

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 21, 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, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

Reverend Lawrence L. Richard presented the Invocation.

NEW MAYOR PRO TEM

Mayor McClellan thanked Councilmember Mullen for his service as Mayor Pro Tem for the past four months and recognized Councilmember Cooke as the new Mayor Pro Tem, whose term will last until January 15, 1979. Both Councilmembers thanked the Mayor for her kind words.

BEN HUR CIRCUS WEEK

A resolution, signed by all Councilmembers, was adopted, designating the week of September 25 through October 1, 1978, as Ben Hur Circus Week. MR. HORACE IVY and MR. JOHN POPE, representing the Ben Hur Shriners, were in the Council Chamber, and accepted the resolution with their appreciation.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for Regular Meetings of August 31, 1978, September 7, 1978, and September 14, 1978; and Special Meetings of August 30, 1978, August 31, 1978, and September 7, 1978, with additions and corrections.

ONE-WAY TRAFFIC PLAN FOR HOME FOOTBALL GAMES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DESIGNATING THE DIRECTIONS IN WHICH TRAFFIC SHALL MOVE IN THE VICINITY OF MEMORIAL STADIUM ON SAN JACINTO BOULEVARD, RED RIVER STREET AND MANOR ROAD, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Trevino moved that the Council adopt a resolution to temporarily modify the Red River, Lake Austin, University Hills, Travis Heights, Balcones and Chicon transit routes in conjunction with the temporary one-way system. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

GRANT OFFERS

Councilmember Trevino moved that the Council adopt a resolution to accept a grant offer from the Texas Aeronautics Commission in the amount of \$75,000 for airport improvements. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Trevino moved that the Council adopt a resolution to accept a grant offer from the Federal Aviation Administration in the amount of \$513,855 for airport improvements. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

CONTRACT APPROVED

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

COMMERCIAL COATING COMPANY Route 1, #8 Climer Drive Amarillo, Texas	- Painting of Holly Power Plant, Units No. 1 and No. 2 - \$159,800
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

WASTEWATER APPROACH MAIN

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

HARVEY G. UHRICH Design Manager Safeway Stores	- For construction of an 8-inch wastewater approach main to serve Safeway Addition No. 13. (No cost participation by City)
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

PUBLIC HEARING SET

Councilmember Trevino moved that the Council set a public hearing for the proposed waterline crossing a portion of City Park for November 2, 1978, at 10:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

PAVEMENT REPAIRS AT AIRPORT

Councilmember Trevino moved that the Council adopt a resolution to approve a change in the contract with Austin Road Company for pavement repairs at Municipal Airport. (Estimated cost: \$8,000) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

BUDGET AMENDMENT - AIRPORT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1977-78, BY APPROPRIATING FUNDS FROM THE AIRPORT OPERATING FUND ACCOUNT NUMBER 70502143 TO MATCH AN FAA GRANT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

The Mayor announced that the ordinance had been finally passed.

TWO AGENDA ITEMS PULLED AND RESCHEDULED

Consideration of amending Section 23-13 of the Austin City Code regarding permits for amplification of sound is postponed until September 28, 1978.

Consideration of adoption of the 1978-83 Capital Improvements Program is postponed until Monday, September 25, 1978, at 3:00 p.m.; Tuesday, September 26, 1978 at 3:00 p.m.; and Wednesday, September 27, 1978 at 3:00 p.m.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

A 0.57-ACRE TRACT OF LAND, SAVE AND EXCEPT A PORTION OF THE SUBJECT TRACT 5 FEET IN DEPTH BEGINNING AT THE SOUTHWESTERN CORNER OF THE TRACT AND EXTENDING 59.68 FEET EASTWARD ALONG THE SOUTHERN PROPERTY LINE THEREOF, TO REMAIN "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 113-115 STASSNEY LANE AND 114-118 SANDRA LANE; FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, 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. (Bennie Fojtik, C14-78-127)

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

TRACT 1: A 87,463.69-SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
TRACT 2: A 96,024.59-SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 204-214 WEST POWELL LANE AND 8200-8220 GUADALUPE STREET; 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. (Pinkie Brodie, Floyd Goodrich, Jr., & Benny E. Jay, C14-78-115)

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

The Mayor announced that the ordinance had been finally passed.

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

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 1.07-ACRE TRACT OF LAND, LOCALLY KNOWN AS 11222 JOLLYVILLE ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (M. V. & Vivian Lester, C14-78-140)

The ordinance was read the second time, and Councilmember Mullen moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

CITIZEN COMMUNICATION RESCHEDULED

MR. BOYCE HORNBURG, President, Merchants & Professional Credit Bureau, requested to appear before Council to present a complete report on the company's handling of Brackenridge Hospital collection accounts. He asked Council if he could delay the presentation of the report because he had received a letter and report from Mr. Harris, City Attorney, which he wanted to discuss with Mr. Harris and Mr. Davidson, City Manager. Council agreed to let him return on October 5, 1978.

FIRE FIGHTERS REQUEST 14% PAY RAISE

MR. A. C. FROHNAPFEL, President, Austin Fire Fighters Association, appeared before Council to present the 1978 pay proposal of the Austin Fire Fighters Association. He told Council that MR. MIKE VAN BLARICOM, Secretary of the Association would present the proposal. Mr. Van Blaricom's presentation was based on the following figures:

GROWTH OF AUSTIN CORPORATE LIMITS January 1, 1974 to March 23, 1978

	<u>Corporate Size (Sq. Mi.)</u>	<u>% of Increase</u>
January 1, 1974	98.95	
March 23, 1978	121.92	23.2

	INCREASE IN ACTIVITY 1974-77		<u>% of Increase</u>
	<u>1974</u>	<u>1977</u>	
Fire Alarms	5974	9753	63.2
Rescue, Resuscitator	732	2164	195.6
Details	115	2833	2,363.4

Our activity in 1978, through August 31, already totals 6513 fire alarms or 66% of 1977; 1392 rescue and resuscitator alarms or 64% of 1977. Before the end of 1978, we can expect to at least equal, if not show an increase over, activity for 1977.

GROWTH OF FIREFIGHTING FORCE

<u>Year</u>	<u>Force on Hand</u>	<u>% of Increase</u>
1974	418	
1978	462	10.5

<u>CITY</u>	<u>GOOD FIRE RECORD CREDIT(CHARGE) 1973-78</u>	<u>5-YEAR LOSS RATIO</u>	
		<u>1973-75</u>	<u>1976-78</u>
Austin	+15 +15 +15 +15 +15 +15	34%	32%
Houston	+10 +10 +10 +10 +10 +10	41%	40%
Beaumont	+10 +10 +10 +10 +10 +10	39%	42%
Lubbock	+5 0 +5 0 +5 +10	39%	43%
Ft. Worth	+5 0 0 0 0 -5	56%	61%
Dallas	0 -5 -5 -5 -5 -10	59%	67%

<u>CITY</u>	<u>EXPENDITURES PER CAPITA FY 1977-78</u>
Houston	\$44.23
Dallas	37.72
Beaumont	31.24
Ft. Worth	29.58
Lubbock	27.56
Austin	25.47

<u>CITY</u>	<u>CIVIL SERVICE FIREFIGHTERS PER CAPITA FY 1977-78</u>
Houston	.00189
Dallas	.00165
Beaumont	.00165
Lubbock	.00150
Ft. Worth	.00142
Austin	.00140

AUSTIN FIREFIGHTER TURNOVER RATE DUE TO RESIGNATION

<u>Year</u>	<u>Rate</u>
1974	2.39%
1975	3.45%
1976	4.96%
1977	5.54%
1978 (to date)	5.63%

From 1974 through 1977, the rate of resignation averaged 4.1%. For 1978 to date, the rate of resignation is already 5.63%; and, as you can see, the rate has steadily increased since 1974.

What is even more dramatic is who is resigning and why. Below is a list of the positions resigned from and the years of service at the time of resignation since August 1, 1978. Where the reason is known, it is indicated. All the following members were in good health at the time of resignation:

<u>POSITION</u>	<u>YEARS OF SERVICE</u>	<u>REASON</u>
Fire Specialist	8-1/2	Change in priorities
Senior Firefighter	8	Better job
Fire Specialist	15	
Senior Firefighter	5	
Senior Firefighter	3-1/2	Better paying job

PROPOSED 1978-79 FIREFIGHTER PAY STRUCTURE

<u>Rank</u>	<u>Base Monthly Pay</u>
Cadet	\$1000
Firefighter	1100
6-Month	1210
18-Month	1270
Senior Firefighter	1310
2-Year	1350
Sergeant	1485
Lieutenant	1635
Captain	1800
District Chief	2070
Division Chief	2280

Mr. Van Blaricom told Council that this pay proposal would mean a 14% increase for the level of Cadet through 2-year Firefighter; with a 10% differentiation for all other ranks, except District Chief and higher. Their differentiation would be 15%. He estimated that the cost of this proposal for the budget year of 1978-79 would be an additional \$800,220.00.

Mayor McClellan thanked him for the report and said it would be given due consideration.

PAY PROPOSAL FOR CITY EMPLOYEES

MR. JOE PINNELLI, MS. DANNETTE GRIFFIN, MR. CHARLIE THIEM and MR. LARRY HILL, Union Representatives of A.F.S.C.M.E., appeared before Council to discuss the pay raise proposal for City employees. Mr. Pinnelli introduced Mr. Thiem, an economist with A.F.S.C.M.E., who gave the report for the union. He told Council that they are asking for a 12% pay increase annually, for all employees who earn under \$20,000. Because of the projected Consumer Price Index for 1978 in Austin of 9.4%, the pay increases of City employees have not kept pace with inflation. A 12% increase would only keep inflation even for this year. Mr. Thiem cited the drastic rise in the cost of food and housing since 1971. He also cited the increase in health insurance of 89%. The turnover rate of City employees in Austin is 18% as compared to the annual turnover rate of 3.2% for Dallas, 2.6% for Houston and 2.7% for San Antonio. It is his contention that the larger turnover directly relates to the failure of City wages to keep up with inflationary costs. Mr. Thiem stated that a decent pay raise may not be the whole answer and that the union does not intend to gouge the City, but he did ask for the consideration of the Council toward the Union's request.

Ms. Dannette Griffin, resident organizer with AFSCME, appeared before Council and stated that there is low morale among City employees because of the way the merit increase is handled. She said that it is usually several weeks late and is not retroactive to the date when it should have been awarded. She said that many times the raise is awarded only on loyalty to the supervisor and not on the merits of the employee.

Mr. Larry Hill, staff member of AFSCME, also cited the fact that merit increases are lost in a shuffle of paper work for from 3 weeks to 90 days and asked Council to make the raises retroactive to the day they were due. He also said that many of the increases are granted on loyalty to the supervisor rather than on job performance....that merit increases should be awarded for merit. He also said that many employees are distressed about not being told about their deficiencies in time to correct them for a merit increase.

Mr. Pinnelli summed up the presentation by saying the people that AFSCME represents are those who are effected more by inflation than those making over \$14,000.00 a year. He said that if the known problems are addressed, the morale and efficiency of the employees will be increased.

Mayor Pro Tem Cooke asked the City Manager to address the points discussed by the speakers. Mr. Davidson said he would do so in a report.

PARADE PERMIT

Councilmember Trevino moved that the Council approve the request for a Parade Permit from MR. TIM O'CONNOR for Stehlin Foundation for Cancer, from 10:00 a.m. to 10:30 a.m. (on Academy Drive only) and 11:00 a.m. to 12:00 noon, beginning from Opera House parking lot east on Bonnevillle to Hillside, turn right, southwest on Hillside to Melissa down Academy west to Circle, south on Circle, around Circle behind Schlotzsky's to Oak Terrace Apartment's parking lot, back on Academy, cross over to Opera House, Saturday, September 23, 1978. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

ELECTRIC UTILITY COMMISSION REPORT

MR. BRUCE TODD, Chairman, Electric Utility Commission, presented the Commission's recommendations on the 1978-79 Operating Budget for the Electric Department, as well as the Capital Improvements Plan recommendations. He summarized the recommendations as follows:

Budget

1. The personnel section of the budget should be reduced by the expected cost savings as a result of anticipated delays in hiring. As you recall, the Electric Department did the same thing last year. The Department has to budget personnel fairly high because of the anticipation of increases in construction activity. However, it is anticipated the employees will not be hired until such time as it becomes appropriate. The department will prepare a report concerning the amount of cost saving and forward to Council. It is the Commission's wish to have the amount reduced from the budget.

2. The budget's of both the Electric Utility Commission and the Energy Conservation Commission should be decreased by \$5,000.00. They think their current budget is too high and they can live within the reduction.
3. Remove from the Electric Department those funds allocated for Aqua Fest. The Commission feels they should be recovered from some other source.
4. The Commission strongly recommends that the contingent liability referred to in the City Manager's memo of \$4.09 million be funded with the intent to refund this to the customers immediately after such time as it becomes available.

Capital Improvements Program

1. Recommend approval of the C.I.P. as is with reduction in South Texas to the existing authorized level of \$161,000,000 with a corresponding reduction in the fuel inventory. The recommendation is qualified with the fact that the Commission expects to make a final recommendation concerning South Texas at such time as the final figures become available.
2. Recommend that all future bonding authority be approved by the voters. They disagree with any recommendation that it be done by the Council, because the Commission believes it important for voters to register their opinion in that area.
3. Concerning bonding authority as related to C.I.P., the Commission strongly recommends that the authorization for Fayette and the coal and transmission lines associated with Fayette be split and be offered as one package to the voters and the other package include all other system improvements.

SUBDIVISION PROCESSING REPORT

MR. BILL MILBURN, Chairman, Subdivision Processing Task Force, appeared before Council, and referred to the report on Centralized Subdivision Processing which they had received from the Subdivision Study Group. (Copy is on file in the City Clerk's Office.) He said the report contains 24 recommendations which were adopted by the Committee by a vote of 11-0 with 4 members absent, after research, analysis and consultation by members of the Task Force and City staff members. Mr. Milburn expressed the appreciation of himself and the Task Force for the cooperation they received from Mr. Lillie, Planning Director, Ms. Evelyn Butler, Mr. Charles Graves and various other staff members, as well as City Manager Dan Davidson. Mr. Milburn requested Council to grant a six-month extension of the Subdivision Processing Task Force in order that they might refine their process as set forth in the report.

Councilmember Goodman moved that the Council accept the report of the Subdivision Processing Task Force and continue the Task Force for six months more. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

TOWN LAKE WATER

MR. LEE A. CORDELL appeared before Council to discuss clean water for Town Lake. City Manager Davidson asked Ms. Andrea Beatty, Assistant City Manager, and Ms. Sue Edwards, Acting Director, Public Health Department, to determine Mr. Cordell's questions and answer them, in a conference outside the Council Chambers.

PUBLIC HEARING - SALADO HOUSE FOR BOYS

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on an appeal of the decision of the Planning Commission granting a Special Permit for Texas Youth Council to operate a house for boys at 2704 Salado, Case No. C14P-78-037. (Requested by Mr. Jerry Raisch, 2800 San Pedro) Mr. Lillie, Director of Planning appeared before Council to state that the applicant has agreed to meet all of the ordinance requirements and conditions of the Planning Commission and allow Mr. Pike to make the presentation on behalf of the applicant.

MR. STEVE ROBINSON, representing the Texas Youth Council, operates at present five half-way houses in the state. He said Salado House would be the sixth. They have operated Travis House successfully for 2-1/2 years on Avenue D. In opening Salado House TYC would be moving the boys' program from Travis to the facility on Salado and would operate their first girls' half-way program in the facility at Avenue D. He said the successful programs have caused no problem in the community, and above all they are most beneficial to the children and residents served.

MS. BETTY PHILLIPS, representing Save the University Neighborhood, appeared and said that they are in favor of the opening of Salado House. She thought the neighborhood and TYC could live in peace, and only asked that the Special Permit be withdrawn if the conditions of it are not followed.

BERKLEY BETTIS, DICK KREKBRISCH and JIM KARHAN, who had signed up to speak, waived their right to do so.

MS. CHARLOTTE CARL-MITCHELL, 2836 San Gabriel, told Council she owns a home four blocks from the proposed Salado House and is in favor of having the facility in the neighborhood because youth needs to be helped.

MARK HOFFMAN waived his right to speak.

MR. GARY PRINCE, representing CURE, applauded the efforts of TYC and is fully behind the issuance of the permit.

MR. GEORGE McCANSE, 2704 San Pedro, developer of the San Pedro Condominiums is in favor of Salado House and feels it will benefit the City of Austin.

MR. TERENCE HART, 4600 Elwood, was not in favor of Salado House because he felt it would benefit neither the neighborhood or the children, because of the fraternity influence in the area. He did not feel their rehabilitation would be enhanced. Mayor McClellan asked if the whole argument is based on the fact that he did not think the area good for young men. He said, "yes," but he did not think it is good for the neighborhood either. Councilmember Trevino asked if Mr. Hart had talked to any fraternity men and Mr. Hart answered that he had

and that the fraternities agree with him. Councilmember Trevino said he did not think the University community is so bad, and in answer to Mr. Hart's comment that it is not stable, Mr. Trevino said they were looking for stability of people.

MR. DANIEL STOLPER, 710 West 28th, a University student, cited alcoholism and street parties in the University neighborhood as being a bad influence on young boys and therefore felt the Salado House should not be opened there.

MR. O. W. REINMUTH, 2808 San Pedro, representing the older residents in the area, said he is strongly opposed to Salado House because there would be 24 boys crowded into an already overcrowded neighborhood. They would have no place for outdoor games and would not be around families with children ages 14 to 18.

MR. JERRY RAISCH, 2800 San Pedro, said their neighborhood had nearly been spot zoned out of existence and did not feel that the incidence of high density should be increased. He said that TYC has filed a Special Permit as an eleemosynary institution which by definition means they are a charitable organization. Mr. Raisch continued, "The State may be a charitable organization, I don't know, but I don't see how they could file for a Special Permit instead of getting the zoning changed on this thing." Mr. Jerry Harris, City Attorney, told Council that the question has been called to his attention and said his office research found some court cases holding it as a zoning situation. This type of use would fit the definition appropriately and it would be our determination that it is an appropriate consideration under Special Permit procedures. Mr. Raisch said that his lawyer's opinion is different, and Mr. Harris told him he would be happy to talk to his lawyer if Mr. Raisch wished.

CYNDY POWELL, 2802 San Pedro, said that her neighborhood is not conducive to a house for the rehabilitation of youth. She also cited the fact that there is no play area, no schools and no children in the neighborhood.

JACK PIKE and JACK DANIELS, who had signed up to speak, waived their rights.

MR. RON JACKSON, Executive Director of the Youth Council, told Council that they had been ordered by Federal Court to move their operation into the community, and that some of the most productive programs are accomplished in university areas. He said that there is no need for a play area because of the program they have for the boys, but they do hope that they can work in conjunction with college students in the area.

MS. DONNA HAZELWOOD told Council that she lives between two fraternity houses and down the street from the proposed Salado House. She does not feel that a half-way house would be disruptive to the community.

MS. VIRGINIA FRANKE, 4102 Avenue D, stated that she lives next door to Travis House in Hyde Park and that she supports TYC's efforts....and that half-way houses are no problem to the neighborhood.

MR. SMOOT CARL-MITCHELL, 2836 San Gabriel, is in support of TYC's plans because it would be a controlled environment.

MR. LEE BAKER, 2609 Salado, is opposed to the home because he feels it is a poor neighborhood for rehabilitation, and the permit cannot be revoked if it doesn't work out.

JEANNE and CAROLYN BAKER, who had signed to speak, waived their right.

Mayor Pro Tem Cooke stated, "Mayor, I have tried to listen to the testimony given tonight, specifically in regard to the factors that we have to consider from the legal aspects regarding denying a Special Permit, and I don't know what any of you have been able to uncover but so far the only factor of the nine factors that we have to deal with, that would have to be supported in a Court of law if this was appealed, may possibly relate to Item 9 which says, 'such other measures as will secure, protect the public health, safety, morals and general welfare.' However, the comments that the neighborhood is not a conducive place for these boys....I don't feel that I have heard any expert testimony, only opinions, regarding how this particular neighborhood would effect the morals, safety or public health or general welfare of either the neighborhood or the boys. I would have difficulty supporting the denial of a Special Permit based on the testimony I have heard tonight."

Motion

Mayor Pro Tem Cooke moved that the Council close the public hearing and grant a Special Permit for Texas Youth Council to operate a house for boys at 2704 Salado, Case No. C14P-78-037. The motion was seconded by Councilmember Trevino.

Councilmember Mullen said he wanted the public present in the Council Chambers to understand Council's problem with special permits.

Mr. Harris stated: "Under the Special Permit Ordinance requirement there has to be requirements to judge any Special Permit. Our particular ordinance in this case sets forth eight standards that apply in the specific situation. These standards have to be looked at and all the testimony evidence has to be sized up under one of these standards. The factors to be considered are as follows:

1. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
2. Safety from fire hazard, and measures for fire control.
3. Protection of adjacent property from flood or water damage.
4. Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.
5. Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
6. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.

7. Adequacy of parking, as determined by requirements of this chapter for off-street parking facilities in the use district in which the site is located; location of ingress and egress points for parking and off-street loading spaces; and protection of the public health by surfacing on all parking areas to control dust.
8. Such other measures as will secure and protect the public health, safety, morals and general welfare.

So the idea is, that if the City Council chose to deny a Special Permit, they would have to deny it on the basis of one of those items listed. There would have to be convincing evidence presented at the Public Hearing for the item which the Council chose to deny the Special Permit."

Councilmember Mullen said that since they didn't hear an item with convincing evidence, Council really has no choice except to accept the Special Permit. Councilmember Trevino pointed out that they have had a lot of Special Permits they did not care for, but Council had no other options but to follow the law. To deny a Special Permit, applicant would be allowed to go to District Court and unless Council has reasons to deny, the applicant probably would win in Court.

Roll Call on Motion

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

Noes: None

PUBLIC HEARING ON 1978-79 OPERATING BUDGET PROPOSED USE GENERAL REVENUE SHARING FUNDS

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on the 1978-79 Operating Budget and proposed use of 1978-79 General Revenue Sharing Funds.

Mayor McClellan announced that "this is the third public hearing on the proposed Operating Budget for 1978-79 and it is the second public hearing for the use of General Revenue Sharing Funds for the same fiscal year. As it is now proposed, the Operating Budget before Council is \$298.7 million for general government, which would allow for a 17 cent tax reduction. She said that Council is committed in this year of property re-evaluation, a significant and further tax reduction so a majority of the homeowners will realize a real dollars and cents tax reduction. Therefore, in order to achieve the goal for a real tax cut the Council is going to have to make some serious decisions about appropriate funding levels for services and for administering general government. Therefore, Council needs to determine what activities are essential and appropriate for financing through the operating budget. And as a part of the operating budget, Council must allocate about \$4.8 million for General Revenue Sharing. Federal government will award this to the City as a refund in lieu of specific targeted grants. The City may spend Revenue Sharing Funds as it would City tax revenues. The only restrictions are that they not be used in a manner

which is discriminatory or out of compliance with State and local laws governing other City money. This year the \$1,965,500 of General Revenue Sharing is proposed for four Capital Projects..East 6th Street Multipurpose Center, Boggy Creek Wastewater Line, Rosewood Neighborhood Human Development Center, Montopolis Neighborhood Center. The remainder is proposed for operating expenses. In the past this has included projects such as emergency medical services, libraries and parks. The Council has some very tough decisions ahead of them in the next few days. We are very pleased that you have taken the time to come and be with us this evening."

DIANE BEST, 4304 Balcones Woods Drive, appeared before Council and urged their support of the Community Workshop Market which provides supplemental income for the retired, who are on fixed incomes. She cited figures which indicated how much income can be had by sales at the Old Bakery. Ms. Best asked Council for \$25,000 to \$30,000 for utility payments.

MS. MURIEL DIXON, representing the Rosewood Neighborhood Human Development Center, requested funds for the Center so that plans can be drawn and construction can begin as soon as possible.

MR. DESMOND KIDD, Capital City Youth Basketball representative, asked that they be included in the budget. He said they no longer could use school gyms. Mayor McClellan told him that they had directed the City Manager to contact the Superintendent of Schools regarding this and that Mr. Kidd should also discuss the matter with the School Board.

MR. DON KROMER, also with the Capital City Youth Basketball, said it would be appreciated if staff would inform them of the outcome when they work with the school district. Mayor McClellan told him that Council would share their information with Capital City Youth Basketball.

MRS. HELEN FELL McBETH, spoke in favor of transportation for the physically handicapped and asked Council not to cut any of it from the budget.

DR. ROY LEAMON, EMS Quality Assurance Team, asked Council to consider the purchase of a monitoring system in the middle of the emergency room at Brackenridge Hospital. The way the system is set up now, it is very inconvenient for the doctors to be able to monitor the telemetry system.

MR. SHANNON BALLARD asked Council to appropriate funds for a City arborist. He thinks that the City will greatly benefit by having one and cited instances of tree abuse.

MR. WAGGONER CARR, 314 West 11th Street, appeared as a representative of Texas 13 of Travis County. He said their group is dedicated to cutting down on the expense of taxes. Mr. Carr further commented that there has been too much spending and that the City government can be run this year on the same amount of money which was needed last year. There needs to be a shifting of priorities. He told Council that Texas 13 wants the City budget to stay the way it is. Mayor McClellan told Mr. Carr that she appreciated his attending the public hearing. Austin, she said, is a fast growing City in some areas, but that they as a Council, are committed to real dollars and cents help to the homeowners, or the voters will do it for them.

MR. MOE TERRELL, Chairman, Property Owners Association, appeared to state that his organization expresses the same concern as Mr. Carr. He said Council has to say no to governmental level budget increases.

MS. FAY CAMPBELL, Advisory Board Project Council, thanked Council for their past help but said their number has increased and they need more help with more money.

MS. JEAN MAURER, 2904 Clearview, appeared in favor of ecology action through recycling, and asked Council to fund more re-cycling centers.

MS. WALTER RICHTER also appeared and spoke in favor of re-cycling. Mr. Davidson told her that Mr. German, Director of Public Works, will give a report to Council on re-cycling at a later date.

MS. CUTTA S. MILLER, 4005 Maplewood, thought the budget should include more housekeeping money to keep up the parks. She feel there has been some neglect.

MS. BARBARA CILLEY, 1114 Mariposa, discussed her view of the Subdivision Processing Task Force, and objected to the removal of two employees from the Environmental department.

MS. PAM WETZELS, representing the City Parks and Recreation Special Population Program for the Handicapped, asked Council to consider their request for \$60,000 to maintain what they are doing....but that amount probably won't be enough to maintain the program.

MR. RALSTON CRESWELL, Counseling Director of the American Heart Association, applauded the City's CPR program and asked the City to continue it.

MR. WALTER TIMBERLAKE appeared to say he opposes any money spent on the power houses for LaGrange and Bay City. He represented AFL-CIO.

MR. TOM JOHNSON, 1033 East 43rd, thanked Council for their sidewalk program. He also said that there needs to be a survey to find out the need for a senior center in South Austin like the one they have on North Lamar.

Mayor McClellan thanked the speakers for their participation and said that Council would take action on the Capital Improvements Program and the Operating Budget on September 25, 1978, at 3:00 p.m. in the Council Chamber.

Motion

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

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

Noes: None

PUBLIC HEARING ON VACATION OF A PORTION
OF OLD U.S. HIGHWAY 183

Mayor McClellan opened a public hearing on the vacating of the following and passage of ordinance scheduled for 7:00 p.m.:

A portion of Old U.S. Highway 183, also known as Jollyville Road between Great Hills Trail and Loop 360. (Requested by Mr. William B. Cotton, Cotton Texas, Ltd.)

No one appeared to be heard. MR. ROBERT SNEED, attorney for the applicant, and the applicant were present.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF OLD U. S. HIGHWAY 183 (JOLLYVILLE ROAD) IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR DRAINAGE AND PUBLIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

CROSSOVER ON U.S. 183

Councilmember Goodman moved that the Council adopt a resolution to enter into a contract with the State Department of Highways and Public Transportation to construct a crossover with turn lanes on U.S. Highway 183 (Research Boulevard) at the intersection of Great Hills Trail. (Cost estimated at \$78,250 will be paid by Cotton Texas, Limited, owner of the Great Hills Mall.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

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

TRACT 1: A 29.43-ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 2: A 4.71-ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 3: A 3.492-ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND, TRACT 4: A 8.04-ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED ON GREAT HILLS TRAIL, GREAT HILLS PARKWAY, AND JOLLYVILLE ROAD; 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. (Cotton Texas, Ltd, et al, C14-78-054)

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 Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

STREET PARTY

Council had before it for consideration a request of Youth Emergency Services to allow the sale of alcoholic beverages within 300 feet of the Congregational Church of Austin on September 23 and 24, 1978.

MS. BETTY PHILLIPS, Save the University Neighborhood, appeared before Council. She said that in her observation of street parties in the neighborhood, they are not following alcoholic beverage control, except in procedure. She said that a bar in the area which does not even enforce Alcoholic Beverage Commission's procedures on its own premises, is in charge of the enforcement in the street parties. Ms. Phillips then referred to a street party which was approved as an emergency item. Her association did not find out about it until it was approved. She asked Council, if at all possible, to put the notices on the regular agenda. Ms. Phillips concluded her statements by saying that the abuses as a result of the street parties are great and cost the taxpayer considerable money by calling in the City police. She asked Council to consult with the Austin Police Department and the legal staff and give careful examination to the costs and benefits to the entire City regarding the kind of street parties that are occurring in the University area.

Motion

Councilmember Himmelblau adopted a resolution to allow the sale of alcoholic beverages within 300 feet of the Congregational Church of Austin, on September 23 and 24, 1978, as requested by Youth Emergency Services. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Himmelblau asked that Council receive a report back from the Police Department on how these parties are received in the neighborhood and the way the three parties which are to be held the weekend of September 22 through 24 are monitored.

GRANT APPLICATION TO COMMUNITY SERVICES ADMINISTRATION

Council had before it for consideration the authorization of submission of a grant application to the Community Services Administration in the amount of \$37,000 for four one-time projects to be administered by the City of Austin Human Services Department and Travis County Human Services Department. Councilmember Mullen asked about, "the community newspaper to increase the level of citizen awareness and participation by distributing monthly information. Who's going to publish it and what's it going to be about? I'm wondering what we are funding here...political or non-political in nature?" Mr. Buck Apelt, Acting Director, Human Services, answered that "this will be in the nature of a community development newsletter sort of thing that will be pulled together with the assistance of Public Information. It is non-political in nature." Mr. Davidson said, "That would be prohibited."

Motion

Councilmember Trevino moved that the Council adopt a resolution to authorize submission of a grant application to the Community Services Administration in the amount of \$37,000 for four one-time projects to be administered by the City of Austin Human Services Department and Travis County Human Services Department. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

FUNDING OF SENIOR CITIZENS HOUSING PROJECT

Council had before it for consideration the funding of the Senior Citizens Housing Project for the amount of \$128,486. Mr. Buck Apelt, Acting Director, Human Services, appeared before Council to present the options for the funding. He said, "If we want to keep the consideration of the project within the 4th year in the Community Development application, there is \$761,000 in General

Revenue Sharing that is allocated to the East Austin Multipurpose Center which would possibly be available for reprogramming," Councilmember Himmelblau said, "That was my suggestion last week. Is there some doubt that it would be available?" "No," answered Mr. Apelt.

Motion - Died for Lack of a Second

Councilmember Himmelblau made a motion to take the money from the General Revenue Sharing which is allocated to the East Austin Multipurpose Center, which would be \$128,486 from the \$761,000. The motion died for lack of a second.

Mr. Daron Butler, Budget Director, told Council, "the quickest, cleanest way for the Council to do this is simply to amend the Operating Budget and fund it out of the General Fund ending balance. That's the most efficient way to do it. It comes out of the same pocket." Mrs. Himmelblau said, "I don't want to take it out of the ending balance when we can substitute HCD funds." Mr. Butler said, "But it does effect how you use your revenue sharing money which is a pattern in your funding package, both C.I.P. and Operating Budget."

Motion

Councilmember Trevino moved that the Council fund the Senior Citizen Housing Project as recommended by the Budget Director. The motion was seconded by Councilmember Goodman.

After discussion among the Councilmembers, the following substitute motion was made:

Substitute Motion

Mayor Pro Tem Cooke offered a substitute motion that the Council take \$128,486.00 out of General Revenue Sharing money, then this would come off the proposal that is now in deliberation for the East Austin Multipurpose Center, and take out of contingency the amount of money necessary to make up that difference from the Community Development Block Grant money. Councilmember Himmelblau seconded the motion.

After considerable discussion concerning where the money should come from and whether it should be passed as a resolution or an ordinance. City Attorney Harris said that tonight the vote "could accomplish how you plan to handle it and then at the time you make your final decision on the revenue sharing monies, which you will do next week, you can do this at the same time you wrap up the entire package and at that time, or before that time, you can also deal with taking the contingency money and...if you just choose the option, we will do it that way." Councilmember Himmelblau said she likes the motion Mr. Cooke made.

Roll Call on Substitute Motion

Roll call on Mayor Pro Tem Cooke's substitute motion, Councilmember Himmelblau's second to adopt a resolution for funding of the Senior Citizens Housing project for the amount of \$128,486.00 from General Revenue Sharing funds, showed the following vote:

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

TEXAS FOOTBALL SHUTTLE FARES

Council had before it an ordinance to establish fares for the University of Texas Football Shuttle. (\$1.00 per adult; 50 cents per child under twelve)

Councilmember Himmelblau said that along with the setting of fares is the use of Nelson Field and the charge by Austin Independent School District for each game. "I don't understand this when there is no expense involved to the School District and wanted to voice my complaint and ask the staff to work with the staff of the School District to see if we can eliminate this. I saw one of the school board members today, and he wasn't even aware of such a charge." Mr. Joe Ternus, Director of Urban Transportation, told the Council that his department had already looked into this and had been told it could not be waived, because the School Board has a policy and they are implementing that policy. Mr. Davidson said that staff at present is looking into all instances of charges to A.I.S.D. and their charges to the City. Councilmember Himmelblau said she had brought this up because she wanted to get it all out into the open.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING THE FARES TO BE CHARGED FOR TRANSIT SHUTTLE SERVICE FOR UNIVERSITY OF TEXAS FOOTBALL GAMES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ 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 Mayor Pro Tem Cooke, carried by the following vote:

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

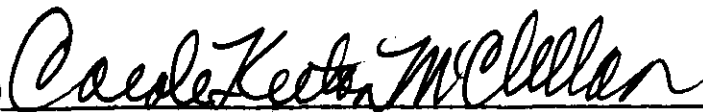
The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

Council adjourned its meeting at 9:50 p.m.

ATTEST:

APPROVED


Mayor


City Clerk