

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 19, 1978
6:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

The Invocation was given by Father Joe Znotas, Pastor of St. Julia Catholic Church.

RECOGNITION OF MAYOR PRO TEM

Mayor McClellan announced that Councilmember Himmelblau's term as Mayor Pro Tem ~~has~~ ended and ~~thanked her~~ for her cooperation during her term. The Mayor then addressed Councilmember Trevino as the new Mayor Pro Tem.

ALCOHOLISM AWARENESS WEEK

Mayor Pro Tem Trevino read a proclamation issued by the Mayor designating January 23 through January 29, 1978, as Alcoholism Awareness Week. Judge A. E. Starkey and Ms. Theresa Lockridge accepted the proclamation with their thanks.

ARTS WEEK FOR AUSTIN

Councilmember Himmelblau presented the Arts Week For Austin proclamation to Bronson Borsey and Laurence Miller, who thanked Mayor and Council for proclaiming January 22-28 for this purpose.

OFFICIAL REPRESENTATIVES
OF THE CITY OF AUSTIN

Mayor McClellan read a proclamation designating Richard Orton, Mike Mordecai and Hank Alrich as Official Representatives of the City of Austin in the role of music ambassadors. Mr. Orton accepted the proclamation and thanked the Council.

JAYCEES WEEK

The week of January 15-21, 1978, has been proclaimed Jaycees Week, according to a proclamation read by Councilmember Cooke and accepted by Glen Koons and Charles Wallis.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve Minutes for January 12, 1978, and Special Council Meetings of January 3, 1978, and January 4, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

BOARD AND COMMISSION REPORTS

Mayor McClellan announced that appointments will be made to Boards and Commissions. The following nominations were made:

Mayor Pro Tem Trevino nominated Martha Cotera to a term on the Library Commission. (Term to be drawn at the next Commission Meeting.)

Councilmember Mullen nominated Sam Bloom to a term expiring on July 1, 1980 on the Solicitation Board.

Councilmember Cooke nominated Sid (Milton) Maxwell, Sally Wittliff, Anne Fitzpatrick and James Bowen to terms on the Urban Transportation Commission, expiring January 1, 1980.

Mayor Pro Tem Trevino nominated Greg Ericson to the Vending Commission. Term will expire June 1, 1979.

Councilmember Himmelblau nominated Judy Brown to the Environmental Board. Term will expire July 1, 1979.

Mayor Pro Tem Trevino nominated Robert Breihan to the Human Relations Commission. Term will expire November 1, 1978.

Mayor Pro Tem Trevino moved that the Council appoint the above nominees. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Appointments to be Made

The Mayor announced that appointments scheduled to be made next week are as follows:

Solicitation Board - 1
Building Standards - 1 (Social Worker)
Arts Commission - 1 (Ethnic Culture)
Energy Conservation - 5
Citizens' Traffic Safety - 1

Other appointments for the February 2, 1978, meeting have been previously announced.

ITEM PULLED CITY MANAGER'S SALARY

Mayor McClellan announced that Item F.16 relating to the City Manager's salary will be pulled from the Agenda.

EASEMENTS

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize release of the following Easement:

One foot of a Public Utility Easement ten (10.00) feet in width between Lots 42 and 43, Old Town Phase II, Section II Amended, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Jim Siepiela, Land Development Construction Manager, Nash Phillips-Copus.

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

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

Noes: None

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize release of the following Easement:

A five (5.00) foot Public Utility Easement along the south and west sides, and the south two (2.00) feet of a five (5.00) foot public utility easement along the north side of Lot 46, Enfield "G." (Requested by Kathy Attal, Representative of Bradford, Mayfield Properties, Inc.)

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

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

CONTRACTS APPROVED

Mayor Pro Tem Trevino moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Hospital Project Phase 2B, CIP, Medical and Other
JAY BRUTON MEDICAL ELECTRONICS (Space Labs) 3727 Dillido Street Dallas, Texas	- Items 1,2,3,- \$182,850.00
CURTIN MATHESON SCIENTIFIC 4220 Jefferson Avenue Houston, Texas	- Items 80,82,84,89,90,92,95,97 - \$59,007.95
AMERICAN STERILIZER 2424 West 23rd Street Erie, Pennsylvania	- Item 52- \$53,131.00
MENNEN-GREATBATCH (Gentec) 2131 Theo Drive Austin, Texas	- Items 6,7,8 - \$36,450.00
SCIENTIFIC PRODUCTS 210 Great Southwest Parkway Grand Prairie, Texas	- Items 61,69,71,72,74,75,76,77,81,83, 93,94,99,104-110 - \$26,747.16
HEWLETT-PACKARD COMPANY 205 Billy Mitchell Road San Antonio, Texas	- Items 10,11,12 - \$22,187.00
GRASS INSTRUMENTS 101 Old Colony Avenue Quincy, Massachusetts	- Items 16-22 - \$14,899.50
AMERICAN INSTRUMENT COMPANY Division of Travenol Lab, Inc. 10219 S. Gessner Street Houston, Texas	- Item 67 - \$7,835.00
HELENA LABORATORIES 1530 Lindbergh Drive Beaumont, Texas	- Item 66 - \$7,800.00

VWR SCIENTIFIC 7230 Mykawa Road Houston, Texas	- Items 60,62,63,64,68,70,78,79,85,87, 88,96,101,102 - \$3,960.78
DUPONT (Sorrall) INSTRUMENTS Pecks Lane Newton, Connecticut	- Items 86,103 - \$3,447.00
STANLEY SUPPLY COMPANY, INC. 615 Urban Loop San Antonio, Texas	- Item 9 - \$2,468.00
SCIMETRICS INC. 6119 Jessamine Houston, Texas	- Item 65 - \$790.00
SOUTHLAND CRYOGENICS 1212 Tappan Circle Carrollton, Texas	- Item 100 - \$319.00
	- TOTAL: \$421,892.39

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

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

UNION CARBIDE, LINDE DIVISION 2 Greenway Plaza East Houston, Texas	- Bulk Oxygen for Brackenridge Hospital. 36 month supply agreement 26,000,000 cu. ft. - \$78,440.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

D. L. CURBOW CONSTRUCTION, COMPANY, INC. 8330 Burnet Road, Suite 107 Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Parking Lot Improvements - Dottie Jordan Park and South Austin Recreation Center. CIP Nos. 75/86-37 & 77/86-18 - \$16,603.76
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving the following contract:

AIR CONDITIONING, INC.
5005 East Ben White
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Renovation of old Naval Reserve
Building to House Cultural Arts
Center - \$92,200.00

The motion was seconded by Councilmember Himmelblau and carried by the following vote:

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

WATER LINE COST DIFFERENCE

Mayor Pro Tem Trevino moved that the Council adopt a resolution to award the following:

FARM AND HOME SAVINGS
ASSOCIATION

- The cost difference of 24"/8" water
line installed in Westcreek, Phase 2,
Section 1 - \$227,125.92.

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

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

LICENSE AGREEMENT

Mayor Pro Tem Trevino moved that the Council adopt a resolution to enter into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing a 42-inch water main beneath said railroad rights-of-way at Dittmar Lane and Davis Lane. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

QUITCLAIM DEED

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize a quitclaim deed which will release the City's interest in a water easement which was acquired from the Seabrough Tract by the State Department of Highways and Public Transportation for the U.S. 290 improvements between IH 35 and FM 3015. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SOUTHEAST DISTRICT PARK SWIMMING POOL

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize submission of a grant to the Bureau of Outdoor Recreation for 50% matching funds to build an Olympic swimming pool in Southeast District Park. (Total amount of grant \$768,000; City's share \$384,250.) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SENIOR LUNCHEON PROJECT

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize acceptance of an additional \$27,313 in Title VII, Older American Act Funds for the Fifth Year Contract Renewal of the Austin/Travis County Senior Luncheon Project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Trevino moved that the Council adopt a resolution to select the firm of Lawrence Hans-Hal Stringer Association for the planning and design of this swimming pool project for the Parks and Recreation Department. CAPITAL IMPROVEMENTS PROGRAM, SOUTHEAST DISTRICT PARK OLYMPIC SWIMMING POOL FACILITIES IMPROVEMENTS, No. 75/86-45. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution to select the firm of Edgar James, Architect, for architectural services for Northwest Fire Station. CAPITAL IMPROVEMENTS PROGRAM, NORTHWEST FIRE STATION, No. 73/83-06. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Trevino moved that the Council adopt a resolution to select the firm of Austin Testing Engineers for soils investigation and engineering testing services during design and construction of Northwest Fire Station, CAPITAL IMPROVEMENTS PROGRAM, NORTHWEST FIRE STATION, No. 73/83-06. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

AGENDA ITEM POSTPONED

Councilmember Himmelblau moved that the Council postpone voting on the Ordinance amending the 1977-78 Operating Budget to appropriate funds for the enforcement of the Fire Zone Ordinance, Item G.1. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

HCD FUNDS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1977-78, BY REAPPROPRIATING AND TRANSFERRING THIRD YEAR HOUSING AND COMMUNITY DEVELOPMENT FUNDS FROM THE PLANNING DEPARTMENT TO THE PLANNING, RESEARCH AND BUDGET, AND HUMAN SERVICES DEPARTMENTS; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

The Mayor announced that the ordinance had been finally passed.

LAKE AUSTIN DEVELOPMENT ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 41-11.1 OF CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967; ENLARGING THE AREA OF APPLICANT OF SAID SECTION; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing that the Lake Austin Development Ordinance shall cover land in the Colorado Watershed located on the east side of Lake Austin from Mt. Bonnell south to Tom Miller Dam. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

STREET NAME CHANGES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM INWOOD ROAD TO ASHWORTH DRIVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM GREAT HILLS TRAIL TO STECK AVENUE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

The Mayor announced that the ordinance had been finally passed.

SPECIAL JURY AWARD

MR. GERALD D. RIDDELL, P.E., Royce Engineers, Inc. appeared before the Council to present a Special Jury Award to the City of Austin, which was given to his firm for the design of the West 9th and 10th Street Bridges in Austin. The bridges were constructed by the City of Austin. The award came from the Prestressed Concrete Institute. Mayor McClellan thanked him for the plaque which his firm had been awarded, which he, in turn, awarded to the City of Austin.

RUGBY GAME

Councilmember Himmelblau moved that the Council grant the request of MR. CARLOS PHILLIPS for permission to use City facilities on February 8, 1978, for the Rugby game of the Austin Blacks vs. the Argentine All-Stars game in Zilker Park, subject to meeting with Parks and Recreation and their requirements. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

POLITICAL RALLY

Councilmember Himmelblau moved that the Council grant the request of Mr. H. C. "Dulie" Ball, Treasurer, Travis County Briscoe Committee, to use Auditorium Shores for a political rally. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PUBLIC HEARING ON BOAT RACES

Mayor McClellan opened the public hearing scheduled for 6:00 p.m., on boat races. Mr. Robinson, Director of Parks and Recreation, gave a brief presentation on the history of boat racing on Town Lake. In 1977 the Council amended Chapter 29 of the City Code to prohibit boat races on Town Lake. Since then a Lake Study Committee was formed and held several meetings. He referred to a study of alternate sites for the races which have been considered.

Mayor McClellan then called on those who had signed up to speak to this issue and informed them they had a two-minute time limit which will be enforced by a timer.

MIKE METSCHAN, Commodore, Austin Aqua Festival, appeared to state the boat races are good for the City and are one of the main events of the Aqua Fest. They provide much amusement for about 30,000 people. The boat races create jobs for local people and promote tourism for our City, he said, and urged they be held on Town Lake. Mayor Pro Tem Trevino asked him if Austin's hotels and motels would be filled if the races are held on Lake Long. Mr. Metschan answered, maybe, if Lake Long is as safe a place to race as Town Lake. Mayor Pro Tem Trevino asked if he were saying that of all the courses in the country, Town Lake is the safest place to race. Mr. Metschan said that is what he understands.

DOROTHY ROWLAN, President, Austin Chamber of Commerce, appeared to say the boat races effect the economy of downtown Austin in a healthy way. She feels that holding the boat races on Town Lake means the most good for the most people.

DANNY REED, representing the Austin Boat Club, cited the national prominence that the boat races in Austin have achieved, with benefits growing each year to prevent the decaying of downtown Austin. He urges Council's approval to hold the races on Town Lake.

PHIL MILLER, local sportscaster, said that the sport of boat racing has grown dramatically in the past few years. He pointed out that a few thousand people come on 3 weekends a year to see the races, and compared the insignificance of that amount of time to the crowds that jam the City every weekend in the fall to see college and high school football games. He urged the Council to "give us our three weekends on Town Lake."

MATT MARTINEZ, JR., representing United Mexican-American Businessmen and the Austin Restaurant Association, appeared to say, "We want and need the boat races."

RUSH EVANS, Past President, Chamber of Commerce, appeared to say that he would not do anything to offend, hurt, or destroy Austin or its citizens, and he does not think that boat races three weekends a week will do that.

LIZ SMITH, appeared to say she is in favor of boat races...that Austin really needs them.

RONNIE REYNOLDS, Aqua Fest member, appeared to say that the boat races do more than anything for the economy during the Aqua Fest.

JOE MANOR, Aqua Fest member, pointed out that the truck noise on I.H. 35, which is heard daily, has a higher decible rating than the drag boats. He cannot understand why some people are against the races and urges Council to maintain the races on Town Lake.

GEORGE FLIPPEN, Aqua Fest member, appeared to state he is supporting boat races on Town Lake.

LYNN EVANS, Aqua Fest member, wants to see the boat races on Town Lake again this year.

JOHN FLINK appeared to say last year's ordinance prohibiting boat races on Town Lake should be upheld and is in favor of holding the races on Lake Long.

JOHN MOORE, representing East 1st Street Center Advisory Board, told Council he is disappointed in their bringing up this controversial issue again. He wanted to know if the Council is sacrificing East Austin just so they can have the best boat races in the nation.

VINCENT SIKORA, representing the Marriott Hotel, told the Council that Austin has a great public image and he is in favor of the boat races.

DOUGLAS RAMSEL told the Council he thinks the threat of violence if the races are held is horrible and hopes the Council is not intimidated by the threat. He commented that East Austin residents enjoy sports events held in other parts of the City.

RICH ELLMER, representing himself, said the noisy, loud boat races on Town Lake are for a good purpose. He said the Aqua Fest is a good, clean industry. He cited the Wurst Fest in New Braunfels which takes over the whole town. The boat races only consume three weekend afternoons.

JIM FERRIS, 1804 Sylvan, said Town Lake was created for everyone to enjoy. The swimming and fishing privileges have been taken away and now they want to take the races away, too. He has competed in 1,000 miles of boat races and feels Town Lake is the safest course.

FLORENTINE CRUZ, 2106 Holly, presented a letter to Council, written in Spanish, which was translated. He is against boat races on Town Lake and called attention to the noise and pollution and traffic problems created by the races.

VERNON COOK signed up to speak but did not appear.

PETE MARTINEZ, 70 Raney Street, cited the increased traffic on the streets of East Austin during the boat races and asked Council to discontinue the races on Town Lake as was agreed a year ago.

JOAN BARTZ, representing University Hills Homeowners Association, is opposed to holding the races on Lake Long because of the cost involved to establish the course, facilities, etc., the traffic problem it would create in their neighborhood and the interference of its use by the general public. She recommended that the legal control of Town Lake be researched. Councilmember Goodman said some people believe that Lake Long can be developed for boat races for less than the \$900,000 which is estimated to be the cost.

SAM HERNANDEZ, 1404 Willow, is against continuance of boat races on Town Lake. He said an attempt had been made by the Aqua Fest people to offer \$10,000 to the people of East Austin to allow continuance of races on Town Lake.

PAUL HERNANDEZ, East Austin resident, said all of this had been gone over a year ago, and "people of my neighborhood were told that last year was the last time boat races would be held on Town Lake." We were told then to keep quiet about last year's races," he said, and they did. He told Council that if races were allowed on Town Lake again this year, it will be on their conscience for whatever happens.

JANET STOCKARD, 2148 Barton Hills, is against boat races on Town Lake and thinks the figures reported for proposed development on Lake Long are wrong.

RICHARD CRUSE signed up to appear but did not.

ZEKE UBALLE, Director of El Centro Chicano, said he is concerned with the development and preservation of East Austin. He said the money from tourism does not go to East Austin and he is against boat races on Town Lake.

ELIAS MENDEZ, 1510 Canterbury, a member of Brown Berets, told Council that the boat races should be taken to another part of town, that there will be no more boat races in East Austin and the Council can take that as a threat if they want to.

TERRY SASSER signed to speak but did not.

KEN TERRY signed to speak but did not.

NADINE WHITELEY, Pecan Springs Integrated Neighborhood Association, 5215 Basswood, told Council they should find out how many people view the races before deciding where to hold them.

NORMAN VANCE, Austin Ski Club, did not appear.

SAM HILL, G & M Catering, said he is deeply involved in the boat races and they are a great source of his livelihood. He urged their continuance on Town Lake.

CONRAD FATH, member of the Navigation Board, told Council he has been present at all hearings on this subject for the past 7 or 8 years. He said the estimated figures for how much it would cost to have the races on Lake Long are wrong. To Councilmember Goodman's inquiry as to whether or not Lake Long would be a feasible spot, Mr. Fath answered yes, and that the development needed could be done for \$35,000.00. Mr. Fath said he has wanted the boat races moved for the past four years.

DELLA MOORE, 1611 East 1st, urged Council to let the present ordinance stand and not let the boat races return to Town Lake.

BOB TRASATIK, Austin Ski Club, said he felt, after surveying other sites, that Town Lake is the best site for the boat races. He said the Ski Club supports the continuance of the races on Town Lake.

ALICIA ARRENDONDO, 603 West 8th, supports the elimination of boat races on Town Lake.

MANUEL MENA, a professional social worker, said there are many conflicts caused by the re-opening of this question. She said East Austin is better organized and they will be back.

FATHER JOE ZNOTAS, appeared to say everyone had been through the same thing last year and last year the proposition had been made to move the races to the other side of the bridge. Councilmember Snell commented that there would be the same problems there.

JIM DENTON, who lives in North Austin, said he enjoys the races and they should be viewed realistically as something that happens only 3 days out of every year. He thinks Town Lake is an ideal site.

DAVID CARRASCO said there have been a lot of questions posed tonight. The only thing answered is that the people in East Austin and Northeast Austin do not want the races, and he asked who does?

WAYNE DONNELLY, an avid boat race fan, asked if Lake Long can support a hydroplane going at 200 m.p.h.

MR. PRADA, East Austin resident, appeared to state that the fun of boat races in East Austin is at an end...that the sound of the protestors will drown out the boats.

WALTER TIMMERLAKE appeared to ask if the boat races can be moved to the area of Town Lake between the Chamber of Commerce and MoPac. Mr. Robinson, Director of Parks and Recreation Department, said the problem is that there is not enough clearance between the bridges and First Street traffic would have to be closed. Mayor Pro Tem Trevino said this site was discussed last year and at that time they were told it would cost about \$80,000 to develop it for boat races.

Councilmember Himmelblau called attention to the fact that for two days of the year there is a tremendous inconvenience to people for several square miles around Laguna Gloria when they have Fiesta, but that no complaints have been heard.

Mr. Robinson commented further on the proposal of a site west of I.H. 35 on Town Lake. He said it could be accomplished with more fencing, use of shuttle busses for parking, and use of some bleachers. He also spoke of the erosion problems and steeper banks in that area. Collection of fees might present a problem, he said, unless enough fencing could be done.

An unidentified man appeared to say he is against boat races on Town Lake and that if they are there this summer, they will be disrupted.

ROBERT TAYLOR, a resident of East Austin, urged the Council to allow boat races to continue.

An unidentified man appeared to say he is against boat races on Town Lake.

MATT MATHIAS, representing University of Texas Students, asked that boat races remain on Town Lake so that Austin remains an enjoyable place to be in the summer. He said students who go home for the summer hurry back to attend the races. Mayor Pro Tem Trevino asked if they would hurry back if the races are held on Lake Long. Mr. Mathias said he thought they would if the races are of the same character, but he is not sure racers would continue to come here from California and other far off places to race in a second rate facility.

VICTORIA GONZALES, a social worker in Austin, asked if the funds used to renew East Austin will be destroyed by boat races.

B. C. CORNISH said Community Development Funds must go to East Austin.

ANITA MENDEZ said there would be violence if boat races are again held on Town Lake.

A man who did not identify himself stated that he is a father who lives in East Austin and worries about what will happen to the children of the area when 30,000 people show up for the boat races.

ALLEN BUSSLER, City employee, said the City should plant trees on the shores of Town Lake because the little people of Austin have "Made his case to me."

Motion

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

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

Motion

Mayor Pro Tem Trevino moved that the Council uphold the decision of the previous Council and ban the boat races on Town Lake. The motion was seconded by Councilmember Snell.

Councilmember Mullen said he wanted to make a substitute motion but that first he wanted to state that he is "extremely distressed that based on the assumption of a few people who have decided that this issue will be made a minority-majority issue...will be made a black-white issue, or a Chicano-white issue...a few people have said that. And we're told on the Council if we vote one way or the other that decides how we feel about those minorities. That's very, very distasteful to me. We've been told if we vote a certain way that we are walking on minorities again. That's what somebody said. Now this Council is going to be told that is the truth...I don't think so. I don't believe that. The same noise that is heard on the north side of the lake is heard on the south side of the lake. And not one person has been here from the south side of the lake. Excuse me, there has been one person here tonight speaking from the south side. (Comments from the audience) All right, then I withdraw that completely. I think again this is an issue I spoke to when I ran, I said I believed that it was a made up issue, that it is not a sincere issue, but one to divide this community. As a result of that I would like to make the following motion:"

Substitute Motion

Councilmember Mullen moved that the Council ask the City Attorney to bring an ordinance before the Council to repeal the ordinance that prohibits boat races on Town Lake; and to instruct with that that boats are not worked on, motors are not run, and there is no noise created after dark by the boats; also traffic will not be permitted through the community surrounding the boat race site and that the only access will be around I.H. 35. The motion was seconded by Councilmember Himmelblau.

Councilmember Himmelblau stated with her second to the motion: "My vote will remain the same as it did last year. It was a 6-1 vote of the previous Council to rescind the races. Mine was the one negative vote. Last August, the Sunday afternoon of the big race, I spent 2-3 hours riding with Lt. Devane throughout the East 1st and East 2nd Street neighborhood, and the Travis Heights neighborhood. We stopped, got out of the car, wandered around, and I did not believe personally and I still don't that there was any adverse impact to these neighborhoods on this day."

Councilmember Goodman asked when the next scheduled race will be held. Mr. Robinson answered the first proposed race will be April 22 and 23. "If this Council concludes that the access problem," said Mr. Goodman, "which you mentioned was the major problem with the west part of Town Lake could be handled, would you see any problem with getting the west part of the lake ready for boat races?" Mr. Robinson answered the major construction would be that of boat ramps. If the City Council directed, the Department of Engineering could provide the in-house construction.

Substitute to the Substitute Motion - Died for Lack of Second

Councilmember Goodman made a motion to hold the boat races on the west part of the lake. The substitute died for lack of a second.

Councilmember Goodman said that he wanted to make a point that the races may fail there, and "we will find out after the races are held there in April that if a majority of the Council agrees with me, it may fail because there are more residents over there who are perturbed with the noise. I am convinced that we face no alternative right now other than to try that experiment on the west side of the lake. You can tell by the charged atmosphere that is here this evening, not only on this side, but on this side as well, in all the time that I have lived in Austin I have never ever seen an issue create such irrationality, and that's on both sides. The talk of violence that we've heard this evening, God knows that their frustration is running out, and for good reason.. that their patience is running out and their frustration is developing. The intransigence of the Boat Club and the Aqua Fest people in the past to compromise on this issue has been a tremendous irritant...just as Ron has those feelings that the minority community will blame him for voting for races on Town Lake, those of us here on this side hear allegations that we don't support Austin, or that we don't love Austin, or that we don't support the Chamber, we don't support the Aqua Festival. I love my community just as much as you do, Rush, for example. And if last year we had sought to compromise, or the year before that, we might not have this problem now. It's simply incredible to me that neither side has ever been willing to seek a real compromise in this regard. I think the simplistic approaches to this that have been taken have just been utterly ridiculous. That there's only one site where these boat races can be held and we won't talk about any others...if we're truly interested in our community, then we have to recognize the real, or imagined, Mrs. Himmelblau, these people feel that it is a nuisance to their neighborhood. I for one feel that it is. That there is trash left by people attending the boat races..that there is traffic in the neighborhood that these people live in and that if we had the same situation proposed for West Austin on Lake Austin, we would have a different set of people here and the vote might be 4-3 that way, because all three of you live in northwest Austin and are more sensitive to the concerns

of those constituents. Or, seemingly, that's been my observation since we've been here. I visited with Dorothy Rowland of the Chamber of Commerce this week and I spoke very clearly about all of my opinions concerning the boat races. One of those opinions is that it's regrettable that we have the problem at all. I think it would be nice if we could hold them on Town Lake, right in the center of town, to support the revitalization effort this Council has expressed interest in. It would be nice but at the same time I have to recognize that to a significant group there is a problem to their neighborhood. Boat races are not of that much value to say to the residents of Austin, No, we are not going to address those concerns, and particularly since that has been the situation, year after year. If those in the Chamber and those of the Aqua Festival think that Johnny Trevino, Jimmy Snell and myself do not support the Chamber and this city, I want you to think about this. This year we voted to give the Chamber more than it has ever received, \$212,000. In the next five years the Chamber will more than likely get from this Council a sum in excess of \$1,000,000. And in the last five years this Council has given the Chamber \$655,000. In the last ten years, almost \$1,000,000. Now that's a pretty significant interest in the Chamber and in the City of Austin. I think that just in part as recognition of that fact we could have a little bit of compromise on this issue. And I have personally witnessed time after time, no compromise attitude on the part of the Boat Club. I have to make that admission. Last year I saw Paul Hernandez come up before the Council and plead with them to be listened to, and he wasn't. While all of these alternatives exist whether that's the west part of the Lake or whether that's Dacker Lake, I cannot believe that we have let boat races be such a divisive issue in our community. If we all thought about that for just a moment...the atmosphere that we have right now, right here in this room...we might be able to make a different look at it.

"A few minutes ago, Lee Cooke, who I accuse of being too serious, came over to me and told me not to be so serious. And I am...I was caught up in this atmosphere with these people over here threatening a riot, and these people over here telling us that if we don't vote for the boat races in Town Lake, Aqua Fest will die...it will not. If we don't support Austin on this ~~issue~~ on this side of the table, which we do, etc., etc. There just seems to me to be an abundance of extremist notions. One of the things that puzzles me the most about the Boat Club and its unwillingness to seek a permanent site is that that would guarantee forever and ever those boat races for Austin. We could promote them at a much better level than we ever have before, and don't kid yourself, the negative publicity that these boat races have received in the past has effected the quality of the boat races. We can make them better. And that is an alternative that I support. I think the residents in the neighborhood support that goal as well, as long as they weren't suffering the brunt of the boat races. I hope at least 3 others on the Council will agree that the problems concerning the west part of Town Lake can be worked out. The major problem is access. I would be willing to pay the price for the damaged landscape. I don't think the greater danger in drowning because of the deeper water near the banks is a terrific factor. But we should take adequate safety measures. And the ramps can be built."

Councilmember Cooke said, "Some of Mr. Goodman's remarks are true. I think the point that has been made regarding ~~the~~ area or alternative is viable and I think, too, from listening to tonight's commentary, that we are sitting on the fence as far as solving the issue is concerned, by saying there

is only one place where we can have these boat races. I have worked in these races year after year and this may be a good alternative. I don't think we have ever explored that and that is unfortunate...I think we've put ourselves in a situation where the banning of boat races on Town Lake at this time provides no option and the only other thing I would say is that where a lot of what Mr. Goodman has said tonight is very true, I will take exception to one point. And that is, that we three are more concerned or sympathetic to northwest Austin. I think that is far from the truth and I think you know that is far from the truth. ...I would be very interested in exploring this area (for boat races) and hearing more about it. We haven't heard from people in that area and I think that is why the motion failed for lack of a second."

Councilmember Mullen commented that the idea sounds good, but it is a simplistic answer. Councilmember Goodman said he thinks it is worth the experiment. "We hear, whether we like it or not, threats of violence, and what really concerns me is that there will be a spontaneous eruption of violence some day, that I think could have been avoided," commented Mr. Goodman. Mayor McClellan said the issue should not be decided on possible violence that might erupt. She said she thought people should talk together, wherever the boat races are set and tottake all precautions necessary.

Councilmember Snell reminded the Council that he took a beating last year in order to save the boat races for the City, and that he is very displeased that nothing has been done re re-locate the races this year. He strongly urged that action to do so should be taken right away...it should not be prolonged any longer. In answer to the Mayor's agreement and Mr. Mullen's question as to where they should be. Councilmember Snell said last year he tried every site and was met with opposition. He said he does not have a solution because he knows the people around Lake Long do not want them there, either. He has no solution to the problem but feels Council should continue to support the ordinance they passed last year.

Friendly Amendment to the Substitute Motion

Mayor McClellan offered a friendly amendment to the substitute motion that boat races are to be held for a maximum of three weekends. Councilmember Mullen and Cooke accepted her friendly amendment.

Friendly Amendment to the Substitute Motion

Councilmember Cooke offered a friendly amendment that starting times of the races will be 10:00 a.m., Saturdays, and 1:00 p.m., Sundays. Councilmember Mullen accepted the friendly amendment.

Friendly Amendment to the Substitute Motion

Mayor McClellan offered a friendly amendment that a full report from staff shall be brought to Council as quickly as possible about how to control access to the boat race site, and also work with the Neighborhood Advisory Committee and people in that community on taking any steps that the City can for traffic control, cleaning up the area, and whatever concerns have occurred in the past. Councilmembers Mullen and Cooke accepted the friendly amendment.

Roll Call on Substitute Motion with Three Friendly Amendments

Roll call on the substitute motion as stated by Councilmember Mullen, with two friendly amendments by Mayor McClellan and one friendly amendment by Councilmember Cooke, showed the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,
Councilmember Cooke

Noes: Councilmembers Goodman, Snell, Mayor Pro Tem Trevino

The Mayor announced that the substitute motion as amended had passed.

Mayor Pro Tem Trevino stated with his motion: "Probably what's more important than boat races, more important than the economic impact that boat races have is, to me, the faith that some people in my community have lost caused by the actions that are going to be taken by this Council. I do not question the authority that this or any Council has. A Council can make and rescind an ordinance whenever they want to. But I think uppermost in my mind is the principle that a group of people in this community that for so many years has not been represented and not been listened to finally after so many years, their advice is heeded by Council, and yet before even that ordinance takes effect, another Council comes in and rescinds it. In a way I am proud to have been a part of the Council that heard what the barrio had to say. I am sorry that we can't give you this time what you need and want. But be assured that there are some of us, even though we go down this time, who will be around, and we'll do it again some other time. I vote 'No.'"

Mayor McClellan stated with her motion: "I think Johnny said it correctly when he said Councils do change ordinances and I think Councils do precisely that on many, many issues. I think that Fiesta Gardens and Festival Beach is a very appreciated area. I'm sure it also has problems in the neighborhood with parking and noise. I've been in their area for many events, Cinco de Mayo, etc. There are a lot of activities in that area. Boat races, also. I realize that there is a diversity of opinion about what events should and should not be taking place in that area. I again encourage those who are opponents and proponents of the boat races taking place on Town Lake to hopefully talk with, if they have not, or continue talking if they have, to each other, and working with the community, being particularly sensitive on these three weekends of every step we can take to protect that community and to anything that is offensive about the boat races themselves. I vote 'Yes.'"

Councilmember Cooke stated with his vote: "I think it's extremely unfortunate that we are in a situation where we are looking at an extensive report of dollar amount to go to Lake Long and certainly not enough time to do that. At the same time we did hear problems, maybe serious problems about losing its viability would be so it really doesn't become an option. Thus the option is to vote either to ban boat races from Austin or to allow them and I feel that the neighborhood has a very serious concern and I feel the community at large has a very serious concern and they both tried to raise it here tonight. But, I feel that boat races to have no option to me is not viable and therefore I will continue to seek a solution and maybe what Mr. Goodman had proposed is a solution, it's unfortunate we didn't have that as a solution tonight, or didn't have the facts to address it adequately. So I will vote 'yes' to continue the boat races and hope we can find a solution because I don't think we have one with the vote tonight."

Councilmember Goodman stated he feels Council does have the facts and there has been the same problem year after year. He said Mr. Robinson has not listed one single problem that is insurmountable.

At this point, Paul Hernandez approached the podium and said he would be heard. The Mayor told him he could not speak...that if he did then she would have to let everyone and that would open the public hearing up again. Councilmember Goodman made the following motion:

Motion

Councilmember Goodman made the motion, seconded by Mayor McClellan, that Paul Hernandez be allowed to speak for two minutes.

Friendly Amendment

Councilmember Mullen offered a friendly amendment that one person on the opposite side of the issue who wishes to speak should also be allowed two minutes. Councilmember Goodman and Mayor McClellan accepted the friendly amendment.

Roll Call on Motion

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Paul Hernandez stated: "The lie that this body of government, the lie that we faced last year. Mayor McClellan we thought that you might be understanding enough to hear the plea of a neighborhood. However, since you do not feel that we deserve the right that other neighborhoods have, therefore, I think it's up now to the people of the barrio to decide if they want the boat races or not and they will decide that when the first boat race comes to Town Lake, so it's not a threat and it's not a warning. The people themselves will decide and then you will know, perhaps maybe too late...then you will know."

No one on the opposite side of the issue chose to speak.

RECESS

The Council recessed its meeting from 9:20 p.m. until 9:35 p.m.

VFW AUXILIARY DAY

Mayor McClellan read a proclamation designating January 19, 1978, as VFW Auxiliary Day and presented it to MRS. GENE MINNIX, National President of the Ladies Auxiliary to the VFW who was in the City from Belle, West Virginia; and to MS. DUVI OLIVARES, Austin.

GOVERNMENT REDUCTION LEAGUE

MR. TERRY L. PARKER, representing the Government Reduction League, requested to appear before Council to discuss removal of certain laws. His thesis is that many of the laws pertaining to the City of Austin are no longer applicable and should be repealed. He introduced TOM ARMSTRONG of the Citizens Commission on Human Rights who discussed Senate Bill 1437 and urged citizens to contact their Senator regarding the vote on the bill. Mr. Parker then spoke again and said laws he wanted to recommend for deletion are laws which regulate hours for businesses of junk dealers, amusement parks, drive-in theaters, gravel pit rock crushers within 600 feet of private residence, church or hospital. He said we have a general noise ordinance 23-12, which could be elaborated, and thus eliminate the other laws. Councilmember Cooke stated that the Council, in its goals and priorities, has addressed the fact it will review all ordinances in this City for their effectiveness. So what Mr. Parker has proposed is something the Council is already doing and is receptive to. Mayor McClellan suggested Mr. Parker take his specific findings to a member of the Council who can in turn introduce the item for study. Mr. Harris, City Attorney, told Mr. Parker that the City Code has to be re-codified by July 16, 1979, and the Legal Department is doing some preliminary work in that area now. He extended an invitation for Mr. Parker to work with them in any capacity he wants to...they can compile their information and the Legal Department will determine what should and should not be in order for Council discussion. Councilmember Mullen stated that if Mr. Parker will bring laws to him each week which he feels are no longer applicable, he will introduce them to the Council.

REQUEST FOR TERMINATION OF RESTRICTIVE COVENANT

MR. WILLIAM T. CARLISLE, representing Richard D. Hardin, and T. B. & T. Building Corp., and North Austin Lion's Club, present owners of Lot 2-B and Lot A, Outlot 76, Division D, Mrs. Clotilda Ida Mansbendel Subdivision, appeared before Council to request termination of restrictive covenants imposed when the zoning was changed from "O" to "LR." He said the land is between West Avenue and King Street, on West 38th Street. Several months ago Mr. Hardin purchased the property in question, required in his contract that the property be zoned "LR." Subsequent to the date of the contract the present owners sought to change the zoning of a portion from "O" to "LR." At the time the zoning request was before the Planning Commission. The Planning Commission, on its own initiative, not knowing the ultimate use of such property, requested that the property be restrictive so that prior to development a special permit would have to be approved by the Planning Commission and the City of Austin. Such agreements further provided that such restrictions could be terminated by a majority of the members of the City Council. The staff of the Planning Department had not requested such restrictions then, and according to my understanding, said Mr. Carlisle, from both Dick Lillie and Duncan Muir, does not oppose the requested termination. Mr. Hardin was not aware that this restrictive covenant was placed against the property until Monday afternoon of this week, which was the date set for closing of this purchase. Not knowing of this restrictive covenant, Mr. Hardin had devised a site plan for this property for use as a medical office park and his architect had prepared detailed working drawings for this purpose. He has also attained tentative approval of such site plans from both the Planning Department and Building Inspection Department and had planned to seek a building permit early next week.

He has also created obligations regarding construction of the improvement and leases of such property to doctors, some of whom have already given up their present leases in anticipation of the completed project. It is imperative, continued Mr. Carlisle, that the City Council tonight terminate such restrictive covenant provisions requiring a special permit for such property. In the event the Council does not, then he said, in their opinion, Mr. Hardin's development will collapse due to inability to close under the contract, failure to satisfy his financing requirements, and the failure to furnish space to several doctors who have already contemplated it.

Members of the Council discussed Mr. Hardin's request and the following motion was made:

Councilmember Goodman moved that the Council rescind the special permit in two areas and refer this zoning back to the Planning Commission to roll zoning back to "O" Office on the back portion of the property; "LR" Local Retail to remain on the West Avenue portion. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

ZONING HEARING - DENIED

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. to consider the following zoning. Pursuant to published notice thereof, the following zoning case was publicly heard:

TRINITY HOMES, INC. 11741-11763 Jollyville
By Dale Hill Road
C14-77-150

From Interim "AA" Residence
1st Height and Area
To "A" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a restrictive covenant providing for a site plan and a minimum of 2,200 square feet per duplex structure.

Mr. Dick Lillie, Director of the Planning Department, told the Council that the subject application is in Northwest Austin between Jollyville Road and U. S. Highway 183, in the Summit Oaks subdivision also bounded by Highland Oaks subdivision in the west. He stated that the area was annexed a couple of years ago and is mostly made up of single-family, residential development. There are some non-residential usages which exist on old Jollyville Road and Highway 183. Mr. Lillie indicated that the tract consists of 11.7 acres of undeveloped land except for one residence that is located in the Southwest corner of the tract. Land uses immediately adjoining the tract include single family residential and Interim "AA" Residence zoning. Mr. Lillie stated the Council recently granted an amendment changing the Interim "AA" zoning to "A" zoning on six lots on Bell Avenue. He stated that the staff and the Planning

Commission have recommended the zoning for the tract be amended from Interim "AA" to "A" Residence zoning. The Planning Commission has placed a restriction on the zoning related to a site plan and a minimum of 2,200 square feet per duplex structure if duplexes are built. Mr. Lillie stated that a petition has been filed by 95 property owners in the area. He stated that a subdivision has been filed by the applicant that includes 37 lots. If the land is retained as Interim "AA" zoning, the lots can be used for single family detached housing. If the land is zoned to "A" zoning, it can be used as 37 duplex lots, which would double the density on the particular acreage. Councilmember Goodman asked if it would be possible to permanently zone an area in order to allow petitioning. City Attorney Jerry Harris pointed out that State law requires that a zoning must first go through a hearing procedure before this can be done. Mr. Lillie stated that permanent zoning status for the tract is currently being considered by the Planning Commission.

MR. DALE HILL, representing the owners of the tract, indicated that they concurred with the staff recommendation and hoped to get their zoning approved as fast as possible.

MS. JUDY WALKER, representing the Northwest Oaks Neighborhood Association, told the Council that her organization was opposed to the "A" zoning request for the development of duplex units. She stated that development in the area would increase the density of the area and the construction of duplexes would lower the property value of homes already existing in the area. Ms. Walker asked that the Council deny the zoning request and zone the area permanent "AA" zoning.

MR. ROBERT BLEDSOE requested that the Council retain the "AA" single-family residential zoning in the area. He indicated that altering the zoning in the area would increase traffic congestion in the area which is, as Mr. Bledsoe pointed out, already a great problem.

MR. AL SEITER requested that the Council retain the "AA" Residence zoning in the subject area.

MR. PAUL WEISS told the Council that he denied the sale of property to the developers in order to maintain the integrity of his neighborhood. He asked that the Council retain the "AA" Residence single-family zoning for the area.

MR. MORRIS WILLIAMSON declined to speak on his turn before the Council.

MR. ED LAUFFER told the Council that granting the proposed zoning request would lower property values in the area by several thousand dollars. He felt that this would be unfair to the residents in the area. Mr. Lauffer requested that the Council deny the zoning request.

Councilmember Himmelblau moved that the Council close the public hearing and deny the request for a zoning change. The motion, seconded by Mayor McClellan, carried by the following vote:

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

The Mayor announced that the zoning had been DENIED.

PUBLIC HEARING ON AN AMENDMENT TO CHAPTER 45 (ZONING)
CRITERIA FOR HISTORIC DISTRICT

Mayor McClellan opened the public hearing scheduled for 8:00 p.m. on an amendment to Chapter 45 of the Austin City Code (Zoning Ordinance) to establish criteria for a Historic District. Mr. Dick Lillie, Director of the Planning Department, told the Council that over 500 U.S. cities have district provisions for historical zonings, 10 of which are located in Texas. He stated that the present Zoning Ordinance adopted in 1974 allows for the historic zoning of buildings, structures, sites, district areas and lands. In the past three years the Historic Landmark Commission has concerned itself mostly with the zoning of structures and 73 structures have been designated by the Council for "H" zoning. Mr. Lillie stated that the proposed amendment reflects a combination of district criteria from other cities in the country as well as guidelines from the National Trust on Historic Preservation. The amendment deals specifically with criteria to establish historic districts and areas as opposed to dealing with each individual structure. He stated that there are no specific districts to be effected by the adoption of the proposal. Mr. Lillie indicated that the proposal has had five public hearings, three before the Historic Landmark Commission and two before the Planning Commission. He stated that notification for the hearings were extensive and that staff had utilized advertising in local newspapers to notify persons of the hearings.

Mr. Lillie then went through the main portions of the Ordinance. He stated that the Ordinance applies to all buildings, structures, sites, areas or lands that would be located within a designated historic district, whether the building is historic or not. The exterior features of any building would be required to have a permit granted by the Building official of the City. No public improvements would be made without approval of the City Council after recommendation of the Historic Landmark Commission. A historic district would have to have at least 75% of the total structures within the boundaries of some architectural, historic, archaeological or cultural importance. He stated that Part D, Page 2 of the Ordinance, applies to how a district is established and outlines several factors that must be taken into consideration in so doing. Mr. Lillie pointed out that under Part D, once a district is established, provisions for the increasing or decreasing of boundaries is outlined.

There is a provision in Section 5 of the Ordinance that would permit the inclusion or exclusion of properties from a district if there were economical hardships involved. Item 6 permits a written petition of at least 20% of the property owners within 200' of the property to be zoned. Mr. Lillie indicated that there are provisions related to the creation of a district preservation plan. This plan would require the consideration of zoning, building code regulations, sign regulations, parking regulations, architectural consideration, transit and traffic operations and public improvements.

Part 7, Page 7 of the Ordinance, under Item E, states that for those properties which are not of historic, architectural, archaeological or cultural importance or value, may at the owner's discretion, make changes to the building, as long as there is no variance from the district preservation plan. In this instance, there would be no review by the Historic Landmark Commission and no certificate of appropriateness would apply.

Mr. Lillie stated that once the report for a proposed historic district is developed and submitted and considered by the Landmark Commission, that report would be submitted to all the departments, Boards and Commissions of the City and other public agencies effected. It would also be available to property owners within the proposed district for their review prior to its coming to the Council for final action. He stated that the Commission has recommended a medallion be considered for buildings that are zoned Historic.

MR. PHILLIP CREEK, Chairperson of the Historic Landmark Commission, told the Council that a historically zoned district would not necessarily be rectangular, but could take on irregularly defined boundaries depending on the structures being deemed historic. He stated that by observing historic districts in other cities, there seems to be an advantage in keeping whole areas within their historic character.

MR. TERRY BRAY, an attorney representing property owners, told the Council that his clients were in opposition to the proposal. He stated that the proposal should be rejected for the three following reasons:

1. That the proposal is unwise in many of its concepts and in many of its details.
2. That the proposal is unnecessary.
3. That adoption of the proposal is untimely and should not be done now.

Mr. Bray pointed out that the Ordinance deals not only with historic situations but also with architectural, archaeological and cultural ones. He felt that this could be cause for abuse as any building could qualify as a historic zoning. Mr. Bray felt that the exclusion provisions were unduly burdensome. He felt that the adoption of the Ordinance is untimely and should be postponed until the outcome of the Driskill Hotel litigation is known.

MS. INA RAY SMITH, a member of the Historic Landmark Commission, told the Council that Austin has as much historic value as any other city in the country. Councilmember Himmelblau indicated that she had some misgivings about zoning an area a historic district because it might include buildings that did not have historic value.

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

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

Councilmember Goodman moved that the Council instruct the City Manager to bring back the Ordinance for the following week's meeting of January 26, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Goodman extended thanks to the Landmark Commission members for the hard work they put in for the City.

PUBLIC HEARING ON THE 1978-79 COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor McClellan opened the public hearing scheduled for 8:30 p.m. on the 1978-79 community development block grant. Mr. Andy Ramirez, Director of the Human Resources Department, told the Council that this was the first of two public hearings that will be held this year on the fourth year of the community development block grant program. He stated that the City will be receiving about \$6 million. He stated that the public hearing was part of a comprehensive needs assessment that is conducted by having neighborhood meetings which gauge the various needs of the community. He indicated that these needs are first brought before the Community Development Commission and the Planning Commission before they are brought before the Council. The meetings are held in target areas which are the low and moderate income areas. There are six meetings scheduled already and additional public meetings are currently being considered. Mr. Ramirez then listed the locations where public meetings will be held.

He itemized some of the eligible activities as follows:

- a. Land acquisition
- b. Senior citizens
- c. Centers for the Handicapped
- d. Neighborhood facilities
- e. Street improvements
- f. Water and sewer facilities
- g. Housing rehabilitation
- h. Code enforcement
- i. Economic development
- j. Public services
- k. Drainage improvements
- l. Parks and recreation

Mr. Ramirez then listed some of the ineligible activities that could not qualify for the grant. They are as follows:

- a. New home construction
- b. Income payments
- c. Schools
- d. Education
- e. Facilities for general public use
- f. Medical facilities
- g. Sewerage treatment plants
- h. Jails
- i. City halls

MS. NADINE WHITELEY, representing the Pecan Springs Integrated Neighborhood Association, spoke to the Council on an area south of 51st Street, west of Pecan Springs, north of Lovell Street and east of Manor Road directly north and east of the airport. In name of her organization, Ms. Whitely made the following proposals for the area:

1. That several acres of vacant land currently zoned for high density apartments, if available, be purchased for a neighborhood park, inclusive of a baseball diamond and a half-court basketball court to be constructed as quickly as possible; and

that a temporary gameroom be provided until a permanent one can be erected in 3-4 years; and that one or more adults be available several hours daily to plan and participate in activities with the youths.

2. That a roadway be built between old and new Manor Road, connecting 51st Street with appropriate traffic signals on Manor Road so that access will be more readily available to Bartholomew Park and eliminate an extremely dangerous traffic situation; and that sidewalks and bikeways be added along 51st Street to the park and that personnel be added to the park to provide planned activities during certain hours. The cost for the additional roadway would cost approximately \$200,000 according to the Urban Transportation Department.

Ms. Whitely indicated that she was in favor of the first proposal listed above. She stated that their main concern was to provide an outlet for area residents, especially the youths in the area. Ms. Whitely assured the Council that she would submit a copy of her proposal to the Council.

MR. LARRY DOLL, representing the Ridgelea Neighborhood Association, told the Council that his neighborhood was within a moderate income bracket which would qualify the area for block grant funds. Mr. Doll presented the Council with a handout of the requests being made by his organization. (See: Appendix I). He asked that the Council give consideration to the requests.

MS. ELAINE ROBERTS, representing the housing committee of Mobility Impaired Grappling Hurdles Together (M.I.G.H.T.), told the Council that there are at least 14,500 handicapped persons living in Austin. She told the Council that the handicapped preferred living in their own neighborhoods in smaller living units than living in a large 100-unit complex strictly for the handicapped. Ms. Roberts pointed out that at a meeting sponsored by the United Cerebral Palsy of Texas, January 15, 1978, four primary recommendations for housing were made for the handicapped in Austin. The recommendations were as follows:

1. Efforts towards housing for handicapped be coordinated to assure maximum of the dollars available.
2. Planning should include heavy consumer involvement both individuals with handicaps and consumer groups.
3. Priority be given to housing for severely physically impaired persons who need attendant care.
4. Additional consideration be given to working individuals with moderate incomes.

Ms. Roberts stated that it was their sincere hope that a portion of the block grant will be used to address the housing needs of Austin citizens with handicaps.

MR. KEN VIENOT, Director of the Max Gotchman Center for the United Cerebral Palsy Association of Texas, cited examples of poor housing conditions for the handicapped to the Council. He asked the Council to give consideration to those who are handicapped not only by their diagnosed disability but by the barriers of inadequate housing which fosters inferior life styles as well as promotes dependency on the community taxpayers.

Mr. Ramirez pointed out that while new construction could not be undertaken for housing for the handicapped, housing rehabilitation can be done using the block grant funds. Mr. Jim Miller, Assistant City Manager, told the Council that they would have further remarks to make on housing for the handicapped at the next Council meeting.

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

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

(Appendix I on next page)

19 January 1978

RIDGELEA NEIGHBORHOOD ASSOCIATION

Request for Improvements under the Housing and Community Development Program

PRIORITY ONE:

Pedestrian Improvements

- Sidewalk along Bull Creek Road from Jefferson St. to 45th St.
- Sidewalk on Jefferson St. between Pete's Path and 39th St.
and between Idlewild and Ridgelea (hilly areas)
- Crosswalk lights at corner of Jefferson St. and Bull Creek Rd.

PRIORITY TWO:

Neighborhood Park

- Extend hike and bike trail along Shoal Creek to Gregg Hill Park
- Provide access bridge across Shoal Creek to hike and bike trail
and Gregg Hill Park
- Develop Gregg Hill Park in two phases:
 - (1) Clearing, grading, seeding, and planting (to be carried out
by city)
 - (2) Construction of benches, tables, and play equipment
(to be carried out by neighborhood residents with assistance
of city)

PRIORITY THREE:

Street lamps (small, low illumination, down lights) throughout
neighborhood

Prepared by Larry A. Doll
4010 Ridgelea Drive
451-0093

January 19, 1978

GREGG HILL PARK



EXTENDED
HIKE/BIKE
TRAIL

NEW
WALK
ON HILL

NEW WALK
ALONG
BULL CREEK RD.

IDLEWILD

RIDGELEA

PETE'S PATH

39TH ST

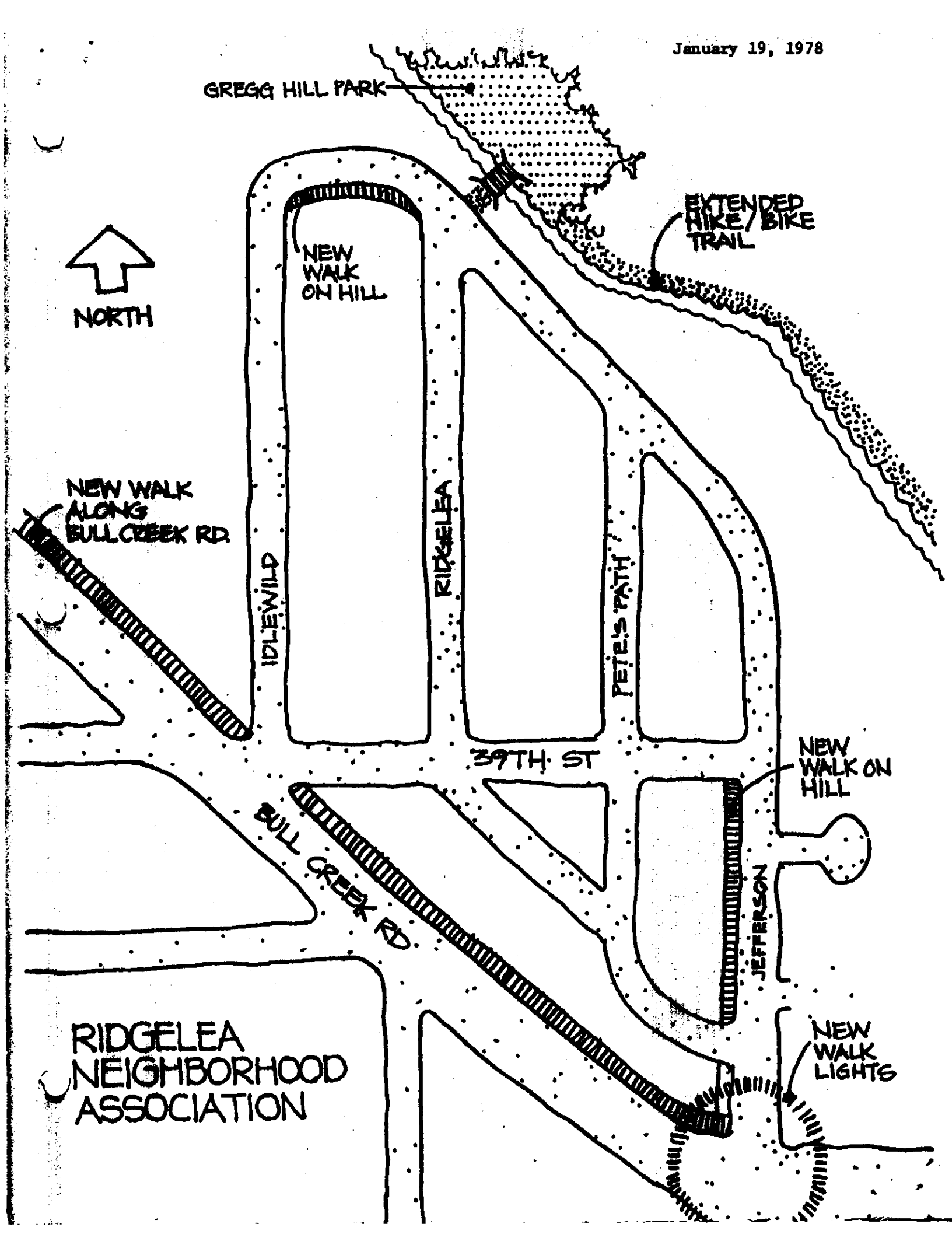
NEW
WALK ON
HILL

BULL CREEK RD.

JEFFERSON

RIDGELEA
NEIGHBORHOOD
ASSOCIATION

NEW
WALK
LIGHTS



APPROVAL OF SIGN

Councilmember Himmelblau moved that the Council adopt a resolution to grant a License Agreement to Koger Properties, Inc., of Austin, to erect a sign on public property located on Executive Center Drive. (Requested by Tom Fields of Koger Properties, Inc.) The motion, seconded by Councilmember Snell, carried by the following vote:

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

Councilmember Himmelblau commented that she thought when Council voted for a change in the sign ordinance that it was for non-profit organizations only. Mr. Harris, City Attorney, said it was amended to allow temporary signs for non-profit organizations. For a long time permanent signs have been granted under License Agreements and the ordinance had also been amended to reflect the policy that had been followed by the Council for a long time. Mr. German, Director of Public Works, said the request is in order and approval is recommended. The sign is one to indicate the Koger Office Center. They had one on MoPac right-of-way but the City requested them to relocate the sign.

CONTRACTS AWARDED
TRUCKS

The Council had before it a resolution to award contracts for the purchase of light duty trucks, vehicles and equipment for the Service Department. Councilmember Cooke expressed his concern regarding the purchase of vehicles and asked questions regarding their use. He wondered if, with the large number of vehicles the City already owns, whether or not the possibility of taking them from one department and using them in another has been explored. After questions concerning the purchase of vehicles put to and answered by Curtis Johnson, Director Water and Wastewater; John German, Director of Public Works; and R. L. Hancock, Director of the Electric Utility Department, Councilmember Mullen asked Mr. Davidson, City Manager, to look into the possibility of using private industry to perform some tasks for the City. Mr. Mullen felt that a reduction in personnel would create a reduction in vehicles needed. Mr. Davidson said his staff would look into this. Mr. Mullen referred to maintenance type work, which is now performed by City crews, such as heating and air conditioning. He asked Mr. Davidson if this aspect had been looked into. Mr. Davidson answered, "Not this aspect. I don't believe we've looked into the maintenance aspect of it. I think this is an area we ought to look at in the future. ... We can come back to you in 30 days with a report. ... One of the things I'll ask for in this study is the rate of additional systems that we're adding per year. And I think you'll find we've added very few resources in the way of personnel and equipment. And we've got some additional things coming on line in the future and that is the first area I think we ought to think about contracting. Any new fire stations, libraries, recreation centers, and so forth. And we'll try to buy that first and then we'll back into the existing facilities that we are now maintaining and relate that to the budget."

Councilmember Cooke said, "I cannot support three additional vehicles in Water and Wastewater, one in Public Works, and one in the Electric Department." Mr. Davidson stated, "We may have to come back to the Council then and report on some kind of a change in work program, and possibly an amendment to the budget that you've approved for additional personnel."

Councilmember Goodman moved that the Council adopt a resolution to approve all of the following, with the exception of 1 for the Electric Department, 1 for Public Works Department, and 3 in the Water and Wastewater Department:

Bid Award:

- Light Duty Trucks, Vehicles and Equipment Service Department

LONGHORN INTERNATIONAL
EQUIPMENT COMPANY
4711 East 7th Street
Austin, Texas

- Item LT-1 - \$26,732.52

JAY SMITH CHRYSLER/PLYMOUTH
841 West 6th Street
Austin, Texas

- Item LT-2 5 & 6 - \$12,966.00

LEIF JOHNSON FORD COMPANY
507 East Koenig Lane
Austin, Texas

- Items 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

LEIF JOHNSON FORD
TRUCK CITY
502 East Ben White Boulevard
Austin, Texas

- Item LT-9 1 - \$24,908.00

COURTESY DODGE, INC.
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

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

Ayes: Mayor Pro Tem Trevino, Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: Councilmember Snell
Not in Council Chamber when roll was called: Mayor McClellan

CONSTRUCTION CHANGE ORDER

Mayor Pro Tem Trevino moved that the Council adopt a resolution approving a Construction Change Order in the amount of \$24,386.05 to Austin Road Company for 1976-77 Safe School Sidewalk Program. CAPITAL IMPROVEMENTS PROGRAM, No. 4019 and 7516 2. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Mayor Pro Tem Trevino asked about the percentage of the Change Order. Mr. Davidson, City Manager, explained this is not the type of change we normally have. It's a special change condition, a change in the scope of work in order to take advantage of the E.D.A. funds and the full sidewalk program the City would like to get completed under this contract. Mr. Charles Graves, Director of Engineering, said the percentage of change is 15.98% for the total change order. Mr. Davidson added that ever since Council first awarded the contract they have tried to adjust the contract in order to take advantage of all the E.D.A. money offered to them. It has been found that some of the funds can be used to relocate water services. Mr. Graves said this particular adjustment is not under E.D.A., but under the Safe School Sidewalk Program. He pointed out that the work with E.D.A. taught them they can get a good deal of relief from Mr. Johnson's relocation crews on our heavier projects. They also found they could get good prices for relocation of services in conjunction with the sidewalk construction and they have extended E.D.A. into the C.I.P. These are not new dollars being spent but dollars being spent through the contractor rather than the use of Mr. Johnson's forces. ~~They~~ would have been spent, but he would have spent it rather than it being paid to the contractor. "The use of private enterprise," commented City Manager Davidson.

**WATER LINE
COST DIFFERENCE**

Councilmember Himmelblau moved that the Council adopt a resolution to authorize payment of the following:

EAMES INDEPENDENT SCHOOL DISTRICT	- Cost difference of 16"/8" water line required to serve the Eames ISD Intermediate School Addition - \$11,888.04.
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The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

During discussion of the above, Councilmember Himmelblau asked if this is in Lost Creek MUD (Municipal Utility District) or Water District 10. Mr. Curtis Johnson, Director of Water and Wastewater, informed her that this is an extension of the City's system, and explained the subdivision requirements. He said if the Lost Creek contract had not been approved, there would have been a 12" line installed with the City paying the normal 12"/8" cost. In this case the line was changed to a 16" line and the City is still paying the 12"/8" cost, with Lost Creek paying 16"/12" cost. Mr. Johnson stated that the Agenda information might be misleading. Councilmember Himmelblau said that when she voted for Lost Creek MUD, she was told the City would not pay for another piece of pipe in the ground, and that is why she questioned the cost. City Manager Davidson told her that "the City is paying for the pipe, however, we are paying for the same as if the Lost Creek contract had never arisen. We did ask for the 12" water line requirement and then the contract with Lost

Creek came up. Maybe we didn't get the full intent of the Council, but this was our understanding as to how the project would proceed." Mr. Johnson said this applicant has complied with everything asked of everyone else and there is no difference in this application.

POWER SALE

Councilmember Goodman moved that the Council adopt a resolution to proceed with contract development for a scheduled power sale in 1980 and 1981 to Houston Lighting and Power Company. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mr. R. L. Hancock, Director of the Electric Utility Department, spoke concerning the sale of power to Houston and explained the contract to the Council. Councilmember Goodman asked where the money, \$8,000,000.00 from the sale would be used, and Mr. Hancock replied it could be used in various ways. Councilmember Goodman carried on a lengthy discussion concerning a magazine article he had just received.

FAYETTE POWER PLANT RIGHT-OF-WAY EASEMENT ACQUISITION

Councilmember Mullen moved that the Council adopt a resolution to ratify a Resolution previously passed by the City Council dated June 9, 1977, with proposed easements more specifically defined concerning the Electric Power Transmission Lines Right-of-Way Easement Acquisition (Fayette Power Plant to Austrop Substation), CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Mr. Harris, City Attorney, said that on June 9, 1977, Council authorized hiring of some property agents to help in the acquisition of properties for this particular transmission line right-of-way. "At that time," he said, "we thought things would be moving very rapidly and we did not specify the properties that were going to be acquired. We have time to do that now, and half of the properties have been specifically identified and we request the Council to reaffirm their action of June 9. The only real changes to this resolution are the specific property which have now been identified through survey." Mr. Harris told the Council, "We just need you to approve this resolution authorizing the acquisition of the specific properties through purchase or through eminent domain in the event that we cannot agree on a negotiated price with the landowners."

UTILITY SERVICE REGULATIONS

The Council had before it for consideration a resolution adopting utility service regulations. Mayor McClellan indicated that it would be the April utility bill that would reflect the new rates and service regulations and the June or July bill which would reflect the new billing format. City Manager Dan Davidson indicated that this was correct. Mr. Guymon Phillips, Manager of the Customer Service Department, told the Council turns on about 85% of its total meters every year. He pointed out to the Council that the City of San Antonio has a turn-on rate of 25% per year, Dallas Power and Light 24% per year, the City of Houston at 46% per year and Houston Power and Light about 40% per year. Mr. Phillips indicated that Austin meter turn-on projections for the coming year are 111%, and that every meter in the City would be turned on at least once a year. He stated that service costs for Austin for the first 18 days of January of this year amount to \$104,908. He indicated that the figure will probably go up to about \$13,000 by the end of the month. Councilmember Goodman indicated that he was in favor of having apartment managers centralize unit utilities being turned on simultaneously in order to cut down on the number of service calls being made by the City to turn-on electricity. In response to a question from Mayor McClellan, Mr. Phillips stated that the turn-off fee would be essentially the same as the turn-on fee and that annual fluctuations for each would parallel one another.

Councilmember Goodman stated that it was not fair to the students to charge a turn-on fee because records showed that the highest turn-on periods were not during the times students returned to school. But ~~also~~, Councilmember Mullen pointed out that this additional cost for turning on students was merely being deferred to later months and that the students were the cause of the high turn-on rate. He pointed out that the net result of imposing a turn-on fee could be reduced if the City paid interest on deposits made by utility customers. Mayor McClellan asked if the \$7.50 turn-on charge was unanimously adopted by the Electric Utility Commission. Mr. Monty Nicholas, Director of the Finance Department, indicated that it was. Councilmember Goodman stated that the Council should not act on the proposed turn-on fee until actual cost data is received. He stated that he wanted to have staff return with a report as to the alternatives that could be utilized in replace of the turn-on fee.

City Attorney Jerry Harris said, "I could bring this up later. There has been a lawsuit regarding hearing policy in relation to cut-offs and we settled it. I have some slightly different wording for the hearing procedure. I would like to put in the regulations...not a substantial change."

Motion

Councilmember Himmelblau moved that the Council adopt the proposed package and include the ~~wording~~ recommended by the City Attorney. The motion, ~~was seconded by Councilmember Himmelblau and carried by a 4-2 vote.~~

Friendly Amendment - Not Accepted

Councilmember Mullen offered a friendly amendment to include "pay 6% on deposits the City holds." The friendly amendment was not accepted.

Roll Call on Motion

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

Councilmember Goodman made the following statement during roll call:

"I vote yes, but I want the record to reflect that I was totally opposed to that \$7.50 turn-on and it's just totally inconsistent. I don't care how long we've been working on something to vote on when we do not have all of the information that we think is required. And, Mayor, your own argument that this system be based on cost reinforces my point that we are not even making that consideration in reducing the electric rate payment penalty from 10% to 5%. How do we know we're not subsidizing that crew now? We don't! That's the last time I'm going to say it! No, on that one particular point."

The Council requested that the City Manager bring back as soon as possible a report on paying interest on deposits.

ORDINANCES ON POLICE CIVIL SERVICE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A TO INCREASE THE NUMBER OF AUTHORIZED POSITIONS WITHIN THE CIVIL SERVICE CLASSIFICATIONS OF POLICE MAJOR AND POLICE CAPTAIN; ESTABLISHING AN EFFECTIVE DATE; 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. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, AS AMENDED BY ORDINANCE NO. 771215-A, TO DECREASE THE NUMBER OF AUTHORIZED POSITIONS WITHIN THE CIVIL SERVICE CLASSIFICATION OF POLICE SERGEANT; ESTABLISHING AN EFFECTIVE DATE; 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 effective immediately. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART 2 OF ORDINANCE NO. 740718-E TO ABOLISH THE CIVIL SERVICE CLASSIFICATION WITHIN THE POLICE DEPARTMENT OF DEPUTY CHIEF; ESTABLISHING AN EFFECTIVE DATE; 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 effective immediately. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Cooke asked Chief Dyson if the above has to do with the reorganization in his department, with no expenditure of funds as a result of the fact that sergeants are reduced. Chief Dyson said there would be a reduction in funds expended in the reduction of the sergeant. He said this amounts to a police photographer who has developed in the ranks over a long period of years. He's now retired, and they want to replace the position with a civilian photographer rather than a policeman. Overall reduction to the Police Department, Chief Dyson said, will be \$14,251.00 total cost.

TIMES FOR CITY COUNCIL MEETINGS

The Council had before it for consideration an ordinance establishing times for City Council meetings. Mayor McClellan noted that suggested times are to be changed to 9:00 a.m. on Thursdays, and resume at 1:00 p.m. in the afternoon. Mayor Pro Tem Trevino said, "I don't care what time we start, but I think it is ridiculous for us to be here this late (1:00 a.m.) with staff... I think we should seriously consider some kind of deadline. We have staff here, Chief Dyson just left and we started at 6:00 p.m. I'm sure that probably nobody in the world listens to us." Mayor McClellan commented that perhaps they should have only daytime meetings except when they have public hearings and have them at night. Councilmember Goodman said he felt there

is a large segment of the population who can attend meetings at night. That gives Council the option of scheduling items that have that large appeal at night. Mayor Pro Tem Trevino said, "We defeat our own purpose, we still have several items on the agenda, it is after 1:00 in the morning, and who in the world is out there in the audience, and who in the world is listening?" There was more discussion concerning the times meetings should be held. Councilmember Trevino said that it wouldn't matter how early meetings start on the third Thursday, Council will still be in session at midnight.

Motion - Failed

Councilmember Mullen moved that the Council meet at 9:00 a.m. and 1:00 p.m. during daytime Council meetings, and begin at 5:00 p.m. on the Thursday they meet in the evening, with Executive sessions to begin at 4:00 p.m. on Wednesday. The motion, ~~was seconded by Councilmember Goodman.~~

Friendly Amendment

Councilmember Goodman offered a friendly amendment to begin at 1:15 p.m. in the afternoon. Councilmember Mullen accepted the friendly amendment.

Roll Call on Motion

Roll Call on Councilmember Mullen's motion, Councilmember Goodman's second, with friendly amendment, failed to carry by the following vote:

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

Motion

The Mayor introduced the following ordinance:

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

Councilmember Himmelblau waived the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, to meet at 9:00 a.m. and 1:15 p.m. for daytime Council meetings, and begin at 6:00 p.m. for meetings on the third Thursday of each month, with executive sessions to begin at 4:00 p.m. Wednesday afternoons. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

WATER AND WASTEWATER SERVICES

The Council had before it for consideration, an Ordinance revising the minimum monthly charge for Water and Wastewater services and establishing a monthly standby charge for such service. City Attorney Jerry Harris asked if this included adding a paragraph about the 5% penalty for a late charge. Mayor McClellan indicated that this was part of the Ordinance.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER SYSTEM AND THE WASTEWATER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER AND WASTEWATER CONNECTIONS AND FACILITIES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THAT ORDINANCES ~~SHALL~~ BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: Councilmember Snell, Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

ORDINANCE ESTABLISHING ELECTRIC RATES

Councilmember Himmelblau asked if there was a letter from the State Board of Control. Mr. R. L. Hancock, Director of the Electric Utility Department, indicated that there were several points in the letter that needed to be discussed. He stated that the State was concerned about the elimination of a 4% credit they receive in the present rate structure for taking electricity at 12.5 KVA and providing the transformers and distribution themselves. This credit is not included in the proposed calculations as shown in the Touche Ross study. However, Mr. Hancock pointed out that the energy charge in the new rate is 4% less than the energy charge in the other rate so that the State is in fact getting a reduction for furnishing that portion of the capital facilities that are required. He also stated that the consultants had indicated that cost increases would be mostly heavily reflected in the demand classification of the new rates.

Councilmember Himmelblau asked Mr. Hancock about the risk factor mentioned in another letter from the Board of Control. Mr. Hancock stated that the risk involved with losing such a customer would be great. However, he felt that the Board of Control was a stable customer. Mr. Hancock pointed out that the risk in losing the Board of Control would be in relation to its impact on the over all system. Councilmember Goodman read the following statement by Mr. Foerster, Executive Director of the State Board of Control, into the record:

"We believe a 20% increase in the cost per kilowatt-hour over the past fiscal year is excessive and would hope the Mayor and Council take into consideration that utility costs paid by the State come from the general tax fund which the citizens of Austin and the State must pay rather than from some large business or industrial corporation. We reiterate, that while we are willing to pay the cost of providing utility services, we question whether revenue required for other services should be included in the rate structure."

Councilmember Goodman then made the following response for the record: "We feel or I feel that it is entirely appropriate for the State to pay for those services such as fire protection, police protection, etc. In the letter that proceeded that one on November 10th, Mr. Foerster makes reference to \$180,000 transferred to the general fund from their \$1.8 million bill; ~~the \$180,000 from the State's private buildings that the police use for State space; and \$186,000 for electric bills at those same lease locations.~~ For \$804,000, I think the State is getting a pretty good deal. Mr. Foerster fails to mention here the amount of property taxes that we could collect on those State buildings if they were not owned by the State." Mayor McClellan made the point that the City is not, however, paying for police and fire service out of its electric rates.

City Attorney Jerry Harris indicated that on page 11 of the Ordinance, they did add the language requested by Council stating that the fuel cost adjustment charge would be only to recover the actual cost of fuel. He also stated that there is no distinction made between demand and non-demand customers in the Touche Ross classifications. Mr. Harris stated that, in conjunction with the Electric Utility Department, he was recommending that the term "demand rate" apply to customers who use at least 30 Kilowatts per month for any two months within the most recent six summer billing month period. This would be incorporated in the ordinance under the General Service classification. Mr. Harris stated that in the Large General Service class, Touche Ross has a separate rate schedule for customers using over 3,000 KW per month. He stated, however, that it is not clear as to whether this rate would apply to a customer even though that customer only reached that level of usage one month. He stated that, again in conjunction with the Electric Department, he was recommending that it is incorporated in the Ordinance that the over 3,000 KW per month apply to any customer who uses at least 3,000 KW for any two months within the previous 12-month period.

The Mayor introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN FOR RESIDENTIAL, COMMERCIAL, PUBLIC AND OTHER USES OF ELECTRIC LIGHT AND POWER SOLD AND SERVED BY THE CITY OF AUSTIN; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, establishing electric rates as presented to the Council; and providing that if the accumulated recoverable fuel costs are not recovered from other net revenues of the electric utility, then the recoverable accumulated fuel costs shall be recovered from an electric utility service surcharge during the years 1979 through 1983. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

DISCONTINUANCE OF CLINIC CARDS BRACKENRIDGE HOSPITAL

Councilmember Himmelblau told the Council that there has been a lot of confusion regarding the use of "C" clinic cards at Brackenridge. When the Butler Council contracted with CTMF (Central Texas Medical Foundation), the arrangement was for the patient to be seen in the Emergency Room and the "C" clinic card was to guarantee one follow-up visit. But, they are being confused with the "A" and "B" cards and they are being used as such. Mrs. Himmelblau felt that these cards should be recalled and not issued again, but an appointment slip should be given to a patient when they are seen (out-of-county patient) in the Emergency Room so they can come in for one follow-up visit, and then be referred back to a physician in their home community. Councilmember Goodman asked if they are going to allow some flexibility to complete treatment and issue a subsequent slip until period of treatment is passed. Councilmember Himmelblau said she would not object to a second visit, but she wants to stop the practice of out-of-county patients coming in on a regular basis.

Councilmember Himmelblau moved that the Council discontinue "C" cards; instead, a slip will be issued and doctor will determine if patient should be issued a second slip. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

ECONOMIC DEVELOPMENT ADMINISTRATION

Councilmember Mullen referred his six-page report on a request for application to the Economic Development Administration to designate a Redevelopment Area. He suggested there be a large committee who will have to do a large amount of work in a short period of time. He suggested Council designate 15 people, including a Chairperson. He said the committee would determine a plan and boundaries, and bring it back to Council in time for them to finish their deliberations by the end of May. By next federal fiscal year, October 1, when money is available, the City will be able to make their application.

Councilmember Mullen moved that the Council approve Councilmember Mullen's report and each Councilmember is to appoint one member to the Economic Task Force and the Council as a whole will pick an additional 8 members, one of them as a Chairperson. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

ADJOURNMENT

The Council adjourned the Council meeting at 1:30 a.m., January 20, 1978.

APPROVED

Carole Zetter McEllis
Mayor

ATTEST:

Grace Monroe

City Clerk