportation for the purpose of installing wastewater mains within R.M. Highway 2222 from 0.1 miles north of City Park Road to 0.1 miles southwest of Dry Creek Drive. The motion, seconded by Councilmember Trevino, carried by the following vote:

Noes : None

Councilmember Goodman moved that the Council adopt a resolution to authorize the following wastewater approach main contract:

- To construct an 8-inch wastewater approach main to serve the Sunridge South Subdivision. (No cost to City)

Noes : None

Noes: Councilmember Snell

- Sale of Surplus Property, Aircraft
Aviation Department.
Item 1 - Revenue to City \$6,154.00

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

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

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

Bid Award:	- Ryegrass Seed, Parks and Recreation Department.
TURF WORLD, INC. 4403 Continental Drive Alief, Texas	- Item 1 - \$12,462.40
DOUGLAS W. KING COMPANY 4627 Emil Street San Antonio, Texas	- Item 2 - \$2,706.00

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

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

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

TEX-CON OIL COMPANY 4906 Burleson Road Austin, Texas	- Anti-Freeze, Vehicle and Equipment Service Department. Item 1 - 4,150 gallons @ \$2.41 Total - \$10,001.50
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

POWERS REGULATOR COMPANY 7910 Westglen Suite 106 Houston, Texas	- Pneumatic Tube System Renovation at the Police & Courts Building - \$48,920.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

DAVID LEE DEMOLISHERS
2600 Penny Lane
Austin, Texas

- Demolition of the Jackson Tire
Building, 201-203 West Second
Street - \$5,900.00

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

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

AGENDA ITEM PULLED
LEASE OF TYPING SYSTEM EQUIPMENT

The following agenda item was pulled: (Consideration of contract approval)

IBM CORPORATION
1609 Shoal Creek Boulevard
Austin, Texas

- Lease of Typing System Equipment,
Law Department, Claims Division.
Item 1 - 1 ea. - \$12,502.28

AIRPORT SITE STUDIES

Councilmember Goodman moved that the Council adopt a resolution to extend the contract with R. Dixon Speas Associates for completion of airport site studies. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

TEMPORARY STREET CLOSING

Councilmember Goodman moved that the Council adopt a resolution to temporarily close relocated Red River Street from 9:00 a.m. to 8:00 p.m., Sunday, August 27, 1978, as requested by Ms. Bette J. Balfour, representing the Muscular Dystrophy Association. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

RAIL PLANNING ASSISTANCE GRANT

Councilmember Goodman moved that the Council adopt a resolution to submit an application to the Texas Railroad Commission for a Rail Planning Assistance Grant. (Total cost \$61,250; City share \$12,250, Railroad Commission, \$49,000.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

CENTRAL TEXAS LIBRARY SYSTEM BYLAWS

Councilmember Goodman moved that the Council adopt a resolution to approve the Central Texas Library System Bylaws submitted as required under the Texas Library Systems Act Rules and Regulations for the State Library System, fourth biennium, Spetember 1, 1977, t hrough August 31, 1979. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

REGIONAL HISTORICAL RESOURCE DEPOSITORY AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to approve a Regional Historical Resource Depository Agreement between the Austin Public Library and the Texas State Library. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

GRANTS FOR CENTRAL TEXAS LIBRARY SYSTEM

Councilmember Goodman moved that the Council adopt a resolution to accept two grant contracts to cover expenses of the Central Texas Library System in the provision of materials and support services to member libraries in the amount of \$194,985.00. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

TRAINING OF PARAMEDIC STUDENTS

Councilmember Goodman moved that the Council adopt a resolution to enter into contract with the State of Texas, Health Department, EMS Division, for training paramedic students, effective June 1, 1968. (\$36,752 total cost; \$26,562 Federal funds; \$10,190 City funds) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution to submit a request for paramedic training funds to the State of Texas, Health Department, EMS Division, for fiscal year 1978-79. (\$37,770 total cost; \$24,000; \$13,770 local match.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

COMMUNITY FOOD AND NUTRITION PROGRAM

Councilmember Goodman moved that the Council adopt a resolution to submit an application and accept a grant of \$266,285 from the Federal Community Services Administration for a Community Food and Nutrition Program. (Grant period October 1, 1978 - September 30, 1979; no cost to City.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

HIGHLAND MALL SPECIAL INSPECTOR

Councilmember Goodman moved that the Council adopt a resolution to authorize a professional services agreement for a special inspector at the construction site for an addition to Highland Mall. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution to authorize an agreement with Highland Mall Joint Venture whereby the City of Austin will be reimbursed for the salary of the special inspector placed at the construction site for an addition to Highland Mall. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

PUBLIC HEARING ON ANNEXATIONS SET

Councilmember Goodman moved that the Council adopt a resolution to set a public hearing for August 31, 1978, at 2:30 P.M. to consider annexation of the following:

10.67 acres of land out of the Henry P. Hill League. (Case C7a-78-002)

58.724 acres of land out of the James Coleman Survey and James Mitchell Survey. (Case C7a-78-001)

149.73 acres of land out of the L. C. Cunningham Survey No. 68 and the Thomas C. Collins Survey No. 61. (Case C7a-78-003)

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

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

PUBLIC HEARING ON GAS RATES SET

Councilmember Goodman moved that the Council set a public hearing for August 17, 1978 at 7:15 p.m. on Southern Union Gas Company Statement of Intent to change rates for gas service to the University of Texas at Austin. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

BOAT TEST ON LAKE AUSTIN

Councilmember Goodman moved that the Council authorize a boat test on Lake Austin Thursday afternoon, August 10, 1978. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ORDINANCE TO PROHIBIT BOAT RACES ON TOWN LAKE

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

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967, SECTION 29-13; PROVIDING REGULATIONS PERTAINING TO THE OPERATION OF MOTOR BOATS ON THE COLORADO RIVER BETWEEN THE DAM AT PLEASANT VALLEY ROAD AND THE TOM MILLER DAM; PROVIDING CERTAIN EXCEPTIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmember Snell, Trevino, Mayor McClellan, Councilmember Goodman

Noes: Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen

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

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

A 1.5728-ACRE TRACT OF LAND, LOCALLY KNOWN AS 3417-3423 PECOS STREET, ALSO BOUNDED BY WEST 35TH STREET; FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Woodstone Square Development Co., Inc., C14-78-039)

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 Goodman, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

TRACT NO. 2, SUSAN M. ROBERTSON ESTATE SUBDIVISION, LOCALLY KNOWN AS 1608 WEST 6TH STREET; FROM "A" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND 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. (Charles E. Marsh, C14-78-106)

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 Goodman, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

TRACT 1: A 4.212-ACRE TRACT OF LAND, SAVE AND EXCEPT THE WESTERMOST 120 FEET, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE WESTERNMOST 120 FEET, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 12147-12105 JOLLYVILLE ROAD AND 12614-12582 U. S. HIGHWAY 183; 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. (Charles L. Hanson, et ux, C14-78-109)

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 Goodman, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

LOTS 1-14, SECOND RESUBDIVISION OF A PORTION OF LOT 7, BLOCK C, NORTHWEST HILLS OAKRIDGE SUBDIVISION, LOCALLY KNOWN AS 6487-6537-B HART LANE; FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (H. C. Carter, C14-78-111)

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 Goodman, carried by the following vote:

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

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:

LOT 1, BLOCK A, GARCIA SUBDIVISION, LOCALLY KNOWN AS 4601 GUADALUPE; FROM "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT AND "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, SECOND 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. (Austin Independent School District, C14-78-112)

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 Goodman, carried by the following vote:

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

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:

LOT 1, DRY CREEK SUBDIVISION, SECTION 4, LOCALLY KNOWN AS 3817 DRY CREEK; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL 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. (Richard E. Pigott, C14-78-113)

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 Goodman, carried by the following vote:

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

A 12.12-ACRE TRACT OF LAND, LOCALLY KNOWN AS THE 3500 BLOCK OF STECK AVENUE; FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, 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. (Estate of W. L. Mayfield, C14-78-114)

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 Goodman, carried by the following vote:

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

A 0.49-ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 2324 SOUTH LAMAR BOULEVARD; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (G. V. Reedy, C14-78-119)

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 Goodman, carried by the following vote:

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

A 3.2-ACRE TRACT OF LAND, LOCALLY KNOWN AS 13819-13843 U. S. HIGHWAY 183 NORTH; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS AND WILLIAMSON COUNTIES, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Donald S. Thomas, C14-78-122)

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 Goodman, carried by the following vote:

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

A 9,000-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 2005 SOUTH LAMAR BOULEVARD; FROM "A" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND 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. (Michael R. Macari, C14-78-123)

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 Goodman, carried by the following vote:

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

LOT A, 57.13 FEET BY 250 FEET, RESUBDIVISION OF LOT 6, BANISTER HEIGHTS, LOCALLY KNOWN AS 1502 FORTVIEW ROAD; FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Fred W. Adams, C14-78-104)

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 .77-ACRE TRACT OF LAND, LOCALLY KNOWN AS 13900 U. S. HIGHWAY 183 AND 13100 F.M. 620; FROM INTERIM "AA" 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. (Robert L. Hasler, C14-78-092)

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 Goodman, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

AGENDA ITEM PULLED CREATING SIGN COMMITTEE

Consideration of an ordinance creating a Sign Committee was pulled from the agenda because it was determined that this had already been created.

COST STUDY

The Electric Utility Commission was scheduled to report on the advisability of having an individual or firm conduct a cost study of components of power generating plan. The Council also had under consideration a resolution to select a firm or individual to conduct a cost study of the components of the power generation plan.

MR. BRUCE TODD, Chairman of the Citizens' Electric Utility Commission appeared before Council and stated the following: "Mayor, members of the City Council, I appreciate the opportunity to speak to you today about an item I consider a very important decision for this Council to make concerning the recommendation made on August 3, 1978, by the City Manager with regard to a proposal for an outside consultant to study the electric generation components. The Electric Utility Commission received, at your request, the information and study and advise you to its appropriateness. We received this information last Monday, reviewed it very carefully, heard from interested citizens and voted on the matter. It was the unanimous recommendation of the Electric Utility Commission, appointed by the City Council, that the Council reject the Manager's proposal for an outside consultant to make the study of the electric generation options. Before I proceed with relating what I feel are the reasons for the recommendations made by the Commission, I would like to dispel three comments which have come to my attention.

"First, it has been suggested that the Electric Utility Commission recommendation against the study was simply made because the recommendation originated from the City Manager. In my opinion nothing could be further from the truth. We have in the past received recommendations from the City Manager and acted favorably on many of these recommendations. In all cases we acted on what we considered to be the merits of the recommendation and advised accordingly. The recommendation to reject this study was based on what the members of the Commission voted on that night and felt was a logical and sound business decision. Speaking for the majority of the Commission, I can say that the decision was made strictly on the merits of the recommendation.

"The second area that needs clarification is the Commission's decision concerning the merits of the recommendation itself. The vote of the Commission was that no outside consultant was necessary. However, we have studied the recommendation carefully and feel that certain items have merit and should be pursued by members of the Electric Department.

"Third is that our vote was simply one against the use of outside consultants which has been much criticized in the past. It is my opinion that the use of outside consultants is justified when the staff does not have the technical capabilities to perform the task at hand. It is also my opinion that while the scope of the proposed work assignment may be overly broad, the critical items are well within the competency of the Electrical Department. In reviewing the scope of the proposed work assignment which defines the expected product the items can be classified in three categories. First is that of ongoing monitoring of the project, their status, quality and projected completions dates. This function, while the primary responsibility lies with the project manager is one that has been performed on a monthly basis and dutifully reported to both the Commission and the Council with the latest report on the South Texas Project made last month. It is my opinion that the Electric Department staff with its previous involvement in working relationship with the project manager is far more qualified than an outside consultant with no prior working relationships to come in and accomplish such a project within 2-1/2 short months.

"The second scope function is that of review and evaluation of the previously submitted generation plan alternatives. The staff spent many months and many man hours in developing this report. While not everyone is satisfied with that report, the dissatisfaction centers around assumptions made rather than the analytical computations. Those assumptions can be challenged by anyone, no matter who makes it, and in no matter what form they are presented. Basically, the question of whether the Electric Department is sufficiently competent and trustworthy to perform and transmit reliable technical information. The majority of the Commission feels they are. If this Council feels otherwise, I personally feel that hiring an outside consultant would be the answer to that question.

"Finally, we have the problem of the cost overrun in South Texas. Certainly this is a serious project and one that the Commission has been requesting information on continually since the latest overrun was announced in August of last year. Surely the additional information is necessary before this item can be submitted to the voters for approval or disapproval. The key question is how to obtain this information. In that regard I direct your attention to Mr. Hancock's report dated July 26, 1978. And I quote, 'Houston Lighting and Power Company in their capacity as project manager employed Management Analysis Company to review construction management and control concepts. They are highly

specialized in power plant construction management, with in depth experience in both fossil and nuclear plants. They have an excellent hands-on record in working with utilities, managing complex power plant construction projects. They were employed in November, 1977, to assess and assist the project control, cost estimate and scheduling matter. The Management Consultant and Houston Lighting and Power Company as project manager have formed a task force composed of representatives of the engineer constructor and Houston Power and Light Company project management organization. The task force has reviewed construction techniques, existing cost and schedule control procedures and performance to date. This data is currently being assembled and analyzed and will be presented to the management committee in September or October of 1978.'

"It is my opinion these steps combined with the dedicated effort of our Electric Department to closely monitor the activity and results will produce far more accurate information with which critical decisions must be made and which we can expect of a consultant. I urge you to reject the City Manager's recommendation and to direct the City Manager to devote the necessary resources to monitor this project activity and report back to the City Council, the Commission and the citizens."

Councilmember Goodman asked, "You said that there were certain items that did not need to be studied and those can be handled by staff. What are the items?" Mr. Todd answered, "Primarily South Texas. I think the scope of this report was directed to entail not only Fayette but all other generation plans and all the various ramifications. It is my opinion that aside from the latest problem with Fayette, the situation is fairly under control and everyone is fairly well satisfied with it. I've not heard any public outcry to reduce participation in that project. It seems to me the key element is the problems everyone has had with South Texas. There are tremendous cost overruns and obviously no one is satisfied with those overruns nor the explanations received to date. That is the item I think needs to be keyed on and I suppose one that I might differ on with some members of the Council, I think that item can be studied by the Electric Department and their representatives more accurately and we will receive far more information than we would by hiring another outside consultant."

Councilmember Cooke stated, "This Council did make a request to the Manager to look at this (cost overrun at South Texas) and for the Manager to see if staff could do this and to pursue whether they could and if so, how they would proceed in doing it. That was delayed because of the matters that came up about the Fayette Power Project. When we did get the proposal I understood the Manager felt like that because of the constraints and the priorities currently existing with the staff, that they could not do this. I am not saying they could not physically do it or that they do not have the capability to do it, but unless we want to alter priorities, they would not have the time nor the manpower to do it." He concluded that if the staff does the study, then there will have to be some changes re the priority schedule of the department.

City Manager Davidson stated, "I might say two things in connection with Mr. Goodman's remarks. It's at a point like this where we could get into a misunderstanding over what was intended in the original discussion or the original proposal to do a study. Also the context under which I interpret Mr. Cooke's question that he referred to. The staff is going to do whatever the Council directs. Whether we can do it or not, so to speak, whether we can work

it in. To do so, Mr. Cooke, it may entail reorganizing priorities in order to get that done. When I said that I didn't feel that it was best for the staff to do this I had the impression that there was a need on the part of, well, more than a majority of the City Council to have some accurate, unbiased information on some of these questions as soon as possible. If that is what is desired, I still say that I recommend that the Council consider using some outside firm in order to conduct such a study in a hurry. Within those confines, I reiterate that we will do whatever the Council directs but I do want to acknowledge that I did have the conversation Mr. Cooke talked about and that's what I told him."

Mayor McClellan stated, "I have thought a great deal about this. It is my feeling that \$23,000 to \$35,000 for a study by early November by any outside consultant is going to have to rely heavily on information from staff and the project manager. It's the same information that the other studies that are going on will be relying upon. I think that as the Commission has pointed out, the project management team has engaged the services of a consultant to work with the project manager in evaluating the cost and time schedule and management of the project. The City Manager has indicated that an internal auditing group has been formed by the participating utilities, of which we are certainly one, to do all aspects of the fiscal management of the South Texas Project. I just feel that now we have funds available from the original \$161,000,000.00 authorization to make all progress payments through the summer of 1979. Some weeks ago I said I did not think we should fund any more cost overrun on that project and I realize that may be biasing somewhat my opinion, but I think that the conclusions of any study that we'd authorize at this time for this amount of dollars could not be finalized before the results are available from the work of the consultant and the internal audit for the South Texas Project that is already on-going. Perhaps we would be better able to judge at that time if we need additional studies. But I do not feel comfortable at this time with authorizing another outside consultant study."

Councilmember Cooke said that he felt like for those who have not yet made a decision, it is important that they have information they feel comfortable with. Councilmember Cooke said he does not feel comfortable with what he has received from staff and does not think he will feel comfortable with the information from the group that is being formed because he does not think they will zero in on this particular overrun. Mr. Cooke feels a consultant would be beneficial.

Mr. Todd commented, "The Commission has studied this at great length, and some of the Council's comments are the same ones that have come up at their meetings. I also am not in favor of the City funding the additional money above the \$161,000,000. I agree with Mr. Cooke, I think it needs to be looked at very closely. ..Our disagreement is only with the method with which you go about this. Obviously, if there are problems with the internal management team zeroing in on this, as you say, we can solve it very simply at much less cost...putting the Electric Department on it on a full-time basis if necessary."

Councilmember Himmelblau said, "I would feel more comfortable, whether it be outside or internal, with a financial analyst looking at just that one part, the overrun at STP. Whether we have the capabilities of such an analyst on staff, I don't know."

Councilmember Goodman said that his reason to support an outside consultant is to get findings to refute or continue with the project. He continued that his own position is against nuclear. He asked City Attorney Harris, "When is the first possible time that the citizens would have the opportunity to make a decision on reducing the South Texas Project allocation?"

Mr. Harris replied, "To be able to vote on a direct proposition to sell or reduce the participation would be sometime in January." Councilmember Goodman said he is not trying to delay any reduction or total sale of "our participation in the South Texas Nuclear Project. Moreover I am interested in the impact on our electric generation plan if we do reduce it and apparently there is Council sentiment to that. If that is the case, I am still interested in the study because I would like to see the impact. Secondly, I always stand to be corrected and perhaps these cost overruns are justified. I think not, but we will find out."

Motion

Councilmember Goodman moved that the Council accept the City Manager's recommendation to conduct a cost study of components of power generating plant according to Attachment A, and select the firm of C. T. Main, Inc., Boston, to conduct the study as a consultant. The motion was seconded by Councilmember Cooke.

Councilmember Goodman felt that the money spent on a consultant would be cheap insurance to try and get some questions answered.

WAYNE HUFFMAN, Huffman and Company, appeared to state that he felt the study should be done by a consultant and that time is short. He again reviewed his qualifications to do the study as well as his proposal.

DAVID MARTIN appeared before Council to say that he thought a study would be redundant and irrelevant. He said studies tend to give people the kind of answers they want rather than being objective. He felt it would be best to get the matter before the voters as soon as possible, then this would no longer be a problem exclusively for the Council.

GEORGE HUMPHREY, representing Austin Citizens for Economical Energy, told Council that they are asking them to say no to any outside energy consulting group. He said they felt there have already been numerous reports from the City staff, in-house engineers, and E.U.C. Secondly, he said the report, regardless of outcome, will not wipe away the immediate need for the cost overruns. Third, any outside report will only delay a bond issue that should be put to the voters immediately. Finally, it was his opinion that any Councilmember who votes for an outside consultant is essentially saying that they feel that Austin's own staff, in-house engineers and E.U.C. are incompetent, or not to be trusted. He asked, "When is the earliest time we can have a bond issue?"

City Attorney Harris answered, "You can have a bond issue not less than 15 days nor more than 90 days after the date the City Council orders an election." Mr. Humphrey asked, "So we could have one in the next couple months?" Mr. Harris answered that was correct. Mayor McClellan commented that there are other issues also concerning finances, and the preparations of getting ready for an election which are factors in setting an election. She said it is totally unreal to say that an election can be held 15 days after it has been called. Mr. Harris agreed.

ROGER DUNCAN, representing Austin Citizens for Economic Energy, appeared to say he is opposed to the South Texas Project, the cost overrun and the proposed study.

BARBARA CILLE, representing herself, felt the study to be unnecessary and urged Council to vote No. She thought it would be better to direct staff to realign their priorities.

Motion Withdrawn

Councilmember Goodman withdrew his motion, and Councilmember Cooke withdrew his second. He proposed they divide the question.

Motion

Councilmember Goodman moved that the Council accept the City Manager's recommendation and select a consultant. The motion was seconded by Councilmember Cooke.

Mayor McClellan stated: "I think \$35,000 spent on a study at this time is going to have to rely heavily on information that is going to be produced and generated by these other activities that are on-going, and I intend to vote, 'No.'"

Roll Call on Motion - Failed

Ayes: Councilmembers Cooke, Goodman, Snell

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

Councilmember Snell stated that he is opposed to the cost overrun at the South Texas Nuke. He said he is also opposed to the entire project, but "I do think there should be a study made at Fayette. I understand that there is not only money involved but other things such as the fuels being used. I think there are many reasons you might need to call for a study at Fayette. No longer ago than yesterday I said I wouldn't support a study. But I felt that the study could point out the fact that we need to sell our South Texas nuclear, that we need to get out of it completely. It could bring out the things that I need to know in the study that is being made at Fayette, and for this reason I rescind my vote from what I told some of the people I wouldn't do, that I will support the study of the generating plants. I vote, 'Yes.'"

Councilmember Himmelblau had at first voted, "Yes," on the motion, then she asked, "I guess I didn't understand the motion. I thought the intent was to study the South Texas Project. I'm not particularly interested in studying the Fayette situation. Show me voting, 'No.'"

Both Councilmembers Goodman and Cooke expressed their disappointment on the outcome of the vote. They thought voters should know if \$47,000,000 is valid.

Motion

Councilmember Himmelblau moved that the Council study the South Texas Project cost overrun by engaging an outside consultant. The motion was seconded by Councilmember Cooke.

Councilmember Himmelblau commented that she has no problem with Fayette.

Mayor McClellan said, "If we talk about justifying to the public and how they are going to need this information to make their decisions, I believe in the time frame we are talking about and in the dollars we are talking about, a consultant will be using the very same information. We might feel more comfortable saying we had someone from the outside looking at it, but the fact is they will rely on the same information as these other groups set up are doing. I think we are going to have all the information the public needs to make a sound decision about whether or not to fund that cost overrun at South Texas."

MR. RICH ELLMER, Electric Utility Commission member, appeared before Council to state that Austin needs to get the cheapest electric power possible for the City of Austin. He said that there are cost overruns on everything and that even with the \$47,000,000 overrun, in the end it may still result in the cheapest fuel we can obtain. Mr. Ellmer feels that there should be an outside consultant to remove the black mark or pin it on. In answer to Mayor McClellan's query as to how he voted at the meeting of the Commission, he said he passed. The Mayor said it is unfortunate that some view the consultant study as a staff check-up.

Councilmember Cooke said, "Mayor, I'll have to agree with you wholeheartedly on that and just to set the record clear, my intention in endorsing the motion that is on the floor is to have a financial look at the cost overrun of the South Texas Nuclear Project specifically, because that's where the big bucks are, and to provide the justification as to whether the labor rate, construction, inflation, and all the factors that relate to the additional \$28,000,000.00 are justified based on what Houston Lighting and Power and the managing partner says it is. If it is, then I think the voters need to be aware of that. If it's not, I think the voters need to be aware of that. I just think that's important in the decision process that the voters have to make."

Roll Call on Motion - Failed

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

Motion

Councilmember Goodman moved that the Council authorize the staff to immediately begin an investigation of the South Texas Nuclear Project cost overruns and in addition, problems that we may discover in connection with our Fayette project, on an immediate basis. The motion was seconded by Councilmember Cooke. After short discussion the Mayor stated the motion, as she understood it was to re-order the priorities of our own staff and have them immediately looking at those items that were referenced by Mr. Goodman. Roll call showed the following vote:

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

CITIZENS COMMUNICATION WITHDRAWN

The request for a parade permit from Floyd B. Bermea for Austin Committee for Mexican American Culture was withdrawn from the agenda at Mr. Bermea's request.

PARADE PERMIT

Council had before it a request for a parade permit for Mr. Edward Rendon for Townlake Citizens Association, from 9:00 a.m. to 3:00 p.m., Saturday and Sunday, August 12 and 13, beginning at Willow Street to Waller, continuing south on Waller to Haskell, left on Haskell, east to Canadian, south on Canadian to Riverview, west on Riverview to Chambers, right on Chambers to Haskell, west on Haskell to Waller, south on Waller to Festival Bridge. Mr. Rendon appeared and asked Mrs. Muniz to speak for him. She complained that there will be gates surrounding the demonstrators, but that they will have a peaceful demonstration. Mayor McClellan said that this request under study is for a parade permit. Paul Hernandez, representing the Brown Berets, appeared and said they had met with the Police Department and had been told their demonstration would be contained in a fence. He said they wanted to share their victory with all neighborhoods and would be stymied by a fence. Councilmember Goodman told him that Council is not in charge of working out police plans during Council meetings.

Motion

Councilmember Trevino moved that the Council grant the request for a parade permit for Townlake Citizens Association. The motion was seconded by Councilmember Cooke.

Councilmember Goodman spoke to Mrs. Muniz and reminded her of her previous appearance before Council when she asked them to end the races. He said Council has complied, and now the demonstrators should either not appear at the races, or should go somewhere else to have their demonstration.

Mr. Martinez appeared before Council and said that the result of the past demonstrations lies on the City government.

Councilmember Goodman said, "I ask for reason to prevail. I met a request and am still very hopeful a demonstration at the site will be peaceful. I trust your intentions but do not trust the explosiveness of the situation and that's why I'm not casting any blame. I sympathize with you and want to see no one injured whatsoever. As you well know, I've always been opposed to the boat races because they have become a community problem and I still stand by that decision. Now that we have dismissed it as a community problem, let's not make it another community problem and perhaps a major tragedy this weekend. We have scored a victory." Mr. Martinez said that last year the demonstration was moved to Pan-Am, but Council had reneged on their promise not to hold any more boat races on Town Lake.

Mayor McClellan stated, "We have been sharing our concern with all of the community." Mr. Martinez said that the Council should be aware of what the Police Department is planning, and should pressure to get the fence removed.

Mayor McClellan said that the Council will not pressure the Police Department to do anything. "Our role is to make Council policy decisions. Their role has got to be to one of public safety, enforcing the law, and community relations. I'm not the Chief of Police and regardless of what people think on all sides of this issue, who influences who, this Council makes the policy decision. We certainly share our concern with the City, the City Manager and the Police Department. We appreciate your bringing your concerns to us. I think that's what you are doing this morning."

Mayor Pro Tem Mullen stated, "We're back to where we were that every time an issue comes up, all one has to do is raise a lot of Cain and we'll get anything accomplished that we want to in this City. It's getting time for that to stop. If the Chief feels like this is in the best interest to the most people and to keep from having violence, I totally agree. I agree with Richard, this would be in my mind, a sign of a great deal of responsibility to say, 'OK we got what we wanted, we will pull back and not have demonstrations and run the risk of having an explosive situation.'"

Mr. Martinez said he spoke for Mr. Rendon in saying that if the Police do not remove the fence, the demonstrators will peacefully.

Mayor McClellan reiterated her stand that she would not tell the Police Department what they should do. She said the issue to be decided upon is whether or not to allow a parade permit. The Mayor said she hoped they would have their celebration in a manner and in a place where it would not be marred by any further happenings to spoil the celebration itself.

Mayor Pro Tem Mullen said, "I hope the Chief of Police will not tell his people to back off and not enforce the law. I think that would be extremely unfortunate."

Mayor McClellan answered, "I think to make that comment implies that somehow, sometime, someplace such a request has been made. I just want it made clear than never has such a request been made and I would ask the City Manager to please speak to that. Never have I had so many people speaking for why I vote for, why I do, who influences me, etc., than I have on this issue. And I know precisely why I voted like I did. It is not any knuckling under to threats of violence. It's not any...I think there are a few individuals who have caused a great many more to think that somehow our Police Department and our Chief have been instructed to back off from enforcing the law. There never have been such instructions. I expect that they have no option but to enforce the law at all times on any issue and I think that any reference to that is unfortunate. I think it gives credibility where there deserves to be none."

Mayor Pro Tem Mullen said, "Mayor, maybe you should speak to the police-men who work the scene because they show a great, great deal of restraint and turn their back time after time to do what seems the best for the community." Mayor McClellan repeated that never has there been such an instruction to the Chief of Police. Mayor Pro Tem Mullen said he was not talking about the Council, but about the City Manager....he continued, "I want it clear that my feeling is that people are out there to cause trouble, whatever side of the fence they are on, and literally whatever side of the fence they are on. If they create a problem, they should be taken to jail. I want the people of Austin to know

they can't get away with coming down there and bashing heads, etc. I also want the people on the other side of the fence to know that if they destroy property they should be put in jail." Mayor McClellan said, "They haven't gotten away with it in the past, they are not going to get away with it in the future."

Councilmember Snell asked if any of this has anything to do with the issue at hand. Mayor McClellan said, probably not, but it has all been brought up. Councilmember Snell said, "Well, it shouldn't have been."

Councilmember Goodman asked, "Mr. City Manager, has anyone instructed the Chief of Police not to enforce the law?" Mr. Davidson answered, "No, sir."

Roll Call on Motion

Roll call on Councilmember Trevino's motion, Councilmember Cooke's second, to grant the parade permit requested by the Town Lake Citizens Association and instruct the City Manager to work out any problems regarding the boat races, showed the following vote:

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

Councilmember Goodman made a final comment: "It is not this Council's responsibility to tell the Police Department how to handle procedures out in the field. Not one of us, with the exception of Mr. Mullen and his prior experience is trained in law enforcement.I appreciate your coming here today and telling us your problem. I hope a solution is worked out, I support both sides in coming to an agreement. If the Police Department does end up prescribing the fence for whatever reasons they decide, the fence cannot come down peacefully if the Police Department has built the fence. I would hate to see some continuing incident since we've already settled the issue. Now, it's the fence, now we'll go through six years on fences." Mrs. Muniz said "How do you think we feel being caged in a fence." Councilmember Goodman said, "I support you in not going in that caged area at all."

CITY PARLIAMENT PROPOSED

MR. CHARLES E. JOHNSON and MR. ROBERT SHAW, representing the World Plan Executive Council, appeared before Council to propose establishment of a City Parliament. The purpose of this would be to increase efficiency and harmony throughout Austin by means of Transcendental Meditation. Mayor McClellan told Messrs. Johnson and Shaw she appreciated their bringing this to the Council's attention. Councilmembers Goodman and Cooke expressed their support for the program. The City Attorney will review the proposal.

GIRL'S KICKBALL FIELDS

MRS. GENEVA WILLIAMS and JAMES HOWARD, representing Greater East Austin Youth Association, appeared before Council and requested land to use as a girl's kickball field. Mrs. Williams told Council that there are 200 girls in the program and they need a place to play. She also requested a fenced area. Mayor McClellan endorsed her request. Mr. Homer Reed, Deputy City Manager, told Council that Mr. Morahan and Mr. Bayless will study the request and report back to Council on August 24, 1978.

BOB GARRETT KUNTA KINTE

MR. BOB GARRETT had requested to appear before Council to discuss police harassment in Givens Park. He told Council that since no one had come to the meeting to support his complaint, he did not have one and did not discuss it.

NO-SHOW

MS. KAREN KAISER, who had requested to appear to discuss the credibility of 3-1/2 million people, did not appear.

30-MILE SWIM

MS. JAMIE STEWART appeared before Council to request use of Town Lake for training and conduction of a 30-mile Labor Day swim.

Council had before it a resolution to authorize a swimming exhibition by Ms. Jamie Stewart on Town Lake on September 3, 1978, as authorized by Section 29-10(a)(4) of the Austin City Code. Staff will check the request for safety factors and bring back to Council August 17, 1978.

PUBLIC HEARING OFF-STREET PARKING
FOR FURNITURE STORES

Mayor McClellan opened the public hearing scheduled for 10:00 a.m. to consider an amendment of Chapter 45, Section 45-30(c) regarding off-street parking for furniture stores. No one appeared to be heard.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE 1967 CODE OF THE CITY OF AUSTIN, AS AMENDED, AMENDING SECTION 45-30(c) BY PROVIDING FOR A NEW SUBSECTION (17) THEREOF, PROVIDING THAT FURNITURE STORES SHALL PROVIDE ONE (1) PAVED OFF-STREET PARKING SPACE FOR EACH FOUR HUNDRED (400) SQUARE FEET IF GROSS FLOOR AREA; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARINGS - STREET VACATIONS

Mayor McClellan opened the public hearing set for 10:30 a.m. on vacating the following:

The west 110.00 feet of JORWOODS DRIVE, Cherry Creek Phase VII, Section One. (Requested by Mr. Chase Baromeo, Jr., consulting engineer, representing Nash Phillips-Copus Company, owners.)

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF JORWOODS DRIVE 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 Himmelblau moved that the Council close the public hearing and waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino and Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan opened the public hearing set for 10:30 a.m. on vacating the following:

A portion of HIGHLAND MALL BOULEVARD, a street in the City of Austin, Travis County, Texas. (Requested by Mr. Melvin Ware, Project Manager, representing the Austin Mall, Inc., and Highland Mall.)

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF HIGHLAND MALL BOULEVARD 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 Himmelblau moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan opened the public hearing set for 10:30 a.m. on vacating the following:

A portion of MOPAC BOULEVARD RIGHT-OF-WAY in the City of Austin, Travis County, Texas. (Requested by the City of Austin Property Management Department.)

Mr. German, Director of Public Works, told Council that this request is associated with the MoPac Boulevard Construction Project. He said they are asking for vacation of a portion of MOPAC between Far West and Greystone Boulevard. A retention pond will be built in the area and in negotiating for drainage and waterline easements in the area there had to be some agreements made with the property owners in order to accomplish the easements.

Mr. Joe Morahan, Director of Property Management, told Council that this right-of-way was acquired back in the mid 60's, prior to development of detailed plans on the construction of MoPac or the construction on the adjoining property owner's property. Now that both of these developments have occurred there will be a large holding pond constructed in this natural ravine. It bisects property owned by Burns Investment Company and Mr. Burns seeks to have access to get from one side of his property to the other. A dam will be built across the holding pond, and he would have access to the dam without getting on the service road, which is one-way. This arrangement is satisfactory with the State Highway Department. Mr. Morahan recommended the vacation.

No one else appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF MO PAC BOULEVARD IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING EASEMENTS IN THE CITY FOR PUBLIC UTILITY AND DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan opened the public hearing set for 10:30 a.m. on vacating the following:

A portion of VALLEY OAK DRIVE which traverses a City-owned tract bounded on the west by Balcones Drive and south by Highland Park West Subdivision. (Requested by City of Austin Property Management Department.)

Mr. Homer Reed, Deputy City Manager, told Council that they had seen this item before on a presentation from Mr. Morahan when the property was sold with a condition of the sale of the property. He said this was simply a carrying through on that transaction. Mr. German also pointed out that there will be a cul-de-sac built at the end of Valley Oak Drive when the street portion is vacated.

MR. AUSTIN appeared before Council. He lives at 3505 Arrowhead and said he owns 5207 Balcones Drive, 5209 Balcones Drive, 5211 Valley Oak Drive and 5222 Valley Oak Drive. There is a contiguous strip from Balcones Drive over to Valley Oak Drive and he said he has been trying for a long time to convince Mr. Granger to sell him 5224 Valley Oak Drive which would give him a complete strip of land from Balcones over to Valley Oak Drive. The idea, he said, is that some time in the distant future he would build an apartment house there. As a result, Mr. Austin said he is opposed to the vacating of that particular strip. As an alternative he said he would forego his interest and let the City dedicate the land, which they evidently have already sold, as a park. He said he felt his interests there would be best served by not having the street vacated.

MR. NED GRANGER told Council that he owns 5224 Valley Oak. He said he is opposed to closing the street because it has been a nice greenbelt. It's a dead end street now. It is a 3-acre tract and he doesn't want to see it go to a commercial establishment. Mr. Morahan told him, in response to his question re zoning that the front portion is "GR" General Retail, which faces Balcones and a large portion of the rest of it is "LR" Local Retail. Mr. Morahan continued that the adjoining property owner, to whom they have made arrangements to sell the property, intends to incorporate it into his development.

Mr. Reed said, "I think it needs to be put into the record that the sale was contingent on this action, so the sale is not yet final?" Mr. Morahan answered, "That's correct. This property has been owned by the City for several years. It was acquired because of the MoPac Expressway. A small portion of the eastern end of it was put into MoPac and this particular end of it that we are requesting be vacated was dedicated a number of years ago but never has been open on the ground. The Transportation Department had some problems with extending Valley Oak Drive through Balcones because the other end of Valley Oak Drive comes out at the Hancock overpass and they know and believe that if it was extended, it would be a cut-through through a residential neighborhood. The opening would come out on Balcones Drive and create some problems so it has never been cut through there. As far as the development of the property, it was thought to be an advantage to sell it to the adjoining property owner for incorporation into his development making a buffer area between the adjoining properties and the development that would occur on this property instead of trying to develop it as a separate property." Mr. Granger said he would rather have a street go through there with a house next door.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF VALLEY OAK DRIVE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR WATER LINE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

DEFINITION OF INOPERABLE VEHICLE

Mayor McClellan opened the public hearing scheduled for 10:45 a.m. to consider amending the Zoning Ordinance to provide a definition of "inoperable vehicle" and consider passage of the ordinance. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE 1967 CODE OF THE CITY OF AUSTIN; PROVIDING A DEFINITION OF AN "INOPERABLE VEHICLE" TO SECTION 45-16.1(i)(2) THEREOF; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

EXECUTIVE SESSION

Mayor McClellan announced that, during the noon hour, the Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

The Council recessed its meeting at 12:20 p.m. and resumed at 2:15 p.m.

RETIRED CITY EMPLOYEES HEALTH INSURANCE PROGRAM

Council had before it for consideration an amendment to the contract with Connecticut General to permit retired City employees to participate in the health insurance program. Mayor Pro Tem Mullen asked whether or not this would cover people already retired, and thought the issue should be studied further.

MR. REUBEN ROUNTREE, former Director of Public Works, who is now retired, appeared before Council and said he is interested in getting more information on this to see if this will cover employees already retired. He also thought Council should look into this for the benefit of future retirees.

MRS. REUBEN ROUNTREE told Council that when her husband retired his hospital insurance was cancelled. She said she would like to see future retiring employees kept in the health insurance program and also allow them to carry their spouses at the same rate.

Councilmember Snell moved that the Council postpone until August 17, 1978, consideration of amending the contract with Connecticut General to permit retired City employees to participate in the health insurance program. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

LICENSE AGREEMENT ON NUECES STREET

The Council had before it a resolution to consider authorizing a License Agreement to use a portion of Nueces Street right-of-way for a commercial sign and display racks for canoes. This was requested by Messrs. Gregory Bailes and Paul Morgan, officers of Texas Wildwater Sports, Inc.

Councilmember Himmelblau said she had found out the City had issued a sign permit to Messrs. Bailes and Morgan for use on City land, who had thought the land went with the property they had purchased for their business. Mr. Lonnie Davis, Building Inspection Director, told Council that when they issue a sign permit, they draw a small sketch and indicate the property line and where it is supposed to be located on the property. He said that the permit indicates the sign is to be behind the property line. Mr. Davis said that Nueces does have a rather wide curb basis, 20 feet, and a lot of people do not realize that this is not private property.

Mr. John German, Director of Public Works, said staff is opposed to recommending the request because the business has two canoe racks in the public right-of-way which could block public passage. Mr. Davidson, City Manager, said, "I don't believe the license agreement procedure was at all intended to allow some commercial venture to out in the right-of-way and place or store inventory items." Councilmember Himmelblau said she agrees but was confused on the sign and wanted that cleared up. She said she is not in favor of using City property that way but thinks the gentlemen deserve some sort of an explanation.

The owners of the business told Council that their whole front yard is in the right-of-way but they were not aware of the fact when they went for the sign permit. He said that only about a foot of the property in front of their door belongs to them. The owners were told by their attorney to bring their plea to Council, after having asked the City Attorney's office what to do.

Mr. Harris, City Attorney, stated, "I believe our only comments along that line would be that it is the correct procedure for anyone requesting to utilize public property for private purposes...that the way the City Council can authorize that is through a license agreement procedure. I'm sure that my office did not mean to leave any impression that this particular license agreement is the type that is approved on a day-to-day basis, or make any comment except to give guidance that if you can accomplish what you want to do that this is the legal way to do it. I can understand that you might get some other inference from that but we do not intend another inference."

The property owners said they had been told that all departments approved of their license agreement. Mr. German told Council that they were referring to utilities. They had been advised that the sign would not interfere with same. Councilmember Himmelblau asked if there would be any objection to having a license agreement for just part of the first canoe rack displayed on the property. He said it could be worked out.

Motion

Councilmember Himmelblau moved that the Council authorize a license agreement to use a portion of Nueces Street right-of-way, two feet out from the property line of Texas Wildwater Sports, Inc., and across the entire lot, for a commercial sign and display racks for canoes. The motion was seconded by Councilmember Trevino.

There was some discussion as to what the license fee should be.

Mr. Harris stated, "Can we put it this way, that the Council is approving for whatever distance all away across the front, but we'll leave it to the applicant's discretion. If the license agreement is finally executed for some lesser distance as far as the width goes, then the fee will be set accordingly."

Roll Call on Motion

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

BOARD AND COMMISSION APPOINTMENTS

Councilmember Cooke moved that the Council appoint Brigadier General Frank P. Wood (Ret.) to the Board of Equalization for a term which will expire May 31, 1979. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Appointments to be made August 17, 1978

Mayor McClellan announced that the following Board and Commission appointments will be made August 17, 1978:

Arts Commission - 6
Building Standards Commission - 2
Electrical Board - 3
Ethics Review Commission - 1
Heating, Air-Conditioning and Refrigeration Appeals Board - 2
Historic Landmark Commission - 1
Environmental Board - 2
Parks and Recreation Board - 1
Dental Health Advisory Committee - 1
Commission on Status of Women - 1
Manpower Advisory Planning Council - 1

LEGISLATIVE PROGRAM WORK SESSION SET

The Council by unanimous consent scheduled a work session on the Legislative Program on Wednesday, October 4, 3:00 p.m.

ANNEXATION STUDY

Mr. Richard Lillie presented to Council the Annexation Study. (A COPY OF THE ANNEXATION STUDY WAS NOT FILED WITH CITY CLERK)

Mr. Lillie first discussed "Growth Management Process," Chapter 4 of the Comprehensive Plan. He said that in May of 1977 the City of Austin adopted the Austin Tomorrow Comprehensive Plan. During the review process the characteristics of three distinctive growth patterns were considered. The Commission recommended and the Council adopted a combination of two of the alternatives and identified it as directed growth and inner-city development. This pattern, in their judgment, best reflected the results of the goals program that had been done in the community the prior two years, and the intent of the plan itself. The staff and the Planning Commission were then instructed to revise Chapter 4 and bring it back to the City Council for consideration. Chapter 4 reflects the City Council's adopted growth pattern. It's important to know that this chapter does not stand by itself. Rather it is an integral part of the whole comprehensive Plan which is comprised of three other chapters. The first is an introduction which provides a history of the Comprehensive Plan and the entire Austin Tomorrow Goals Program.

In Chapter 2 the goals objectives and policies comprise statements which provide development, improvement guidelines on eight functional topics. These include urban design, economic development, environmental management, governments and utility services, housing and neighborhoods, parks, open space and leisure facilities, transportation, health and human systems. Chapter 3 is entitled development suitability and describes the implications of urbanization and suburbanization within Austin's environmental context. The combination of environmental suitability and the goals that are identified in Chapter 2 yield development principles which form the basis for growth management. And Chapter 4 is the Growth Management Process which establishes a desired physical pattern and priorities for the City's future development.

Mr. Lillie continued, the consistent theme of the plan is to provide environmental amenities both natural and urban. The analysis of environmental characteristics reveal an obvious and distinct corridor for best development suitability. Chapter 4 defines this pattern for the City's future development and establishes priorities and guiding principles for development based on this corridor. There are six areas of varying suitability for development. (He alluded to a map in the Council Chamber and described it.) The Center City has the highest priority for investment. More efficient urban transportation, neighborhood preservation, increased open space, more efficient provision of utilities and government services, increase housing opportunity, an environmental protection depend on preservation and revitalization of the inner City. Municipal policies and investments designed to preserve and revive the core area should provide incentives for more intensive and efficient use of undeveloped and under-utilized land resources. Land in Austin which is outside the center City but within the 1977 incorporated area, receives the second highest priority for urban development. The use of undeveloped land and under-utilized land within the City for new residential and commercial growth should decrease the pressure for urban sprawl in the City's periphery, thus promoting many of the goals and objectives of the plan. Area 3 is that area outside the corporate limits with fewest environmental constraints. A north-south corridor of development suitability provides an avenue for future expansion while protecting sensitive natural regions, principally along the western fringe of the present area. Municipal policies, services and facilities should generally encourage and promote development in these first three areas.

The remaining three areas are less suitable for development because of increase in development constraints..soils, topography, floodplains, etc. But still, these areas are experiencing growth. The remaining areas should have municipal facilities, services, which could encourage development but should only be encouraged by policies, principles and ordinances adopted by the Council. Area 4 is northwest along 183 and southwest along 290, both experiencing a high level of developmental activity. Much of the structure such as highways, streets, utilities, necessary for future development are already in place or committed. Among the constraints in this area are steep slopes, the Lake Austin and Barton Creek watersheds, and the Edwards Aquifer zone.

Area 5, he continued, comprises several regions west of the City which are experiencing or expect to experience considerable developmental pressures. Unlike Area 4, very few public structure commitments have been made. Area 5 is an interim classification recommended by the Planning Commission for lands which require further study prior to the determination of appropriate policy. Additional analysis will determine whether each individual region in Area 5 will be designated as Area 4 or Area 6.

Area 6 is the remaining land outside of the growth corridor and outside of 4 and 5. In terms of obtaining goals and objectives of the plan the land in this designation is least desirable for urban expansion because of its distance from the present City limits and poor environmental suitability on limited growth in this area would not conform to the intent of the plan. Performance principles should be developed, however, and applied to this area to assure that the development which does occur will be compatible with the environment. The plan recommends a continuous series of evaluation reports to help the Council and City officials monitor and adjust performance.

Mr. Lillie told Council that this report has been completed by the Planning Commission, it has followed the procedures of the Charter in that it has been submitted to the City Manager for his review and comment. Prior to action by the City Council a public hearing is required.

Mr. Davidson pointed out that the Annexation Study does not require the kind of public hearing Mr. Lillie mentioned. He told Council that after Mr. Lillie presents the next report he will ask Council to consider a date for the public hearing on the Chapter 4 element of the plan. Mr. Lillie then proceeded with an explanation of the Annexation Study as follows:

The Annexation Plan represents an integral part of the growth management policies outlined in the Austin Tomorrow Comprehensive Plan. For the first time the City is using annexation powers granted to it by the State of Texas in conjunction with growth management orientation of the comprehensive plan and the Capital Improvements Program to insure that public services can be furnished effectively, efficiently and timely. The plan includes a discussion of the obligations, restrictions and constraints the City must consider in establishing an annexation program. Issues of property owner interests regarding services facilities, ordinances and taxes are identified. The anticipated population level of the Austin area is forecast and the ethnic population composition effected by annexation recommendations is estimated.

In the spring of this year, the City had 331,000. This represented 83% of the County of 400,000 people. By 1985 the County should have a population of just under 500,000. By 1995, 17 years from now, the County should have a population of 660,000. If the City annexes no additional land, we anticipate the population to expand from 331,000 to some 400,000. That means that the remainder, 260,000 people would be outside of the City limits. It's important at this point and in consideration of both this plan, the annexation study and the Capital Improvements Program (C.I.P.) to determine what position the City should take in respect to its future growth. Whether it should be within the corporate limits or beyond the corporate limits.

The draft of the Annexation Study also includes a fiscal impact analysis of the probable costs of revenues associated with two annexation patterns for the years 1978-1995. In previous annexation reports and actions by the Council, the fiscal impact was reviewed only when individual requests were made to the City Council. In both patterns that are within this study, the cost of providing services exceeds anticipated revenue. This is a normal conclusion of most studies when one discusses annexation. This gap is linked to several assumptions about the methodology which should be highlighted early in the City Council's consideration of the report. It's important to note that the intent of the analysis is to show the relative difference between the two annexation patterns and is not to provide a cost benefit analysis of each pattern. These qualifications were outlined in the City Manager's memorandum to you on this report.

Current City policy on annexation includes provisions for equitable apportionment of costs in providing services, encouraging stable and desirable development to uniform application of health and sanitation, planning and building codes and ordinances; encouraging cooperative relationship with other communities, economical use of private and public funds for community development enabling all citizens to know and rely on equitable, orderly and sound criteria for annexations. The annexation of land requested by owners and less adverse to taxpayers, and annexation of property initiated by the City in the interest of the community for municipal purposes, such as orderly planning for streets, bridges, drainage, utilities, and adequate police, fire and sanitation services. These policies were adopted in the late 60's and early 70's and are still being used by the City departments in reviewing annexation requests.

Summarizing the statute provisions of the municipal annexation act for the moment, the City has an extraterritorial jurisdiction (ETJ) of five miles from the City limits, and as the City annexes this ETJ line expands with the annexation to assure and continue the five mile area. The ETJ and any annexation cannot overlap existing ETJ jurisdiction or incorporated areas of other communities. We have seven other communities within our ETJ and two others on the edge. Those two are Cedar Park and Round Rock.

Annexation by a City like Austin with home rule powers can be done without the consent of property owners. Legal notice is required in the newspapers and the past Councils have required that when the City initiates annexation that we notify property owners in that area. The statute also allocates that the City may annex up to 10% of its existing area each year. We could, this year for example, annex up to 12 square miles. The City may accumulate that allocation up to a maximum of 30%. Austin's allocation at this point, because we have not had an active annexation program in the past 6 to 12 months is 36 square miles if the Council chose to use that full allocation.

Factors used to determine the recommendations of the report include the comprehensive plan recommendations, which included consideration of the fewest natural constraints to urbanization; the City and other governmental level commitments of utilities, roads, park sites and other capital improvements, which had already been approved; school district boundaries, the boundaries of other incorporated areas, existing and private development trends, consideration of annexation by major growth patterns as opposed to small areas, and the fiscal comparison of alternatives.

Mr. Davidson said, "We'd like to point out that this recommendation has not been distributed to any of the City's boards and commissions, or to other jurisdictions within the study area. It might be appropriate, regardless of the time that the Council would like to use in studying the proposal, that Council direct that these be made available to appropriate boards and commissions and to all the entities within the study area so that they might contribute when the Council formally considers the proposal."

Mayor McClellan stated, "If we do refer these to boards and commissions, we should do so with a very definite time on it because if we are going to get back any meaningful reports in time before we make decisions on our Capital Improvements Program (C.I.P.), it's going to have to be quick. ..I think we should put this off until October and just don't try to be jelled to what we are doing." Councilmember Cooke said he agreed, that it should not be included in the C.I.P. this year because there is not time.

Motion

Mayor Pro Tem Mullen made a motion to set the public hearing on "Growth Management Process" Chapter 4 of the Comprehensive Plan for October 12, 1978, at 10:00 a.m. Councilmember Goodman seconded the motion.

Friendly Amendment

Councilmember Goodman offered a friendly amendment to send the annexation study to all political subdivisions as follows: Georgetown, Round Rock, Cedar Park, Manor, West Lake Hills, Rollingwood, Lakeway, Buda, San Leanna, Travis County, Williamson County, Hays County, Austin ISD, Eanes ISD, Del Valle ISD, Pflugerville ISD, Round Rock ISD, Manor ISD, LCRA, Brazos River Authority, Anderson Mill MUD, Lost Creek MUD, Lakeway MUD, Brushy Creek MUD, WCID's (privately owned), CAPCO, State Highway Department (Dist.), State Department of Water Resources, Austin Transportation Study, Bergstrom Air Force Base, the following City Boards and Commissions - Planning Commission - U.T. Commission - Parks and Recreation Board - Electric Utility Commission - ATOC - Library Board, also City Departments, citizen groups outside City limits, and Austin City Council.

Councilmember Mullen accepted the friendly amendment.

Mayor McClellan said they would expect reports back from all Boards and Commissions by the end of September.

Roll Call on Motion with Friendly Amendment

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

Mr. Lillie said he would give Council an evaluation of the report with the C.I.P.

SWEDE HILL NEIGHBORHOOD

Mr. Davidson, City Manager, reported on the request of MR. PETER FEARS of the Swede Hill Neighborhood. He said, "I had an opportunity to work with staff and also to meet with Mr. Fears. I believe we have worked out a way that his objective can be achieved while protecting the City's interest in the property. Mr. Fears and I have talked about this and I think we both have an understanding of what needs to be done. So we'll just proceed with it."

Councilmember Cooke recommended Council approve the City Manager's plan to work with Mr. Fears and the Swede Hill Neighborhood to provide them with their objectives and also protect the City's interests.

PECOS STREET PAVING ASSESSMENT OPTIONS

Mr. German, Director of Public Works, said that they have looked into the situation identified by Mr. Bob Buck and his wife, Mavis Lucille Jagger, on Contract N. 77-PA-126, Unit 77-80, Lot 3 Los Pas Eos, 3301 Pecos Street and Lot 4, 3303 Pecos Street, concerning paving assessments on Pecos which have already been paid to the City. The amount paid was \$1,545.72. The property in question is immediately adjacent to that owned by Mr. Jim Frederick who appeared at a Council public hearing. Based upon his presentation, Council reduced his assessment to zero. Mr. Buck is asking for the same sort of consideration on his property. Mr. German said Council has two options:

1. Grant that request based on the fact that his property is very much in the same situation as Mr. Frederick's; or
2. Deny that request because of the untimeliness of his appearance before the Council.

Mr. German said his recommendation is to reduce the assessment of Mr. Buck and his wife on their property to zero.

Councilmember Himmelblau moved that the Council have Mr. Bob Buck's paving assessment for 3301-3303 Pecos Street reduced to zero. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

ADJOURNMENT

Council then adjourned at 3:00 P.M.

APPROVED

Carol Keeton McClellan
Mayor

ATTEST:

Grace Monroe
City Clerk