



City of Austin

City Council

Carole Keeton McClellan
Mayor

Council Members
Lee Cooke
Richard Goodman
Betty Himmelblau
Ron Mullen
Jimmy Snell
John Trevino, Jr.

Dan H. Davidson
City Manager

Grace Monroe
City Clerk

Austin City Council

Minutes

For

NOVEMBER 20, 1980
6:00 P.M.

Council Chambers, 301 West Second Street,

Memorandum To:

Mayor McClellan called to order the meeting of the Council, noting the presence of all Councilmembers.

INVOCATION

Dr. John Shouse, University Baptist Church, gave the Invocation.

PROJECT S.O.B.E.R.

Mayor McClellan read a resolution, signed by all Councilmembers, designating the month of December, 1980 as the time when the Austin Council of Alcoholism will sponsor Project S.O.B.E.R. Messrs. Dan Love, Jim Hughey and Jim Donohue were present in the Council Chamber to receive the Resolution with their thanks and appreciation.

SILVER GLOVES WEEK

Silver Gloves Week will be observed December 1-6 according to a Resolution read by the Mayor. Ms. Gina Flores-Morales, Director, Parks and Recreation Department Montopolis Recreation Center, and Paul Alba received the proclamation with their thanks and appreciation.

MINUTES APPROVED

The Council, on Councilmember Trevino's motion, Councilmember Mullen's second, approved the Minutes of the Meeting for November 13, 1980. (4-0 Vote, Councilmembers Goodman, Himmelblau and Snell out of the room.)

BOARDS & COMMISSIONS

The Council, on Councilmember Mullen's motion, Mayor McClellan's second, appointed Mike McCall to the Community Development Commission. (4-0 Vote, Councilmembers Goodman, Himmelblau, Trevino were out of the room)

Mayor McClellan announced the following board and commission appointments will be made on December 4, 1980: On-Going Goals Assembly Committee, 4; Vending Commission, 1; Dental Health Advisory Committee, 2; Human Relations Commission, 7; Manpower Advisory Planning Council, 5; Building Standards Commission, 1; Austin Community Education Consortium, 3; EMS Quality Assurance Team, 1; PARD, 1; Environmental Board, 1.

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Snell's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following tracts of land for the widening and improvements of Ponca Street, in C.D.D. Project #12:

- a. 705 sq. ft. of land out of Block 10, J.Gordan Brown Subdivision (Rudolph Williams, owner)
- b. 501 sq. ft. of land out of Block 13, J. Gordan Brown Subdivision. (J.T. Duvall, owner)

Easement Release

Released the following easements:

- a. 1.5' of 7.5' public utility easement on Lot 25-A, Block "H" Resubdivision of Lots 25 & 26 Block "H" and Lots 5,6, & 7, Block "I" of Cherry Creek Phase III Sec. II locally known as 6606 Krollton Drive. (Requested by Mr. J.B. Ruebsahm, representing Mr. and Mrs. Robert A. Parker)
- b. An electric and telephone easement on Lot A, G.C. Seiders Subdivision No. 2 as recorded in Volume 2524, Page 147, 1500 Toomey Road, Requested by Mr. Harvey Smith representing Mr. John Brougher, Trustee and Mr. Richard Seiders.

Contracts Approved

Approved the following contracts:

- a. Bid award:
- Elevator Maintenance Service
City Wide
Three (3) Year Service Agreement
- (1) AUSTIN ELEVATOR COMPANY
2005 Bert Street
Austin, Texas
- Items 1.1 thru 1.4, 1.10 thru 1.12,
2.0, 5.0 - \$23,724.00
- (2) DOVER ELEVATOR, INC.
1906 Mirian
Austin, Texas
- Items 1.5 thru 1.9, 4.0, 8.0,
& 10.0 - \$22,148.00
- (3) ESCO ELEVATORS, INC.
P. O. Box 1084
Austin, Texas
- Item 7.0 - \$5,251.20
- b. EMERGENCY POWER ENGINEERING COMPANY
3593 Cadillac Avenue
Costa Mesa, California
- CAPITAL IMPROVEMENTS PROGRAM -
Equipment for Emergency Generator
System for Holly Power Plant,
Electric Utility Department
Item 1 - \$8,900.00
C.I.P. No. 79/12-01

Capital Improvements Program

Selected professional engineering services and approved contracts in connection with the following:

- a. Koenig Lane and Southern Pacific Railroad Grade Separation for Public Works and Urban Transportation Departments. CAPITAL IMPROVEMENTS PROGRAM, No. 74/61-02 -- Freese & Nichols, Inc.
- b. William Cannon Drive at Missouri-Pacific (MoPac) Railroad Separation for Public Works and Urban Transportation Departments. CAPITAL IMPROVEMENTS PROGRAM No. 74/61-02 -- URS Company

Browning Aerial Service Inc. Lease

Amended existing Browning Aerial Service, Inc. lease by the addition of approximately 71,950 square feet to allow the construction of an additional storage hangar and aircraft parking area.

Human Service Agency Contracts

Authorized execution of twenty-three (23) Human Service Agency Contracts for FY 1980-81.

Later in the meeting, Mayor Pro Tem Trevino said he would like to reconsider action.

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Goodman to reconsider. (Unanimous vote)

Mayor Pro Tem Trevino stated that there are some questions being raised by some of the contract agencies and he has not had time enough to look into the questions therefore he wanted to postpone action until December 4, 1980.

Deputy City Manager Muehlenbeck told Council, "We are presently going along with a continuing contract and those contracts will expire December 1. I'd like Council to authorize those contracts until you do have a chance to take action."

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, voted to consider on December 4, 1980, authorizing execution of twenty-three (23) Human Service Agency Contracts for FY 1980-81; present contracts to extend until then. (Unanimous vote)

CONSENT MOTION CONTINUED
(7-0 Vote)

504 Hot Line

Approved City's participation in an Employers 504 Hotline with Texas Employment Commission for the purpose of providing information to local employers seeking assistance in employing handicapped individuals.

Inwats Line Prospective Hospital Employees

Approved the installation of an out-of-Texas Inwats, "800" number for Brackenridge Hospital at an approximate cost of \$2,928/year to enable prospective employees to contact the hospital without charge. (Recommended by Hospital Board)

Community Action Grant

Accepted a grant from the Community Services Administration in the amount of \$432,000 for the operation of the Community Action Program during FY 1980-81.

Public Hearings Set

Set a public hearing to amend Brackenridge Urban Renewal Plan for January 8, 1981 at 2:00 p.m. and referred same to City Planning Commission for recommendation.

Rescheduled the public hearing on the Williamson Creek Watershed Development Standards, which was continued to December 18, 1980, to December 11, 1980 at 7:00 p.m.

Home Mortgage Revenue Bond Program

Approved the request of the Travis County Housing Finance Corporation to operate its Home Mortgage Revenue Bond Program within the City of Austin.

Delinquency Prevention Officers/2

Authorized the City Manager or Deputy City Manager to accept a grant from the Texas Criminal Justice Division in the amount of \$35,442 for the project "Delinquency Prevention Officers/2" for the Austin Police Department for the program period December 1, 1980 through September 30, 1981 - \$8,932 cash match required.

CONSENT ORDINANCES

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed the following ordinances: (7-0 Vote, unless otherwise indicated)

"Toys in Lieu of Fare" Program"

Adopted a "Toys in Lieu of Fare" Program for the Austin Transit System during the week of December 8-13, 1980.

Ethics Ordinance Amendment

Amended the Ethics Ordinance by:

- a. providing a filing date for statements of financial information for salaried city officials who resign or are terminated.

Extension of Moratorium

Extended the Williamson Creek Watershed Subdivision Moratorium to December 19, 1980.

Street Vacation

Passed an ordinance vacating the following: (Public hearing held and closed on December 13, 1973)

- a. RED RIVER STREET (Old) from the northern boundary of East Martin Luther King, Jr. Boulevard to the southern boundary of East 26th Street.
- b. MANOR ROAD from the west boundary of the West Frontage Road of I.H. 35 to the east boundary of Red River Street (Old) excepting from vacation of the right-of-way of Swisher Street.

(The City will retain in all areas vacated a public utility" easement along with the right of ingress and egress for repair, maintenance, construction and reconstruction of all existing public utility lines, pipes and systems.)

Zoning Ordinances

Amended Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following changes:

- | | | |
|--|---|--|
| a(1) MARY LOU SHIRER
C14-80-168 | 8105 Mesa Drive
4216 Spicewood Springs
Road | From "LR" 1st H&A to
"C" 1st H&A |
| (2) WILMOT R. HORTON
By Vincent M. Moyer
C14-80-171 | 1501 West Avenue, also
bounded by West 15th
Street | From "A" 1st H&A to
"O" 1st H&A |
| (3) TED WENDLANDT AND
EDWARD WENDLANDT
By Tom Curtis
C14-80-172 | 4900-5108 Teri Road,
also bounded by Nuckles
Crossing | From Interim "AA" 1st
to "A" 1st H&A |
| (4) BALCONES WOODS JOINT
VENTURE
By Ray A. Wilkerson
C14-80-174 | 11150 Research Blvd. | From "GR" 1st H&A to
"GR" 2nd H&A |
| (5) CITY OF AUSTIN
(Property Management)
C14-80-185 | 2000-2118 Old East
51st Street | From "UND" to "GR" 1st
H&A |
| (6) ALL SAINTS CHAPEL
C14h-80-022 | 2629 Whitis Avenue | From "B" 3rd H&A to
"B-H" 3rd H&A |
| (7) RANDERSON-LUNDELL BLDG.
C14h-80-023 | 701 East 6th Street | From "C-2" 4th H&A to
"C-2-H" 4th H&A |
| (8) MORELAND HOUSE
C14h-80-024 &
C14-80-175 | 1301 East 1st Street | From "C" 2nd H&A to
"A-H" 2nd H&A |

ZONING ORDINANCES - (Continued)

- b. HEADWAY TEXAS, INC., 7913-8399 Cameron Road From Interim "AA" 1st H&A
ROSE HADELER AND & "B" 1st H&A to "DL"
WILLIE C. HADELER, 2nd & "DL" 1st H&A
TRUST
By Robert L. Davis
C14-80-105
(5-0 Vote, Mayor Pro Tem Trevino, Councilmember Snell abstained)
- c. PROVIDENT DEVELOPMENT One Oak Trail and 4800 From Interim "AA", "AA",
COMPANY block of McCarty Lane and "A" 1st H&A TO "A-2",
By Jean Bringol "O", "LR" & "BB" 1st H&A
C14-80-114
- d. CITY OF AUSTIN 2200-2212, 2500-3124 & From "D" 3rd H&A to "A"
By Planning Dept. 2707-2911 E. 2nd St. 1st H&A
C14-80-025 1701-2111, 2501-2911
& 2500-2910 E. 3rd St.
2500-2920 & 2501-2921 E. 4th Street
2201-3127 East 5th Street
2200-2212 & 2201-2213 East 2 1/2 Street
2200-2412 & 2201-2411 Santa Rita Street
2200-2412 & 2201-2413 Santa Rosa Street
213-217 Chalmers Avenue
206-210 & 207-211 Chicon Street
204-206 & 205-207 Aransas Street
204-210 & 205-207 Elkhart Street
204-208 & 205-207 Caney Street
204-206 & 201-211 Canadian Street
201-415 & 300-414 Pedernales Street
200-410 & 201-409 San Saba Street
400-418 and 401-419 Pace Street
110-418 and 111-421 Pleasant Valley Road
110-420 & 111-421 Broadway Street
110-424 and 201-425 Linden Street
110-424 Tillery Street
204-206 and 205-207 Salina Street
2200-2412 and 2201-2413 Santa Maria Street
All of Matamoras Street and Prowse Lane

ZONING ORDINANCES - (Continued)

- e. CITY OF AUSTIN 201-307 Linden Street From "D" 3rd H&A to
By Planning Department "A" 1st H&A
C14-80-025 (Simms Tract)
- (6-1 Vote, Councilmember Mullen voted No)
- f. JESSE GARZA, JR. 2600 South 1st Street From "A" 1st to "O" 1st
By Alberto Garza bounded by Herndon Ln. H&A
C14-80-081
- g. ROSA LEE PRADE 6204 Farm Road 2222 From Interim "AA" 1st H&A
By Richard L. Goss to "GR" 1st H&A
C14-80-035

Annexation

Passed through SECOND and THIRD readings of an Ordinance annexing the following: (6-0 Vote, Mayor Pro Tem Trevino abstained)

22.86 acre tract of land requested by owner and known as Barrington Oaks, Section 7 and portion of Barrington Oaks, Section 11.
C7a-80-012.

Third Reading of Zoning Ordinance

Passed through THIRD reading an Ordinance amending Chapter 45 of the 1967 Austin City Code (Zoning Ordinance) to cover the following change:

MR. & MRS H.F. 1304 West Avenue From "A" 1st to "O"
VOSS 1st H&A
C14-80-015

(4-0 Vote, Councilmembers Cooke, Mullen and Goodman abstained)

Civil Service Classifications

Amended Ordinance No. 800103-C to increase the number of positions within the Civil Service Classifications of Police Officer, Senior Police Officer and Police Sergeant within the Austin Police Department.

Delinquency Prevention Officers/2
Program

Amended the Operating Budget for the Fiscal Year 1980-81 by accepting and appropriating \$35,442 from the Criminal Justice Division of the Office of the Governor for the purpose of funding the Delinquency Prevention Officers/2 Program within the Austin Police Department.

Mr. Gordon A. Bailey, Citizens Advisory Committee to the Travis County Juvenile Board, asked that the following letter be put into the record:

Honorable Carole McClellan
Mayor of Austin
124 West 8th Street
Austin, Texas 78701

Dear Mayor McClellan:

At a recent meeting of the Travis County Juvenile Board and the Citizens Advisory Committee we received a report from Capt. John Vasquez of the Austin Police Department and the officers of the Delinquency Prevention Officers Program.

We were very impressed with this report and we are persuaded that this program is significant in reducing juvenile crime in our city. We wish to commend you, the City of Austin and the Austin Police Department for developing this program.

We understand that this program is supported by LEAA funds which may be in jeopardy. In the event such funds are discontinued, we want to express our support for the program and request your help in securing City funds to continue the program as part of the regular budget of the Austin Police Department.

Sincerely,

Gordon A. Bailey
Citizens Advisory Committee
to the Travis County Juvenile Board

Ordinance Corrections

Amended Ordinance No. 800313-J, Zoning Case C14-79-044 to correct errors relating to legal description and zoning classification designation.

C.I.P. BOND REQUIREMENTS

Mr. Tom Muehlenbeck, Deputy City Manager, discussed the City Manager Report on Analysis of C.I.P. Bond Requirements. He referred Council to the report they had received and said there will be a Council Work Session on bond requirements.

ROBERTSON HILL PLAN

A City Manager Report entitled Review of the Proposed Robertson Hill Plan was postponed at the request of Councilmember Snell who said there is more information to be obtained.

WILLIAM CANNON DRIVE
DUVAL ROAD RELOCATION

City Manager Reports, according to Mr. Muehlenbeck, on William Cannon Drive from Brodie Lane to U.S. 290 West; and Duval Road Relocation, will be brought to Council at a later date.

TV ASCERTAINMENT STUDY

Mr. Muehlenbeck referred Council to the City Manager Report on Cable TV Ascertainment Study Options. Councilmember Mullen recommended "We consider getting Mr. Horn back here to help us write an RFP to put out so we can then proceed to have a firm hired and paid for by whomever gets the cable system...to help us put an RFP together, hire the firm, and then come back in a designated time which we can set later, with a proper ascertainment study completed." He said 90 days would be the amount of time this will take. Mr. Daron Butler, Assistant City Manager, said he will contact Mr. Horn and let Council know on what date the work session will be set according to their calendars and Mr. Horn's availability.

STREET SWEEPING PROGRAM

A report on an Update on Street Sweeping Program was referred to by Mr. Muehlenbeck. He said the Council has the report and asked for comments. Mayor McClellan told him some people on residential streets had said it was not possible to sweep their streets because they do not have a curb or gutter and questioned their having to pay the sweeping fee monthly. Mr. Muehlenbeck explained that it is a city wide assessment and not based on size of property or the existence of curb and gutter.

BRACKENRIDGE HOSPITAL'S FUTURE
DIRECTIONS PLAN

Mr. Bob Spurck, Director, Brackenridge Hospital, presented the City Manager report on Brackenridge Hospital's Future Directions Plan. Mr. Spurck said the end result of his explanation to the Council will hopefully be in a new direction for Brackenridge. He spoke about the work of the long range planning committee of Brackenridge Hospital which is comprised of three physicians, three board members, three administrators. "This program approach has been reviewed by the Hospital Board at a work session two weeks ago and we have for your review and approval a Resolution that addresses the areas of concern that are necessary to guarantee the financial stability and liability of Brackenridge." He then introduced Mr. Gary Chandler who is the Assistant Administrator for Development and Planning at the Hospital. Mr. Chandler had a slide presentation concerning the direction Brackenridge Hospital's future plans will be.

After the slide show, Mr. Spurck stated, "The overriding purpose of our plan is to enhance Brackenridge survival as a stable institution serving the entire population of Travis County rather than declining to a financially troubled inner city charity hospital which becomes a distinct burden to Austin taxpayers. Our direction blends progressive and pro-active approaches with definitive measures designed to improve our stability. The foremost important features of our approach include (1) a strengthened Brackenridge Hospital to build a solid foundation; (2) outreach programs to better serve a growing population; (3) linkages and shared services with other hospitals to promote economies of scale and stronger referral problems; (4) diversified services to prevent over dependence on an acute in-patient care facility. The Hospital Board would like the City Council to consider the following Resolution which will allow us to accomplish our directional mission. The salient points in the Resolution are, (1) endorse the Hospital Board policy regarding Brackenridge's future direction; (2) encourage the hospital to continue to work with outlying communities toward establishing outreach facilities and services in accordance with changing needs; (3) encourage the Hospital to continue to explore and develop multi-institutional arrangements such as lease arrangements and share services throughout the surrounding CAPCO region; and (4) encourage the Hospital to present specific proposals as appropriate for outreach facilities and multi-institutional arrangements to the Council for review and subsequent approval."

Motion

The Council, on Councilmember Goodman's motion, Councilmember Cooke's second, adopted a resolution approving Brackenridge Hospital's Future Directions Plan as recommended by the Hospital Board. (7-0 Vote)

At the time of roll call Councilmember Himmelblau stated, "I'd like to say that as a consumer of health care I am in support of the planning that is taking place and I think it's exciting."

CONGRESS AVENUE HOLIDAY LIGHTING

A City Manager Report, distributed to Council, indicated that Holiday Lighting Schedule for Congress Avenue and Sixth Street will be the same as last year.

PUBLIC HEARING - RAINEY STREET

Mayor McClellan opened the public hearing, scheduled for 6:00 p.m. on Study Recommendations for the Rainey Street Neighborhood Area and Adoption Thereof.

Mr. Lillie, Director of Planning, reviewed the plans which had been previously shown to Council and also reviewed with slides.

Gilbert Rivera, East Austin Economic Development Corporation, presented a plan to Council of what they want for development of the Rainey Street area.

David Armbrust, representing Tom Lanier, Ted Ritter, and a large number of residents and property owners, appeared before Council to state that Alternate 2 of the Development Alternatives for the Rainey Area, is the only one the city can afford. He said the other plans rely on Federal funds and are contrary to the development realities of the area. Mr. Armbrust says it is unrealistic to want to keep residential areas in the downtown area. He said Lanier, Ritter and Locke paid a premium for their land when it was zoned "O" and a roll back in zoning would be very expensive for them. He also said that another extension of the moratorium is not needed.

Joe Barrantine, president, Waller Creek Neighborhood Association, appeared in support of Alternative II.

Peter Martinez, president, Rainey Street Association, talked about the past history of downtown Austin. He told about the various moves he has had to make during his lifetime as progress took over the areas in which he lived. He said he is happy on Rainey Street and does not want to move again and presented a petition.

Barbara Cox, vice president, Lakeside Activity Center, read the following letter from members of the Center: "I am a resident of the Lakeside Apartments, 85 Trinity Street, and I am extremely concerned about what may happen to our area when the Rainey Street building moratorium is ended. Right now our picnic and lakefront area are unsafe because of the continued presence of transients and alcoholics. Any development plan to provide for concentrated low income housing will only serve to intensify the already undesirable situation. I consider the Lakeside Apartments my permanent home and urge you to support a plan which will develop the area in the manner compatible to a retirement home of 188 residents. I hope you will be favorable to our consideration."

Tom Lee appeared and said that he and Sinclair Black are resource planners for Rainey Street. He said the proposal presented to Council by Mr. Rivera is best for the area. Moderate and low income housing should be insured in the area, as well as mixed land use.

Paul Hernandez said the plan submitted today is not the only solution. He said they have a right to survive and grow. He said they want rent control and special controls for their area, in addition to a tax program and economic controls to maintain survival. He said the Rainey neighborhood is worried about their death.

RAINEY STREET - (Continued)

A man who did not identify himself referred to the people living in the Lakeside Apartments and said they do not have long to live so Council should not pay too much attention to their pleas.

Cecil Riddell, president, Lakeside Activity Center, spoke in favor of Alternate II. He said the grounds are becoming unsafe and the other alternatives would increase risks to the residents. The hike and bike trails are presently unsafe for residents to use.

Bess Scott, who lives at Lakeside, addressed the man who cast slurs upon the older people of the area. She said she is 90 years old and does not look back, she looks forward. She said because of the situation in the neighborhood now there is not serenity, peace and security. She feels a low rent project will increase some of the things which have taken serenity, peace and security away from her area. Ms. Scott spoke in favor of Alternative II.

Mike Delezeon said there will be less crime in the area if there are more people around and said the Rainey Street Plan offers more protection for everyone.

David Perry said there are many alternatives and each proposal has its merit. He leans toward the Rainey Street Barrio plan because he feels it will be more neighborhood oriented.

Sue McBee appeared before Council and expressed interest because she wants Council to consider carefully the street and bridge property. She feels low income subsidized housing is not the best for the area.

Daro Laro, Austin Community College Student, said low income housing would get run down and he favors moderate income housing.

Jack Connell said neighborhoods and old people should be preserved but feels the old neighborhoods of Austin are in danger.

A man who did not identify himself said downtown revitalization and downtown growth do not go together. He does not want decay of commercialization and the neighborhood should be preserved.

Dr. Cary Leggett appeared to speak in favor of Plan II with modifications. He discussed living there himself and said there should be more park area along the river.

Mr. Guadalupe, representing LUCHA, said he is the curator of the League of Chicano Artists. He said they had had studios in the Juarez-Lincoln Building but the owners put them out.

Mrs. Regina Henderson appeared before Council and said she and her husband own the Juarez-Lincoln Building. She said LUCHA is still in the building and that she and her husband are victims of racism. Although they have had no opportunity to feed input into the report on Rainey Street, they favor Alternative II.

RAINEY STREET - (Continued)

Herman Delanado appeared to express support for the Rainey Street Barrio Plan.

John Meinrath, representing owners of Massengill Trust, said they want to build apartments. The high holding costs they have to pay during the moratorium are bad for them and ask Council to not extend the moratorium. He urged adoption of Alternate II.

Rosie Gamera, a Chicano artist, spoke about the Rainey Street area.

Roy Henderson, owner of the Juarez-Lincoln Building, said he did attempt to evict LUCHA when they were 5-6 months behind in their rent. He said they lost the eviction suit because they had allowed them to fall back. Mr. Henderson spoke about preserving the neighborhood status quo.

Sam Hernandez, member of the Rainey Street Organization, spoke against the City of Austin Planning Department's plan and said the Rainey Street plan should be studied. He demanded extension of the moratorium.

Dr. Georgia Leggett asked Council to take into consideration what they do with this property. She asked Council to leave the north bank of the river as parkland because the city owns that property. She asked Council to not roll back the zoning. She owns two duplexes there and has lived there herself.

Leonard Lundgren, architect, talked about the hotel plans for the area behind the Holiday Inn on IH 35. He said the hotel developers have a limited time to close out their loan so they need to know the outcome right away. He said that since the land for the proposed hotel is on the highway, he does not know of a better use than for a hotel.

Steve Shields, Pecan Street Recording Studio, said they are developing an artistic center in the area.

A member of the Brown Berets who did not identify himself, told Council that they will stand up and say "this is it" if they do not get what they want.

Loretta Menzies appeared and spoke in favor of Alternative IV. She asked Council to keep the neighborhood as it is.

Campbell McGinnis, who owns property between East Avenue and IH 35 told Council his property is suited to hotel development on the highway, but it is important for people to have a choice where they live.

Maria Morales, member of Rainey Street Association and EAEDC, told Council that the residents are not losing profit, they are losing their neighborhood. She urged Council to take time to study the plan which they have submitted.

Mrs. Mildred Miller requested the neighborhood be allowed to develop naturally and urged the adoption of Plan 2. She said she hoped to be able to leave her land to her children.

RAINEY STREET - (Continued)

Jose Derregas told Council not many loans are made to the East side so they can buy homes. He asked Council to think of the basic principles of our country.

Terry Don, a student of government, said he is listening to history repeat itself, and asked Council to give Rainey Street a chance.

A woman who did not identify herself, spoke in support of Rainey Street as a neighborhood.

Bill Thomson addressed Council by stating he is happy he does not have any property in the Rainey Street area he wants to build on. He told Council they are at an impasse. He said they should allow progress to continue.

Mayor Pro Tem Trevino stated, "Based on the information that we received quite late yesterday afternoon...I might point out that the Rainey Street Study was given to us only a couple of weeks ago....the 4th Alternative was offered to us late yesterday by the Rainey Street Association. Some Councilmembers have not had a chance to thoroughly review it. Also, based on the testimony given by the public and I dare say this is one of the issues where it's evenly divided. We are concerned about the rights of the property owners. We are also concerned with the rights of the existing neighborhood. I think what we are trying to determine in effect, is the fate of a neighborhood. And also, based on the fact that this decision may have, I think, a precedent setting for other neighborhoods, I would respectfully make the following motion:"

Motion

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Goodman to close the public hearing and extend the moratorium to December 12, 1980.

Friendly Amendment - Not Accepted

Councilmember Cooke offered a friendly amendment that the property in question adjacent to IH 35 be exempted.

Mayor Pro Tem Trevino said he had considered what Councilmember Cooke suggested, "however, Mr. McGinnis pointed out that if the decision was to be extended more than a month there perhaps might be some danger to the financing of it. We are talking about less than that, we are talking about three weeks and therefore I will not accept that as a friendly amendment, however, if you wish to split the question that is something else."

Substitute Motion

Councilmember Cooke made a substitute motion, seconded by Councilmember Himmelblau, to exempt the property adjacent to IH 35.

Councilmember Himmelblau asked Mayor Pro Tem Trevino why he went to the 12th instead of the 4th. Mr. Trevino said he did so because the Agenda for the 4th is already very lengthy and Councilmember Cooke will be out of town until the Council Meeting on the 11th and this will give him sufficient time to thoroughly

RAINEY STREET - (Continued)

review all information given to Council.

Mayor McClellan told Council that she disagrees on the extension of the moratorium. "We talked about this area at the time we set the six month moratorium and every one was going to adhere very tightly to it. We have some tough decisions to make and obviously a lot of diversity of opinion about what the right decision is, but I believe we ought to proceed without making that decision this evening and not have an extension so I will vote No on both of those."

Councilmember Cooke said they have had the staff report for two weeks and he is open to any alternative any Councilmember might have as to what is the best, if they vote on that tonight. He said he is in a dilemma because he does not have any solution or any particular options.

Councilmember Mullen expressed his feelings by saying, "I'm a little bit concerned that people from this neighborhood think that anything that is done is racial. I'm not voting against Proposition 3 or Proposition 1...the same way I did in the Allendale neighborhood where you have 95% or 98% white people. The same way I did on the Simms property in far east Austin, and the same way I'll do on any type of roll back that I think is smacking or looking like confiscation of property. I think there is a basic right in this United States that we have built this country around and I think when we start constantly rolling back property in the city, wherever it is, against the will of the property owner, we have lost all sight of what planning really is. If we are going to talk about zoning property, up zoning it from where people live, to apartments or commercial, then that is up for discussion. But when we go into people who have maybe planned their life investment, when they have, as Mrs. Miller, are getting close to retirement, or any other area where people have bought property based on the zoning, thinking they can put in an office building and then we, on this City Council, or any other government entity comes in and says we want that property rolled back. I think it is incumbent upon us to buy that property or not roll it back. So I will consistently vote on this Council, as long as I am here, which may be just a few more months, but whatever it is, I will consistently continue to vote to protect property rights whether it is Black, White, Mexican-American, Chinese, or anything else. I will vote against the extension of the moratorium because I think we should go on and vote for Proposition 2 tonight."

Councilmember Snell stated, "In most cases we allow the community and whoever is involved a chance to work out problems. And I think this is a case where two or three weeks wouldn't make a difference because they just said if a moratorium was extended more than a month, then they would be in trouble. I think the community and everyone should be allowed a chance to work this problem out and come back and decide then. I would like to see the community solve their own problem."

Councilmember Himmelblau expressed her favor for Proposal 2, "But I just received the neighborhood proposal very late yesterday and I have not had a chance to read it and that's the only reason that I would go with the moratorium. In all fairness I cannot vote on something I haven't read."

RAINEY STREET - (Continued)

Mayor McClellan told Council, "I just want to echo a concern about the feeling of uncertainty expressed by a number of people about the neighborhood and uncertainties about their future. My concern is a very deep one which I also voted consistently on the Allendale parcels, that in supporting a proposal to enhance the security of one group in the short run that we may be setting a precedent that will deprive many citizens of their security in the long run and so again, I will vote no."

Councilmember Goodman stated, "I hope that in a month we don't arrive at the same point because the point we are at tonight would bring two very distinct groups in direct conflict with each other and I find it highly regrettable that we have heard some of the statements that we've heard tonight...that they were even made in the first place. I think most of them are without basis. The office zoning that has occurred along West 6th Street certainly had no racial overtones attached to it and I voted against those on West 6th Street. But inevitably and ultimately what is going to have to happen for any plan that we vote on tonight or two weeks from now or whenever, to actually work, is to have these two groups actually acknowledge each other. There were business individuals who made commitments and purchased property and we're going to have to recognize those rights sooner or later and allow them to develop their property in some form or fashion or, as Ron said, compensate them...one of the two, and I would probably favor the first if it were compatible with the neighborhood's right to continue its existence and that is what the property owners are going to have to recognize. They have been there for decades and decades and we cannot allow a neighborhood of residents to be stamped out. That's the solution we all ought to be working on and I am hopeful we can get there within the next 30 days. If it gets longer than that then we need to keep in mind we are dealing not only with people's fortunes but with people's lives."

Roll Call on Substitute Motion

(To exempt the property adjacent to IH 35)

2-5 Vote, FAILED

YES: Councilmembers Cooke and Himmelblau

NO: Mayor McClellan, Councilmembers Goodman, Mullen, Snell,
Mayor Pro Tem Trevino

Roll Call on Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed an ordinance extending the Rainey Street moratorium until December 12, 1980. (5-2 Vote, Mayor McClellan and Councilmember Mullen voted No.

RAINEY STREET - (Continued)

Motion to Reconsider Substitute Motion

(To exempt the property adjacent to IH 35)
Passed by Acclamation

Motion

The Council, on Councilmember Mullen's motion, Councilmember Himmelblau's second, voted to exempt the property adjacent to IH 35 (property owned by Campbell McGinnis, et al, designated for hotel development) 4-3 Vote, Councilmembers Goodman, Snell, Mayor Pro Tem Trevino voted No.

ROADWAY OVERLAY ORDINANCE

Mayor McClellan opened the public hearing scheduled for 7:00 p.m. on Amendments to the Roadway Overlay Ordinance and adoption thereof.

Mr. Lillie, Director of Planning, stated the "City Council, on July 24, 1980, enacted the Roadway Overlay Zone Ordinance after a brief public hearing with no opposing comments. Subsequently, concern rose over various provisions of the Ordinance. Council amended to provide the Ordinance would not be effective until January 1, 1981. During the interim the Planning Commission was requested to review the Ordinance and recommend changes which would address the concerns which had been raised. In response to this request and the substantial criticism of the ordinance that was passed the Planning Commission convened a sub-committee to reassess the Ordinance. The review is completed and Councilmember Cooke requested the new version of the Ordinance be brought to Council for consideration at this time. The proposed re-drafts up for Council consideration are the products of the sub-committee work and carry with them the recommendation of the Planning Commission as a whole. The major changes in the ordinance can be characterized as procedural and organizational in nature and are intended to afford more due process to citizens and protect existing property rights. The substantive portions of the Ordinance relating to landscaping, signs, driveways are virtually unchanged."

Mr. Lillie then referred to a memorandum which had been sent to Council by Assistant City Attorney Jim Nais and briefly went through the amendments which were identified in the memorandum. Mr. Lillie said, "When Mr. Cooke asked that this ordinance be brought back for possible earlier effective date than January 1, 1981, we wanted to make you aware that the Ordinance will have to be amended to provide for the earlier date. Secondly, in the fiscal note for the Ordinance that was adopted by Council in the summer and then the budget which was passed by the Council in September provided funds for the Urban Transportation Department of \$4,000 beginning October 1 for the implementation of the Ordinance; provided some \$35,000 plus to the Building Inspection Department for enforcement of the Ordinance beginning January 1 and provided \$8,000 for the Planning Department for enforcement of the Ordinance beginning April 1. If it is in the interest of the Council to move

ROADWAY OVERLAY ORDINANCE - (Continued)

up the effective date of the Ordinance, it is also requested that the fiscal note for the Planning Department be revised and I believe that revision is in the level of about \$5,300 to staff the Planning Department for that additional 3-4 months that the Ordinance may be effective."

Councilmember Himmelblau said, "I was the one that asked for the January 1 date. What is the hurry on moving it up?" Mr. Lillie said, "Mr. Cooke has raised the issue and I will let him answer the question."

Mayor McClellan asked, "Did we plug in that January date in our budget consideration as far as any staffing requirements and what not?" Mr. Lillie replied, "For the Building Inspection Department and the Urban Transportation Department, the answer is yes. For the Planning Department it was an April 1 start." The Mayor told Council that since the funds are not committed, this is something they should keep in mind to do.

Councilmember Cooke told Council that "My concern is we've worked a year on this and we had some alterations to it and we just arbitrarily put it off until January and what is happening now you are seeing direct implication from zoning cases coming in and they are skirting this issue, which I think is a very important one, by coming in now. I think we have resolved the issues that were raised in August and I think we ought to go ahead and put this on the books and pull this up. As far as a fiscal note, let's get one, but I really think that the issue of delaying this until January 1, since the issue has been resolved, just allows us to move away from a very effective ordinance to enhance rather than create more of a problem on our major thoroughfares."

Mayor McClellan said they need to know what will be needed to make this effective December 1. Mr. Lillie told her additional data will have to be provided as well as the Building Inspection Department.

No one appeared to speak at the public hearing.

Motion

Councilmember Mullen made a motion to close the public hearing. Councilmember Goodman seconded the motion.

Councilmember Cooke said, "I think basically what we are talking about with a December 1 implementation date is an additional \$5,000.00 for both Planning and Building Inspection." Mayor McClellan said there should be an item on next Agenda to appropriate \$1,300.

Friendly Amendment - Not Accepted

Councilmember Cooke offered a friendly amendment to make the Ordinance effective December 1, 1980. Councilmember Mullen did not accept the friendly amendment.

Substitute Motion

The Council, on Councilmember Cooke's motion, Councilmember Goodman's second, waived the requirement for three readings and finally passed ordinances for Amendments to the Roadway Overlay Ordinance to be effective December 1, 1980. (5-1 Vote, Councilmember Mullen voted No, Councilmember Snell was out of the room.)

ELECTRIC RATE STRUCTURE

Mr. Bob Binder appeared before Council to discuss Austin's Electric Rate Structure. He said lifeline proposition #7 is supported by 60 civic organizations. It would encourage conservation.

OUTSIDE LIGHTING

Ms. Deborah McNeill appeared before Council to discuss the City Ordinance pertaining to outside lighting. She said that lighting should be required around swimming pools and told about having fallen into the pool at her apartment complex because it was not lighted at night.

Mayor McClellan asked for a report concerning this from the Building Inspection Department and asked that a copy be sent to Ms. McNeill.

CITIZENS DID NOT APPEAR

Mr. Bob Garrett had requested to appear before Council concerning the city tax structure and management. He was not in the Council Chamber.

Mr. Jack Connell who had requested discussion of Council's assistance in funding a Thanksgiving Community Dinner, did not appear. (He did appear in the Council Chamber after the adjournment of the meeting and Council talked to him informally.)

ANNEXATION PUBLIC HEARING

Mayor McClellan opened the public hearing, scheduled for 9:00 P.M. to consider annexation of and directing the administration to institute annexation proceedings to annex the following: 476 acre tract of land (198.26 acres requested by owner and known as Abbott Laboratory Planned Development Area and 277.74 acres initiated by the City) C7a-80-002)

Mr. Lillie, Director of Planning told Council, "In September, 1979, the Council reviewed a Planned Development Area project for Abbott Laboratories located at the northwest corner of Howard Lane and 1325 north of the community and approved the PDA agreement and at the same meeting approved water and wastewater approach mains for that project and instructed that at the request of the property owner that we proceed with annexing the property. The land at the time of approval by the

HEARING - (Continued)

Council did not join the City limits and statutes require that in order for that adjoinder to be made a corridor of at least 500' wide must be provided. As we proceeded through the annexation proposal the decision was that the 500' corridor would extend from the west right of way line of 1325 easterly and the reason for that decision, bordering parallel to the roadway is a railroad right of way without crossings and it was not felt that there was a need to annex the land west of the railroad track. The land to the east of the roadway, however, was important in that we could extend building and zoning controls along that frontage. The corridor you have in your field notes was written and advertised and published for this public hearing. Prior to this evening we have received some inquiry about making some adjustment to that corridor line and let me tell you how. The Abbott Laboratories property is shown in the green and the city limit line is shown in the white and the corridor is 500' wide. As we approach the subdivision which is known as North Shields (on the lower end) the line went through several lots and cut them in half with the rear of the lots being in the city and the other portion left outside of the city and so we were asked to make some adjustment to that. One adjustment might be to include the whole subdivision and the other would be to move to the west side of the railroad right of way as we approach the subdivision and that in effect would leave the subdivision outside of the city limits. The other question that was raised this evening was that while we need to tie the Abbott Laboratories property back to the city, the question was, why did we extend that 500' along the south side of an area already 500' wide. The answer to that is we don't have 500' in this small area and therefore the need to do that. We could make an adjustment in this area for that to assure that we meet the state statutes. We will do whatever the Council instructs us to do with respect to that line but there is a possibility that we could drop that lower portion and just connect it with frontage on 1325. These requests for annexation are submitted to city departments and the packet that you have includes response from all of the departments and the only one that is an exempt report for one which indicates a problem is fire and the statement is that adequate fire protection cannot be furnished at this time because the distance to the nearest station is at 183 and Duval Road, approximately 4.8 miles. The service time would be not the optimum of three minutes which the Fire Department likes to see. The Public Works Department has raised a number of cost figures in the fiscal report and those numbers can be reduced by \$1.4-million because some of those costs relate to the extension and street improvements where Parmer Lane would intersect with 1325. This area, which you see, is not included in the annexation proposal. If you hear testimony this evening that would cause us to go back and revise field notes, we would like to also revise our fiscal note. We would have to start over with respect to notice, publication and another public hearing."

Mayor Pro Tem Trevino asked if Abbott Laboratories is aware of the Fire Department response time. Mr. Lillie said they were aware of that when the PDA was first proposed to the City Council. Mr. Daron Butler, Assistant City Manager, said Abbott Laboratories will be able to have their own fire control because their whole laboratory is based on water and they will have a plentiful supply. In answer to Councilmember Snell's question about insurance rates because of the slower response time of the Fire Department, Mr. Lillie, said this would not affect the rates. He said the optimum time is what the Fire Department attempts in with corporate limits and does adhere to in most instances. Mayor Pro Tem Trevino asked about response time for the subdivision and Mr. Lillie said that it would be beyond what

HEARING - (Continued)

the Fire Department likes to have for response time. Mr. Lillie said the other departments are planning on extension of services and the affect on the budget is minimal for a subdivision of this size. Mayor Pro Tem Trevino asked for Mr. Lillie's recommendation. Mr. Lillie said he will recommend moving to the west side of the railroad track and leave the subdivision alone. However, Mr. Lillie advised, the Council has adopted an annexation plan which does include this area for annexation within the next couple of years if the schedule is maintained.

Motion

Councilmember Mullen made a motion, seconded by Councilmember Goodman to take the recommendation of the the Planning Department and bring this back December 4, 1980 with revised field notes.

Bill Brown, representing Abbott Laboratories, stated, "We just want to make sure Council knows we are agreeable to whatever the staff recommends. We're eager to become a part of the City of Austin and become a taxpayer and we are eager to be annexed and don't want to delay. We made a commitment a long time ago to become a part of the city and we are eager to do so.

Jack Dempsey, representing owners of a 40 acre tract, said that they do not want partial annexation.

Larry Deuser, president, Angus Valley Neighborhood Association, told Council they are not looking at the full fiscal impact of utility charges.

Dr. Carry Leggett asked if the whole 500' corridor is being moved on the west side. Mr. Lillie told him the corridor which affects Dr. Leggett's property remains the same. Mr. Lillie told him the area on the west side has the railroad track which adjoins it and "we did not feel zoning and building controls were as important on the west side as on the east" because access is not as available on the west side as it is on the east side. So the corridor basically extends from the roadway east rather than the roadway west. Dr. Leggett said the corridor is being put in strictly to reach Abbott and asked why it can't go straight as it makes no difference whether it is on a railroad track or not. He said he brings up this point and requests it be given consideration.

A man who did not identify himself asked questions about the annexation.

Joe Riddell told Council that annexing will not improve what is happening in the area and that the property tax revenues from the annexation will not be that significant for the city. He said the road improvements paid for by the city will be more.

Mrs. W. Garner appeared before Council to state she owns a business and a home adjacent to the south of North Shields and asked about the beginning of the corridor. Mr. Lillie said the corridor would remain written as is but delete any land in the North Shields subdivision. Mrs. Garner asked Council to move the corridor to the west side rather than the east side of 1325 for annexation.

HEARING - (Continued)

Dr. Georgia Leggett appeared and said she would rather see the west side annexed.

Jean West told Council she lives on the east side and half of their front yard would be annexed.

Roll Call on Motion

(To close public hearing and bring back December 4, 1980 with revised field notes for the 500' on the east side of the railroad.)

7-0 Vote

ANNEXATION HEARING

Mayor McClellan opened the public hearing, scheduled for 9:00 p.m. on annexation of a 32 acre tract of land (29.21 acres requested by owner and known as Maple Run, Section 2 and 2.79 acres initiated by the City) C7a-80-009

Mr. Lillie reviewed the recommended annexation for a subdivision called Maple Run which is on Brodie Lane southwest of the city. He said it is adjacent to the current city limit line. The request was submitted to departments and the fiscal note has been supplied to Council. The exception is that adequate fire protection cannot be furnished at this time. Response time and distance to nearest station is longer than recommended.

Mr. Lillie then discussed the water and wastewater decisions. 12" water lines have been proposed and an approach main of 200' which by Council policy can be administratively approved (if they are less than 500') It is a 12" oversize from Brodie Lane to the subdivision for a cost of \$6,280 with 1/3 city participation. Within the subdivision there is a 12/8" water line for 840 feet with about 1/3 city participation. On September 18, 1980 - sewer approach mains were approved by Council for an estimated cost of \$23,000 with city participation \$12,150.00. Both water and wastewater have been before the Planning Commission and Council has already acted on the wastewater approach main. Council still must act on 12/8" on the water. The Planning Commission has reviewed the request and recommended that the area be annexed.

Mr. Bill Bulloch said that if someone chooses to proceed with the administrative procedures it will be at their cost, not at the city's cost.

Joe Riddell requested Council not to annex the land until it builds out. because the builder is subsidized by having the land annexed.

Dave Guest pointed out to Council that Maple Run is on the Edwards Aquifer Recharge Zone.

Motion

The Council, on Councilmember Snell's motion, Councilmember Himmelblau's second, closed the public hearing and directed staff to proceed with annexation. (6-0 Vote, Mayor Pro Tem Trevino abstained)

ARCHITECT FOR ST. JOHN'S PUBLIC
HEALTH CENTER

Council had before them for consideration a resolution to select the architectural services and approve a contract in connection with the St. John's Public Health Center.

Motion

Councilmember Cooke made a motion, seconded by Mayor McClellan to select the firm of Kinney and Stone, which was the prime recommendation for architectural services with St. John's Public Health Center.

Substitute Motion

The Council, on Councilmember Snell's motion, Councilmember Goodman's second, approved the firm of Fly Associates, Inc. for architectural services and approved a contract in connection with the St. John's Public Health Center. CAPITAL IMPROVEMENTS PROGRAM No. 76/91-05. (5-2 Vote, Mayor McClellan and Councilmember Cooke voted No)

CITY HALL PARKING LOT

Council had before it the following two resolutions:

Consider amending option agreement between BWC Associates and City of Austin involving the lease of City Hall Parking Lot located north of the Municipal Building by approving a new schematic plan for the proposed parking garage to be located on said parking lot and for the commercial and office building to be located on adjoining property fronting on Congress Avenue.

Consider approving the design development plans for the parking garage to be located on the City Hall Parking Lot located north of the Municipal Building and for the commercial and office building to be located on adjoining property fronting on Congress Avenue pursuant to the option agreement between BWC Associates and the City of Austin.

Phil Conard appeared before Council and said, in his opinion, the major problem with BWC and their many lease arrangements with the City of Austin has been the process through which they have obtained them. He thinks any amendment to the proposed plans should first be submitted for review to either the Landmark Commission or the Planning Commission. Due to the pending legal action concerning BWC and the City of Austin lease agreement, Mr. Conard does not think there should be any action taken on the amendment until the actual legality of the lease is considered.

Mr. Jerry Harris, City Attorney, stated, "I don't care to comment on the litigation which is ongoing at this time. As you recall the option lease agreement entered into between BWC and the City of Austin called for the approval of a schematic plan and also later on for approval of the construction and design

PARKING LOT - (Continued)

plan by the City Council. Therefore, tonight the request is to amend the schematic plan which has previously been approved by the City Council and I also understand the construction and design plans are ready for Council review. As to whether or not there was any informal or formal agreement that changes to the schematic plan would go anywhere but to the City Council, I really do not have any knowledge of that. As far as the legal procedure goes, there's no legal requirement for the schematic plan and construction and design plans to go except to the City Council. It is true that at the time of the actual demolition permit is applied for, for the buildings, because the buildings are located in a National Register District, the Building Inspector must refer the demolition permit to the Historic Landmark Commission. The Historic Landmark Commission when it receives such requests can only do one of two things. It can make a recommendation on the issuance of the demolition permit, which has no binding effect, whatsoever. Or in the other circumstance they could place the buildings on the agenda for consideration for historic zoning. However in this case the historic procedures have already taken place and all the public hearings held. In fact the historic zoning was turned down by both the Planning Commission and by the City Council and therefore, under our own zoning ordinance, they cannot be considered for zoning in a period of 18 months. So, all I've attempted to address is how we got here, what the option agreement says about schematic plans and designs and construction plans and the legalities of where those processes have to go. As to whether the Council wants me to review the amended schematic plans or the construction design plans, or they want a group of people here in the audience to do that, or if they choose to have the Historic Landmark Commission or anyone else to do it, it certainly is within the City Council's prerogative to send those plans for review and comment to whomever they so choose and desire."

Motion

Councilmember Cooke made a motion, seconded by Councilmember Himmelblau to adopt resolutions to amend the option agreement between BWC Associates and the City of Austin involving the lease of City Hall Parking Lot located north of the Municipal Building by approving a new schematic plan for the proposed parking garage to be located on said parking lot and for the commercial and office building to be located on adjoining property fronting on Congress Avenue; and to approve the design development plans for the parking garage to be located on the City Hall Parking Lot located north of the Municipal Building and for the commercial and office building to be located on adjoining property fronting on Congress Avenue pursuant to the option agreement between BWC Associates and the City of Austin; with approval subject to the BWC architect working with the City with regard to traffic pattern in the City.

Councilmember Cooke wanted the record to reflect that the City is the lessor.

Tom Lee asked Council if the information is available to everyone. He was told it is.

PARKING LOT - (Continued)

John Watson, BWC Associates, showed slides of the of proposed building and garage.

A boy who did not identify himself said the historic district should be resolved.

Dorothy Richter said there has been too much "hush, hush" about this.

Mayor McClellan disagreed with Ms. Richter by saying the proposed building and garage has been through all channels and received ample publicity.

Roll Call on Motion

(Previous Page)

5-0 Vote, Councilmembers Goodman and Snell abstained.

Councilmember Goodman said he is encouraged by the new design and would like them to pursue retail options and the corner of 9th and Colorado.

PROMOTION OF TOURISM AND CONVENTIONS

Motion

The Council, on Councilmember Himmelblau's motion, Councilmember Cooke's second, adopted a resolution entering into a contractual agreement with Mexican-American Chamber of Commerce for promotion of tourism and conventions for the period October 1, 1980 through September 30, 1981. (7-0 Vote)

Motion

The Council, on Councilmember Himmelblau's motion, Councilmember Cooke's second, adopted a resolution entering into a contractual agreement with the Austin Chamber of Commerce of promotion of tourism and conventions for the period of October 1, 1980 through September 30, 1981. (7-0 Vote)

Prior to the vote Ms. Ruby Goodwin, Travis County Democratic Women, said she does not think \$470,000.00 should be spent on tourism. Mr. Albert DeLaRosa, Assistant City Attorney, told her that under State law it is required that this money, which is from the bed tax, be used for this.

AGENDA ITEM POSTPONED

Consideration of creation and appointment of a Citizen's Advisory Task Force for Resource Recovery will be included on the December 4, 1980 agenda.

CITY'S LEGISLATIVE PROGRAM

Mayor Pro Tem Trevino requested that his item from Council concerning establishment of a Council subcommittee to review the City's Legislative Program be pulled off the Agenda.

ETHICS ORDINANCE AMENDMENT

The Council, on Councilmember Goodman's motion, Mayor McClellan's second, waived the requirement for three readings and finally passed an ordinance amending the Ethics Ordinance by providing for an optional filing date for resigning board and commission members. (6-1 Vote, Councilmember Cooke voted No)

Prior to the vote Councilmember Cooke stated, "I'm looking at the issue of whether a Commission member that's resigning would go ahead and submit a statement at that time or submit a statement at the end of the year. Looking at the pro's and con's I'm more compelled to keep them in the same cycle with everyone else, rather than submitting a statement at that time. To me, that ethically, is more in keeping with the intent of the Ethics Ordinance. I feel that to require them to terminate and fill out that statement at the time they quit rather than filling out on a cyclical basis at the end of the year like everyone else does would be somewhat subverting the Ethics Ordinance. I couldn't support that."

The Mayor and Mr. Albert DeLaRosa both explained that this makes it optional to file either at the time of termination or wait until the regular cycle.

City Clerk Grace Monroe asked about the keeping of records. Councilmember Goodman explained that if the board and commission members do not submit a statement at the time of their resignation, then at the end of the cycle they should be notified regarding same.

ELECTRIC RATE ORDINANCE

Action on the following was scheduled: Revisions to Electric Rate Ordinance setting the criteria for the General Services Demand Classification at 30 KW of demand and 10,000 KWH of energy consumption. Councilmember Goodman said he would like to hear final comments from Director of Electric Utility, R.L. Hancock.

Mr. Hancock stated, "I certainly sympathize with the discontinuity we have in the rates and the situation that Mr. Lang is faced with. On the other hand, if we made the sort of change that Mr. Lang has suggested we would create a similar problem at a different level and I would recommend that we hold any inclination to try to make an adjustment in that area until we do a complete redesign of both the demand and non-demand general service rate and try to smooth that discontinuity out at that time."

ELECTRIC RATE - (Continued)

Motion - FAILED FOR LACK OF SECOND

Councilmember Mullen made a motion to approve the amendment as submitted by Mr. Lang. There was no second to the motion.

Councilmember Mullen said that he has spent many hours with Mr. Lang and has been convinced his motion is the right way to go.

Mr. Lang appeared before Council to state, "I think Mr. Hancock is correct in what he stated that something needs to be done about discontinuity. The problem being, this amendment was brought to Mr. Hancock, the Electric Utilities Commission and to the Council's attention before adoption of the current rate ordinance. It was ignored and to let it continue on is a gross injustice to me and the 279 other customers who are now being penalized. It does not move the discontinuity from one place to another. I don't know the reasoning behind that statement. These people are not changed the rates they pay. Only we 280 people are affected. As I said before you have the choice of talking to me for the rest of your term or voting for me."

AGENDA ITEM PULLED

Councilmember Himmelblau asked that action on the following be postponed several weeks as it is still under study: Amending the Electric Rate Ordinance pursuant to proposals developed subsequent to September 15, 1980 (including lifeline rate proposals) and which have been the subject of a prior public hearing.

ELECTRIC RATE PROPOSAL #7

Motion - FAILED

Councilmember Goodman made a motion, seconded by Mayor Pro Tem Trevino, to reconsider Proposal #7 electric lifeline rate. (3-4 Vote, FAILED. Councilmembers Cooke, Himmelblau, Mullen and Mayor McClellan voted No.)

CENTRALIZED TOWING SERVICE & IMPOUNDMENT
FACILITY

Mayor McClellan introduced an Item from Council to instruct the City Manager to consider the feasibility of issuing a request for proposals from the private sector for a centralized towing service and impoundment facility.

Motion

The Council, on Councilmember Cooke's motion, Councilmember Himmelblau's second, voted unanimously for the City Manager to report back to them on the feasibility of using the private sector for centralized towing service and impoundment facility.

ADJOURNMENT

Council adjourned its meeting at 12:00 midnight.