

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 17, 1978  
6:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: Councilmember Trevino

MAURICE DANIEL COHN DAY

A proclamation read by Mayor McClellan, designated August 19, 1978 as Maurice Daniel Cohn Day. Dr. Maurice Cohn has devoted his life's work to serving the medical needs of children in the Austin community. Accompanying Dr. Cohn was Andy Castille, the 1978 March of Dimes Poster Child. Dr. Cohn thanked the Mayor for the proclamation and said he is deeply honored. Councilmember Goodman commented that he respects the work of Dr. Cohn as the doctor of his two children. Mayor Pro Tem Mullen said he has worked with Dr. Cohn for a number of years on the March of Dimes program and called him a "super fellow".

NORTHCROSS FIGURE SKATING CLUB DAY

Northcross Figure Skating Club Day has been proclaimed for August 21, 1978, according to a proclamation read by Mayor McClellan. Present in the Council Chambers to accept the proclamation were: Kathy Brown, Lisa Gilmore, Lucille Schneider, Charles Wright, Anita Bartz, Terry Ruiz, Walter Brown and Holly Hash. They expressed their appreciation for the proclamation.

## MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for the Special Meeting of August 8, 1978 and the Regular Meeting of August 10, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## BOARD AND COMMISSION APPOINTMENTS

Electric Board

Mayor Pro Tem Mullen moved that the Council appoint Vernon Fowler and M.B. Denton to the Electric Board; with terms to expire August 1, 1980. The Motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Ethics Review Commission

Councilmember Snell moved that the Council appoint Clarence Niebuhr to the Ethics Review Commission, term to expire July 1, 1980. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Environmental Board

Councilmember Goodman moved that the Council appoint Billy Neal Graham and Mary Ley to terms on the Environmental Board, which will expire 7-1-80 and 7-1-79 respectively. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Parks and Recreation Board

Councilmember Cooke moved that the Council appoint Mary Arnold and Merry Tucker as members of the Parks and Recreation Board; they will draw for terms. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Commission on the Status of Women

Councilmember Goodman moved that the Council appoint Laraine Benedikt to a term on the Commission on the Status of Women, which will expire June 30, 1980. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Sign Task Force

Councilmember Himmelblau moved that the Council appoint Bruce Killmer, Jean Mather and Sherry Wagner to the Sign Task Force. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Announcement - Appointments to be Made

Mayor McClellan announced that on August 31, 1978, the following board and commission appointments will be made:

Arts Commission 6  
Building Standards Commission, 2  
Electric Board, 1  
Electrical Engineer, 2  
Heating, Air Conditioning, and Refrigeration Appeals Board, 2  
Historic Landmark Commission, 1  
Parks and Recreation Board, 1  
Solicitation Board, 1  
Dental Health Advisory Committee, 1  
Manpower Advisory Council, 1

The following appointments will be made on September 7, 1978:

Community Development Commission, 1  
Manpower Advisory Planning Council, 15  
Vending Commission, 1

## EMINENT DOMAIN PROCEEDINGS

Mayor Pro Tem Mullen moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tracts of land for the widening and improvement of St. Elmo Road:

Two tracts of land each containing 900 square feet and being out of Lot 16, Fortview Subdivision. (Estate of Alma K. Hanseler, owner.)

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

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

Noes: None

Absent: Councilmember Trevino

## EAST AUSTIN MULTI-PURPOSE CENTER

Mayor Pro Tem Mullen moved that the Council adopt a resolution to authorize acquisition of certain land for the East Austin Multi-Purpose Center, (C.I.P. No. 76/91-03:)

2.17 acres of land out of Block 1, Outlet 21, Division "0"  
government outlots (Margaret Wold Hart)

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

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

Noes: None

Absent: Councilmember Trevino

## RAMP FOR MOBILITY IMPAIRED

Mayor Pro Tem Mullen moved that the Council adopt a resolution to authorize a ramp for the mobility-impaired at the east entrance of the Chamber of Commerce Building. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

## EASEMENT RELEASE

Mayor Pro Tem Mullen moved that the Council adopt a resolution to authorize the following easement:

A public utility easement covering all the east five (5.00) feet of Lot A. Spelce Addition, a subdivision in the City of Austin, Texas of record in Book 70, page 34 of Plat Records of Travis County Texas. (Requested by Mr. Bennie Fotjik, owner)

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

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

#### CONTRACTS APPROVED

Mayor Pro Tem Mullen moved that the Council adopt a resolution to approve the following contract:

WATERSHED RESTORATIONS  
1102 West Johanna  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM--  
Bartholomew Park Drainage Improve-  
ments, Phase 11 - \$24,900.00  
C.I.P. No. 75/07-01

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

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

#### TEXAS MUNICIPAL LEAGUE MEMBERSHIP

Mayor Pro Tem Mullen moved that the Council adopt a resolution to approve Texas Municipal League Membership for Fiscal Year 1978-79. (Cost \$6,230.00) The motion, seconded by Councilmember Himmelblau, carried by the following vote.

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

#### BLACKSHEAR PROJECT

Mayor Pro Tem Mullen moved that the Council adopt a resolution to approve the disposition of Parcels MF-1-2 for \$4,000.00; MF-2-1 for \$4,100.00; R-8-1 for \$1,875.00; R-8-2 for \$1,725.00; R-9-2 for \$1,625.00; and R-9-3 for \$1,625.00, to Huston-Tillotson College, Blackshear Project, Tex A-11-2. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

# HOUSE FOR MULTIPLY HANDICAPPED

Mayor Pro Tem Mullen moved that the Council adopt a resolution to approve the use of \$1,200 to purchase an option to buy a structure for the House for Multiply Handicapped. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

# TOWN LAKE SWIMMING EXHIBITION

Mayor Pro Tem Mullen moved that the Council adopt a resolution to authorize a swimming exhibition of 30 miles on Town Lake for Labor Day, September 3, 1978, as authorized by Section 29-10 (a) (4) of the Austin City Code. The motion, seconded by Councilmember Himmelblau, carried by the following vote.

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

# PUBLIC HEARINGS SET

Mayor Pro Tem Mullen moved that the Council adopt a resolution to set a public hearing on an appeal by Charles Watkins, et al, for October 19, 1978 at 7:00 P.M., on the decision of the Planning Commission approving a permit for a twenty unit apartment house at 2301-2307 Lawnmont Avenue. (Case No. C14p-78-046) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution to set a public hearing on an appeal by Kenneth Brown for October 19, 1978 at 7:00 P.M. on the decision of the Planning Commission denying a 26-unit apartment complex at 2301-2307 Lawnmont. (Case No. C14p-78-046) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## PUBLIC HEARING POSTPONED

Mayor Pro Tem Mullen moved that the Council adopt a resolution to postpone the public hearing on appeal from Mr. Paul H. Wendler until August 31, 1978, 9:45 A.M. on the decision of the Landmark Commission denying a demolition permit for the Jacob Larmour House, 1909 Whitis, (Case No. C14h-76-010), which was scheduled for 10:00 A.M., August 24, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## SPEED CODE AMENDED - SPEED ZONES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 21-41, SUBSECTION (d), AND 21-42, SUBSECTION (h), OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SUBSECTIONS, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN SCHOOL ZONES IN THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS," (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE DAYS; AND DECLARING AN EMERGENCY.

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

The Mayor announced that the ordinance had been finally passed.

Speed Zones were changed as follows:

DELETING SPEED ZONES

<u>ON</u>	<u>FROM</u>	
Steck	300' West of Greenslope Dr.	3000 East of Greenslope Dr.
Live Oak	Alta Vista Avenue	Brooklyn
(Amending Section 21-42 (h) of the Austin City Code of 1967 on No. Lamar/Kramer only)		
North Lamar Blvd.	250' South of Kramer Lane	21' North of Kramer Lane

ADDING

Metcalfe Road	150' East of Marco Lane	450' North of Marco Lane
South 5th Street	183' South of Milton Street	100' North of Monroe

## ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

AN APPROXIMATE 6.002-ACRE TRACT OF LAND, LOCALLY KNOWN AS 4300-4365 DUVAL ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (James Eichelberger, Jr., Et Al, C14-77-159)

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 Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Mayor McClellan

Noes: None

Abstain: Councilmember Snell

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinances:

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

A 1,500-SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 6616 SOUTH CONGRESS AVENUE, ALSO BOUNDED BY WILLIAM CANNON DRIVE; FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Charles H. Morrison, Et Al, C14-78-017)

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 Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Mayor McClellan

Noes: None

Abstain: Councilmember Snell

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.



August 17, 1978  
Council Meeting Cancelled

Ordinance No. 780817-E F. 6.

BOAT ORDINANCE READING PULLED

Councilmember Himmelblau moved that the Council pull for consideration until a full Council is present, the second and third readings of the ordinance amending Section 29-13 of the Austin City Code prohibiting boats on Town Lake. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

(Second and third readings will be on the August 31, 1978 agenda.)

SOUND AMPLIFICATION DEVICES

Mayor McClellan introduced the following ordinance.

AN ORDINANCE AMENDING SECTIONS 23-13 AND 23-14 OF THE AUSTIN CITY CODE OF 1967 BY REQUIRING A PERMIT FOR THE USE OF AMPLIFIED SOUND; PROVIDING THAT SUCH PERMITS SHALL NOT BE ISSUED FOR THE USE OF SOUND DEVICES WITHIN THREE HUNDRED (300) FEET OF A SCHOOL, CHURCH OR HOSPITAL WITHOUT THE WRITTEN PERMISSION OF THE SCHOOL, CHURCH OR HOSPITAL; PROVIDING THAT SUCH PERMITS SHALL ONLY BE ISSUED CONDITIONED UPON TIME LIMITATIONS FOR THE USE OF SUCH AMPLIFIED SOUND; PROVIDING FOR FEES FOR SUCH PERMITS; PROVIDING THAT SUCH PERMITS SHALL BE VALID FOR THIRTY (30) DAYS; PROVIDING THAT A SEPARATE PERMIT AND FEE IS NOT REQUIRED FOR EACH SOUND AMPLIFICATION DEVICE; SUSPENDING THE RULE REQUIRING THE READING OF OR ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR 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 Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmember Snell, Mayor McClellan  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

COUNCIL MEETING CANCELLED

Mayor McClellan introduced the following ordinance.

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 Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell, Mayor McClellan

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

#### AERIAL SURVEY AND MAPPING ELECTRIC TRANSMISSION LINE IMPROVEMENT

Council had before it for consideration the selection of professional services (aerial and ground surveys and mapping) in connection with designs and right-of-way easement acquisitions for electric transmission line improvement, circuit 3123, South Texas Project to Holman Substation. Mayor Pro Tem Mullen asked why this needs to be done and whether there are any alternatives other than hiring a consultant type firm.

Mr. R.L. Hancock, Director Electric Utility, stated that there are a number of consulting firms who perform this type service which is an aerial survey of a proposed transmission line route. They survey will be utilized in the development of the planned profile work and in determining the easement requirements and ownership requirements along that route. He said that perhaps the city could do the legal work with respect to determination of ownership, but we don't have any capability to do the aerial survey work. Mayor Pro Tem Mullen asked if there were any other alternative which would be cheaper. Mr. Hancock said there were none. Mayor Pro Tem Mullen then asked what the anticipated cost is. Mr. Hancock replied, "Well, it's a professional service on the basis of their incurred expenses. Based on the units and their estimate of what those units would cost, the price of \$80,000.00 for International Aerial Mapping Company is the low estimated cost although some of the other consulting firms have higher unit costs for the same type of work.

#### Motion

Mayor Pro Tem Mullen moved that the Council adopt a resolution to select International Mapping Company for professional services of aerial and ground surveys and mapping in connection with designs and right-of-way easement acquisitions for electric transmission line improvement, circuit 3123, South Texas Project to Holman Substation, CAPITAL IMPROVEMENTS PROJECTS, No. 77/15-04. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: Councilmember Goodman

Absent: Councilmember Trevino

Councilmember Goodman stated he voted No, because he thought the survey may be unnecessary.

## CETA TITLE VI PROJECTS

Council had before it for consideration authorization to negotiate contracts with three non-profit agencies to operate Comprehensive Employment and Training Act (CETA) Title VI projects through September 30, 1978. Project cost is \$43,630.98. Councilmember Snell asked how many other agencies applied for this grant and wanted to know the ethnic breakdown on the 46 positions that are being filled. Ms. Jackie Williams, ESL Title III, appeared before Council and told them she did not have the information with her concerning the other agencies who applied, but re the five submitted tonight, they were the only ones that met the required 24.5 points. (Agencies recommended for funding are University YMCA/YWCA, Legal Aid and Extend-A-Care. The other two reviewed were Nat National Association of Social Workers and American Heart Association.) She said she could not give the ethnic break-down because the slots have not yet been filled. Mr. Snell asked if her department offered any kind of help to agencies applying for funds to qualify them for this type of grant. Ms. Williams said they helped agencies develop proposals and answered any questions regarding the program. Mr. Snell asked if her department could have helped any others besides the recommended three. Ms. Williams answered that they have helped many agencies, but the recommended ones were the only ones to meet the approval of the advisory council and the review by the staff.

Motion

Councilmember Snell moved that the Council adopt a resolution to negotiate contracts with three non-profit agencies, University YMCA/YWCA, Legal Aid and Extend-A-Care, to operate Comprehensive Employment and Training Act (CETA) Title VI projects through September 30, 1978. (Projects cost: \$43,630.98) The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

## HEALTH INSURANCE PROGRAM FOR RETIRED CITY EMPLOYEES

The Council had before it for consideration an amendment to the contract with Connecticut General to permit retired city employees to participate in the health insurance program. Mr. Norman McK. Barker, Finance Administrator, told Council that they are requesting authorization to amend the City's contract with Connecticut General to allow retired employees to continue health insurance at their expense, with no additional cost to the City of Austin. He reported as follows:

In general, employees currently forfeit health insurance coverage under the City's group plan upon retirement. The only exceptions are retiring Fire Civil Service personnel who may purchase coverage at group rates until age 65; employees who retire at age 62 and for whom coverage is extended until age 65; and employees who are granted disability retirements and for whom coverage is extended until age 65. As is evident, many retirees and dependents lose City group health insurance between the date of retirement and age 65, and all lose

coverage at age 65. They may elect to purchase a conversion policy from Connecticut General; however, the conversion rates are relatively high and few retirees feel financially able to elect this option. Upon loss of group coverage, retirees and dependents are often left without medical coverage entirely, or, if eligible, they qualify for and must rely on Medicare coverage only during their retirement years.

The proposed change will affect three groups of retirees.

- It will allow all retirees the option of maintaining health insurance for themselves and their dependents at their expense at group rates until age 65.
- For retirees who have attained age 65 and who are covered under the Medicare Plan, supplemental coverage will be available from Connecticut General. The monthly cost for this would be \$8.85.
- For individuals age 65 and above who are not covered under Medicare (Fire - Civil Service), health insurance will be provided at the following monthly rates:

Former employee	\$29.85
1 dependent	\$42.23
2 or more dependents	\$68.53

In order to minimize the costs of the negative effects on the group experience which will result from claims paid on age 65 and beyond individuals, premiums for these individuals have been established at 35% above those currently requested by Connecticut General for regular employee coverage. This amount is based upon Connecticut General's experience with other group plans providing similar benefit features.

Mr. Barker explained that this would include all active employees and all former employees, now retired.

#### Motion

Mayor Pro Tem Mullen moved that the Council adopt a resolution to amend the contract with Connecticut General to permit retired city employees to participate in the health insurance program. The motion was seconded by Councilmember Goodman.

Mayor Pro Tem Mullen explained that this action would now bring in about 500 people who have retired who were not covered under last week's proposal. Councilmember Goodman said he wanted to thank Mr. Reuben Rountree for bringing it to Council's attention.

Mr. Rountree asked Council, "I believe that the supplemental insurance is referred to as Medicare/Major Medical, is that correct?" When Mayor Pro Tem Mullen answered yes, Mr. Rountree asked Mr. Tom Flynt, representing Connecticut General, who was in the Council Chamber, to explain.

Mr. Flynt stated, "The Medicare/Major Medical that's currently in force in the city on active employees who are beyond the age 65 and their dependents, provides coverage above Medicare. This is the typical supplement to it that cities and corporations have. Coverage provides 80% of the \$144.00 an individual is required to pay when he/she enters the hospital under Medicare. Medicare then pays hospital and room charges up to the 60th day. From the 60th to the 90th day the individual must pay \$35.00 a day. The supplement plan would pick up 80% of the \$35.00. Beyond that point, Medicare requires the individual to pay \$72.00 a day and the supplement plan would pick up 80% of that for as long as they are in the hospital. On nurses and prescription drugs, Medicare does not provide any coverage. The supplement has a \$50.00 calendar year deductible after which the plan pays 80% for required registered nurses, and prescriptions. Medicare provides a \$60.00 annual deductible off of physicians charges. After that they pay 80% of reasonable customary charges. The supplement plan has a \$50.00 deductible for physicians charges, and then takes what Medicare has paid subtracted from the total bill, less the one time \$50.00 deductible and will pay 80% of that balance. This is on the first claim since there is only one deductible per calendar year. On the next claim for physicians fees, Medicare would pay 80%. ...This is a summation of the \$8.85 coverage which no one who is retired has." Mr. Flynt pointed out that this coverage is also for the wife or husband of the retired employee.

Mayor Pro Tem Mullen commented that he hopes the 673 retired city employees take advantage of the open period for joining. Deputy City Manager Homer Reed asked Mr. Flynt if, in his opinion, the plan would be self-sustaining. Mr. Flynt answered that this portion of the plan is in a national pool... the supplemental to Medicare. In answer to Mr. Reed's question concerning coverage for the few retired employees who do not have Social Security, Mr. Flynt said they have attempted to set a rate for this group. They do not know the number in the group at this point in order to set a rate, so the rate will be adjusted in the future. They anticipate the rate will hold for two years, but this group will have to be watched to see what the impact of their claims will be. It is not anticipated that their claims will effect adversely the total active employees. He said that after the first six months they will be checking it every month.

#### Roll Call on Motion

Roll Call on Mayor Pro Tem's motion, Councilmember Goodman's second, to adopt a resolution to amend the contract with Connecticut General to permit retired city employees to participate in the health insurance program showed the following vote:

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

#### DEFINITION OF DOG KENNEL REQUESTED

MR. GALE PRICE, owner, Gale Price Realtor, appeared before Council requesting Council's definition of the words "dog kennel" as used in the Austin

City Code as it pertains to zoning. (Mr. Price has registered a complaint with the Building Inspection Department concerning a structure which was erected in his neighborhood to accommodate a number of dogs.) Mr. Price outlined the provisions of the Zoning Ordinance which address dog kennels. He went on to say that a large number of dogs being offered for sale in the classified ads of the Austin newspapers are to be found in residential areas zoned "AA". He asked Council to define "dog kennel" and enforce the zoning ordinance.

Mayor McClellan told Mr. Price that Council will need time to consider his request before taking action. Mr. Homer Reed, Deputy City Manager told Council that a report and alternatives would be presented to Council on August 31, 1978 based on the legal analysis from the City Attorney and his staff. There was discussion among Council, City Attorney Harris and Mr. Reed on the merits of the ordinance. City Manager will report to Council on August 31, 1978.

#### PARADE PERMIT

~~Councilmember~~ Councilmember Snell moved that the Council approve the Parade Permit requested by Edmond J. Peterson, for Barrington Oaks Garden Club from 9:30 A.M., to 11:00 A.M., September 4, 1978, beginning at corner of Parliament and Barrington Way, west on Barrington Way, south on Danwood, east on Charing Cross, end at corner of Barrington Way and Charing Cross. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

#### TWO SCHEDULED TO SPEAK DID NOT APPEAR

Mr. Allan L. Bussler had requested to give a farewell message and provide sentiments of support for Council. Ms. Karen Kaiser had requested to discuss the credibility of 3½ million Americans. Neither appeared.

#### SISTER CITY - MASERU, LESOTHO, SOUTHERN AFRICA

Mrs. BERTHA E. MEANS appeared before Council to request establishment of a sister city relationship between Austin and Maseru, Lesotho, Southern Africa. She said she had visited there last Christmas and had received many letters from there encouraging a sister city relationship. She said that all criteria has already been met for the organization and now a resolution is needed from the City Council to establish the relationship between Austin and Maseru, Lesotho. Councilmember Himmelblau asked what the fiscal cost will be. Mrs. Means said there would not be any....that all that is needed is a resolution.

Motion

Councilmember Snell moved that the Council show support for establishment of a sister city relationship between Austin and Maseru, Lesotho, South Africa, and instructed that a resolution should be prepared. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

MARATHON SKIING EVENT

Mr. J. ANTHONY SISK appeared before Council as the Project Chairman of the Austin Jaycees and requested permission to set up a course on Lake Austin, August 22, 1978 for a marathon (36 hours) skiing event. Questions were brought up concerning the proper lighting and the following motion was made.

Motion

Mayor Pro Tem Mullen moved that the Council approve the 36 hour marathon skiing event subject to the approval of the Parks and Wildlife Dept. regarding lighting. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

PUBLIC HEARING POSTPONED

Mayor McClellan opened the public hearing scheduled for 7:00 P.M. on an appeal of the decision of the Planning Commission denying a Special Permit for the Patterson Townhouses, 801-809 Patterson Avenue from the applicant/owner, James W. Person. (Case No. C14P-78-038) Mr. Tom Knickerbocker of the Planning Department reviewed the application. Councilmember Snell informed the applicant and those in opposition that they might want to postpone the hearing until there is a full Council. Discussion ensued among City Attorney Harris, James W. Person the applicant, and a member of the opposition. It was decided to defer the public hearing until August 31, 1978 at 5:00 P.M. Councilmember Snell told those in the Chamber audience who were in attendance for the hearing that he was apologetic about the delay but he wanted to be certain that both sides have a just and fair hearing.



## PUBLIC HEARING - SOUTHERN UNION GAS RATES

Mayor McClellan opened the public hearing scheduled for 7:15 P.M. on Southern Union Gas Company's statement of intent to change rates for gas services to the University of Texas at Austin, filed with City Council on June 22, 1978. MR. ROBERT M. LACZKO, District Vice President, Southern Union Gas Company and the University was originally entered into July 23, 1968. It was a contract of 20-year duration with a provision in the contract that at the mid-point (1978) the rates charged under the contract would be amended. Again, under the provisions of the contract negotiations regarding the change in rates began between Southern Union Gas Company and the University of Texas in 1976. Those negotiations continued between engineering staff, legal staff, administrative staff of both the University of Texas and the Gas Company. As a result of many long meetings detailed with statistics, facts and figures, there is an amendment to the contract which both the University and Southern Union Gas Company felt was a fair and reasonable rate to be charging the University. The University of Texas consumes about 25% of all gas sold in Austin by the Southern Union Gas Company, and is a major factor in providing what little load balancing we have between our summer and our winter loads. From this standpoint our contract with the University of Texas, being able to sell them a relatively constant volume of gas summer and winter is quite beneficial to all other Austin customers of Southern Union Gas Company and rate payers. The contract which we entered into with the University is a cost of service type of contract. It has a provision in it which will make an annual revision to the rate based on Southern Union Gas Company's actual cost of serving the University of Texas. We have filed a copy of our statement of intent as is required with the City Clerk and with members of the Council as well. We have published our statement of intent in a newspaper of general circulation and feel that we have met all the requirements to establish the new rate for the University. I would like to recommend that the council approve the rates as they have been proposed in our statement of intent and in the U.T. contract dated October 31, 1977. That contract and those would become effective on September 1, 1978."

City Attorney Harris addressed the Council by saying, "That is certainly one option you could implement. It is our recommendation, however, that the rate be suspended for 120 days until the consultants come back with the overall study that they are doing on the general rate increase so that we can study this along with that."

(Council had before it for consideration, along with the public hearing a resolution to consider suspending for one hundred twenty days the operation of Southern Union Gas Company's proposed rate schedule for gas service to the University of Texas))

Motion

Councilmember Goodman made a motion, seconded by Councilmember Snell to adopt a resolution to suspend for 120 days the operation of Southern Union Gas Company's proposed rate schedule for gas service to the University of Texas.

MR. LINWOOD SHIVERS, Attorney with the University of Texas, appeared before Council to state that the University feels the rates established are just and reasonable, equitable not only to the University but also to the City of

Austin and Southern Union Gas Company. He requested that the Council let the proposed rates go into effect September 1st, as they have contracted for.

Mr. Laczko told Council, "If it is the Council's desire to suspend the rates so that the city's consultant who is already looking into general rates for general service customers in the City of Austin would also look at our proposal for the University of Texas, then I would like the Council to exercise their prerogative under Article 43(d), Public Utility Regulatory Act which provides that the Council may set temporary rates during the period of suspension. Those temporary rates would have a limited time period during the period of suspension and at the same time would permit the company and the University of Texas to operate under a contract amendment at rates which are slightly higher than those which are currently in effect. If the Council does suspend the rates for 120 days I ask for them to set temporary rates during that period, which is also an option which is open to them."

Mayor Pro Tem Mullen said, "I'd like for us to consider that as a possibility..temporary rates during the suspended time." Mr. Harris said, "It is our recommendation that if the Council is going to consider that, we should put it on the agenda for formal action on August 31 and if the Council votes at that time, then they will be able to implement the rates on a temporary basis."

#### Roll Call on Motion

Roll Call on Councilmember Goodman's motion, Councilmember Snell's second, to adopt a resolution to suspend for 120 days the operation of Southern Union Gas Company's proposed rate schedule for gas service to the University of Texas showed the following vote:

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

#### Motion

Mayor Pro Tem Mullen moved that the Council have the City Attorney come back August 31, 1978 with a resolution whereby temporary rates can be set for 120 days which Southern Union Gas Company may charge the University of Texas. The motion, seconded by Councilmember Snell carried the following vote:

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

#### AMERICAN LEGION HISTORIC ZONING CASE

MR. PHILIP CREER, Chairman, Historic Landmark Commission, appeared before Council to address the American Legion Historic Zoning Case. Mr. Creer referred to the covenant which had been agreed upon when historic zoning was denied for the American Legion Home. The covenant stated that the city would be notified 120 days in advance if the American Legion ever intended to sell

their building. Mr. Creer felt a precedent would be set which would adversely effect the purposes of the historic zoning ordinance: (a) under the covenant no review or control of exterior alterations, additions, color changes, etc. will be possible for this historic structure, (b) demolition cannot be stayed, only notification of possible sale, (c) owners of other structures which may be recommended for "H" zoning may seek the same type of agreement, defeating completely the purposes of the ordinance if this is granted. Mr. Creer said Mr. Hardy Hollers, past Post Commander of the American Legion, had written that the provisions of the Constitution and bylaws of the National American Legion specifically require that in the event the charter of the local post is canceled the property would revert to the National Headquarters. Thus, continued Mr. Creer, a covenant agreement with the local body is something less than completely binding. He said he hoped the city was advised of this situation. If this had occurred in an architectural agreement, a possible violation of the state's deceptive trade practices act would have occurred. Mr. Creer stated the Historic Landmark Commission requests that (a) the proposed covenant should not be accepted, and (b) that this structure, which satisfied 12 of the 13 criteria for zoning "H" be designated by the Council.

Councilmember Goodman said he is interested in Mr. Creer's point concerning the covenant and its legitimacy after such a transfer. He also said that he has found out that there is a great deal of flexibility in the criteria, whether 12 of 13 or 7 of 13. Demolition, he continued, is determined by the Council on a case by case basis, and in this particular case, the American Legion completely restored their structure, so "I suspect any alteration which would occur would be an improvement and any demolition would be prevented by the 120 day option."

Professor Blake Alexander, professor of architectural history at the University of Texas and a member of the Historic Landmark Commission, appeared before Council and stated that he backs Mr. Creer. He said that in his opinion the passage of the 120-day covenant would weaken the Landmark ordinance which protects the future of the historic structure on a long range basis. He added that this was the first time a structure had met 12 of the 13 criteria and not been zoned "H". After further discussion with Councilmember Goodman concerning the possibility of demolition, Mr. Goodman asked Mr. Hollers, who was in the audience, if there would be any objection to the word demolition being added to the covenant of informing the city if the American Legion planned to sell or "demolish" the structure 120 days prior to doing so.

Mr. Hardy Hollers, representing the American Legion, said that the thought of even talking about demolishing the structure is utterly ridiculous. He said the American Legion Post would be most agreeable to add the word "demolish" to the covenant.

#### Motion

Councilmember Goodman moved that the Council add the words "sell or demolish" to the covenant previously agreed upon. The motion was seconded by Mayor Pro Tem Mullen.

Councilmember Goodman said he wanted to know the City Attorney's opinion regarding the transferability of the covenant clause. Mr. Harris answered that any future owner will be bound by the same requirement. Mayor Pro Tem Mullen said "It looks to me like we have the best of two worlds here, a

a piece of property that is protected and still paying taxes."

INA RAY SMITH appeared before Council and wanted to know how many of the local Legionnaires fought in the Viet Nam War or any of the Wars past World War II. She thought that this would make some difference. Mr. Hollers told her that the present post commander is a Viet Nam Veteran.

Roll Call on Motion

Roll Call on Councilmember Goodman's motion, Mayor Pro Tem Mullen's second to add the words "sell or demolish" to the covenant previously agreed upon showed the following vote:

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

Noes: None

Absent: Councilmember Trevino

WASTEWATER APPROACH MAIN CONTRACT

Council had before it for consideration the authorization of a wastewater main contract to construct a 15-inch wastewater approach main to serve the Convict Hill Subdivision. Estimated cost to the city would be \$595,695 if the property is annexed within one year.

Mr. Curtis Johnson, Director of Water and Wastewater appeared before Council and showed by use of slides the location of the proposed approach main. He said the length of the main is about 1500 feet and so it would be that distance beyond the crossing of Highway 290 and Williamson Creek. Mr. Reed, Deputy City Manager, asked how far west this would be from the high school site which was recently purchased. Mr. Johnson replied that it was about 3/4 of a mile. Councilmember Goodman asked why the proportionate cost of the city's share is so high. Mr. Johnson replied that the draining area is long and narrow, with total drainage area being in excess of 400 acres. Mr. Goodman asked if the proposed subdivision is in the preferred growth corridor. Mr. Johnson said that in the proposed annexation study, this area is in that designated as "4", but is not in the anticipated annexation area of Plan A. He said it does fall in Plan B, which would be anticipated to be annexed between 1978 and 1985. There was further discussion concerning anticipated annexation time, payment of the fee, etc. and the following motion was made:

Motion

Councilmember Goodman moved that the Council adopt a resolution to authorize the following wastewater approach main contract with a statement of intent that the City of Austin will not annex this area within one year.

HASKELL G. HUDSON

- Construction of a 15-inch wastewater approach main to serve the Convict Hill Subdivision. Estimated cost to City \$95,695 if property is annexed within one year.

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

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

#### SETTING HEARING TO RECEIVE BIDS AND ISSUANCE OF BONDS

Council had before it for consideration the setting of Thursday, October 12, 1978, 10:30 A.M., CDT, to receive bids on and authorize the issuance of bonds. Councilmember Goodman asked, "The \$50,200,000 allocated for Electric System Improvements, authorized 11-17-73, would go toward what electric system improvements?" Mr. Norman Barker, Finance Administrator, answered that "The \$50,100,000 being asked to be authorized to take bids and issue the bonds is for progress payments on Fayette Power Plant, related transmission and distribution and other transmission and distribution projects as authorized by the City Council." Councilmember Goodman asked, "Did these bonds which we authorized in November of 1973 include the flexibility...was it stated at that time, where we would be spending the money on transmission and distribution and capital costs for the Fayette Project?" Mr. Barker said, "I would like to state that in general, what we are asking for here, Mr. Goodman, is payments on all contracts authorized by the City Council for the next six months. We do not presume to state specifics of what the City Council can and cannot spend the money for." Mr. Homer Reed explained, "The question was, was the election issue in 1973 sufficiently broad to include parameters of the range which you described?"

MR. CLAUD BOOTHMAN, the City of Austin's Bond Attorney, appeared before Council and stated that the proposition as voted in the election proceedings was simply for the extension and improvement of the electric light system. The only thing that was earmarked in any of your elections was the nuclear, and if was specifically earmarked in the election proceedings." Councilmember Goodman asked, Mr. Barker, in reference to the nuclear and the \$22,260,000, what are we paying for?" Mr. Barker answered, "We're paying for progress payments generated by the construction of the South Texas Nuclear Project exclusive of any asset being constructed which is not in the contract for the city to acquire 16% and 16% only. The reason I phrase it that way is because there are certain aspects of getting that energy out of the place where it is generated to the system of the City of Austin that is not in the 16% ratio. That is being paid for with monies other than this project. The authorization from the voters authorized the City of Austin to spend these monies for a nuclear project in conjunction with San Antonio Public Service Board, Houston Lighting and Power, Central Power and Light, for \$161,000,000 worth of assets for up to 16% of the project in Matagorda County."

Councilmember Goodman asked, "Concerning the \$50,100,000 for the electric system improvements, are any of these funds intended for the nuclear project?" Mr. Barker replied, "They could be so used if the Council so designated. Whether they are going to be used or not, I don't have that knowledge, but they could be used for any of the South Texas Projects not qualifying for the nuclear bond election.

Mayor McClellan introduced the following ordinance.

AN ORDINANCE SETTING DATE OF SALE OF \$77,780,000 "CITY OF AUSTIN, TEXAS, UTILITY SYSTEM REVENUE BONDS, SERIES 4" AND \$13,300,000 "CITY OF AUSTIN, TEXAS, GENERAL OBLIGATION BONDS, SERIES 258", AND AUTHORIZING THE GIVING OF NOTICE OF PUBLIC SALE OF SAID BONDS; ENACTING PROVISIONS INCIDENT AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

## HIRING MORATORIUM FOR THE CITY OF AUSTIN

Mayor Pro Tem Mullen presented to Council a proposal for a hiring moratorium for the City of Austin. He said he would like to have the City Manager instruct staff to put a moratorium on hiring except in the areas which involve safety and welfare such as health, police, fire and any other areas the City Manager might want to describe as having to do with safety and health of our citizens. Mayor Pro Tem Mullen said that he thinks the Council has made it very clear that they will strive to give a substantial reduction in the tax rate and he thinks it will preserve the Council's options of considering the manpower needs of the city. It will prevent the unfortunate situation of hiring an employee for a position ultimately eliminated by the Council.

Motion

Mayor Pro Tem Mullen moved that the Council put a moratorium on all hiring until the budget is approved, except positions to protect the health and safety of Austin citizens. The motion was seconded by Councilmember Goodman.

Councilmember Snell said he wanted a good idea of what the result of a freeze would be, how many vacancies now exist, and what level. He felt that during a freeze the people who would not get a job would be those in the lower echelon. He said he wanted to know how long the freeze would last, and also commented he could not see any real purpose for having one. Mayor Pro Tem Mullen said he wanted this to include all vacancies as of August 14, 1978 when he sent out a memo to this effect, and that he was also requesting a report which would answer Councilmember Snell's questions. Mayor McClellan lent her support to the idea. Councilmember Himmelblau said she also thought the moratorium would be a good thing to do. She said it gives the Council a lot more flexibility at budget time. Councilmember Snell said he still thought they should look at the figures before taking a vote. Councilmember Goodman asked who would make the judgement as to which positions protect the health and safety of Austin citizens. Mayor Pro Tem Mullen said he left that open to the City Manager with the stipulation that if in his opinion a person should be hired he can approve and then report back to Council when the positions are filled.

Mr. Homer Reed, Deputy City Manager, stated, "We'll be delighted to produce the report on the number of vacancies and in each area where they are located. I appreciate the fact that Mr. Mullen did draft this in such a way that the City Manager can do the job that we think you hold him responsible for. There are jobs in the city that are not public safety by common definition that are just as essential as public safety jobs normally are considered to be. For example if a key operator at a water plant is missing, it is just as big a problem, if not bigger, than having a police officer missing. There are those functions of the city that have to operate 24 hours a day that are essential to the continued operation of the city. It would be my interpretation that the City Manager would be authorized under this to fill the essential positions. We would be happy to report back to the Council."

Mayor Pro Tem Mullen stated he also wanted Council to have a report on each departments absenteeism rate, and also a comparison with other cities on the major departments, library, police, fire, parks, water and wastewater.... a report of employees per 10,000 as compared to other cities...the top five cities in the state. He concluded that this would give the city an opportunity

to move people around to where they are needed and put the emphasis in the area where we need to put them.

Councilmember Goodman asked if there were any reduction in services which could result from the moratorium. Mr. Reed answered that it is possible that a reduction in service could occur but that he would expect between now and the time Council adopts the budget that would be extremely unlikely and if it did occur it would be called to Council's attention.

#### Roll Call on Motion

Roll Call on Mayor Pro Tem Mullen's motion, Councilmember Goodman's second, to put a moratorium on all hiring until the budget is approved, except positions to protect the health and safety of Austin citizens, showed the following vote:

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

#### OPTIONS TO INCREASE FIRE DEPARTMENT STAFF

Councilmember Cooke introduced an item to consider options to increase staffing of the Fire Department. He said that this came about as a result of the recent agenda item about the Police Department and thought that Council should also look at EMS and Fire.

Deputy City Manager Reed referred to a report which he had given Council concerning the status of the departments in question. He said that vacancies do occur in the Fire Department. At the present time there are 29 vacancies. A new examination is scheduled for August 28. In addition to the 29 vacancies they are recruiting and have employed cadets for additional vacancies they expect to have very soon. They also have included 10 temporary overhires. He said they have traditionally employed overhires that they would deem necessary to cover drop-outs, or flunk-outs during the course of the training period. He said they have made the number 10 this time, but they do not feel that will cover all vacancies which will occur between this date and the next examination. Mr. Reed continued that if overhires are authorized over and above those needed in the turnover during the schooling period, for firemen or any other department, then you in effect are using funds that normally would be left in the general fund ending balance. That has a direct impact on the tax rate for the succeeding year. While there is no additional appropriation during the current year, it would require additional revenues for the following year. Mr. Reed concluded that the City Manager's office advises that an additional overhire over and above what the Manager already has the authority to authorize are not necessary at this time. This is for the Fire Department. He said in the coming budget they have proposed to discontinue non-emergency service in the EMS Department, but until private enterprise can take that over about January 1, they may need overhire authority for the three month period, if Council wants to maintain the level of emergency service proposed in the budget document. He



said though that this should be considered at budget time and recommended no action tonight.

Councilmember Cooke asked what the authorization request is for the Fire Department. Mr. Reed said the next new station on line would be at the beginning of the following fiscal year. Mayor Pro Tem Mullen asked for a report on what the overhire policy is, ....hiring people that aren't budgeted...what is the flexibility of the City Manager, how the decision is made and how the Council is made aware of it. Councilmember Goodman asked for a list of the positions that remain vacant during the entire year. Mayor Pro Tem Mullen said he also would like to know how many of the temporary positions turn into permanent positions.

#### HOUSE BILL #1 - SALES TAX EXEMPTION

Councilmember Cooke placed on the agenda for discussion options concerning House Bill #1 - Sales Tax Exemption. Mr. Cooke stated, "I have placed this item on the agenda because I am committed to a meaningful tax reduction. With your favorable votes we can cut \$729,000 from residential utility taxes for the next fiscal year. That is the equivalent of 2¢ on the tax rate. It has been pointed out to me that the 1% tax on utility bills isn't very much, so why not continue to collect it and get what we can out of it? It's that kind of attitude which leads governments to take another 1% here, a few pennies there, and before citizens are aware of it, governments "nickel and dime" their way into higher and higher taxes and more interference in people's lives. It's time to reverse the trend and make a tax cut.

"Over the past year, I've received many letters and calls from citizens who are alarmed by their utility bills. Some, the poor and elderly, are terrified because they don't know how they'll get the money to pay the bills. From our last 14 months on the Council, we are all aware of the complexity of the utility situation and the constraints involved in lowering costs to the consumer. But the State of Texas has presented us with the opportunity to lower residential utility bills by abolishing the tax. And, if we act before September 10, we can commit ourselves to a \$729,000 tax reduction in addition to a sizeable cut in the property tax rate."

"I think this is a way we can target both on property taxes and on utility bills and certainly know it is not just one problem because we have had revaluation this year. It is a dual problem we must always be constantly aware of. I think it is important to know that the emphasis is on the residential user and it reminds me of several letters I've gotten where citizens emphasize that we as Councilmembers are not going to be here forever and we should be encouraged to take action and do as much as we possibly can to cut utility bills. We've done some things already that I am proud of, and hopefully over a period of a year based on the new electric rates we will reduce residential use by as much as 9% as far as the cost. We have reduced also by 5% the late charge and allowed citizens a lengthier period of time to pay those bills. I think this would be an excellent compliment in our preparation for showing the citizens we are going to make this effort with regard to cutting taxes in both areas."

Motion

Councilmember Cooke moved that the Council instruct the City Attorney to bring back an ordinance August 31, 1978 which will eliminate the 1% tax on utility bills. The motion was seconded by Councilmember Goodman.

Councilmember Goodman said he had made calculations which have been verified by Budget Director Mr. Butler. For example, if one has an \$80.00 electric bill, by eliminating the 1% tax that person would save \$9.60 a year. In order to achieve that same savings with a 2¢ reduction in a tax rate, you'd have to own a \$64,000 home. Most people will benefit more from the elimination of the 1% utility tax than they would from the 2¢ property tax. The 150,000 apartment dwellers will be guaranteed this savings, but reduction of property rates will not effect them. Commercial and industrial owners will continue to pay its part of the tax. This will effect residential owners only.

Mayor Pro Tem Mullen said that he agreed, this is an opportunity to do something since options are limited due to the high fuel costs.

Councilmember Goodman itemized the savings as follows:

\$ 50.00 bill,	savings will be	\$6.00 per year
60.00 bill,	savings will be	7.20 per year
80.00 bill,	savings will be	9.60 per year
100.00 bill,	savings will be	12.00 per year

Mayor McClellan said these figures illustrate the most dollar and cents savings.

Roll Call on Motion

Roll Call on above motion showed the following vote:

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

Noes: None

Absent: Councilmember Trevino

SUBDIVISION PROCESSING TASK FORCE APPOINTMENT

Councilmember Goodman moved that the Council appoint Harvey Smith to fill the surveyor slot on the Subdivision Processing Task Force, and also appoint Larry Weiss to fill a slot that occurred because of a resignation. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

## ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the planning Commission for recommendation and had been set for public hearing before City Council on September 28, 1978.

HI CAP By Jack Hill C14-78-142	808 Ken	From Interim "AA" Residence, 1st Height and Area To "C" Commercial 1st Height and Area
JOHN LEWIS & ROY BECHTOL By Planned Env- ronments, Inc. C14-78-143	Southeast Corner of Loop 360 and Mountain Ridge	From Interim "AA" Residence 1st Height and Area To "A" Residence 1st Height and Area
JOHN JOSEPH & DONALD THOMAS By Morris Olquin, Jr. C14-78-144	7216 Ben White Blvd.	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
RAQUEL CONZALEZ By Patrick B. Tobin C14-78-145	918 Stobaugh	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
GEORGE YONGE ROBERT A. MORRIS J.B. FOOSHEE NATHAN MORRIS By Phil Mockford C14-78-146	12023-12049 Jollyville Road 11936-12020 Oak Knoll Drive	From Interim "AA" Residence 1st Height and Area To "O" Office 1st Height and Area
NORTHWOOD DEVELOPMENT CORP. By Phil Mockford C14-78-147	3100-3616 Oak Creek Dr DRIVE also bounded by Farm Road 1323	From Interim "AA" Residence 1st Height and Area To "A" Residence, and "GR" General Retail 1st Height and Area
JIM ARNOLD, JR.	13132 Ranch Road 620	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
277, LTD. a Texas Limited, By Clarke Heidrick, Jr. C14-78-149	6700 East Ben White Boulevard	From Interim "A" Residence 1st Height and Area To "D" Industrial 3rd Height and Area save and except that portion of the property lying within 100 feet of the perimeter of the property which shall be "D" Industrial 1st Height and Area

ERROL YOUNG  
By Donald E. Bird  
C14-78-150

500 West 38th Street

From "A" Residence  
1st Height and Area  
From "O" Office  
2nd Height and Area

REX L. REITZ  
By Robert E.  
Parris  
C14-78-151

11730 Research  
Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area (Tr.2)  
and "GR" General Retail  
1st Height and Area (Tr.1)

RICHARD S. PRYOR  
AND  
JOHN N. RAMSEY  
C14-78-152

7509 East Martin  
Luther King Blvd.  
also bounded by Nixon  
Lane

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area

LAND & LEASE'S INC.  
SAM PAYNE  
CLAUDIA TAYLOR  
JOHNSON  
C14-78- 153

11912 Arabian Trail  
12122 Hwy. 183  
11910 Hwy 183

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

JOSEPHINE HARRIS  
BRADFORD AND  
D.C. BRADFORD  
By Mark Bennett  
C14-78-154

213-319 South Lamar  
also bounded by  
Lee Barton Road

From "C" Commercial  
1st Height and Area  
To "C-2" Commercial  
1st Height and Area

C.P. YOUNG  
By John F. Harvey  
C14-78-155

1403 Collier Street

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area

CONTINENTAL ASSURANCE 309 West 21st  
COMPANY/DOBIE CENTER 311 West 21st  
By Dennis J. Kavanagh 2021 Guadalupe Street  
C14-78-156 (within Dobie Center)

From "C" Commercial  
4th Height and Area  
To "C-1" Commercial  
4th Height and Area

THE HANSEN TRUSTS  
By Mike Kasper  
C14-78-157

12150-12264 I.H. 35  
North  
401-501 Yager Lane

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

HAMPTON-FISHER  
HOUSE  
By City of Austin  
C14h-78-025

1008 West Avenue

From "O" Office  
2nd Height and Area  
To "O-H" Office-Historic  
2nd Height and Area

WOODBURN HOUSE  
By Kim A. Williams  
C14h-78-034

200 East 40th Street

From "A" Residence  
1st Height and Area  
To "A-H" Residence-Historic  
1st Height and Area

JOBOBY BUILDING 200 East 6th Street  
By City of Austin  
C14h-78-035

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-  
Historic  
4th Height and Area

COVERT HOUSE 3912 Avenue G  
By Alfred Ostroot  
C14h-78-036

From "A" Residence  
1st Height and Area  
To "A-H" Residence-Historic  
1st Height and Area

LITTLEFIELD BUILDING 104 East 6th Street  
ING  
By Philip R. Conard  
C14h-78-033

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area

ADJOURNMENT

Council adjourned its meeting at 9:15 P.M.

APPROVED

  
Mayor

ATTEST:

  
City Clerk