

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 5, 1978  
8:30 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

EXECUTIVE SESSION

Mayor McClellan called the Meeting of the Council to order at 8:30 a.m. and announced that 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.

COUNCIL MEETING RECONVENED

The Council Meeting reconvened at 10:00 a.m.

INVOCATION

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

**THINK TREES WEEK**

Mayor Pro Tem Himmelblau read a Think Trees Week proclamation designating the week of January 15-21, 1978, for that purpose. MRS. MARGRET HOFMANN accepted the proclamation.

**FREE ENTERPRISE WEEK**

The week of January 2-8, 1978, has been designated Free Enterprise week in a proclamation read by Mayor McClellan and accepted by Bobby De Spain and Eliseo Lucio, Jr., students at Del Valle High School, and Dave Oswalt, a student at Crockett High School.

**CLASS RECOGNIZED**

Mayor McClellan recognized the presence of the fifth grade class of Mrs. Goewey present today to observe the Council Meeting.

**ANNOUNCEMENTS  
BOARDS AND COMMISSIONS**

Mayor McClellan announced that Council will not make any board or commission appointments today. These appointments will be made on January 12, 1978:

Board of Adjustment  
Citizen Traffic Safety Commission  
Community Development Commission  
Energy Conservation Commission,  
Library Commission  
Navigation Board  
Solicitation Board  
Urban Transportation Commission  
Vending Commission  
Environmental Board  
Arts Commission  
Human Relations Commission  
Building Standards Commission

She said that all of these boards and commissions have one vacancy; some have several.

Appointments to be made at the February 2, 1978 meeting are as follows:

Board of Adjustments  
Building Standards Commission  
Ethics Review Commission  
Explosive Appeals Board (this board may not be in existence at that time)  
Employee's Retirement System - City of Austin  
Status of Women  
Civil Service Commission

Several of these, the Mayor stated, just have one vacancy.

## COUNCILMEMBER PAY

MR. ALLEN L. BUSSLER appeared before Council to discuss pay for Councilmembers. It is his contention that members of the Council are not compensated equitably for their time and efforts and said Council should consider, if not for themselves, then for their successors, a substantial compensation for their work.

## SOCIAL POLICY ADVISORY COMMITTEE RECOMMENDATIONS

MS. LEE THOMPSON, a member of the Human Resources Department, presented recommendations of the Social Policy Advisory Committee to the Council. She read the following:

1. Comprehensive Social Policy - For the first time, the four major funders of human services agreed that human services are a proper concern of local government and the United Way, and are essential to fulfilling their purpose; that certain strategies are preferred to others in carrying out those functions; and that each entity acknowledges particular responsibility or interest in various program areas. Furthermore, they agree to cooperate to the greatest extent possible toward the solution of human problems.
2. Roles and Responsibilities of SPAC and the Human Services Review Team (HSRT) - This document recommends continuation of SPAC for the purpose of guiding grants review and other administrative activities described below. To this end, it sets forth a timetable for joint application review procedures, modifies the membership of the HSRT, and expands the scope of HSRT to include monitoring, social service research, and special studies.
3. Proposed Guidelines for Reviewing Grant Applications, and
4. Contract Agency Budget Process - These set forth the schedule for the joint application review process and the criteria for reviewing applications.
5. Inventory Task Force Recommendations - This document recognizes the need for more cooperative administrative activities and recommends future assessments of quality and appropriateness of services, and of community resources and needs.

Ms. Thompson pointed out that these recommendations have been endorsed unanimously by SPAC and are being recommended simultaneously to the City Council, Travis County Commissioner's Court, the Austin Independent School District Board of Trustees, and the United Way Board of Trustees.

The major points in the five documents listed above are, according to Ms. Thompson, as follows: "The social policy is a general statement of intent to continue and to expand the joint efforts of the City, County and School District, United Way, and the Texas Department of Human Resources in the provision of human services. The social policy recognizes the responsibility of the local entities to provide access to human services. For the first time, they formally acknowledge that human services are necessary and proper to

fulfill those responsibilities. They also agree to cooperate to the fullest extent possible to carry out those activities. This is the first time that all of the major human service funders of Travis County have agreed to work together on a formal basis. Furthermore, the policy sets guidelines for funding human services by establishing a hierarchy of purposes beginning with emergency intervention and prevention of disability, etc. Because resources are limited, this will enable the entities to target their efforts to those services identified as most crucial. The policy also acknowledges that separate entities have different levels of involvement in different program areas. The next set of recommendations speaks to the roles and responsibilities of SPAC and the Human Services Review Team (HSRT). This is the blueprint for inter-governmental cooperation to implement the social policy. It calls for continuing the Social Policy Advisory Committee to oversee the contract agency grant process and then during the rest of the year review progress toward meeting the goals that were set during the budgeting. In order to carry out these activities, the HSRT would be redesignated and its role expanded. HSRT was established by joint resolution by the Council and the Commissioners' Court in 1974 to review grant applications to the City and the County. It is currently comprised of the directors of the City of Austin Human Resources Department, County Human Resources Department, and the Community Council. This proposal would add a representative from the School District who would participate in matters directly affecting the school district. It would also expand responsibilities of HSRT to include a consolidated review process for applications to all the major local funders and to include the year round review of human services activities and meetings."

Ms. Thompson then discussed guidelines for reviewing grant applications and contract agency budget process. She referred to the flow chart, EXHIBIT A, which would be implementized as follows:

- |  | <u>DATE</u>      |
|--|------------------|
| 1. City Council, Commissioners Court, United Way Board of Trustees and School Board establish overall funding parameters for contract agencies. These guidelines may include an estimate of the amount of money available for contract services, statements of special priorities, and reiteration of special conditions established in the previous budget (Step #8). | April 3          |
| 2. SPAC shares preliminary guidelines established by the separate entities and jointly issues general funding guidelines. It also endorses any changes in the application form or procedures and establishes dates for the application process.  | April 17         |
| 3. Applications are issued. Staff orients agencies to changes in forms and procedures.   | May 8-June 22    |
| 4. HSRT reviews applications and develops recommendations for funding and for special conditions.  | June 22-Aug. 15  |
| 5. Separate policy bodies and SPAC receive HSRT recommendations simultaneously. SPAC reviews recommendations and rationale and recommends revisions if necessary. Policy bodies make separate decisions for funding and special conditions.  | Aug. 15-Sept. 12 |

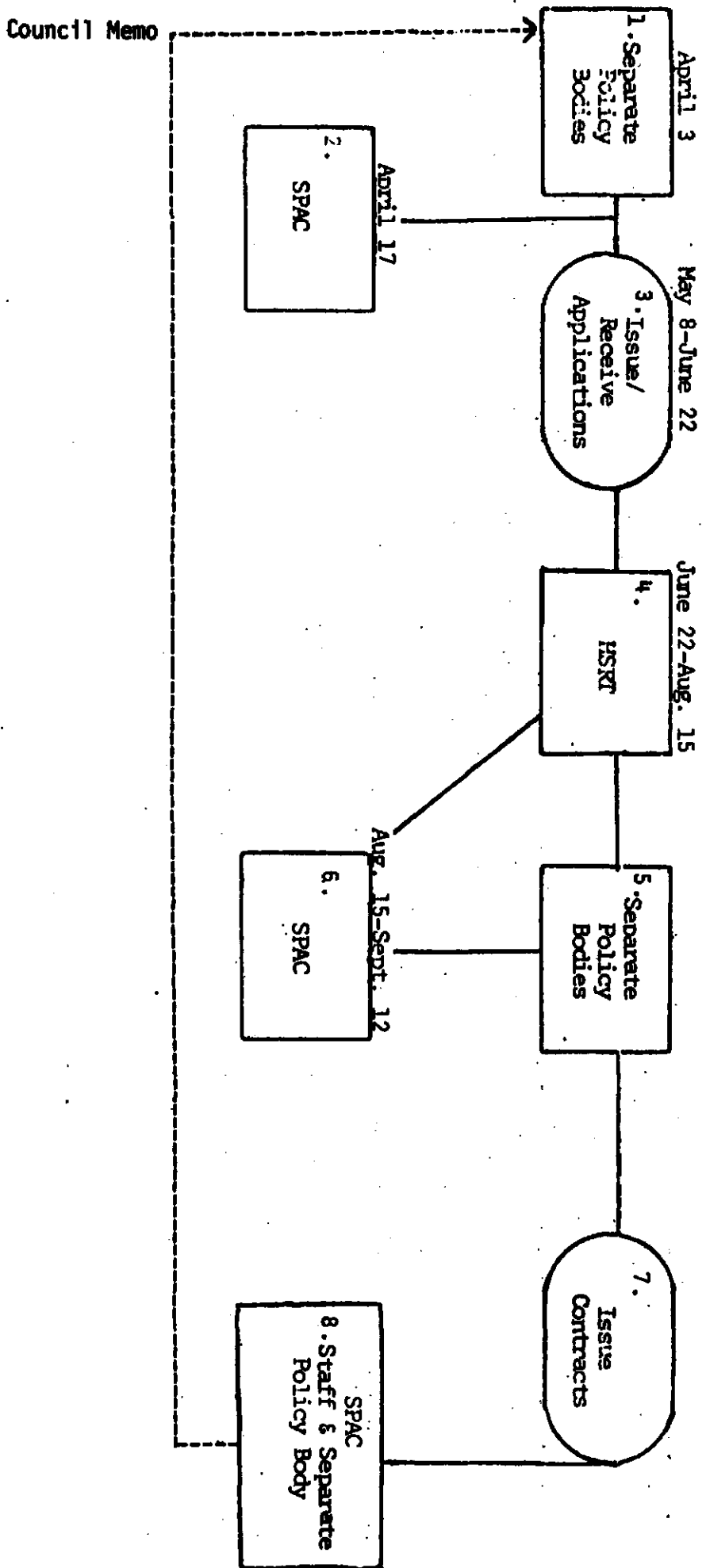
7. Contracts are issued.
8. SPAC staff and separate policy bodies begin on-going cycle to monitor contracts and special conditions. Results are reported to decision-makers in spring.

January 5, 1978

EXHIBIT A

"Contract Agency" Budget Process

CITY, COUNTY, UNITED WAY, AND AUSTIN INDEPENDENT SCHOOL DISTRICT



The Inventory Task Force Recommendations document are a result of the first inventory of human services conducted last summer by SPAC. They speak primarily to developing the management capacity of human service funders, Ms. Thompson stated. First, the inventory would be updated every year to identify community resources and available services funded both directly and by contract. Second, human service programs would be audited regularly for quality and for appropriateness. This would be accomplished through two types of work. Social services research would develop and analyze information about the social character of the community. This would provide decision makers with a data base for funding decisions and would also provide ground work for beginning comprehensive services planning. In addition, special in-depth studies of particular problem areas to be conducted upon request to improve service delivery or solve special problems.

Ms. Thompson summarized that these recommendations, if approved, would significantly modify the approach to funding human services in Travis County. It is the feeling of SPAC, she said, that these proposals would go far to improve service delivery. As such they would serve not only as a model for service delivery in Travis County, but nationally as well. She said they were asking Council to either act on policy today or set a public hearing, possibly for January 19, 1978, with adoption at the following meeting. At such time as this action is taken, SPAC also requests that Council empower the City Manager to select the City's representative to HSRT.

Mayor McClellan complimented Ms. Thompson on her presentation. Discussion of the proposed recommendations followed with Councilmembers presenting their views, as well as comments by Mr. DeCurcy Kelley, AISD School Board member, and Mr. Bob Honts, County Commissioner. The advisability of a public hearing was also debated and the following motion was made:

Councilmembers Snell moved that the Council accept the report of the Social Policy Advisory Committee and extend an invitation to the Committee to hold a joint public hearing on January 19, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### ZONING HEARINGS

Mayor McClellan opened the zoning hearing scheduled for 11:00 a.m. Pursuant to published notice thereof, the following zoning case was publicly heard:

C. R. SIMONSON                      11604 Jollyville  
By Robert Davis                      Road  
C14-77-162

From Interim "AA" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mr. Lillie presented the application as one that had been postponed one week due to a question by Councilmember Cooke. He said the application is on the west side of the roadway. The front 200 feet is within the City limits and the rear of the property, as with much of the property in this area, is outside the City limits, and not subject to zoning or building permits. This would be the first "O" Office zoning on undeveloped land west of Old Jollyville Road. Mr. Robert Davis, representing the owner, said although this is the first case of an undeveloped tract on this side of Jollyville Road, it is not the first "O" use or commercial use this side of the road. He said that there are many things less desirable than an office already located on the road. It seems to him, he said, it will be difficult for Council to take a position saying, "we will have nothing on Jollyville Road or, whatever. It seems to me that what you are going to be forced to do is take each case and look at it, location of tract, what is adjoining, and whether it is in an area already developed residential behind it, depth of zoning, etc., and make a determination on a case by case basis."

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, with privacy fence (this will not set precedent; Council will look at each case individually on Jollyville Road). The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover. Councilmember Cooke said he does not want this to be a precedent situation, and that the situation on Jollyville Road is getting worse and each case must be looked at individually.

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Mayor McClellan opened the zoning hearing scheduled for 11:15 a.m. Pursuant to published notice thereof, the following zoning case was publicly heard:

ROBERT H. NUTTER  
By Jose Mercado  
C14-77-008

4206 Steck Avenue

From "A" Residence, 1st Height  
and Area, to a 23-unit  
residential Planned Unit  
Development called, "Alta Vista."

Mr. Lillie said this application was also before Council last week and was postponed because applicant was not here to answer some of the questions Council had. After a review of the application by Mr. Lillie, Mr. Jose Mercado, the designer of the project, appeared and stated that in his design he had tried to conform to the Planning Commission's recommendations. The main concern was that present residents in single-family dwellings had built where they are because of the view and they do not want the PUD developers to restrict the view. Mr. Mercado said that this PUD had been so designed.

Councilmember Cooke moved that the Council grant a 23-unit residential Planned Unit Development called "Alta Vista", as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to a Planned Unit Development, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### JOHNSON CREEK DRAINAGE

Councilmember Goodman moved that the Council adopt a resolution to authorize certain land for the Johnson Creek Drainage project, CAPITAL IMPROVEMENTS PROGRAM, No. 76/07-09. The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### CONTRACT APPROVED

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

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

- CAPITAL IMPROVEMENTS PROGRAM, North  
Austin 36-inch water transmission  
main, Phase II. CIP NO. 73/40-06 -  
\$516,880.00

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

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

## CONTRACT WITHDRAWN

The following bid award was withdrawn from the agenda:

<b>Bid Award:</b>	- Light Duty Trucks, Vehicles and Equipment Service Department.
<b>LONGHORN INTERNATIONAL EQUIPMENT COMPANY</b> 4711 East 7th Street Austin, Texas	- Item LT-1 - \$26,732.52
<b>JAY SMITH CHRYSLER/PLYMOUTH</b> 841 West 6th Street Austin, Texas	- Item LT-2, 5 and 6 - \$12,966.00
<b>LEIF JOHNSON FORD COMPANY</b> 507 East Koenig Lane Austin, Texas	- Item LT-2, 1, 2, 4, 7; LT-3, 4, 5, 6, 7; LT-4, 1, 4, 5; LT-5 1, 2, 3, 4; LT-8 1 and 3 - \$205,621.00
<b>LEIF JOHNSON FORD TRUCK CITY</b> 502 East Ben White Austin, Texas	- Item LT-9 1 - \$24,908.00
<b>COURTESY DODGE, INC.</b> 7309 North Interregional Austin, Texas	- Items LT-2 3; LT-3 1, 2, 3; LT-4 2 and 3; LT-6 1, 2, 3, 4; LT-7 1, 2, 3, 4; LT-8 2 and 4 - \$237,627.00

## APPROACH MAINS

Councilmember Goodman moved that the Council adopt a resolution to authorize construction of an 8-inch wastewater approach main to serve the Sloan Addition (No cost participation to City) The motion, seconded by Councilmember Snell, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution to construct a 6-inch water approach main to serve the Byrd Subdivision. (Estimated cost participation by City, \$800.00) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Goodman moved that the Council adopt a resolution to authorize construction of a 8-inch wastewater approach main to serve the G & W Addition. (Estimated cost participation by City, \$2,335.00) The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### AIRPORT TRANSIT ROUTE

Councilmember Goodman moved that the Council adopt a resolution to adjust the Airport Transit Route. The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### PUBLIC HEARING SET COMMUNITY DEVELOPMENT BLOCK GRANT

Councilmember Goodman moved that the Council set a public hearing on the 1978-79 Community Development Block Grant on January 19, 1977, at 8:30 p.m. The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### PUBLIC HEARINGS SET ANNEXATIONS

Councilmember Goodman moved that the Council ~~adopt a resolution to set~~ a public hearing on January 26, 1978, at 11:00 a.m. to consider annexing the following:

52.04 acres of land out of the James D. Goode Survey, Travis County, Texas. (Oak Forest Section 4, Oak Forest School Subdivision and unplatted land) Case. C7a-77-011. (requested by owner)

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

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

Councilmember Goodman moved that the Council adopt a resolution to set a public hearing on January 26, 1978, at 11:00 a.m. to consider annexing the following:

15.97 acres of land out of the William Cannon League, Travis County, Texas. (Leon Griffin Resubdivision and O.H. Pool Subdivision Section Two) Case C7a-77-010 (15.38 acres requested by owner, 0.59 acre initiated by City)

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

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

#### "OPERATION ASSIST"

Council had before it for consideration the authorization for the execution of a Lease Agreement for land, radio tower and building for the Austin Police Department "Operation Assist" Program. Mr. Joe Morahan, Director, Property Management, stated that this concerned a small (350 square feet) building to be constructed on a tract of land at 2311 Westrock, which is a tract of land just slightly outside of the City limits off of South Lamar. The program is for the Police Department's radio monitoring program. A radio tower is already on the property, Mr. Morahan said, which would be used in connection with the monitoring. It is a one-year lease from March 1, 1978, to February 28, 1979, with two more one-year options in it. Rent is \$150.00 a month, which figures 43 cents a square foot for building space but that includes utilities and use of the tower. Mr. Morahan said this was not advertised for bids since it is a one-year lease, and the Police Department tried to find a suitable site for this installation from the standpoint of primary location of the tower for radio monitoring.

Councilmember Goodman said he would like to know why we can't use volunteers to a greater level and why we need to have a staff person on the program full time.

Police Chief Dysen told Council that "Operation Assist, we feel will be helpful in a number of ways, specifically crime prevention and in the Police being able to respond to incidents over which we have control in a much faster fashion. The volunteers will be recruited City-wide and County-wide. We are projecting at this point, that we will have about 200 volunteers involved in the program as monitors of the base station, and about 1,000 Phase I members, who will receive a smaller amount of training. The main reason for the selection of the site is that the elevation will give us much better reception than we are getting at the existing Austin Police Department headquarters, because it is low and reception has been a problem. Another consideration is that with this number of volunteers involved in the program parking will be a problem... a lot of this will be eliminated with the new site. The training provided for volunteers will permit us to institute an emergency search team composed of volunteers for certain situations that come into play. For example, if an elderly person is lost, we can call volunteers to go to the scene and have a systematic search of the area. The same thing for a small child. Also volunteers can be used for searching for clues in a crime."

Chief Dyson also commented that agencies used in the past will be encouraged to continue to participate in the program. He felt that these operations can now be conducted in a logical location, under the direction of a police officer which we feel will be a liaison between the two efforts, which he feels has been lacking in the past. Councilmember Goodman questioned whether or not a police officer in charge would be able to work with the REACT people who volunteered for this program before. Chief Dyson said he feels a full-time officer will be needed to originate the program, but that once it is going, it can be a half-time position. He pointed out that any problems experienced before with REACT occurred because there was no liaison office in the Police Department. Chief Dyson said cost of the program would be the police officer's salary, rent at \$150 a month, and some printing and advertising for the program. They already have the equipment needed and the antenna is on the site.

Officer Glenn Koons, Austin Police Department, appeared before Council and said they have investigated operation assist programs for a year by studying other cities. The key to success is one person or agency to coordinate the program. Councilmember Goodman made the observation that when the program was REACT, sometimes the individuals became over zealous and failed to distinguish volunteers from actual policing. He asked Officer Koons if he is comfortable with the situation now. Mr. Koons replied that he is; that he has spoken to several CB and Ham groups.

Councilmember

Motion

Councilmember Cooke moved that the Council adopt a resolution to authorize execution of a lease agreement for land, radio tower and building for the Austin Police Department "Operation Assist" program, with a quarterly report on its progress to be presented to Council commencing three months after beginning the operation.

STUART DeLUCA, President, Travis County REACT, appeared before Council and said he had no quarrel with Chief Dyson or Officer Koons, but has two concerns: (1) cost, (he commented that three months ago his organization had requested \$11,000,000.00 and was told there was not money) and (2) Channel 9 emergencies, which could result in a tragedy if a person calling for help were to get a response from several people. Mr. DeLuca feels that the day should be split up for monitoring calls by several organizations. He stressed the willingness of REACT wanting to work with the Austin Police Department but feels there needs to be more discussion between them. Councilmember Goodman commented that Mr. DeLuca's argument reinforces the need for one central program for monitoring with cooperation on everyone's part. Mr. DeLuca replied he had talked with Officer Koons and asked him if the Austin Police Department would adopt REACT...he said in order to do that REACT would have to turn their whole organization over to A.P.D. He stressed again that REACT wants to cooperate, but not turn over their organization.

Roll Call on Motion

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

Noes: None

## PUBLIC TRANSPORTATION GRANT

The Council had before it for consideration a resolution to authorize entrance into a contract with the State Department of Highways and Public Transportation for a grant in the amount of \$116,000.00. Mayor Pro Tem Himmelblau wondered why, with the purchase of 8 buses and the two special transit buses, why we need two extra staff cars and office furniture in on this grant.

Mr. Joe Ternus, Director of Urban Transportation, said this grant was approved by Council in April of 1977. There have been some change orders dealing with the increase in cost of these two buses, primarily, but also the eight larger buses. Most of the shop equipment and all of the office furniture has already been purchased. "This contract before you today," he said, "is a contract with the State for the past due money for the State for part of our local share." The contract for the project itself has already been approved by Council and the Urban Mass Transportation Administration. The two supervisory vehicles replace some vehicles that we were leasing from the City before we actually purchased these, so, Mr. Ternus pointed out, these are replacement vehicles. Office furniture and shop equipment are needed from time to time and are included in a grant when it is a necessity. Mayor Pro Tem Himmelblau asked if the vehicles for supervisory personnel are a part of a motor pool. Mr. Ternus said, "Yes, none of the vehicles are taken home."

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a contract with the State Department of Highways and Public Transportation for a grant in the amount of \$116,000.00. (Project TX-05-0012-01) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## RECESS

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

## JOINT USE OF LAND

The Council had before it for consideration a resolution to consider authorizing execution (along with the other participants in the South Texas Project) of an agreement with Union Carbide Corporation concerning the joint use of land purchased by the Project for railroad purposes and concerning the sharing of the costs for any required electrical railroad crossing warning signals.

Mr. Jerry Harris, City Attorney, told Council this item came about due to the fact that the South Texas Project has for some time been working on acquiring a railroad right-of-way from Buckeye, Texas, where the Missouri-Pacific main line is located, and running from that main line to the South Texas Project for the purpose of having a railway spur so that fuel, equipment and materials can be hauled by rail into the South Texas Project. This involves

purchasing a piece of property from Union Carbide for the purpose of connecting up the entire railroad corridor. In connection therewith, Union Carbide deeded this property to the South Texas Project for this purpose. A County road had to be relocated and Union Carbide conveyed the land to Matagorda County so they could relocate the County road. In addition, this agreement before the Council this morning is one whereby Union Carbide and the South Texas Project agreed to share this piece of property for joint use for railway purposes and for pipeline and other purposes. In addition, it is anticipated the Federal government may require that there be electrical railroad crossing signals located along this railroad spur. Therefore, the South Texas Project and Union Carbide have agreed to these expenses for the railway crossing signals. Councilmember Goodman asked what the cost would be to the City. Mr. Harris replied that maximum cost to the City would be \$12,500. Union Carbide has agreed to pick up anything in excess of this amount...even if it were to be \$100,000.00.

#### Motion

Councilmember Cooke moved that the Council adopt a resolution to authorize execution (along with other participants in the South Texas Project) of an agreement with Union Carbide Corporation concerning the joint use of land purchased by the Project for railroad purposes and concerning the sharing of the costs for any required electrical railroad crossing warning signals. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### AGENDA ITEM WITHDRAWN

A request by Electrical Board to amend Chapter 37 of the Austin City Code to provide that unfused service conductors to the electric meter be installed only on the exterior face of a structure (Item G.6) was withdrawn from the Agenda.

#### ZONING ORDINANCES

~~Whereas the following ordinance is hereby introduced for the following reasons: the requirement for three readings, declare an emergency, and~~

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 10, BLOCK 4, M. E. WILSON SUBDIVISION, LOCALLY KNOWN AS 500 WEST OLTORF STREET, ALSO BOUNDED BY DUNWOOD STREET; FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Harry E. Montandon, C14-77-148)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 48 AND 50, NORTHFIELD ADDITION, LOCALLY KNOWN AS 617-701 NELRAY BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Robert A. Baker, Jr., C14-77-115)

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

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

The Mayor announced that the ordinance had been finally passed.

#### MESSAGE BUSINESS ORDINANCE

The Council had before it for consideration, the second reading of the Ordinance relating to the regulation of Massage Businesses. Mayor McClellan noted that the Ordinance passed on first reading the week before. Mayor Pro Tem Himmelblau indicated that she wanted to see fees raised so that the City does not have to put money into policing the Ordinance. Mayor McClellan agreed with this and stated that there was a fiscal note on this particular proposal. The recommendation for a \$100.00 fee per business and a \$25.00 per massager would allow the City to just break even on enforcement of the Ordinance. Mayor Pro Tem Himmelblau indicated that she was in favor of this recommendation. Councilmember Cooke stated that he was opposed to charging a fee to Massage Businesses for the purpose of implementing their own regulations.

#### Motion - Failed

Mayor Pro Tem Himmelblau moved that the Council amend the Ordinance to include a \$100.00 fee per business and a \$25.00 fee per massager. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

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

During the roll call, Councilmember Goodman indicated that he thought the motion on fees was punitive and voted No.

In regards to Section 18-3 and 18-8 pertaining to "education," Councilmember Mullen felt that this was not enforceable. He stated that a person would have to undergo two years of college before being eligible to take an anatomy and physiology course. Councilmember Goodman felt that this was not a necessary requirement for the Ordinance. Mayor Pro Tem Himmelblau felt as if a knowledge of anatomy and physiology was important to giving a good massage. Councilmember Trevino stated the Ordinance originally started as a zoning regulation and that it was becoming overextended and could now be considered arbitrary and capricious. City Manager Davidson asked Mr. Dick Lillie, Director of the Planning Department, to take one hour to obtain more adequate information in regard to zoning distances between Massage Businesses and residences. Later in the meeting, Mayor McClellan read the following data to the Council:

1. 15 massage businesses are within 100 feet of residential areas. (45%)
2. 24 massage businesses are within 500 feet of residential areas. (73%)
3. 13 massage businesses are within 500 feet of churches, parks or schools. (39%)

For the record, Mr. Davidson apologized to the Council for not submitting the above information sooner.

As to education in anatomy and physiology, City Attorney Jerry Harris stated that all that is required of a massage is that that person is certified as having taken a course in anatomy and/or physiology, as taught by a certified instructor.

#### Motion

Councilmember Goodman moved that the Council amend the ordinance to include massagers to be formally educated in the area of Kinesiology (the study of the principles of mechanics and anatomy in relation to human movement), in the section dealing with education. The motion, was seconded by Councilmember Mullen,

#### Substitute Motion

Councilmember Cooke moved that the Council delete Section 18-4(k) of the ordinance (Education section). The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Snell, Trevino

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

#### Motion

Councilmember Cooke moved that the Council delete Section 18-8(f) of the ordinance (Education section). The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Snell, Trevino

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

Motion

Councilmember Cooke moved that the Council amend Section 18-15 under hours of operation, to where Massage Businesses will be closed between the hours of 2:00 a.m. to 8:00 a.m., unless that business is within 100 feet of a residential area in which case the establishment will remain closed between the hours of 10:00 p.m. and 8:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Motion - Died for lack of a Second

Mayor Pro Tem Himmelblau moved that the Council retain 18-4(k) as was first presented in the first reading of the ordinance. The motion died for lack of a second.

Motion

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

AN ORDINANCE AMENDING THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR THE REGULATION OF MASSAGE BUSINESSES; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: Councilmembers Snell, Trevino, Goodman

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

INTERRUPTABLE ECONOMIC ENERGY

The Council had before it for consideration the authorization for the Director of the Electric Utility to enter into agreements with other electric utilities for the purchase of interruptible economic energy. Mr. R. L. Hancock, Electric Utility Director, explained that prior to 1972, fuel costs throughout the state were all constant as there was no occasion for economic interchange between the utilities. As the fuel crisis hit utilities there came a diversity in fuel price and source throughout the state. As a result there are some areas of the state where the fuel prices are lower than they are in this part of the state. Those utilities have a first obligation to the customers they

serve, but on some occasions they can make some of that energy available principally at off-peak periods to other utilities who may or may not have higher energy costs as a result of the fuels they utilize. This agreement is a request for authority to take advantage of those opportunities that might occur where there is some economic advantage to the City of Austin. This is what is termed, "economic interruptable energy," and it is simply energy that is available at a utilities off-peak period such as the weekend, winter period, night period, to the extent it is available and to the extent it is economical we would like the opportunity to take that energy. The decisions are based on almost daily decisions, or at the most, 24-hour advance decisions so it is necessary to have the authority in advance. This should be distinguished from firm power commitments where we will be taking power over a long period of time. The economics is not as attractive as it might appear on the surface because the energy that is available is replacing fuel in our system and if we replace fuel in our system, it is necessary that we continue to operate the generators that are on line. Consequently this means they have to be on a lower loading order than they were before and consequently their efficiency is a little bit less and that decline in efficiency must be taken into account in the consideration of the economic advantage.

As an example, if the energy is available to us for 18 mills, we have to be paying about \$2.15 for gas. That probably won't be the case until the middle of the year. At that time their energy may or may not be 18 mills. The particular document submitted to the Council is with Texas Power and Light. There are opportunities, he said, and will be opportunities from other utilities who will also have some off-peak power available from time to time. Ultimately Austin will be in that position with respect to off-peak power. But that won't happen until the 1980's.

Mayor McClellan said, "I was just going to say we might participate but with all the negatives of operating at lower efficiency, we aren't necessarily going to use it that much, right?" Mr. Hancock answered, "No, it's not going to make a significant or dramatic impact, but every buck we can save is a buck we ought to take advantage of." In response to Councilmember Goodman's query as to an estimate of how often we would use this, Mr. Hancock said he could not answer because it depends on how much we pay for gas, what their fuel costs are, dependent on how much lignite they have on line and the price level of the lignite to us. After mid-year, Mr. Hancock stated, it will be most likely be used more frequently. Mr. Goodman asked if there would be any cost to the City. Mr. Hancock answered the power will have to be wheeled through LCRA and Austin will have to pay a wheeling charge to move the power. This cost will be assessed in the evaluation as well as the decline in system efficiency that will have to be assessed in the determination. Councilmember Goodman asked if any loss of power to do the transmitting would also be in the determination. Mr. Hancock said, "We measure what we get into Austin's system. The losses in their system they pay for. If a third party is wheeling the energy, that compensation is included in the wheeling fee charge. The instrumentation and the measurement will be measured where the LCRA system delivers to the City of Austin system and that instrumentation is in place. There will be some incremental maintenance costs as a result of lightly loading on the machines, and we will attempt to evaluate that also in the economic analysis."

Councilmember Goodman moved that the Council adopt a resolution to authorize the Director of the Electric Utility to enter into agreements with other electric utilities for the purchase of interruptable economic energy. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

#### LAKE AUSTIN GROWTH MANAGEMENT PLAN

The Council had before it for Third Reading the ordinance amending Chapter 41 of the Austin City Code to provide standards for development of land located within the watershed of Lake Austin as described by the resource maps of the Lake Austin Growth Management Plan.

#### Motion - Died for Lack of a Second

Councilmember Goodman made a motion to approve Mayor McClellan's draft of the Lake Austin Growth Management Ordinance. The motion died for lack of a second.

Mayor McClellan stated she had an amended ordinance she wanted to submit to Council. (City Clerk did not receive a copy)

Councilmember Cooke stated he wanted the word "significant" left in the ordinance in the alternative methods section. City Attorney Jerry Harris said that if the words significantly or materially were used, they would need to be defined and he does not recommend their use.

Mayor McClellan told the Council it would be appropriate to have the staff bring back guidelines for this ordinance.

#### Motion

Councilmember Goodman moved that the Council scratch the word "significant" in Section 41-35.3 (d)(2) on version of Lake Austin Watershed Ordinance passed on the second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

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

After clarification that the above was not the third reading of the ordinance, the following motion was made:

#### Motion

Councilmember Goodman moved that the Council scratch the word "significant" in Section 41-35.3 (d)(2) on version of Lake Austin Watershed Ordinance passed on the second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

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

DR. GUS FRUH, a member of the Citizen's Board of Natural Resources and Environmental Quality, spoke regarding this ordinance.

Motion

Councilmember Goodman moved that the Council clean up the Lake Austin Watershed Ordinance with the following amendments:

- a. On Page 2, Paragraph (a), under the Special Requirements section, should be corrected to read as follows:

Special Requirements

- (a) The preliminary plan shall be accompanied by a slope map drawn from available topographic material which shall separate the proposed subdivision into the three slope classes of (1) slopes greater than 25% gradient, (2) slopes of 15% to 25% gradient, and (3) slopes less than 15% gradient. The map shall represent each scale equal to that of the preliminary plan.
- b. On Page 5, Paragraph (2), the spelling of the word "planning" should be corrected.
- c. On Page 6, Paragraph (b), covering the creation of impervious cover should be corrected to read as follows:
- (b) Creation of impervious cover.

Minimum standards. Roads, parking areas, buildings and other impermeable construction covering the natural land surface shall be considered as impervious cover. No subdivision of land shall be allowed to create impervious cover in excess of 30% on slopes under 15% gradient or in excess of 20% on slopes of 15% to 25% gradient, or in excess of 10% on slopes over 25% gradient. The transfer of allowable impervious cover from slopes in excess of 15% gradient to slopes under 15% gradient shall be permitted within each individual subdivision site. In such cases of transfer, the impervious cover allowed on slopes under 15% gradient may be permitted to exceed 30% but shall not be permitted to exceed 40%.

All preliminary plans and final plat submitted after the effective date of this ordinance shall meet the requirements of this ordinance, provided, however, that all preliminary plans approved prior to the effective date of this ordinance shall be permitted to meet the following impervious cover requirements: 37% on slopes from zero to 15% gradient; and 20% on slopes over 15% gradient; provided, however, this provision shall not apply to any plat utilizing the alternative methods section of this chapter.

- d. On Page 7, the variance section should be paragraph "e" instead of "f."

- e. The ordinance should have a section exempting from its provisions planned unit developments which have been approved by the City Council prior to the effective date of the ordinance. This is due to the fact that in approving PUD site plans, the City Council has already approved impervious cover standards, etc., for the PUD. Such a section should read as follows:

The provisions of this ordinance shall not apply to planned unit developments approved by the City Council prior to the effective date of this ordinance.

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

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

(Vote on passage of this ordinance on Third Reading with amendments appears later in these minutes.)

#### (MONITORING OF WATER QUALITY IN LAKE AUSTIN)

At this point Council decided to include discussion of the City Manager's Report, I.2. on the Agenda, Monitoring of Water Quality in Lake Austin.

Dr. Maureen McReynolds, Director of Environmental Resources, told Council: "You have received a report from the Engineering Department on water quality monitoring, which is an integral part of the Lake Austin Growth Management Plan. You have also received some comments from the Citizens' Environmental Board regarding the water quality proposal contained in the transmittal from Mr. Graves. Their recommendations include that there be an additional position added to budget for a person who would be responsible for the water quality program in the Engineering Department, and that the USGS study which currently is under way be expanded to include an additional monitoring station in the Lake Austin watershed. As the Board pointed out in their letter, there are existing sources of water quality data that also exist within the City. The water treatment plant monitors the incoming water quality at their intake, and this does give some background data that has been collected over a number of years which can be used as some base data on the water quality in Lake Austin. The Health Department monitors Bull Creek, near the park and other monitoring programs have been conducted in the past. The Citizens' Board also recommended some specific ideas regarding the use of a water quality monitoring program, comparing a developed with an undeveloped portion of the watershed in monitoring changes over time. And also, looking into the possibility of surveying bottom sediments in Lake Austin which will show some parameters that are not easily detectable in surface waters in measurable quantities."

Mr. Charles Graves, Director of Engineering, said he would summarize recommendations made for proposals for water quality monitoring as follows:

1. The program, to be effective, must utilize all present monitoring resources and should be compatible with the total water quality and quantity program now in effect and proposed for the Austin area. Attachment No. 1 is a copy of a status report published in October 1977 and summarizing the Austin Program.
2. The developer or applicant should have the burden of providing proposals and plans certified by a registered professional engineer with expertise in the field of water quality. We have reviewed the following text with City Attorney Jerry Harris and recommend its inclusion in the interim ordinance: "The developer or applicant shall have the burden of establishing that all the requirements are met; and the proposed plans shall be certified by a Registered Professional Engineer with expertise in the field of water quality."
3. The fiscal note prepared earlier for the proposed ordinance included an Engineer III. It is our proposal that this engineer have advanced training in the field of water quality and that his principal duty be the management of a program to effectively monitor water quality. He will review all plans in the Lake Austin watershed and other areas for compliance with City requirements and will visit subdivision projects during construction and periodically thereafter.
4. To accumulate valuable runoff data during the urbanization process, we recommend that the ~~joint~~ project with the U.S. Geological Survey be amended to provide an automatic sampler on Bull Creek to develop sufficient water quality data to establish the trend and indicate the measurable effects of urbanization under the regulation provided by the Lake Austin Interim Ordinance. The cost to the City would be one half of the first year cost of \$34,300 or \$17,150. Operations after the first year would cost the City \$6,500 per year and would include an extensive analysis of the samples taken at each period of storm runoff.

Mr. Graves explained he cringes at the use of "significant" because when testing for water quality, "we might easily be testing for 50 different parameters... different pollutants, solids, all sorts of things. And we might find that at a given time 20 of those will go up slightly and 30 will go down...some of these are more significant than others...have we had deterioration or improvement in our water quality. We cannot weigh them with a solid number so that we can add the plusses and the minuses."

Mayor Pro Tem Himmelblau asked if there has been any support from the Texas Water Quality Board. Mr. Graves said that there had been. Councilmembers discussed sampling and concluded there is no way of telling if pollutants are from an old development or a new development.

Councilmember Cooke had a memo from the Citizens' Board of Natural Resources and Environmental Quality, dated December 27, 1977, from which he quoted. Dr. Fruh discussed Councilmember Cooke's quotes as follows:

"The first advice to you from the consultant was to go with 20-10 impervious cover. The second advice was to go 37-20 and it came in between on the basis of the Planning Commission at 30-20, and you added the 10. During

the two year period, the overall purpose of the interim controls is to see whether or not that works. So, we do need to get money on to a development that meets with the standards of this ordinance, and get an undeveloped section with similar physical features, and we can see whether we are in the ball park at 30-20. It may be that at the end of two years of monitoring, we find we have to go down to 20-10 when we come to the final ordinance..or it may indicate that we could go up in order of magnitude. I think the City should be responsible for monitoring a development that has a subdivision, that meets the standards, and an undeveloped section. I also think the developer should be responsible, as part of his plan, to monitor a developed section with his innovative idea and an undeveloped section of his subdivision. ...I think you have to do something about a waiver or something else that a person who comes in with an alternative method says, I will do such and such on the first section with an innovative method. ..and I think you have ample proof that this can be done because you have had in front of you for a long time one developer who was doing that sort of thing. ..If one can do it, I think the others can do it."

#### Motion

Councilmember Mullen moved that the Council open the discussion concerning the monitoring of water quality in Lake Austin to anyone in the Chamber audience who wants to speak on the subject. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

MR. COLEMAN, a developer told Council that he thinks Mr. Fruh is correct in saying he is against the ordinance as it was passed on second reading. "To me, as a developer, it is really insignificant, it doesn't really put any restrictions on us, so I will concur that and let's see if we can possibly get an ordinance that everyone can live with."

Councilmember Goodman asked why the alternative methods have never been made clear. Council then discussed alternative and innovative methods. MS. BETTY CLELAND, member of Save Our Lake Association, appeared and asked Council not to pass something which they will not be able to enforce. MR. CHUCK STAHL, subdivider within the watershed, appeared to say he was willing to be monitored if the City will do the testing.

After more discussion, Councilmember Cooke made the following motion:

#### Motion

Councilmember Cooke moved that the Council adopt the four proposals submitted by Mr. Graves, Director of Engineering, and adopt certain suggestions from the Environmental Board including the update of chemical closing records from 1965 to 1977, a survey of the bottom sediment on Lake Austin and the timetables of the Citizens' Board of Natural Resources and Environmental Quality. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Councilmember Goodman commented that the weaker the ordinance becomes, the more monitoring the City will have to do.

Councilmember Cooke said that if a person comes in under the alternative method and has a plat approved and monitors and finds out that the first section does not apply, then what? The way it is now, they can develop out to the next 20 years, and use the same method and not have to change. Mr. Graves answered that this is something that must be addressed carefully in the implementation. The present procedure for a preliminary plan for a subdivision, "when we have the subsequent opportunities to deal with the final plats, now whether it be almost immediately or years later, the subdivision ordinance gives us the authority to utilize the ordinance and requirements in effect at that time. We have some now that have 20-year preliminary plats. I think the City Attorney will have to rule on whether it is correct or not. Whenever we address the construction plans for those subdivisions, we treat them under the existing ordinances and requirements. I believe the same thing would be true here. Mr. Harris said he thought this should be addressed specifically in the ordinance. I don't know whether it is addressed as a general matter in the subdivision ordinance or not. We could look at some language for it. What you say," he said, "is true, and maybe we need to take a close look at it. I do not think we could sit here today and write that in the ordinance. We can take a look at it and come back with a suggested amendment or recommendation if that is our judgement on it."

(At this point, Council resumed discussion of the Lake Austin Watershed Ordinance, and the following motion was made:)

**Mayor McClellan brought up the following ordinance for final passage:**

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967; DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF LAKE AUSTIN PRESCRIBED BY THE RESOURCE MAPS OF THE LAKE AUSTIN GROWTH MANAGEMENT PLAN; EXEMPTING CERTAIN PLANNED UNIT DEVELOPMENTS FROM THE REQUIREMENTS OF THIS ORDINANCE; PROVIDING A MAXIMUM TIME PERIOD IN WHICH THIS ORDINANCE WILL HAVE EFFECT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Cooke moved that it be finally passed. ~~As passed~~ on second reading with amendments passed today. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

**The Mayor announced that the ordinance had been finally passed.**

MR. MAX REINHARDT appeared before Council to request a grandfather clause and was advised that it is already in the ordinance.

BASIC PAY PLAN ORDINANCE  
CIVIL SERVICE PAY PLAN ORDINANCE  
APPROPRIATION OF FUNDS

The Council had before it for consideration, amendments to the Basic Pay Plan Ordinance, the Civil Service Pay Plan Ordinance, and the Appropriation of Funds for adjustments to the Basic Pay Plan and Civil Service Pay Plan.

Mr. Joe Liro, Assistant City Manager, told the Council that the three items listed above were necessary to implement whatever option the Council selects on revision to the 5-1 employee pay plan. He reviewed the two options for the plan, which were as follows:

1. Option 1: Payment of the retirement contribution for all City employees on the social security portion of the 5-1 plan.
2. Option 2: Cancellation of the payment and replacing the contribution with a general wage increase.

Mr. Liro presented the Council with a comparative analysis of employee take-home pay per pay period (SEE: Appendix I). In the analysis, three levels of percentage increase were selected and each included a ceiling of \$17,500.

Mayor McClellan indicated that she did not like decreasing employees' salaries three months after instituting the 5-1 plan. She stated that many employees on fixed incomes had already made commitments based on the present salaries they were receiving. Councilmember Goodman indicated that he was in favor of Option II(c). He stated that he would rather draw money out of the City treasury than decrease the employees' take-home salaries.

Motion - Failed

Councilmember Goodman moved that the Council adopt Option II(c) relating to revision of the 5-1 employee pay plan. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

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

Councilmember Goodman made the following statement during the roll call: "Well, you know, you compare this plan to the other one and we'd probably save \$400,000 in computer time, but we are not giving them anything. Yes."

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770929-H BY REVISING THE BASIC PAY PLANS FOR REGULAR CITY EMPLOYEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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appropriating funds for pay

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, adopting Option II(b) up to \$17,500. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770929-H BY REVERSING THE CIVIL SERVICE PAY PLAN; REPEALING ALL ORDINANCES IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, adopting Option II(b) up to \$17,500. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, adopting Option II(b) up to \$17,500. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

During roll call, Councilmember Trevino indicated that he would have preferred Option II(c) but voted Yes on Option II(b) any way.

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funds.

It was pointed out that the previous motions encompassed all three agenda items. Mr. Liro stated that he had spoken with the staff of the Data Systems Department and they were confident the program could be implemented in time for the January 20, 1978, pay check.

MR. JOE PINNELLI, representing AFSCME (American Federation of State, County and Municipal Employees - AFL-CIO), told the Council that on behalf of the City employees they represented, he was grateful that the Council had maintained equity in the employee's pay check.

(Appendix I on next page)

January 5, 1978

Appendix I

Comparative Analysis of Pay  
and Benefit Options

Gross Annual Salary Under "5-1" Plan	"5-1" Plan	Take-Home Pay Per Pay Period			Option II b	Option II c
		Option I	Option II a	(5.5%)	(5.75%)	(6.0%)
\$10,000	\$319.73	\$318.58	\$319.10		\$319.70	\$320.27
14,000	431.35	429.62	430.29		431.07	431.85
18,000	536.42	534.50	535.57		536.42	543.31
22,000	639.50	637.58	632.80		633.76	634.69
Total Additional Cost	-	\$257,000	\$122,000		\$274,000	\$396,500

\*(NOTE: \$17,500 = cut-off point.)

## BOAT RACES

The Council had before it for consideration, discussion of the City Manager's report on boat races on Town Lake. Mayor McClellan indicated that the City Manager's report recommended Lake Long as an alternate site to Town Lake. She pointed out that this would incur a cost of \$900,000 plus to the City. Mayor McClellan indicated that a Mr. Gray, Jr., had contacted the City Clerk's Office and conveyed the message that the Southern Drag Boat Association had shown an interest in possibly scheduling drag boat events on his property located in Smithville. Mr. Gray also agreed to send some detailed information to the City Manager for review.

Councilmember Cooke felt that the \$132,000 cost of bleachers at the new site location was an absurd amount of money. City Manager Dan Davidson pointed out that this amount would be paid for by the Boat Club. In regard to City involvement, Mr. Davidson stated that the City could build at the race site to whatever degree of quality it wanted to. He stated that the City did not have to install bleachers on the site at all but could require everyone to sit on the ground during the racing events. Councilmember Snell felt that a public hearing should be set so that the residents in the Lake Long area could respond to the idea of moving the boat races into that area. Councilmember Cooke stated that the Council needed to make some sort of decision on the boat races as quickly as possible because the first boat races were scheduled for April. Councilmember Trevino felt that the Council should be formally approached with the issue before a decision is made to ~~repeal~~ the boat ordinance. Mayor McClellan indicated that she has been approached by many persons asking that the question be resolved.

Prior to the public hearing, Mayor McClellan indicated that she wanted information on other alternative sites presented to the Council. City Manager Davidson stated that such a report had been ~~submitted~~ to the last Council and that he would make that same information available to the present Council as well.

Councilmember Mullen moved that the Council set a public hearing on boat races for January 19, 1978, at 6:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## BOCA CHICA APARTMENTS

Mayor Pro Tem Himmelblau stated that she put this item on the agenda about 6 months ago because the owners of the Boca Chica Apartments had expressed a desire to tap into the City sewer system. At that time the Legal Department was asked to approach the City Council of West Lake Hills to find out if they would de-annex the subject property. She stated that West Lake Hills was unwilling to do this and that the situation was currently at a stalemate. Mayor Pro Tem Himmelblau recognized MR. DICK STANFORD, West Lake Hills City Councilman, who was present in the audience.

Mayor Pro Tem Himmelblau suggested, first, asking the Austin-Travis County Health Department to determine what threat the Boca Chica septic tank system is posing to the City of Austin water supply, and to make these findings available to the City Legal Department for future action. Secondly, she stated that if Boca Chica is allowed to tie into the City water system, they would be required to pay an annual fee in lieu of taxes along with a regular wastewater charge. This annual fee would be set by the Council with information furnished by the Tax Department. There would be a provision in the legal document that the City of Austin has the power to remove the development from the system if they default by not continuing payments. Mayor Pro Tem Himmelblau stated that she would like the Legal staff to look into the last recommendation and the City-County Health Department to look into the first. She asked the City Manager to do this and bring the information back to the Council. City Manager Dan Davidson indicated that he would be pleased to do this.

Mr. Dick Stanford told the Council that the Austin Deputy City Manager had advised the Planning Commission to provide approach main service to the West Rim subdivision but not to annex the area. He also pointed out that there are four homes in West Lake Hills that are currently on Austin sewer lines and that the West Lake Hills City Council has no say so on the rates charged to these customers. City Manager Dan Davidson indicated that the four houses were accidentally put on the Austin sewer line in 1969. Mr. Curtis Johnson, Director of the Water and Wastewater Department, indicated that, since that time, it has been City policy to not extend service to an area already incorporated by another municipality. Mr. Stanford indicated that there was an injunction from District Court that the Boca Chica Apartments cease using its septic tank system. He stated that this injunction has been abated and lawyers for the apartment ordered to work with City of Austin officials on the problem. City Manager Davidson asked Mr. Stanford if they have had a request to consider de-annexation of the subject property. Mr. Stanford indicated that they have not and that the West Lake Hills Council is not interested in de-annexation. Mr. Davidson submitted that this would be a viable solution to the problem in that the City of Austin would then be able to provide sewer service to the area. Mr. Stanford stated, however, that the West Lake Hills Council was merely interested in enforcement of its own septic tank regulations and that it did not want to de-annex the area.

MR. TOM LOWELL, Manager of the Boca Chica Apartments, stated that they have asked the West Lake Hills Council to de-annex the apartments, but that they have refused to do so. He indicated that they have filed a law suit to adjust the City boundaries. Mr. Lowell pointed out that certain portions of the apartments are already inside of Austin, and that the City sewer line is only 120 feet away from the apartments.

City Manager Davidson indicated that he would bring back a report to the Council on alternatives to the problem.

#### SPRINGDALE ROAD DESIGN

Mr. Joe Ternus, Director of the Urban Transportation Department, told the Council that the project is an urban system project. It is designed and constructed by the State Department of Highways and Public Transportation with Federal funds. He stated that it must meet all of the Federal public hearing

requirements. He stated that a public meeting was held in the summer of 1976 and a public hearing was held in early December of last year. Mr. Ternus indicated that since the project was first presented to the public, most of the issues have been satisfactorily resolved. He stated that one of the main concerns was over the number of traffic lanes. Mr. Ternus stated that it was his opinion that the design met all of the needs for traffic flow and safety and also the concerns expressed by the neighborhood. He stated that the design is consistent with the Austin Transportation Studies Review through the Transportation Improvement Program. Mr. Ternus also stated that the design has been reviewed and endorsed by the Urban Transportation Commission. He stated that they were recommending that the City Council recommend to the State and Federal government the approval of this design as presented in the public hearing of early December.

Councilmember Cooke moved that the Council approve the Springdale Road Design and make the recommendation for approval to the State and Federal government. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Travino, Mayor McElliott, Councilmember Cooke  
Noes: None

#### WATER AND WASTEWATER PRODUCTIVITY STUDY

Mr. Curtis Johnson, Director of the Water and Wastewater Department, stated that the study was moving quite well. He stated that at this point there are no figures for projected savings. He stated that the 5 projects currently under study should be completed by April. Mr. Johnson then summarized the 5 projects as follows:

1. Departmental Organization and Management - Organizational changes will be implemented within the immediate future.
2. Engineering Records and Administration - About 45 days away from completion.
3. Construction Inspection - About 45-60 days away from completion.
4. Vehicle/Equipment Utilization - Completion by April.
5. New Services Installation - Completion by April.

MS. BARBARA CILLEY told the Council that a similar study was done by the City of Dallas and that they saved a lot of money in so doing. She suggested that a member of the Water and Wastewater Department's management team be selected to work with the City Electric Department on data collection. She stated that she would like to see some coordination between the two departments. Councilmember Goodman agreed that this was an important thing to look into. Ms. Cilley stated that a departmental crossover in expertise could save the City money on having a water and wastewater study done.

## ADJOURNMENT

The Council adjourned at 6:45 p.m.

APPROVED

  
Mayor

ATTEST:



City Clerk