

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 24, 1980
9:00 A.M.

Council Chambers
301 West Second Street

Mayor McClellan called the meeting to order:

Roll Call:

Present: Mayor McClellan, Councilmembers Goodman, Himmelblau,
Snell, Trevino

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

INVOCATION

The Invocation was given by Father Don Sawyer of the Sacred Heart Catholic Church.

INDUSTRIAL ARTS DAY

Mayor McClellan read a proclamation designating April 25, 1980 as Industrial Arts Day. MR. RANDY SHURR, teacher at Murchison Junior High was in the Council Chamber with students and teachers from the Industrial Arts Departments of Austin schools, representing the Hill Country Industrial Arts Association. Mr. Shurr thanked the Mayor and Council for the proclamation.

OUTSTANDING INDUSTRIAL ARTS TEACHER

MR. LLOYD GOBER, O'Henry Junior High, who was recently named the outstanding industrial arts teacher in Texas, received the Distinguished Service Award from the Mayor. Mr. Gober expressed his thanks for the award.

APPRECIATION OF AUSTIN

MR. STRICKLER appeared before Council to publicly acknowledge his appreciation for his ten years of residence in Austin. He expressed his thanks to the Council and City employees. Mayor McClellan thanked Mr. Strickler for the flowers and coffee cake he gave to the Council. She said Mr. Strickler has helped the City with traffic studies.

PLEASANT HILL SCHOOL CHILDREN
THANK CITY FOR STOP LIGHT

MS. KAY BYER, teacher at Pleasant Hill Elementary School, and several students, were in the Council Chamber to thank the Council for approving a stop light at the intersection near their school. They presented the Mayor and Council with a huge card signed by all students of Pleasant Hill. It has 645 signatures.

CLASS RECOGNIZED

The Mayor recognized the presence of MRS. EUNICE WYATT and her First Grade Class from Becker School who were present in the Council Chamber.

CURTIS JOHNSON RECEIVES RESOLUTION

MR. CURTIS JOHNSON, who has resigned his position as Director of Water and Wastewater, received a resolution signed by the Mayor and all Councilmembers, recognizing his 21 years of service to the City. Mr. Johnson thanked the Council, saying that his 21 years with the City has been very dear to him and he hopes the next 21 years will be just as rewarding.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of the Meeting for April 17, 1980. The motion, seconded by Mayor McClellan, carried by the following vote:

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

RELEASE OF EASEMENTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the release of the following easements:

Two 10' Public Utility Easements centered on the east and the west boundaries of Lot 5, Pease Estates, Section I, (1609 Watchhill Road.) (Requested by Bruce F. Rieck)

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

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

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the release of the following easement:

A portion of the Wastewater Easement (blanket type) located in Block 5, Robard's Subdivision of Outlots 43, 44, 45, 54 and 55, Division D. The area to be released is Lots 15 through 21 (2525 Longview) (Requested by Mr. Jack G. Wise for Baker Properties, Inc.)

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

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

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the release of the following easement:

A portion of an electric and telephone guy wire easement (10' x 35') located in Lot 3, Clearfield Addition (1405 Clearfield)

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

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

April 24, 1980

~~CITY OF AUSTIN, TEXAS~~

CHANGE ORDER

Councilmember Himmelblau moved that the Council adopt a resolution approving a change order in the amount of \$29,807.50 to Austin Roads Company for Clarksville Area Street and Drainage Improvements Phase 2 and 3, CAPITAL IMPROVEMENTS PROJECT NO. 77/62-01. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

CASH SETTLEMENT AUTHORIZED

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following cash settlement:

H. T. McBRAYER - For installation of a 12-inch water approach main to serve Lakeshore Addition Lot 35 - \$3,384.80

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

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

LAND LEASE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution to amend the Land Lease Agreement between the City of Austin, LCRA and the Missouri-Kansas-Texas Railroad for leasing 24.611 acres of land at Smithville, Texas for the purpose of building a railroad car maintenance shop. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

CONTRACTS APPROVED

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

WORTHINGTON SERVICE CORPORATION - Emergency purchase of repair parts and labor for repair of 7000 GPM Water Pump, Water and Wastewater Department
1251 Lumpkin Road
Houston, Texas
Item 1 - \$8,500.00

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

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

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

BURNUP & SIMS OF TEXAS, INC. 2716 East 5th Street Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Construction of Electric Conduit System for Rob Roy, Phase One and Phase Two - \$136,518.00 C.I.P. No. 80/15-01
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

B. G. BOYD CONSTRUCTION COMPANY 6506 Brownwood Court Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Construction of Electric Conduit System and Streetlight Foundations for Silverstone, Phase One, Section Two - \$21,512.50 C.I.P. Nos. 80/15-01 and 80/17-01
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

JENTSCH & BOYD CONSTRUCTION 5109 Manchaca Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Pedestrian Bridge and Storm Outlet at Congress Avenue Bridge - \$42,200.00 C.I.P. No. 75/62-09
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

TECHLINE, INC. 8750 Shoal Creek Boulevard Austin, Texas	- Street Lighting Poles, Electric Utility Department Items 1 and 2, 25 ea. - \$17,869.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

WESTINGHOUSE ELECTRIC SUPPLY CO. 9230 Research Boulevard Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Transformers, Padmount, 3 phase, Electric Utility Department Items 1 through 5 - \$129,600.00 C.I.P. No. 80/15-01
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Councilmember Himmelblau moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Six (6) Month Supply Agreement for Standard Water and Wastewater Utility Materials, Central Stores Division Items Nos. 1-544 awarded by line item to appropriate suppliers based on 1st, 2nd and 3rd low bidder - \$250,000.00
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AUSTIN PIPE AND SUPPLY COMPANY
East 3rd and Medina
Austin, Texas

MECHANICAL INDUSTRIAL SUPPLY
4704 East 1st Street
Austin, Texas

ROHAN COMPANY
440 East St. Elmo Road
Austin, Texas

TRANS TEX SUPPLY COMPANY
4618 East 7th Street
Austin, Texas

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

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

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

ARMOUR OF AMERICA 1760 Stewart Street Santa Monica, California	- Bullet Proof Vests, Police Department Twelve (12) Month Supply Agreement Item 1 - \$6,747.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

ALAMO MACHINERY COMPANY 111 West Main Street San Antonio, Texas	- Irrigation System Repair Parts, Parks and Recreation Department Twelve (12) Month Supply Agreement Items 1 - 99 - \$10,893.25
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Himmelblau moved that the Council adopt a resolution to select the services of the following professional engineering planning services for the proposed solid waste disposal facility for Public Works Department. CAPITAL IMPROVEMENTS NO. 73/60-09.

HENRINGSON, DURHAM & RICHARDSON
300 San Jacinto Boulevard
Austin, Texas 78701

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

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

WATER AND WASTEWATER SERVICE

Councilmember Himmelblau moved that the Council adopt a resolution to authorize an agreement with Northwest Travis County Municipal Utility District No 2 and Spicewood Development Corporation for water and wastewater service. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

RAILROAD CROSSING PROTECTION

Councilmember Himmelblau moved that the Council adopt a resolution to enter into a contract with the Missouri Pacific Railroad for installation of railroad crossing protection services at Duval Road. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

DELETION OF ARTERIAL 7 AND CAMP CRAFT LOOP
FROM ROADWAY PLAN

Councilmember Himmelblau moved that the Council adopt a resolution to delete the extension of Westlake Drive (Arterial 7) and Camp Craft Loop from the current Metropolitan Roadway Plan. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Snell

Mayor McClellan pointed out she thought this had already been done when motions were made on April 17, 1980 concerning the Metropolitan Roadway Plan. Councilmember Himmelblau referred to Pages 6 and 7 of the April 17 Minutes and the motion concerning deletion of Arterial 7 and Camp Craft. Mayor McClellan told Assistant City Attorney De La Rosa to look at this and determine whether or not it was previously acted upon. Councilmember Goodman said the resolution passed today refers to the 1969 Roadway Plan. Mayor McClellan said she wanted the point made clear, as she thought the voting last week applied to the 1969 plan. She asked Mr. De La Rosa to look at this again, and if it was not done, to bring it back.

WATER AND WASTEWATER WORK SESSION RESCHEDULED

Councilmember Himmelblau moved that the Council adopt a resolution to reschedule the Water and Wastewater Work Session from April 30, 1980 at 4:00 P.M. to Wednesday, May 7, 1980 at 4:00 P.M. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Snell

CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENTS OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Armadillo Road and Emerald Forest Drive, CIP No. 78/62-05)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

STREET NAME CHANGED

Mayor McClellan introduced the following ordinance:

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

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

UMTA TRANSIT GRANT FUNDS

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending Capital Improvement Program Project No. 73/90-02 to include UMTA (Urban Mass Transportation Administration) transit grant funds of \$612,570. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Councilmember Himmelblau said she wants Dr. Benson to discuss other than full size busses so they will have a turning radius.

SPEED ZONES MODIFIED

Mayor McClellan introduced the following ordinance:

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

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

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Speed zones modified as follows:

Section 21-42

Deletion: Subsection C - 45 mph

<u>ON</u>	<u>FROM</u>	<u>TO</u>
North Bluff Drive	Bluff Springs Road (1700 Block)	Nuckols Crossing Road (5100 Block)

Addition: Subsection B - 40 mph

North Bluff Road	IH 35 (ESR 5) (1600 Block)	Nuckols Crossing Road (5100 Block)
Nuckols Crossing Road	Colton Bluff Springs Road (7400 Block)	the south City limits (south of Colton Bluff Springs Road)

Addition: Subsection C - 45 mph

Nuckols Crossing Road	North Bluff Drive (6600 Block)	Colton Bluff Springs Road (7400 Block)
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FIELD NOTE CORRECTIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780202-D, ENACTED BY THE CITY COUNCIL ON FEBRUARY 2, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-77-075)

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 Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780413-S, ENACTED BY THE CITY COUNCIL ON APRIL 13, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-78-023)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780420-F, ENACTED BY THE CITY COUNCIL ON APRIL 20, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-78-021)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780302-D, ENACTED BY THE CITY COUNCIL ON MARCH 2, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-78-138)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780126-D, ENACTED BY THE CITY COUNCIL ON JANUARY 26, 1978, BY CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C14-75-129)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

FIVE-YEAR APPROACH MAIN CONTRACT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN APPROACH MAIN CONTRACT WITH H. T. McBRAYER; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

CDBG FUNDS RESERVED FOR GUADALUPE AREA

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, reserving \$622,000 in CDBG funds initially designated for French Legation Park for Guadalupe Area. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Snell said, "I think we need to get a designated area for Guadalupe area boundaries." Councilmember Trevino said the Guadalupe area has earlier been defined as "11th Street and 7th and San Marcos from Expressway to Comal. In the interim, another proposal, 11th Street, has already been implemented so there would be no overlapping. I would encourage the neighborhood in question to cooperate with the 11th Street project."

Mayor McClellan read into the record, "I assume and I am assuming other Councilmembers are assuming that this is set aside, but of course the merits of what is proposed will mean, you know, how much of that is actually designated. Specifically proposed projects will have to stand on their own merit."

OPERATING BUDGET AMENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1979-1980 OPERATING BUDGET BY APPROPRIATING \$20,000 FROM THE HOSPITAL OPERATING FUND IN ORDER TO CONTRACT WITH THE LAW FIRM OF BROWN, MARONEY, ROSE, BAKER & BARBER FOR LEGAL SERVICES IN REPRESENTING THE CITY OF AUSTIN AND ITS BRACKENRIDGE HOSPITAL IN THE CITY'S OPPOSITION TO HOSPITAL CORPORATION OF AMERICA'S APPLICATION TO CONSTRUCT THE SOUTH AUSTIN COMMUNITY HOSPITAL AND IN REPRESENTING THE CITY OF AUSTIN AND ITS BRACKENRIDGE HOSPITAL IN THE CITY'S EFFORT TO GAIN APPROVAL OF ITS APPLICATION FOR BRACKENRIDGE HOSPITAL PHASE 3-B CONSTRUCTION; AUTHORIZING A CONTRACT WITH THE LAW FIRM OF BROWN, MARONEY, ROSE, BAKER & BARBER FOR SAID LEGAL SERVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

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 Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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:

THE NORTH 100 FEET OF LOT 2, LESS THE EAST 20 FEET, J. G. COBB SUBDIVISION, LOCALLY KNOWN AS 11643 RESEARCH BOULEVARD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, 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. (John A. Joseph, C14-79-141)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

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 6.473 ACRE TRACT OF LAND, SAVE AND EXCEPT A 10 FOOT STRIP OF LAND AS DESCRIBED IN TRACT 2 BELOW, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 10 FOOT STRIP OF LAND PARALLEL AND ADJACENT TO THE ENTIRE EASTERN, NORTHERN, AND SOUTHERN BOUNDARIES OF TRACT 1 ABOVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 2007-2009 BERT AVENUE, 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. (Thomas P. Francis, C14-79-247)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING - PAVING ASSESSMENTS

Mayor McClellan opened the public hearing scheduled for 9:30 a.m. on paving assessments to be levied on the following and passage of ordinance:

CAPITAL IMPROVEMENTS PROGRAM - SPICEWOOD SPRINGS ROAD AND
SPICEWOOD LANE, covering approximately 14 blocks. C.I.P.
No. 73/62-23

Mr. John German, Director of Public Works, reported this as a continuation of the public hearing regarding paving assessments held on April 10, 1980. The continuation was granted by Council to allow additional time to analyze questions raised regarding two parcels. Findings are as follows:

Mrs. Mary Lou Shirer, property owner of Parcel #3, questioned the amount of frontage of her property for which she was being charged. Mrs. Shirer has since checked the deed to her property and it has been determined that the amount of frontage she is being charged for paving is true and correct as obtained from Tax Department records.

The second property in question was The Woodlands of Austin, Inc., Parcel #8. The question raised regarded denial of access to Spicewood Springs Road because of a filed site plan for development of a Planned Unit Development (PUD) which would have access to other streets. They felt that no assessment should be levied against the property because they would have no direct access. However, the property as it exists now, is undeveloped residential property. In accordance with the current assessment paving policy the assessment should be considered at the rate of \$10,852.90 that was recommended to the Council on April 10, 1980.

MR. TERENCE KENDALL, representing The Woodlands, appeared to say that the widening of Spicewood Springs Road will in no way benefit his client. He illustrated his point with a plan of the proposed Planned Unit Development.

Councilmember Himmelblau pointed out that without the upgrading of Spicewood Springs Road, the density of a PUD would not be permitted by the Planning Department. She felt that this offsets the fact there is no access onto Spicewood.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN AN AMOUNT AT LEAST EQUAL TO THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND

April 24, 1980

RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Parcel 8)

The ordinance was read the first time, and Councilmember Himmelblau moved that the Council close the public hearing and pass the ordinance to its second reading. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

Mayor McClellan introduced the following ordinance:

Councilmember Goodman moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance on Parcel 3. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING - BOAT DOCK PERMIT

Mayor McClellan opened the public hearing, scheduled for 9:45 a.m. on an appeal from Tim M. Trickey, attorney for M. D. "Hoot" Thomson, regarding Building Inspection Department's decision denying an amendment to an original boat dock permit.

MR. TRICKEY said the original plan submitted for the boat dock did not have definite specifications. He said a stop work order was put on construction of the upper level when the dock was built larger than plans specified. He said the basic issue concerned is the Lake Austin Ordinance which stipulates that no living quarters shall be extended over the lake. He said Mr. Thomson's intention is to not use the boat dock structure for living quarters. He said Mr. Thomson will agree to a restrictive covenant, running with the land, that no structure of the boat dock type will ever be used as living quarters.

Mayor McClellan said the restrictive covenant is good and the variance, requested by Mr. Thomson, from the original plans, is small.

Mr. Leonard Ehrler, Director of Parks and Recreation, represented the Navigation segment of the Parks and Recreation Board. He said he had no knowledge of the proposed restrictive covenant, and that the issue here is that the plans were changed after they were approved by the Planning Commission.

MR. BILL NALLE, Parks and Recreation Board, appeared before Council and said a proposed future ordinance change will alleviate problems. He asked Council to stand firm that changes were made to the plans for the boat dock which were submitted, and asked Council not to approve the dock as it is being built.

Councilmember Himmelblau pointed out there seems to be a 2-foot variance. She says she does not like to see plans ignored, but doesn't want to see anyone have to take down a structure.

BILL HALL, representing a homeowner on the lake, said the plans have been changed from 8' x 10' to 12' x 16'. That is more than doubling the space. He said they are putting sliding doors on the upper part and the only thing needed to make it into living quarters would be a port-a-potty and a hot plate. He said he can see no evidence of special circumstances or hardship to the client and asked Council to support the Park Board and not allow the added expansion.

REVEREND GOERGE DUTMAN, who lives next door to subject property, pointed out the gross change in plans and said he is concerned with the enforcement of the ordinance that there be no living quarters out over the lake.

Councilmember Goodman asked about the true dimensions of the dock.

A man who did not identify himself said he had built the dock. He said there were no dimensions on the plan and he just had to assume what the dimensions should be.

Rev. Dutman returned to speak for Mrs. Vance McNeil, Houston, and read a letter which requested Council to disapprove the change requested by Mr. Thomson. Mrs. McNeil owns property adjoining Rev. Dutman.

Mr. Hall returned to say, "I apologize for returning to the podium, but I'm really not accustomed to and I'm not comfortable in a proceeding in which the judges who are considering an appeal from a lower ruling become advocates in the case and argue the case from the bench. Since you have assumed the posture of advocates in this instance, I think I ought to point out to Council what I think most of you know and that is an appeal from a ruling from one of the boards ought to be considered by the Council where it is shown that literal enforcement of the rules for structures owing to special conditions would result in unnecessary hardship or practical difficulty and would be contrary to the public interest. There has not been one shred of testimony here today which would suggest, from which anybody on this Council could infer that it is contrary to the public interest to enforce the lower ruling that is the ruling by the Parks Board. In fact, the entire pitch is a political pitch asking you by cajoling to make an exception to a ruling by the Parks Board."

Mr. Trickey returned to discuss the plans for the dock, "...I think many things brought before the Council this morning by express reference or by logical implication are very, very unfortunate. When you look to the precise issue involved, I suppose it is basically one of due process. Mr. Goodman, I can barely see the copy of plans you were examining that Mr. Ehrler handed to you. I can see, however, that there were dimensions drawn on them. In my file, that was presented to me, I have exactly the same set of plans but there are no dimensions on them. I think, without further information, what may have occurred is that those dimensions were imposed on that document by Parks and Recreation after the initial hearing."

Mr. Ehrler stated that for the record, the plans submitted by Mr. Thomson are on file and no additions were made by the Park Board.

Mr. Trickey returned to say it would be a hardship on Mr. Thomson to change the dock because of the existing part of the structure which is already finished.

Councilmember Himmelblau stated, "I just want to say, Mayor, that I take exception to some of Mr. Hall's remarks. Maybe in my stupid way I feel he's insulted the entire Council this morning as far as our integrity....accusing us of being advocates of Mr. Thomson who I didn't meet until yesterday. As I told Mr. Thomson I couldn't make any decision from his discussion with me yesterday; that I would sit and listen to the case on its merits."

Councilmember Goodman held up the plans presented by Mr. Ehrler and asked Mr. Thomson if they are the plans submitted to the Planning Department. Mr. Trickey looked at the plans and said he had no personal knowledge of the plans. The contractor looked at them and said he had "never seen these."

Mr. Thomson appeared and said, "The plans probably are the originals. I have xeroxed copies. This is what Mr. Channing, Mr. Trickey and I have been working with. These probably are the originals. I have made so many plans of these things that if you take a look at these what Mr. Trickey said is absolutely true. If these are the originals they probably are more accurate than the ones we have been working with."

Mr. Daron Butler stated, "I'd just like to comment on one thing. I don't think the staff, under any circumstance, under any condition, would alter any plans that were filed with us." Mayor McClellan said she concurs. Mr. Butler continued, "There's no reason for it. We have no vested interest in changing the plans." Mr. Thomson said he agreed.

Motion - Died for Lack of Second

Councilmember Goodman moved that the Council uphold the Parks Board decision to deny an amendment to the original boat dock permit. No one seconded the motion.

Mayor McClellan pointed out that the issue is whether or not this will be used as living quarters. She said they have assurance this will not be a living structure and thought Council should grant a variance.

Motion

Councilmember Himmelblau moved that the Council grant the appeal from Tim M. Trickey, Attorney for M. D. "Hoot" Thomson, regarding Building Department's decision denying an amendment to an original boat dock permit; grant with restrictive covenant, running with the land, that no structure of the boat dock type will ever be used as living quarters. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan

Noes: Councilmember Goodman

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

PUBLIC HEARING - PAVING ASSESSMENTS

Mayor McClellan opened the public hearing, scheduled for 10:00 a.m., on paving assessments to be levied on the following and passage of ordinance:

CAPITAL IMPROVEMENTS PROGRAM - SOUTH FIRST STREET, covering approximately 17 blocks. C.I.P. No. 73/62-25.

Mr. John German presented a brief outline of the assessments and said Mr. Tom Wiley, Appraiser, had assessed the property and would answer any questions.

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN AN AMOUNT AT LEAST EQUAL

TO THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (South First Street, CIP No. 73/62-25)

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

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

The Mayor announced that the ordinance had been finally passed.

CLASSES RECOGNIZED

Mayor McClellan recognized two classes in the Council Chamber from Travis Heights Sixth Grade Center. They were visiting the Council to observe procedures.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

BALCONES WOODS	11047-11143 Jollyville	From "GR" General Retail
JOINT VENTURE	Road	1st Height and Area
By Ray Wilkerson		To "C-1" Commercial
C14-80-013		1st Height and Area
		RECOMMENDED by the Planning Commission

Councilmember Himmelblau moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-1" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

THE KNOLL
APARTMENTS, LTD.
By Walter Embry, Jr.
C14-80-014

3105 IH 35

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

Councilmember Himmelblau moved that the Council grant "B" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

UNIVERSITY OF TEXAS 10901 Research Boulevard
By David Gray
C14-80-034

From "LR" Local Retail
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CITY OF AUSTIN, TEXAS

N.P.C REALTY CO.
By Jean Bringol
C14-80-045

861, 859, 857 and 855
Ken Street

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

Councilmember Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
By Planning
Department
C14-80-007

3609-3917 McCarty Lane
3700-4012 and 3701-4019
Kandy Drive
3700-3910 and 3701-3909
Tamil Street
7300-7404 and 7301-7407
Saffron Street
7400-7406 and 7401-7407
Ceylon Court
4000-4016 and 4001-4011
Jaffna Cove

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

Councilmember Himmelblau moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CITY OF AUSTIN
 Planning
 Department
 C14-79-282

7400-7702 and 7401-7703
 Creekbluff Drive,
 portions of Loop 360 and
 Lakewood Drive, also all
 of the following streets:
 Courtyard Drive
 Back Court
 Courtyard Cove
 Karankawa Cove
 Scout Island Circle
 (South)
 Sam Houston Circle
 Lemondwood Drive
 Blueridge Court
 Driftwood Drive
 Sprucewood Drive
 Brownwood Court
 Marblewood Drive
 LakeMoore Drive
 Laurelwood Drive
 Crossmeadow Drive
 Ledge Drive

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

Councilmember Himmelblau moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

MR. AND MRS. H. F. 1304 West Avenue
 VOSS
 By John Voss
 C14-80-015

From "A" Residence
 1st Height and Area
 To "O" Office
 1st Height and Area
 RECOMMENDED by the Planning
 Commission noting applicant has volunteered
 to file a covenant restricting the use to
 preclude apartments and sexually oriented
 businesses.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

April 24, 1980

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

TEXAS ENGINEERING
FOUNDATION
By Grover Williams
C14-80-032

2200 block of Pershing
Drive northeast corner
of Greenwood Drive and
Pershing Drive

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

RECOMMENDED by the Planning
Commission "O" Office with a
25 foot building setback line recom-
mended for both Greenwood Drive and
Pershing Drive. The request as well as
the additional setback, is consistent
with the surrounding land use zoning.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, with a 25 foot building setback line for both Greenwood Drive and Pershing Drive. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ISOM H. AND MILDRED
L. HALE, JERRY B.
AND SANDRA H. HALE
By Mildred Hale
C14-80-033

Rear of 3511 Manor
Road, also bounded
by Pershing Drive

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

RECOMMENDED by the Planning
Commission, subject to office use only
and a 25-foot building setback line
along Pershing Drive.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ANDERSON LANE
BAPTIST CHURCH
By Charles
Lambert, Jr.
C14-80-038

2043-2007 Anderson Lane

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to five
feet of right-of-way on
Anderson Lane

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES C. AND
HELEN BUTLER
By Nelson C.
Johnson
C14-79-066

5003-5005 Hamilton Lane

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning Commission
(as amended) subject to five feet of
right-of-way along Hamilton Lane.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission (as amended) subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (as amended) subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

RICHARD GRACY, JR. 1802-2014 Kramer Road
AND HELEN GRACY
SMITH
By Robert Sneed
C14-78-216

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to staff
recommendations.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ASA E. RUTLEDGE 1208-1216 East Live
By Forest Cooke/ Oak
Fred Poppe
C14-80-041

From "A" Residence
1st Height and Area
To "O" Office
3rd Height and Area
RECOMMENDED by the Planning
Commission "O" Office, 1st Height and Area,
and "O" Office, 3rd Height and Area for Unit
"D." The zoning is to be tied to the site
plan as submitted.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, and "O" Office, 3rd Height and Area District for Unit "D," subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and "O" Office, 3rd Height and Area District for Unit "D," subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

FARO ENTERPRISES,
INC.
By Al Pruett
C14-80-044

4305 South First Street
4307 South First Street

From "A" Residence
1st Height and Area and
"GR" General Retail
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED "O" Office, 1st
Height and Area, and to limit the
density to no greater than "BB"
Residence, if apartments are placed on
the tract.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau,
Snell, Trevino

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions.

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: LOT 2, RESUBDIVISION OF A PORTION OF LOTS 15 AND 16 OF FORT VIEW SUBDIVISION; AND,

TRACT 2: LOT 1, RESUBDIVISION OF LOTS 1 AND 4, OF THE RESUBDIVISION OF LOTS; ALL OF THE ABOVE PROPERTY BEING LOCALLY KNOWN AS 4305-4307 SOUTH FIRST STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, 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 DECLARING AN EMERGENCY. (Faro Enterprises, Inc., C14-80-044)

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

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau,
Snell, Trevino

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the ordinance had been finally passed as an emergency measure.

SOUTH AUSTIN CHURCH 6711-6713 Manchaca
OF THE NAZARENE Road
By Randall Wyles
C14-80-036

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

RECOMMENDED by the Planning Commission, subject to restrictive covenant to Section 45-20(a)(3) as agreed to by the applicant, a six-foot wooden privacy fence, and 35 feet of "A" Residence on Bissell Lane, the fence to be installed at the end of the "O" Office zoning.

Marie Gaines, Planning Department, reviewed the application with use of slides. Councilmember Himmelblau said she does not think this is enough buffering. The pastor of the church appeared before Council and said they want to relocate one mile south. They can trade the church if it is zoned "O" Office, and that would be in harmony with what is happening in the community. Councilmember Himmelblau asked about subdividing. She was told it is two separate lots and she said she cannot vote for "O" Office on the back lot which adjoins residences.

Motion - Died for Lack of Second

Councilmember Himmelblau moved that the Council grant "O" Office on the lot facing Manchaca, but deny "O" on the back lot. No one seconded the motion.

Motion

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, with 35 feet of "A" Residence, 1st Height and Area District, on Bissell Lane, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District with 35 feet of "A" Residence, 1st Height and Area District on Bissell Lane, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JEROME STARK
By Jim Rattigan
C14-80-039

6615 Manchaca Road
bounded by Barge Street

From Interim "A" Residence
1st Height and Area
To "0" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a site plan
approved by the Planning Commission, a
privacy fence to the rear and to the north,
restricted to 45-20(a)(3) of the Zoning
Ordinance, and restricted against "0"
density if apartments are constructed.

Councilmember Himmelblau moved that the Council grant "0" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Motion to Reconsider

Councilmember Himmelblau moved that the Council reconsider the item. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Marie Gaines, Planning Department, told Council this case is just north of the previous case considered. It is in a predominantly residential area. The Commission felt "0" Office zoning would be appropriate and recommended approval with the buffering requirements. Councilmember Himmelblau said, "They didn't deny curb cuts on Barge because it's cul-de-saced. Are they going to allow traffic on there? I feel very strongly that if we go with the zoning, which isn't any more intense than what we just granted, that there should be no curb cut, but a fence on Barge to protect what is left of the neighborhood."

JIM RATTIGAN, who is buying the property, said he is to take a site plan to the Planning Commission showing a 15-foot exit on Barge for traffic. Councilmember Himmelblau said, "We don't show a site plan at all." Mr. Rattigan told her this was discussed before the Planning Commission. Councilmember Himmelblau said, "Okay."

Motion

Councilmember Goodman moved that the Council grant "0" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Snell, carried by the following vote: (Vote changed to allow Councilmember Himmelblau to vote no.)

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

LIBERTY INSURANCE
AGENCY, INC.
By Michael Kellam
C14-78-246

201 East Rundberg Lane

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission subject to the Rundberg
Lane Study and applicant to submit a
restrictive covenant as volunteered to
restrict to Section 45-20 (a)(3) of the
Zoning Ordinance and to install a
six foot wooden privacy fence.

Ms. Marie Gaines reviewed the application by use of slides. The applicant, MICHAEL J. KELLAM, appeared to state he will not alter the house but will upgrade it. He said the parking will be in the back with a 6' privacy fence.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Case Denied

WENDELL W. REINKING 5518-5520 Jeff Davis
 JR. AND MARK B.
 REINKING
 By Mark Reinking
 C14-80-031

From "A" Residence
 1st Height and Area
 To "BB" Residence
 1st Height and Area
 NOT Recommended by the
 Planning Commission

Ms. Gaines of the Planning Department reviewed the application by use of slides. MARK REINKING appeared before Council to discuss his request.

Councilmember Himmelblau moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
 Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the zoning case had been DENIED.

Zoning Case Postponed

THOMAS C. MOORE 813 Shady Lane, also
 AND JO LINDA bounded by Glissman
 MOORE Road
 By Terry Moore
 C14-80-037

From "A" Residence
 1st Height and Area
 To "D" Industrial
 1st Height and Area
 NOT Recommended by the
 Planning Commission

Councilmember Goodman moved that the Council postpone the zoning hearing to May 8, 1980 at 3:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Snell, Trevino, Mayor
 McClellan

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the zoning case had been postponed.

Zoning Case Withdrawn

C. BEN HIBBETTS
REALTY, INC.
C14-80-042

1725 East Riverside
1200-1208 Parker

From "LR" Local Retail
6th Height and Area
To "GR" General Retail
2nd Height and Area
NOT Recommended by the
Planning Commission

Councilmember Goodman moved that the Council grant WITHDRAWAL of the zoning case. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning case had been WITHDRAWN.

Zoning Case Sent Back to Planning Commission

WILLIAM E. NICKELS
AND LESLIE J. JONES
C14-80-012

8321 Lazy Lane

From "O" Office
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the
Planning Commission

An attorney from Sneed, Wilkerson, Vine law firm, who did not identify himself, requested the case be sent back to the Planning Commission.

Councilmember Goodman moved that the zoning case be sent back to the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the zoning had been sent back to the Planning Commission.

Pending Zoning Cases

JOHN NEELY
C14-78-207

F.M. 620 and Broadmeade
Avenue

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council grant extension on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

WALTER ANGERMAN
By Clarke Heidrick
C14-78-225

1804 Mariposa

From "A" Residence and
Interim "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council grant extension on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

CHARLES RICHARD
HAMILTON, ET AL
By W. W. Patterson
C14-79-032

10540-11740 U.S. 183

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

Councilmember Trevino moved that the Council grant extension on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

PEDRO TRESS
By Phil Mockford
C14-79-050

12991-13135 U.S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council grant extension on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

HARDIN HOUSE, INC.
By Richard Hardin
C14-79-091

2215-2217 Rio Grande

From "B" Residence
2nd Height and Area
To "O" Office
2nd Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council grant extension on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

ANGUS ROAD LAND
INVESTMENTS, LTD.,
ET AL
C14-79-094

11575-11581 U.S. 183
11518-11520 Angus Road

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED DISMISSAL by the
Planning Commission

Councilmember Trevino moved that the Council grant DISMISSAL of the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

JERRY HAWKINS
By Thomas Carlson
C14-79-123

13409 U.S. 183

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council grant extension of the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

RESOLUTION OF AUSTIN HOUSING FINANCE CORPORATION

Councilmember Trevino moved that the Council adopt a resolution designating the Austin Housing Finance Corporation as the instrumentality of the City of Austin, Texas, for purposes of Federal Law; transferring official action from the Housing Authority of the City of Austin, Texas, to the Austin Housing Finance Corporation; approving issuance and sale of one hundred million (\$100,000,000) dollars Austin Housing Finance Corporation Home Mortgage Revenue Bonds, Series 1980, approving resolutions and other actions of the Austin Housing Finance Corporation relating to the bond issue and its programs; declaring a public purpose; defining moderate income and establishing and approving other rules, regulations, studies and procedures relative to the same; declaring an emergency; and containing other provisions relative to the subject. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Snell, Trevino, Mayor
McClellan

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

RECESS

Council recessed its meeting at 12:00 noon, and resumed its recessed meeting at 2:00 p.m.

SESQUICENTENNIAL

MS. INA RAY SMITH, Vice Chairman, Travis County Historical Commission, appeared before Council to request approval and suggestions to formulate and organize plans for two Sesquicentennial celebrations in the 1980's. She said the State Sesquicentennial will be observed in 1986 and the City Sesquicentennial will be observed in 1989. Ms. Smith presented a request for Council to consider using \$6,000 of the hotel/motel occupancy tax for markers for Congress and old Pecan Street. Mayor McClellan told her this would be appropriate to look at at budget time.

REQUEST FOR DELETION OF NO-DEVELOPMENT CONDITION

Mr. John Meinrath appeared before Council as attorney for Mueller, Bradfield and Cummins, requesting deletion of 100 foot, no-development condition on tract 4 of Zoning Case C14-78-105, and final action on this case. He pointed out Council took action two weeks ago disposing of zoning on most of the property in the case and is asking Council to take action on the remainder, which is Tract 4. It has 20 acres located between MoPac and Zilker Park. "O" zoning, which was granted with conditions has had the conditions met except one which was a permanent scenic easement over a 100' strip of the property next to Zilker Park. He said they have proposed alternative development restrictions on this 100' strip in lieu of the 100' no development limitation. Their alternative restrictions include zoning the 100' strip "AA" instead of "A", restricting the strip to 10' of no development next to Zilker Park with a privacy fence next to Zilker Park, agreeing to limit any development within the 100' strip to a maximum of five units per acre and finally to give to the city 8/10 of an acre site at the intersection of Columbus Road and MoPac access road north to be used as an expansion of Zilker Park. He asked Council to approve.

Assistant City Attorney DeLaRosa stated, "As to Tract 4, the staff is unable to bring this back to Council for passage of the zoning ordinance because the conditions have not been met. If Council wishes you can direct us to place this on the agenda for next week and at that time we can discuss a change in conditions if you wish to do so, or you can resolve the case in some other fashion next week.

By unanimous consent it was agreed to bring this back next week.

NO ACTION TAKEN

MR. CHARLES GUERRERO, representing Allandale Neighborhood Association, had requested permission for the sale of beer and wine at Northwest Park for May Daze event. Mr. Guerrero did not appear because there had been a change in plans, therefore, no action was taken.

YELLOW ROSE LIFE FORCE

Councilmember Trevino moved that the Council approve, in accordance with department regulations, the request of MS. DEBBRA MYERS, representing Yellow Rose Life Force, for permission for the sale of T-shirts, bumper stickers, buttons, drinks, etc., at Waterloo Park, May 3rd, 1980 from 1:00 p.m. to 6:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Goodman

Noes: None

Abstain: Councilmember Himmelblau

Absent: Mayor Pro Tem Mullen, Councilmember

REQUEST FOR SOUND AMPLIFICATION

MS. MARGARET LOERA, representing the San Jose Choir, appeared before Council to request a special permit for sound amplification, Sunday, May 11, 1980 before 10:00 a.m. for one time event. Mayor McClellan told her that the problem is not the event but the request for sound amplification. Mr. Albert De La Rosa, Assistant City Attorney, told her the ordinance provides for 10:00 a.m. to 8:00 p.m. and problems will arise if they deviate. Ms. Loera thanked the Council for their time.

CITIZEN DID NOT APPEAR

MR. Alan Haywood, attorney for William T. Gunn, had requested to appear before Council to ask for permission for construction of street improvements within Westlake Woods Subdivision. He did not appear.

PARADE PERMIT

Councilmember Snell moved that the Council grant the request for a Parade Permit from MS. MARIE MARTINEZ for Metz Recreation Center Advisory Board, from 10:00 a.m. to 11:00 a.m., Friday, April 26, 1980, beginning in front of Sanchez Elementary School (San Marcos Street) proceed north to East 1st Street, east on East 1st Street, south on Anthony Street to the entrance of Fiesta Gardens. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

B. R. REYNOLDS DRIVE

Councilmember Himmelblau introduced an item to Council requesting the discontinuation of the car pool/bus lane on B. R. Reynolds Drive. She said she felt it is time to remove the signs because she does not feel it has done anything to help the traffic flow. Mr. Davidson, City Manager, told her there is going to be a design study of West 1st and South Lamar and there may not even be a street there. Dr. Benson, Acting Director of Urban Transportation, told her it can be deleted if she wishes. A traffic count yesterday counted 24 city buses, 42 school buses and 20 car pools using B. R. Reynolds Drive.

Motion - Died for Lack of Second

Councilmember Himmelblau moved that the Council remove the car pool lane on B. R. Reynolds Drive. The motion died for lack of a second.

TAX NOTICE FORMAT

Councilmember Himmelblau introduced an item to Council concerning the format of tax notices for City/AISD. Mr. Davidson told her this is being worked on and a report is due for Council May 1, 1980. Councilmember Himmelblau said she wants a clear delineation of what tax is what.

RELIEF JUDGE FOR MUNICIPAL COURT

Councilmember Goodman moved that the Council appoint MS. JODI LEHMAN as Relief Judge for Municipal Court. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

NUDE MODELING STUDIOS

Councilmember Himmelblau moved that the Council ask the Planning Commission to consider a Zoning Ordinance amendment excluding nude modeling studios from "O" Office districts. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Mayor McClellan and Councilmember Himmelblau introduced this item to Council.

BOMB DISPOSAL PROGRAM

Jim Thompson, Engineering Department, reported on the Bomb Disposal Program as follows:

"Since the approval of Ordinance No. 750821-I which addresses requirements for blasting permits, licensing of blasters and enforcement of blasting regulations, the Engineering Department has been equipped to handle the pickup and/or disposal of abandoned or otherwise unclaimed dynamite and blasting caps.

Mr. John Blackburn was employed by the Engineering Department in August of 1978 as our Blasting Inspector. In addition to the usual qualifications for a Blasting Inspector, Mr. Blackburn also has hazardous explosives and bomb disposal expertise and credentials. Since there does not seem to be any other qualified explosive experts in this area available to assist the Police and Fire Departments in a timely manner, Mr. Blackburn has willingly and effectively responded to their calls for assistance to handle hazardous materials and bomb threats. Both Chief Dyson and Chief Kirkham confirm that this activity is essential.

The following is a summary of the responses to calls for assistance since August 1978:

	<u>1978</u>	<u>1979</u>	<u>1980 to date</u>
Explosive Pickup (Abandoned and stolen)	8	27	18
Hazardous Explosives (Picric Acid, Ether)	3	19	6
Bomb Threats and Suspected Devices	2	4	18

We are concerned that the evolved program may be beyond the scope of the Blasting Ordinance and recommend that the matter be brought to the attention of the City Council for their approval to continue the program.

If the Council approves continuation of this much needed program, we recommend that:

- a. Additional equipment for handling and neutralizing explosives safely and effectively be purchased immediately.
- b. Additional personal insurance for Mr. Blackburn be made available and paid for by the City.

If the City Council does not approve continuation of this program, the City will not have a means of responding in a timely manner to these incidents. Fort Hood is available to assist the City in bomb disposal; however, their response time, 4-6 hours, could be critical with some incidents. Further, neither Fort Hood nor any other public agency will respond to requests for disposal of hazardous chemical explosives. This will leave the various agencies to their own resources in handling this type situation.

The Engineering Department presently has the know-how and most of the necessary equipment on hand to neutralize potential explosive devices. The effectiveness of the overall program has been demonstrated and we recommend continuation of the program.

The following additional equipment is needed for the handling and/or neutralizing of explosives in order to minimize risks to City personnel and the public:

Hazardous Chemical Disposal

1 ea. Disposal Trailer - available - modifications	\$ 700	
1 ea. Visa Bar (Emergency lights)	600	
4 ea. Red Emergency flashers for trailer	30	
1 gross surgical gloves	25	
1 ea. Bulletproof vest	150	
8 rolls Fiber and electrical tape	<u>25</u>	
	\$1530	\$1530

<u>Bomb Disposal Equipment</u>		\$1530
1 ea. Portable X-ray or fluoroscope machine	\$3000	
1 ea. 35 mm automatic camera	150	
5 lbs. Red dot gun powder (For water cannon)	25	
1 box 12 gauge shot gun shells (rifle slugs) for remote shot gun disrupter	6	
1 box Electric squibbs (booster for water cannon)	90	
1 ea. Beeper rental (similar to those used by Fire Department)	<u>360/year</u>	
	\$3631	<u>\$3631</u>
Grand Total		\$5161

Funds for the above equipment are available within the total existing budget by allocating funds from Administrative Salaries 68431-5101 work order 680001. An alternative to this is a budget amendment allocating funds from the General Fund ending balance."

Motion

Councilmember Himmelblau moved that the Council sanction the Bomb Disposal Program and ask the City Manager to bring back a fiscal note. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan,
Councilmember Goodman

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for Executive Session at 2:55 p.m. and resumed its recessed meeting at 3:10 p.m.

BOARD AND COMMISSION APPOINTMENTS

Councilmember Trevino moved that the Council appoint the following to the RAIL RELOCATION TECHNICAL TASK FORCE:

Urban Transportation Commission - Mr. Bill Moore, Dr. Michael Walton

Citizen's Traffic Safety Commission - Mr. John Gray, Dr. Clyde Lee

Railroad Companies:

Missouri Pacific Railroad Company - Mr. O. E. Cox

Missouri-Kansas-Texas Railroad Company - Mr. R. L. Clarkson

Southern Pacific Transportation Company - Mr. R. G. McWhirter

Area Property Owners - Mr. Ron Jones, Mr. Rowland Persons, Mr. George Slaughter

Rail Users - Mr. Walter L. vonMerz

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

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Goodman, Himmelblau, Snell

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

STREET VACATION

Mayor McClellan opened the public hearing set for 3:00 p.m. on vacating the following and passage of Ordinance:

Harrell Lane, adjacent to Lots 21 and 25, Enfield "A" Subdivision, 1505 Windsor Road. (Requested by Bob and Phillip Bobbitt, owners)

Mr. John German, Director of Public Works, said this has been reviewed by City departments. There was a question on whether or not a cul-de-sac was needed on the short street. The Planning Commission determined it is not essential to have one, so essentially they are considering vacation of the excess right-of-way that is normally needed for a cul-de-sac.

CHARLES TEEPLES, KMS, INC., appeared before Council. He owns two duplexes across from Harrell Lane and is opposed to the street vacation. They are concerned about the Bobbitt improvements because they want to preserve the scenic qualities that remain. He said he thought the elimination of the cul-de-sac could devalue the duplex property.

Mr. German said Mr. Teeple has brought out points the City considered. He said it would be expensive to build a cul-de-sac in another location. Mayor McClellan said she understood the Bobbitt's survey for their pool had been a little off and they had no plans for structures on the other land. Mr. German said they wanted to be able to have decks along the side of the pool. The structure for the pool is already in place.

A neighbor of the Bobbitt's, who did not identify himself, said a survey of the property line does not show any encroachment.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF HARRELL LANE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman 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 Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Snell,
Trevino

Noes: None

Absent: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the ordinance had been finally passed.

RECESS

Council recessed its meeting at 3:15 p.m. and resumed its recessed meeting at 7:10 p.m.

CITY MANAGER REPORTS

Mr. R. L. Hancock presented the following City Manager Reports, "Monthly Status on the South Texas Project;" "Monthly Status on the Fayette Power Project;" and "Electric Service Installation Charge."

"In summary form, the status of the South Texas Project through February is engineering at about 66.7% complete with a baseline schedule at 69%. With Unit I at about 54.3 with a baseline schedule of 59.3 and Unit II at 18.7 actual and a schedule of 16.5. Overall, in February the project achieved the baseline. It is premature to make any judgements on that basis because it is just one month, so we need to reserve any judgement because of that performance. The report outlines most of the general information. There are a couple of things I need to call to Council's attention. One is the Council had previously requested additional quantity reporting in these reports with respect to progress on the

project and when you get time, look at two attachments titled Cumulative Quantity Production Status. Those will be contained in all the subsequent reports and they will quantify quantities of scheduled and actually installed quantities in the project. Things such as structural steel, concrete, pipe, cable, air conditioning, termination, instrumentation and things of that sort. The schedule represents the baseline scheduled quantity as of the end of that month and actual is of course actual performance in the project. This report includes Unit I and Unit II in summary form. If the Council desires more complete information later on, we can include that also."

"On Fayette, Unit 2 is just back on line now. It has completed its screen run test, which is a test at full load and rated steam conditions in which screens are placed in the piping after it goes through the test the screens are removed and the unit undergoes further testing and then it is finally declared commercial. The screens have been removed, the units returned to line; it's still in the test mode, but we have every right to expect the unit will be commercial before the scheduled June 1 date. Performance will determine when it can be classified as commercial. Unit 1 is still down for its dismantle inspection. That's scheduled for completion June 1 also. As a matter of interest, Unit 2, although in a test mode in the month of February produced about 54,000,000 kilowatt hours into the system which is about 25% of energy into the system. Delivered cost of fuel at the project now: Decker coal is \$2.10 a million BTU; ARCO, \$1.80 and natural gas is \$2.47. The next fiscal year we anticipate about 60% of our energy coming from coal. To put that into perspective as far as imported oil is concerned, that is about equivalent to about 5,000,000 barrels of fuel oil from an energy point of view."

"The third item we have on the agenda is in response to a request by Council previously concerning a recommendation from the Electric Utility Commission for a service extension connection fee. In response to how to balance the needs in the system for this fiscal year, the staff recommended its recommendation to the Electric Utility Commission for consideration. They considered them, adopted the staff recommendation and in addition to that, recommended to Council that a connection fee of \$150.00 per service be charged for new electric service. The Council asked the Law Department to conduct some surveys with respect to legal aspects of the matter and the Electric Department made some surveys with respect to what other electric utilities were doing. In summary form, the Law Department recommended the \$150.00 connection fee in a residential sector would not have any problems. There was a question, though, with respect to applying that type fee, which was calculated for extension of a residential service, to a commercial and industrial customer. They felt that should be done more on a cost of service basis. We conducted a survey of major urban serving utilities in the state and we found one utility who had a connection fee for new service, and that being San Antonio, for \$18.00 for residential service and \$20.00 and up for commercial service, depending on the nature of the connection. There are a number of administrative questions, if the Council chose to adopt a fee of this sort, that need to be reviewed and considered prior to the development of an ordinance and we would suggest, if the Council is inclined in that direction, that we discuss those either with the Council or with the Electric Utility Commission in the course of preparing an ordinance."

Mayor McClellan said she would suggest a discussion with the Electric Utility Commission first and if Council seriously considers this they should look at what the Legal Department points out. She said they do not want residential carrying a disproportionate part of the load.

Mr. Davidson said perhaps they should look at this charge and what else might be charged on water and wastewater in the future to comply with all City Council policies. He suggested Council might add this item in broad policy terms to discuss at the May 7th Work Session on Water and Wastewater.

Mayor McClellan said if they consider this as part of the Work Session they should also invite the Electric Utility Commission to join them, and also Planning Commission members who would like to sit in with them.

PUBLIC HEARING - TRANSIT ROUTES

Mayor McClellan opened the public hearing, scheduled for 7:00 p.m., on consideration of transit route/schedule modifications (Park and Ride Services and South Austin Routes/Schedule) and passage of ordinance on the establishment of fares for Park and Ride Services. (60 cents one-way trip and \$20.00 for special passes)

Jim Benson, Acting Director of Transportation, presented the following report:

"With the closing of Congress Avenue Bridge for repairs, three transit routes were located to the South First Street Bridge. Additional running time was also provided to five routes crossing Town Lake in efforts to lessen the impact of increased traffic on the South First and Lamar Bridges.

The Congress Avenue Bridge will soon open to full operation and minor route and schedule modifications are being requested.

The South Congress and Travis Heights routes would be returned to the Congress Avenue Bridge from the detour route on the South First Street Bridge. The Riverside/Bergstrom route, which was initiated since the closing of the bridge, would also be rerouted to the Congress Avenue Bridge. Further modifications to the remaining routes across Town Lake are planned for later this year.

The extension of the South Fifth/Redd Street and Manchaca routes are also proposed. These two routes would connect and enable the outbound buses on one route to become the inbound buses on the other route. Through such a system, two-way service would be provided to the area served by both routes.

It is also requested that Park and Ride services continue to operate from the Fox Theatre until the North Lamar Terminal is completed and that similar services be implemented in Northwest Austin. The latter would originate from the Gibson's Department Store, 13096 Research Boulevard, make two intermediate pick-up stops, and terminate in the downtown area.

A one-way fare of 60 cents is proposed for all Park and Ride services, including IRS, and a special monthly pass costing \$20.00 would be offered to said participants. The special passes could also be used on other transit routes."

Councilmember Goodman questioned the two stops in the northwest made by the proposed Park and Ride bus from Highway 183. Dr. Benson said the two stops are needed in order to provide service. Councilmember Goodman said if the plan is implemented he would like a report in 30 days and make a decision then whether or not the stops are needed, or if the bus should start on 183 and make no stops until it reaches downtown.

MARY JANE CAUDHILL, representing the South Meadows Neighborhood Association, asked for a change in service so children who attend Cunningham School can ride a bus. She said it is not safe for them to walk to school. The route could take a small detour to Whispering Winds, stop at Manassas, and the children will be within 3 to 4 blocks from home. She also pointed out the need for a school crossing guard at William Cannon and Manchaca.

Mayor McClellan asked for a report back on the requested route change. She urged parents to continue to work for a change in State regulations regarding bus service for students and said the Austin Transit and AISD needs to work together.

MIKE REAGAN, who lives in Oak Forest, said he applauds the proposed Park and Ride in the northwest.

ARI WRIGHT, Austinite for Transportation, thought the Northwest Park and Ride should go to 15th, not 29th and Guadalupe. She said there should be heavy marketing on the Park and Ride so people will use it.

GEORGE RUDENBERG said the timing of the Travis Heights bus for someone who works at IRS is almost impossible. He lives at 27th and Nueces and there is only one connection. If the timing is off he cannot get to work on time.

Mayor McClellan asked for a report on the schedule for South 1st Street.

IRMA JO HOSE, who is an IRS employee, said they fill the busses and asked Council not to double the fare for Park and Ride.

FRANK HORSFALL opposes changes to Travis Heights/IRS; Congress/MLK route changes. He said they should be kept as they are. He also thinks there should be more shelters.

Motion

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

Ayes: Councilmembers Goodman, Himmelblau, Snell, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

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 3,135 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2302 WESTERN TRAILS BOULEVARD, FROM "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT TO "C-2" 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. (Han-Rac of Texas, Inc., C14-79-291)

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 Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

ITEMS PULLED FROM AGENDA

Councilmember Trevino moved that the Council postpone the following two items until May 1, 1980:

1. Consideration of establishing a temporary 180-day moratorium on 1) the issuance of building permits for new construction other than detached single-family residences and 2) the processing of special permit applications in the Rainey Street Neighborhood Area.
2. Second and third readings of Ordinance scheduling, format and procedures of City Council Meetings and Public Hearings.

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

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Goodman, Himmelblau

Noes: None

Absent: Mayor Pro Tem Mullen, Councilmember Cooke

AUSTIN INDUSTRIAL DEVELOPMENT
CORPORATION

Mayor McClellan opened the public hearing scheduled for 7:30 p.m. on the creation of the Austin Industrial Development Corporation.

MR. DAVID DAVENPORT, Chairman, Board of Commissioners, Austin Redevelopment Authority, appeared before Council to ask them to create the Austin Industrial Development Corporation for the purpose of issuing revenue bonds to benefit the City of Austin, all parts of the city, with no specific areas necessarily designated. "I would like to say to Council that under the process that has been set forth in the issuance of these Industrial Revenue Bonds, the City has final approval along with the Industrial Commission with the State of Texas. We are not asking you to give away any of your power for or against, we just think the Austin Redevelopment Authority is capable and competent of managing this program for the City and that basically is what we're asking. You still have final approval of any industrial revenue bonds issued to the City of Austin. Tom Knickerbocker will bring you up to date with where we started and where we are right now."

Mr. Tom Knickerbocker, Austin Redevelopment Authority, reported as follows: (RESOLUTION ON FILE IN CITY CLERK'S OFFICE.)

"The attached resolution requests Council approval for the establishment of the Austin Industrial Development Corporation with the members of the Board of Commissioners of the Austin Redevelopment Authority serving as the Board of the Corporation.

This Corporation, upon approval by the Austin City Council, proposes to carry out the provisions of the Development Corporation Act of 1979 and to act on behalf of revitalization of industrial and commercial areas of the City of Austin. The Board is prepared to establish a revitalization program aimed at expanding employment opportunities in low and moderate income areas; expand opportunities for small business expansion; provide assistance for retention of jobs in the inner city; provide incentives for location of new employment in blighted areas; and provide incentives for business expansion and retention within Austin's designated redevelopment areas.

The proposed Corporation will not compete with nor oppose industrial or commercial developments outside the inner city, but hopes to provide incentives for business to locate in the inner city and in areas where low and moderate income people can find meaningful employment.

In accordance with the law, each proposed bond issue that may be considered by the Board will be presented for official Council approval prior to sale and the provisions of the by-laws and membership remain under the control of the Council.

The six members of the Board of Commissioners of the Austin Redevelopment Authority have prepared all necessary legal instruments to allow proper establishment of the Corporation. It is necessary that actions be taken immediately to assure all State reviews and organizational activities proceed in a professionally responsible manner.

Upon approval, the Board will hold its organizational meeting and prepared a complete program including policies for the Corporation and a time schedule and will ask for a joint meeting with the Council to assure that each member is fully briefed on the operations of the Corporation.

Legal Counsel and I will be present on behalf of the Board to answer any questions concerning this vital opportunity to provide incentives for revitalization of Austin."

"Basically, what this amounts to, the City Council may act upon a petition of any number of citizens, no less than three, who petition the City for the authority to establish an industrial or development finance corporation. That corporation is empowered to manage a program on behalf of the City to do packaging, financial analysis on behalf of new industries, or industries in need of modernization or expansion, and submit the proposals of the corporation involved to Council for its final approval. The entire operation is reviewed by the Texas Industrial Commission and it must meet the rigid standards of that Commission that have been set. In addition, if bonds are to be marketed publicly they must be passed upon by the State Securities Board before they can be issued and must receive their approval. Bonds may be used up to a level of \$10,000,000 for any one project. There are an unlimited number of projects which may be financed. The advantage is that by utilizing a municipally authorized industrial revenue bond you escape the Internal Revenue taxation and proceeds of those bonds for the investors who buy them. They are bought in the private market, they carry no full faith in credit of the City, and are backed solely by the proceeds of the lease operation or mortgage of the company utilizing that form. They must meet very stern tests of credit worthiness as is typical in all bond transactions. There are limitations on the size of the companies that can use this form of financing. ... The corporation has no powers unto its own. It packages programs in accordance with policies and by-laws established by the Council and brings all of those factors back to the Council for specific approval of all the bonds, covenants, agreements, leases and operational agreements attached thereto. There are no factors of this operation that are not reviewed by the City Council. ... You may also dissolve the corporation as you see fit by passing the same kind of resolution in accordance with law and outstanding bond issues. Unlike the housing issue that was dealt with earlier, you have absolute final authority. No one can circumvent that authority and you have absolute control of the program. ... All administrative costs of the corporation are covered by revenues received from the client corporations that utilize the form of financing. All fees for the sale of bonds, preparation of documents, legal fees and all other factors involved in the transaction are borne by the corporations themselves."

Councilmember Himmelblau asked if they would be working with the Chamber of Commerce. Mr. Knickerbocker said they will be. Councilmember Trevino asked if ARA will continue with the work they are already responsible for. Mr. Knickerbocker said no work will be done by ARA staff. He said the corporation can employ outside assistance as it deems necessary and the financial monitoring will be turned over to a trustee. Councilmember Himmelblau asked about compensation. Mr. Knickerbocker told her the law provides possible compensation but the Council can pre-empt. Councilmember Trevino asked if the Council can name itself the Commission. Mr. Knickerbocker said yes, but the demands on time on a day to day basis may be too much on the Councilmembers.

MELVIN FLOWERS appeared in opposition to implementation of the board and read a statement to Council. He said ARA should not manage the project because HUD questions the ability of ARA to manage themselves. He pointed out that house repairs done under the auspices of ARA do not hold up well. He felt the Council could work in conjunction with the Travis County Commissioners, who are forming the same type corporation.

SABINO MATA appeared in opposition to formation of the corporation under ARA.

A woman who did not identify herself, representing ACORN, said too much authority is being given to ARA and they do not even know how to rule themselves.

FREDDIE DIXON, Austin Area Urban League, read a statement to Council and said the Board of the Corporation should be separate from ARA.

MILDRED SNEED, Chairperson, National Business League, said she is opposed to ARA directing the Austin Industrial Development Corporation.

PAUL HERNANDEZ, East Austin Chicano Development Corporation, told Council not to accept the ARA proposal but to accept his group to serve the city. He said they would do it right.

LINDA LEWIS, a 1976 intern in industrial development, said where these programs are not merged with citizens concerned with the program, they have failed in other cities.

Councilmember Trevino referred to the fact the County has already named itself as a corporation and wondered if they can legally participate within the city limits. The City Attorney said they can. Councilmember Trevino wondered if the County has the power of eminent domain. Mr. Knickerbocker told him, "None of these organizations have eminent domain. It is a pure financial tool and they have no eminent domain assigned to them whatsoever. Sitting as a County they have eminent domain, sitting as a corporation they have none. They have no urban renewal powers because the Texas Constitution prohibits the use of eminent domain for private re-use of property, therefore they have no use there. ... They have no authority to establish development under Texas law. Only cities, by referendum, have authority for urban renewal. There are no County urban renewal programs. ... This is a financing tool only that allows the Council to work equitably with all of the surrounding cities and counties and gives Council the opportunity to participate in private investment decisions."

Mr. Davenport returned to the podium to state, "It certainly is a pleasure to serve as Chairman of the Board of Commissioners of such a popular organization as the Austin Redevelopment Authority. The pay is great, which is nothing, we do it because we love our City of Austin. We're appointed by the Mayor, approved by the Council and I'd like to say to the Council, the Mayor and members of this room that we have a board meeting once a month and you are welcome to come down and express your concerns to us and let us try and deal with them since we are the ones who are involved on a closer basis than the City Council, working in the areas that we have to work, there are a great deal of problems and I'm not here to defend the Austin Redevelopment Authority because I don't think I have to." Mayor McClellan said, "Some of what you are saying is precisely what I have been saying to individuals who have come to see me in the past few weeks. First of all, I think you all often take a drumming for past actions that you had absolutely nothing to do with ... the Council does the same thing. I think you have been trying very hard to give ARA a new image. You have a new director and changes in your board members and I think ARA is certainly getting a new image from the old Austin Urban Renewal Board. That does not mean you or the Council is perfect, or that there are not problems that need to be addressed, but I think many times you receive some of the same pleasures from your job that we do."

Mr. Davenport continued, "As far as I know this is the first request you have had from anyone to create an Industrial Revenue Authority. The other groups have not proposed anything and have nothing in the legal and proper way to do something. We have the vehicle, we saw a need and so we acted upon it as a board. We have no pride of authorship. We saw a need, we saw an opportunity for all of the city of Austin, not just part of it, but all of the city, and whether any of our board members are on that board, as long as we get something stated and create this Industrial Development Corporation, then I feel like we have done something to the positive but I would like to ask Council, if they so decide to go out for another board or totally representative board, that they understand that this is a business deal. It is strictly a vehicle for financing of industrial development and that is all. It should not have political overtones. It should get the job done, and it should have the input of the entire community, not just part of it. Speaking individually, as a member of Austin's banking community, we certainly do not consider this a threat to our business because things are difficult because of interest rates, but this presents a way we can attract the proper type of jobs and opportunities to the citizens of Austin."

Councilmember Snell said he is pleased to see so many people interested in the issue.

Councilmember Snell moved that the Council close the public hearing on the creation of the Austin Industrial Development Corporation. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PUBLIC DOCUMENTS POLICY

Mayor McClellan opened the public hearing scheduled for 8:00 p.m. on consideration of adoption of the Public Documents Policy. She said her proposal, made several weeks ago, was that the City provide any documents requested by non-profit citizens...one copy.

Lee Thomson, Director of Research and Budget, said the policy provides for distribution of certain documents during the time that it is under active Council consideration and for a limited time afterward. The policy defines documents as those relating to public policy, plans, operating budget, CIP; but specifically excludes records, maps, photographs, consultant reports or documents for internal administration such as statistical information, and it excludes agenda material. She explained the definition of groups, and methods proposed to be used by City departments to distribute documents. It also provides for a half-time person in the City Clerk's office. Mayor McClellan said she objects to adding staff and wants to see how much is requested before a staff person is added. Mr. Davidson, City Manager, stated the preparation of document distribution policy was done with cooperation of the City Clerk.

DOROTHY RICHTER appeared before Council and said the proposed document distribution policy would do what citizens want done because they want to be informed.

ROGER BAKER told Council that he commends them for giving documents to the citizens. He pointed out that each department has its own charge for documents and he believes the charge should be the same in all departments.

Mayor McClellan requested a report on the charges made in each department for copies. She feels the charge should be consistent.

MARILYN SIMPSON, President of the Neighborhood Council, said there are hard feelings in the community because of the charge for documents and the Council needs the support of all citizens. She said if the citizens are asked to vote on an issue, they should be allowed access to information about same.

A woman who did not identify herself expressed concern about the definition of a citizens group.

MERLE MODINE, University Hills Homeowners Association, said he is opposed to a policy which would differentiate between citizens. He is opposed to the present charges for documents. He said free and open access is crucial to having good government, and asked Council to budget for documents which will be given free to citizens.

JAY JOHNSON, representing Austin Study Group, said a list should be made of documents available and mailed to groups. He feels the present policy creates too much resentment. A distribution policy should be adopted and if it creates too much trouble and costs too much, then it can be changed.

Mayor McClellan thought the idea of a list is commendable. Mr. Johnson continued by saying all documents should not be available in the Clerk's office. The people should be able to go to each department for documents so they can ask questions.

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DR. GARY WITT, Chairman, Northeast Austin Democrats, said the people of Austin need information before contacting the City Council about a given subject.

SAM BURRAT thought people should not have to pay for documents.

FRANK HORSFAL appeared to say people should be allowed to see facts but felt the system as it is now is not all that bad.

ADJOURNMENT

Council adjourned its meeting at 9:30 p.m.

APPROVED



Mayor

ATTEST:



City Clerk