

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 24, 1975  
1:00 P.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Councilmembers Himmelblau, H Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman

Absent: Mayor Pro Tem Snell

The Invocation was deleivered by MRS. TOM GEE, President of Church Women United.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had been in an Executive Session earlier in the day and had discussed appointments to various boards and commissions that were now before the Council for action.

Joint-Legislative-Council Committee

Mayor Friedman moved that the Council appoint COUNCILMEMBERS HOFMANN, HIMMELBLAU, and TREVINO to the Joint Legislative-Council Committee. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman

Noes: None

Absent: Mayor Pro Tem Snell

Mayor Friedman announced that hopefully next week the other 7 members to the Committee would be appointed.

## APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for July 17, 1975. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Pro Tem Snell

## POSTPONEMENT OF HEARING ON ALLEY VACATION

The Council had before it a public hearing and the passage of an ordinance vacating a portion of WEST 6TH STREET ALLEY. It was noted that the applicant had requested a postponement of this. Councilmember Hofmann moved that the Council postpone consideration of vacating a portion of WEST 6TH STREET ALLEY which traverses Block 72 of the Original City of Austin from the West line of Lavaca Street in a westerly direction to the East line of Guadalupe Street. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman  
Noes: None  
Absent: Mayor Pro Tem Snell

## FEES FOR LICENSE AGREEMENTS

The Council had before it a resolution establishing fees for license agreements. City Manager Davidson pointed out that as with any new proposed policy or policy change, the Council might want to amend it in the future; but he did not see any need to postpone this to get all the amendments together.

Mr. Joe Morahan, Public Property Manager, reviewed this by noting that it involved three categories:

1. Surface.
2. Underground
3. Aerial.

He stated that the existing policy on street vacations established the value of streets and alleys as being equivalent to the unit market value of the abutting property. He recommended that the proposed fees involve the following:

1. For surface licenses, an annual fee of 10% of the market value of the area to be licensed.
2. For underground licenses, the annual fee should be 10% of 50% of market value.
3. For aerial licenses, the annual fee should be 10% of 75% of market value, with a minimum annual fee of \$50.

In addition to these annual fees, he recommended a \$100 application fee and administration of all such licenses by the Public Works Department. He added that the annual fees would apply to all licenses granted, renewed, or altered after the effective date of the policy; and annual fees would remain the same for a period of 5 years from the date the license was granted and be updated each 5 years the license remained in effect. He recommended that there not be a charge for governmental entities or for original dedicators, the same as provided in the vacating policy.

He commented that unusual cases might arise which would call for exceptional handling; such as, the Council might not wish to charge a license fee for tree wells, planter boxes or similar installations that might be advantageous to the City. He noted that the policy was not intended to cover such items as awnings, marquees, signs, etc., that were not normally permitted by the City Code without the issuance of a specific license agreement. He also noted that it was not intended to cover temporary construction barricades, banners over streets, temporary street closings, etc., which were temporary or covered by existing regulations.

In response to Mayor Friedman's questions as to what would happen if someone disagreed with the increased fee in 5 years and whether or not the City could prevent them from furthering use, Mr. Morahan stated that it could be written into the license agreement itself; and if the applicant did not comply with the terms of the license, the license would be terminated.

City Attorney Butler noted that it would be a provision in the resolution, whereby it would be determined by the Council; and the City would have a lien against the property in the event the applicant did not pay. If this resolution is adopted, Mayor Friedman asked that this provision be included.

Councilmember Hofmann asked about the determination of the fee for surface licenses and why underground was based on 10% of 50% and not 5% of market value and also the fee for aerial licenses. She also commented that it would be difficult to determine what would be of benefit to the public and would, therefore, involve no fee.

Mr. Morahan suggested that the policy would give the Council the latitude to make the decision and pointed out that in some cases the City might be the instigator of the license agreement rather than the property owner.

Councilmember Himmelblau moved that the Council adopt a resolution establishing the fees for license agreements as reviewed with the inclusion of the requested provision by Mayor Friedman so that the City would have a lien against the property in the event of non-payment. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,  
Mayor Friedman, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Pro Tem Snell

## LICENSE AGREEMENTS

Councilmember Linn moved that the Council adopt a resolution granting the following license agreement, subject to the afore-adopted policy:

Permitting encroachment by an underground pedestrian tunnel across WEST 34TH STREET in the 800 Block between West Avenue and Grandview Street. (Requested by Zapalac and Griffin, Architects representing Austin Diagnostic Clinic, owner of property on both sides of West 34th Street in said 800 Block.)

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

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Pro Tem Snell

Councilmember Linn moved that the Council adopt a resolution granting the following license agreement, subject to the afore-adopted policy:

Permitting temporary placement of a U.S. Postal Service Mobile Trailer Office over a portion of Drainage Easement ten (10.00) feet in width partly in Lot 5, Block P, JAMES E. BOULDIN ADDITION, and partly in Lot 1-A, Resub-division of Lots 1 through 4, Block P, JAMES E. BOULDIN ADDITION. (Requested by the U.S. Postal Service, owner.)

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

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Pro Tem Snell

## RELEASE OF EASEMENT

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

A five (5.00) foot Electric Easement to the Anderson Mill H.E.B., recorded in Volume 2179 at Page 445 of the Deed Records of Travis County, Texas. (Requested by Ruben E. Trevino, Project Manager for Anderson Mill.)

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

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Councilmembers  
Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Pro Tem Snell  
Not in Council Chamber when roll was called: Councilmember Lebermann

In response to Mayor Friedman's question, Mr. Reuben Rountree, Director of Public Works, noted that this had been secured to serve a house on the property; and since the house had been demolished, there was no need for the easement. Mayor Friedman asked that the applicants be invited to appear before the Council when they have an item on the agenda.

#### APPROVAL OF CHANGE ORDER

Councilmember Hofmann moved that the Council adopt a resolution approving Change Order No. 1 in the amount of \$9,501.00 with Travis Construction Company for Prefabricated Steel Buildings at the proposed Kramer Lane Service Center, C.I.P. Project Nos. 3915 0, 3906 0, 7913 0, and 3915 2. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn  
Noes: None  
Absent: Mayor Pro Tem Snell

#### AMENDMENT TO GAS SHARING AGREEMENT

The Council had before it an amendment to the gas sharing agreement with the Lower Colorado River Authority for natural gas to be supplied by the Delhi Gas Pipeline Corporation. Mr. R. L. Hancock, Electric Utility Director, noted that Austin had authorized a gas sharing agreement with L.C.R.A. for supplemental gas, and part of the agreement provided L.C.R.A. and two other entities would have the first option on any new gas development in certain geographical areas.

He noted that this was a small package of gas development in one of those areas; and the option had been offered to L.C.R.A., and they offered it to Austin and San Antonio. Therefore, he pointed out that this would involve 5 million cubic feet of gas split three ways, with the price about \$1.31 delivered to the pipe, which he noted was well below the market.

Councilmember Himmelblau moved that the Council adopt a resolution approving an amendment to the gas sharing agreement with L.C.R.A. as reviewed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino  
Noes: Noes  
Absent: Mayor Pro Tem Snell

#### UTILITY JOINT USE AGREEMENT

Councilmember Hofmann moved that the Council adopt a resolution authorizing the City Manager to enter into a Utility Joint Use Agreement with the Texas Highway Department for the Adjustment of a Water Main in U. S. 290 between I. H. 35 and F. M. 3015. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman  
Noes: None  
Absent: Mayor Pro Tem Snell

## CONTRACTS AWARDED

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

BRUCE LUCKIE CONSTRUCTION COMPANY 6735 Highway 290 East Austin, Texas	- Street and Drainage Improvements Assessment Paving Consisting of Seven Units, C.I.P. Project No. 6265 2 - \$212,132.73.
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The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman  
Noes: None  
Absent: Mayor Pro Tem Snell

Councilmember Lebermann moved that the Council adopt a resolution awarding the following contract:

TERRY EDWARDS CONSTRUCTION COMPANY 11607 North Lamar Austin, Texas	- Drainage Culverts on Quail Creek at Collinfield Drive, Parkfield Drive, Hunters Trace and Colony Creek Drive, C.I.P. Project No. 7039 2 - \$82,975.45
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn  
Noes: None  
Absent: Mayor Pro Tem Snell

In response to Councilmember Linn's question, Mr. Rountree stated that the first section of this area was annexed in May, 1969, and the second in June, 1970.

## POSTPONEMENT OF CONTRACT

Councilmember Trevino moved that the Council postpone consideration of the following contract:

THOMAS BROTHERS CONSTRUCTION COMPANY 3400 E. 1st Street Austin, Texas	- Electric Ductlines and Concrete Foundations at Bergstrom Substation - \$10,097.70.
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The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman

Noes: None

Absent: Mayor Pro Tem Snell

#### EXECUTION OF DEED

Councilmember Linn moved that the Council adopt a resolution authorizing the City Manager to execute a deed conveying 7.15 acres of land to Kieth U. Adams and wife, Billie E. Adams, in Fayette County. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Friedman, Councilmember Himmelblau

Noes: None

Absent: Mayor Pro Tem Snell

#### LEGAL DISPOSITION OF SUBSTANDARD STRUCTURES

The Council had before it consideration of recommendation for legal disposition of substandard structures. In response to a comment that had been made by one of the owner's attorneys, City Attorney Butler recommended that the Council go ahead and act today with the understanding that Council is not making the determination adverse to him that could be used against him in court.

Councilmember Trevino moved that the Council accept recommendations from the Building Standards Commission and authorize the Law Department to take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

1. 5018 West Park                      Conann Constructors, Inc., owner
2. 4915 Ledesma Road                  Maximino Casarez, owner

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

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Mayor Pro Tem Snell

#### POSTPONEMENT OF APPOINTMENT OF FIRM TO PERFORM AUDIT

The Council had before it consideration of the appointment of an independent firm to perform the annual audit for the current year ending September 30, 1975. However, Councilmember Linn asked for a week's postponement to get information regarding the number of minority persons the recommended firms employed and the number of women on the staff and management. City Manager Davidson stated that this information would be provided the Council.

Councilmember Linn moved that the Council postpone appointing the firm to perform the audit until July 31, 1975. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Absent: Mayor Pro Tem Snell

POSTPONEMENT OF PURCHASE OF  
LAND FOR MOPAC

The Council had before it the purchase of vacant land for MoPac right of way as follows:

402 square feet of land out of Lot 19, Block A, Balcones  
Terrace (C. L. Reeves)

Councilmember Linn asked if an impact study had been submitted on this. Mr. Morahan noted that it was the responsibility of the Highway Department to do this, and he believed it had been submitted but was not sure of the status. It was Councilmember Linn's understanding that the purchase should not be made until an impact study was filed and okayed when the City used federal funds.

Mr. Morahan commented that such a directive was never given to the City, and they had continued with right of way acquisitions until this time.

Mayor Friedman asked that the staff contact the federals and see what the situation was to get confirmation; and City Manager Davidson commented that the City was just about finished with the land acquisition, but the staff would contact them and determine the requirements.

After discussion, City Manager Davidson noted that two other members of the Council had asked for status reports on right of way acquisition outside the City's jurisdiction, which they were providing. He also noted that there were agreements between Travis County and the Highway Department for segments of MoPac beyond the corporate limits. He suggested that the Council might want to discuss meeting with the County Commissioners to undertake a study with regard to any alternatives other than proceeding as the City was now.

Councilmember Linn suggested that the Council postpone any further acquisition until the City was in compliance with the federal requirements that an impact statement be okayed before such purchase of right of way.

Motion

Councilmember Himmelblau moved that the Council pass a resolution to authorize the purchase of the land for MoPac. Councilmember Lebermann seconded the motion.



Substitute Motion

Councilmember Linn moved that the Council postpone any further right of way purchase in this area until the City was in compliance with the federal requirements which require that an impact statement be okayed. Councilmember Trevino seconded the substitute motion.

Second Substitute Motion

Councilmember Hofmann moved that the Council postpone consideration of this for one week. Mayor Friedman seconded the second substitute motion.

Mayor Friedman noted that whether or not the City bought this or future acquisitions, the City was not necessarily "locked" into continuing MoPac; and discussions would take place on a higher level with the County.

In response to Councilmember Himmelblau's question as to whether or not the City would incur any additional costs if this were postponed, City Manager Davidson noted that usually negotiations between property owners and the City would be processed within a reasonable period of time. If this were not done, he added that the City could stand some chances of the owner's backing out, indicating a desire to renegotiate; but a week's postponement would not make a difference.

Withdrawal of Motion

Councilmember Himmelblau withdrew her motion.

Vote on Second Substitute Motion

Roll call on Councilmember Hofmann's motion, Mayor Friedman's second, to postpone one week showed the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman

Noes: None

Absent: Mayor Pro Tem Snell

## APPROVAL OF CHANGE ORDER

The Council had before it consideration of Change Order No. 5 in the amount of \$34,151.00 with B. L. McGee Construction Company for Phase 2A Development of Brackenridge Hospital, C.I.P. Project No. 8410 2. In response to Councilmember Linn's question, City Manager Davidson stated that the company was still within the allowed time in their contract; and there had been some change in anticipated timing in that when the architects started on specifications, they had thought it could be done in that time.

In response to Councilmember Linn's question, Mr. Al Eldridge, Construction Management Director, noted that the \$34,151.00 involved a change in the parapet walls to permit easier removal in the future in the event additional nursing floors were added to the building. He pointed out that by changing the design of the walls, there was a credit of \$19,000. He also pointed out that the change provided for the relocation of the Contractor's headquarters and storage yard to another site to allow the Contractor for Phase 2B to proceed

with full-scale excavation, which would amount to about \$53,000; therefore, this accounted for the difference of \$34,000.

Councilmember Himmelblau moved that the Council adopt a resolution approving Change Order No. 5 in the amount of \$34,151.00 as reviewed. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,  
Mayor Friedman, Councilmember Himmelblau  
Noes: None  
Absent: Mayor Pro Tem Snell

#### HEARING SET TO CONSIDER GRANT APPLICATIONS

Councilmember Linn moved that the Council set a public hearing on August 28, 1975, at 11:00 a.m. to consider Capital and Operating Assistance Grant Applications to the Urban Mass Transportation Administration, Department of Transportation, under Section 5 of the Urban Mass Transportation Assistance Act of 1964. The motion, seconded by Mayor Friedman, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Pro Tem Snell

#### APPEARANCE CONCERNING 9TH AND 10TH STREETS

Mr. Ted Siff, representing the Old Austin Neighborhood Association, appeared before the Council to present a report outlining transportation proposals and control strategies along 9th and 10th Streets. He noted that these proposals were the result of over 18 months of efforts by many citizens, and they had the support of 12 neighborhood organizations and the support of all City departments and staff involved in the project. He pointed out that the Association and Urban Transportation had worked together to develop a final set of proposals for the Council's consideration.

He stated that the proposed utilization of the street corridors would provide for the overall transportation needs of bicyclists, pedestrians, and motorists while mitigating the adverse impact of motorized vehicular traffic in the area. He also stated that the proposals provided enhanced access to the 9th and 10th Street Park and the Shoal Creek hike and bike trail

Mr. Siff reviewed their proposals as follows:

1. Bicycle lanes be included on both the north and south sides of 9th and 10th Streets between the Shoal Creek hike and bike trail and West Avenue.
2. Bicycle lanes be included on the south side of 9th Street and the north side of 10th Street from West Avenue to Guadalupe Street

All bicycle lanes should allow for 5 feet of right of way for the cyclist and should be set apart from the roadway by reflectorized lane buttons every two to four feet.

3. There should be no parking on 9th and 10th Streets from Lamar Boulevard to West Avenue, and all signs pertaining to bicyclists should be no more than 6 feet off the ground.
4. Right of way should include three district sections for pedestrians, bicyclists, and motorists. Access points (in the form of ramps) should be provided to make the connection between the bike lanes on 9th and 10th and the Shoal Creek hike and bike trail.
5. In the area of the park, warning signs reading "Park Entrance" should be installed at all approaches to the park to advise motorists of the recreational-oriented activities in the area.
6. "NO TRUCK" or "TRUCKS PROHIBITED" signs should also be installed to minimize sight and sound pollution to the neighborhood.
7. A 20 M.P.H. speed limit should be approved by Council and posted along 9th and 10th Streets between Lamar and West Avenue.
8. Four-way stop signs along 9th and 10th at their intersections with Rio Grande, Nueces, and San Antonio as well as new or modernized traffic signals with signals to define the right of way for people crossing at Lamar, West Avenue, and Guadalupe should be installed to safely control the movement of traffic through the neighborhood.

He stated that these proposals were the Association's attempt to blend and balance the future traffic and transportation needs of the entire City with the present and future needs of what remained of the residential Original City of Austin. He noted that the Association still believed that a need for this particular street widening and extension scheme was never proven, but they existed now; and to show continuing faith that citizens could make their voices heard, the Association asked for the Council's approval of these proposals.

On behalf of the staff, Mr. Davidson complimented Mr. Siff and the Association and expressed his appreciation for all the work they had done and the time they had put into this study to help establish a proposal that would compliment the neighborhood.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41 OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN ADDITIONS TO SUBSECTION (b) THEREOF, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS UPON CERTAIN STREETS AND HIGHWAYS 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 AN EMERGENCY. (West 9th Street and West 10th Street)

Councilmember Trevino moved that the Council approve the program outlined by Mr. Siff and agreed to by the City and authorize the staff to proceed with all administrative functions; and waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Absent: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

#### POSTPONEMENT OF ANNEXATION ORDINANCE

The Council had before it an ordinance annexing the following:

10.25 acres of land out of the James Rodgers Survey - Mesa Park, Phase Two, Section Three. (Requested by S. A. Garza Engineers, Inc., representing Pringle Real Estate, Inc., owner.) (Case No. C7a-75-007)

Mayor Friedman asked why this annexation was needed at this time when the Council would be studying the whole area at a later date. Mr. George Bettis, representing S. A. Garza Engineers, pointed out that utilities were already available to this tract and did not see any problem with the annexation. In response to Mayor Friedman's question as to from what the applicant would be prohibited without annexation, Mr. Bettis noted that annexation would provide maintenance of the streets.

In response to Councilmember Hofmann's question as to when the area would likely be annexed by the City, City Manager Davidson stated that the Council would have a report on the overall study some time in late October. Councilmember Hofmann asked if the annexation could wait until the end of the year.

Mayor Friedman commented that it was his concern that there was no sense in annexing by piecemeal when the area was under massive study.

Mr. Woodrow Sledge, Austin Independent School District, stated that this was a large subdivision with a school site in it and pointed out that many parts of the subdivision were already annexed in orderly fashion. He commented that this was a small section and noted that about four years the general plan was approved; and various sections were annexed as developed, including the elementary school site. He did not believe the general study would mean "chopping off right in the middle of a subdivision."

After discussion, Councilmember Linn moved that the Council postpone consideration of annexation of the afore-mentioned property until the whole area is considered. The motion, seconded by Mayor Friedman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Councilmembers Himmelblau, Hofmann, Linn  
Noes: Councilmember Lebermann  
Absent: Mayor Pro Tem Snell

## CERTIFICATION OF REFERENDUM PETITION RESULTS

The Council had before it the City Clerk's certification of results of the referendum petition to repeal Ordinance 750508-J, to recall the extension of later drinking until 2:00 a.m. Mayor Friedman read the City Clerk's certification, which addressed itself to the following determinations:

1. 16,291 equals 10% of the qualified voters of the City as of the date of the original filing (May 18, 1975).
2. The petition appears to have been signed by the requisite number of voters.
3. There were on the petition the names and addresses of 15,983 persons and on the supplementary petition (filed July 3, 1975) the names and addresses of 906 persons, for a total of 16,889 persons who were found to appear qualified to vote.
4. There were on the petition the names and addresses of 2,741 persons, and on the supplementary petition the names and addresses of 120 persons, for a total of 2,861 persons who were not found to appear qualified to vote.

Mayor Friedman announced that the petition was valid, and the Council had several options available.

Councilmember Linn remarked that the results of the extension of later drinking had been encouraging in that the number of DWI's had dropped since that time. She suggested that a referendum might be the best thing to have.

Councilmember Linn moved that the Council call an election on the referendum issue for October 4, 1975. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Pro Tem Snell

On behalf of the Council, Mayor Friedman thanked the City Clerk and her staff for their diligence.

## ZONING ORDINANCES

Mayor Friedman 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: A 42.67 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2-A: A 13.97 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3-A: A 5.46 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 6501-7009 ED BLUESTEIN BOULEVARD AND 5500-5604 DECKER LAKE ROAD; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (62.101 LTD., C14-75-042)

Councilmember Himmelblau 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 Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman  
Noes: None  
Absent: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

The Council had before it an ordinance to amend Chapter 45 of the Austin City Code of 1967 (Zoning Ordinance) to cover the following change:

FRED C. MORSE	8041-8105 Burnet	From "A" Residence
By John A. Echols	Road	To "GR" General Retail
C14-75-064	2309-2327 Teakwood	with a 25' strip of "A"
	Drive	and privacy fence on
		eastern boundary

It was noted that this had been postponed from July 17, 1975 for further study.

The Mayor introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 25,000 SQUARE FOOT TRACT OF LAND, SAVE AND EXCEPT THE EASTERNMOST TWENTY-FIVE FEET WHICH SHALL REMAIN ZONED "A" RESIDENCE DISTRICT, LOCALLY KNOWN AS 8041-8105 BURNET ROAD AND 2309-2327 TEAKWOOD DRIVE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL 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.

Councilmember Himmelblau moved that the zoning be approved to "GR" General Retail District with the 25-foot strip of "A" Residence District, making sure the strip of "A" Residence District is not paved, with the strip not being used for parking or driveway purposes, and with a 50-foot building setback and that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. Councilmember Linn seconded the motion.

Mr. Robert Davis, representing the applicant, stated that the applicant had sold the property to Shakey's to put in a standard pizza parlor on this tract; but the 25-foot strip of "A" Residence District would keep them from building their standard building; however, he noted that this could be done if the strip could be used for driveway purposes and have a 50-foot building setback. He suggested that the applicant would work with the Planning Department and restrict the strip on the easternmost part and put up a privacy fence.

He hoped that the Council would reconsider its action and agree to grant zoning on the entire tract with a restrictive covenant whereby there would be a 6-foot privacy fence, a 25-foot strip to be used for driveway purposes and a 50-foot building setback.

Councilmember Himmelblau remarked that if this were a day-time business that closed at 6 o'clock, she would not ask for protection of the neighborhood; but she suggested this type of business could go on all night. She stated that this was the sort of protection she wanted and would not amend her motion.

Mr. Davis submitted that the applicant would rather have this than nothing, and he wanted the zoning even with the 25-foot strip of "A" Residence District if it was the will of the Council.

#### Vote on Motion

Councilmember Himmelblau's motion, with Councilmember Linn's second, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,  
Mayor Friedman  
Noes: Councilmember Lebermann  
Absent: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

#### MOPAC RIGHT OF WAY ACQUISITION REPORT

City Manager Davidson provided the Council with a report on acquisition of right of way for MoPac Boulevard. The report provided parcel-by-parcel detail on all right of way acquisition required between North Hills Drive and U.S. 183, and it was noted that this was the only section of MoPac for which right of way was being acquired by the City at this time. It was further noted that the vast majority of this right of way had already been acquired, with only 9 small parcels remaining to be acquired.

The report indicated that agreements with the County and State Highway Department provided for the City to acquire all right of way from the southern City limit line to U.S. 183, and the City's obligation under the formal agreements will be completed with the acquisition of the 9 remaining parcels between North Hills Drive and U.S. 183. It was pointed out that all right of way between North Hills Drive and the south City limits near Bee Caves Road was acquired by the City and turned over to the Highway Department prior to initiation of the current construction program.

The County will be responsible for providing future right of way as needed for MoPac from Loop 360 to U.S. 290 West and from U.S. 183 north to FM Road 1625 near the IBM plant.

#### COMMITTEE TO STUDY ALTERNATIVE SOURCES OF REVENUE

The Council had before it discussion of the establishment of the "Committee to Study Alternative Sources of Revenue," as proposed by Councilmember Hofmann. She felt this was a good time to start looking for new means of supporting the City's general fund, and she suggested that the City must find alternatives to increasing taxes and raising utility rates to finance necessary services. She felt that such measures should be used only as a last resort.

She proposed that at the August 7, 1975, meeting a committee of 15 citizens be appointed for 1 year to search out new revenue sources; and these citizens should report any revenue producing ideas to the Council immediately and not wait for a final report. She mentioned the areas with which the committee might concern itself:

1. Potential duplication of services the City and other government entities provide.
2. Possible loopholes in the charges for such services.
3. Reclaiming of solid wastes.

Councilmember Hofmann encouraged the public to participate in this effort, and she hoped that the City would be able to benefit from the talent and resources of the University of Texas. She hoped the City would receive many applications and many ideas for alternate sources of revenue, and some really innovative approaches to raising money would be generated.

Mayor Friedman noted that the Council would be dealing with the budget on a day-to-day basis and wondered how the recommendations from the Committee would be handled in that he did not want to have the possibility of too much delay. He suggested that the Council proceed without having to wait for the Committee's comments on each area.

Councilmember Hofmann had no intention of delaying the budget work and suggested that both groups proceed.

Mayor Friedman pointed out that the Executive Session on August 7 had already been set up to discuss legal matters and asked if the appointments to the Committee could possibly be made the week after.

Mayor Friedman moved that the Council authorize the establishment of a 15-member Committee to Study Alternative Sources of Revenue to be appointed no later than August 14 and to be in effect for 1 year, with possible extension. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino  
Noes: None  
Absent: Mayor Pro Tem Snell



## ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on September 4, 1975;

CITY OF AUSTIN By S. Reuben Rountree, Jr., P.E. C14-75-069	6915-7507 Decker Lake Road	From Interim "A" Residence 1st Height and Area To "E" Heavy Industrial 1st Height and Area
CHESTER HUNT C14-75-074	9611 McNeil Road also bounded by Saunders Lane	From "D" Industrial To "E" Heavy Industrial
THOMAS R. McELHENNEY By Phil Mockford C14-75-075	1200-1230 Old State Highway 71	From Interim "A" Residence 1st Height and Area and "C" Commercial 5th Height and Area To "C" Commercial 1st Height and Area
THE UNIVERSITY OF TEXAS SYSTEM By E. D. Walker C14-75-076	701-731 Exposition Boulevard; 2611- 2703 West 8th Street; 700-736 Newman Street; 2624-2710 Lake Austin Boulevard	From "A" Residence 1st Height and Area To "C" Commercial 2nd Height and Area
W. A. HASSE C14-75-077	5400 South Congress Avenue, also bounded by Mockingbird Lane	From "A" Residence To "C" Commercial
BOB R. HOWERTON, TRUSTEE C14-75-078	9118 North Interstate Highway 35	From "C" Commercial 1st Height and Area To "C" Commercial 5th Height and Area
HIRAM D. ELLIOTT By Stephen M. Orr C14-75-079	704 West 29th Street, also bounded by Salado Street	From "C" Commercial To "C-2" Commercial
ERNEST RUTHERFORD, JR. C14-75-080	2002 Koenig Lane	From "A" Residence To "LR" Local Retail
J. W. SMITH By Jeryl D. Hart C14-75-081	4613-4717 McCarty Lane	From "A" Residence To "GR" General Retail
COLORADO HILLS ESTATES, INC. By Philip Friday, Jr. C14-75-082	2003 and 2011 East Riverside Drive	From "GR" General Retail To "C-2" Commercial

WESTOVER HILLS, INC.  
By Roy Bechtol  
C814-75-004

Northwest corner of  
Steck Avenue and  
Balcones Drive  
(MoPac Boulevard)

From "BB" Residence  
1st Height and Area  
To Multi-family, day care,  
office, convalescent and  
commercial facilities called,  
"Steck Center," a commercial  
planned unit development

SCHEDULE OF C.I.P. WORK SESSIONS

Mayor Friedman announced that after this meeting the Council would meet at 2:45 p.m. in the Conference Room to continue the Capital Improvement Program Work Session, recessed from July 23, 1975.

He also announced that the Council would meet on July 30 at 3:00 p.m. in the Conference Room for a presentation of the report on the Emergency Medical Service System and continuation of the C.I.P. Work Session.

Mayor Friedman also announced that the Council would meet on July 31 in the Conference Room after the Council meeting to continue the C.I.P. Work Session, and every Wednesday at 3:00 p.m. and after every Council meeting until the completion of the C.I.P.

ADJOURNMENT

The Council adjourned at 2:30 p.m. and went into a Work Session on the continuation of the C.I.P.

APPROVED

*Jeffrey M. Friedman*  
\_\_\_\_\_  
Mayor

ATTEST:

*Grace Monroe*  
\_\_\_\_\_

City Clerk