

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 3, 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, Hofmann, Lebermann,
Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

The Invocation was delivered by DR. JAMES L. STONER, Central Christian Church.

INVITATION

Mr. Dan Killen, Delwood Neighborhood Organization, appeared before the Council to extend an invitation to attend the Neighborhood's July 4 parade, beginning at 10:00 a.m. on July 4.

RECOGNITION

Councilmember Linn read and then presented a resolution signed by the Council to Mr. John Yura, recognizing that the residents and staff of the Travis State School were making a valuable contribution to the community's celebration of the founding of our nation by conducting a day-long celebration for the Fourth of July. Mr. Yura thanked the Council and invited everyone to attend.

PRESENTATION

Mayor Friedman read and then presented a resolution signed by the Council to Mr. Beverly Sheffield, Bicentennial Affairs Office Director, and Ms. Maline McCalla, Co-Chairperson of the Bicentennial Commission, and also presented the original City of Austin flag, which had been stored by the City Clerk's Office and framed by the Public Information Department for presentation through the

coming years. He noted that the Flag would be publicly displayed throughout the Bicentennial Year in the City of Austin Bicentennial Office. Ms. McCalla thanked the Council for the help the Council had given them and hoped they would continue to do so in the future in their Bicentennial efforts.

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:

Brackenridge Hospital Advisory Board

Councilmember Linn moved that the Council appoint DONNA KNAPP to the Brackenridge Hospital Advisory Board for a 3-year term. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Airport Zoning Board

Councilmember Himmelblau moved that the Council appoint the following to the Airport Zoning Board:

Dick Lillie - 2 years Gene Beard - 2 years

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Plumbing Board of Appeals

Councilmember Trevino moved that the Council appoint DR. JON BOWDEN to the Plumbing Board of Appeals for a 2-year term. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Energy Conservation Commission

Councilmember Hofmann moved that the Council appoint the following to the Energy Conservation Commission:

Sandra Rosenbloom - 1 year	Ken Fink	- 2 years
Thomas Weir - 1 year	Margret Ashworth	- 3 years

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

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

Schedule of Appointments

Mayor Friedman announced that the Council would meet in Executive Session on July 10, 1975, at 11:00 a.m. to consider appointments to the following:

Community Development Commission
Historic Landmark Commission
Citizens Board of Natural Resources and Environmental Quality
Any others with vacancies

ANNOUNCEMENT

Mayor Friedman announced that the Council had made a decision in a policy matter so that as far as the Council was concerned they would be less formally dressed for the summer in view of energy conservation efforts; and the City Manager would be looking into City departments where this might be appropriate.

APPROVAL OF MINUTES

Councilmember Hofmann moved that the Council approve the Minutes for June 26, 1975, as amended. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 1:00 p.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

MRS. JIMMIE LEA	2201 Lake Austin	From "A" Residence
HAZLEWOOD CHRIS	Boulevard also	To "GR" General Retail
By Terry Sasser	bounded by Foster	RECOMMENDED by the Planning
C14-75-052	Avenue and MoPac	Commission
	Boulevard	

Mr. Dick Lillie, Planning Department Director, noted that a number of pieces of property between MoPac and housing to the west had been granted changes to "LR" Local Retail and "GR" General Retail. Based on that action by the Planning Commission and the Council, he pointed out that the staff and Planning Commission felt this was appropriate zoning and recommended the change.

Councilmember Himmelblau moved that the Council grant "GR" General Retail District as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

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

S. A. THIELEPAPPE, JR., ET AL C14-75-062	5200 Airport Boulevard	From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission
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Mr. Lillie noted that all the land on three sides of the tract was zoned for commercial use, and both the staff and Commission felt this was appropriate.

Mayor Pro Tem Snell moved that the Council grant "C" Commercial District as recommended by the Planning Commission. The motion, seconded by Councilmember Linn, carried by the following vote:

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

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

AUSTIN BAPTIST ASSOCIATION By John C. Blazier C14-75-066	707-713 East First Street also bounded by Driskill Street and I.H. 35	From "B" Residence To "C" Commercial RECOMMENDED by the Planning Commission
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Mr. Lillie noted that this was across from Palm Elementary School, with frontage being included in a number of parcels zoned "C" Commercial District; and they felt this was appropriate zoning and recommended the change.

Councilmember Linn asked whether "GR" General Retail would be acceptable to the applicant and whether or not the school would be open in September.

Mr. Woodrow Sledge, Austin Independent School District, stated that Palm would be phased out in one year but added that there would be children there in September.

Mr. John C. Blazier, representing the applicant, stated that they would accept "GR" General Retail. In response to Councilmember Himmelblau's question, he stated that they would accept "LR" Local Retail.

In response to Councilmember Hofmann's question, Mr. Blazier reviewed their request for change by stating that the purpose was for the Juarez-Lincoln's Education Center and their functions included:

1. Graduate masters program for students.
2. Subagency for Department of Labor by doing great deal of research for D.O.L. in the area of migrant affairs and migrant problems.
3. Center to help various businesses get started in the community.

Councilmember Himmelblau moved that the Council grant "LR" Local Retail District. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE R. HABERLIN
 By Frank D. Kerbow
 C14-75-061

211 East Alpine Road
 also bounded by
 Woodbury Avenue

From Interim "A" Residence
 1st Height and Area
 To "D" Industrial
 3rd Height and Area
 RECOMMENDED by the Planning
 Commission, subject to 25'
 building setbacks along Alpine
 Road and Woodbury Drive, and
 10' of right of way to increase
 Woodbury Drive to 80 feet.

Mr. Lillie noted that this was in conformance with zoning taking place, and it was recommended by the staff and Planning Commission subject to conditions to which the applicant had agreed.

Councilmember Linn moved that the Council grant "D" Industrial, 3rd Height and Area, as recommended by the Planning Commission subject to conditions. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "D" Industrial, 3rd Height and Area District as recommended by the Planning Commission, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

FRED C. MORSE
By John Echols
C14-75-064

8041-8105 Burnet Road
2309-2327 Teakwood
Drive

From "A" Residence
To "GR" General Retail
RECOMMENDED by the Planning
Commission, subject to 50'
building setback from eastern
boundary.

Mr. Lillie stated that this fronted on Burnet and backed up to a tier of duplex lots. He noted that the Commission recommended "GR" General Retail District with a 50' setback so that the area between the building and subdivision could be used for parking.

Councilmember Himmelblau commented that when parking was allowed adjacent to an "A" Residence District area, this was inviting a change for that interior area in the near future.

Councilmember Himmelblau moved that the Council grant the change to "GR" General Retail District with a 25' strip of "A" Residence District at the east part of the lot with a privacy fence on the extreme rear portion of the lot to protect the "A" Residence District neighborhood, and DELETE the requirement for a 50' building setback. The motion, seconded by Councilmember Linn, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail with a 25' strip of "A" Residence District at the east part of the lot with a privacy fence on the extreme rear portion of the lot to protect the "A" Residence District neighborhood, deleting the requirement for a 50' building setback, and the City Attorney was instructed to draw the necessary ordinance to cover.

It was determined that the applicant was not present, and Mayor Friedman commented that this showed the importance of having the applicant present. He requested that Mr. Lillie stress this ~~fact~~ again to applicants.

THE R & O CORPORATION
By Robert L. Davis
C14-75-065

8627-8637 Balcones
Drive

From "A" Residence
To "GR" General Retail
RECOMMENDED by the Planning
Commission; an approved
subdivision is required prior
to issuance of a building
permit

Mr. Lillie stated that a non-conforming restaurant presently existed on this tract, and the zoning request was being made to expand the use and make improvements. He added that the staff and Commission felt this was appropriate and recommended the change subject to conditions.

In response to Councilmember Linn's comment that eventually MoPac would be strip zoned, Mr. Lillie noted that the land between the expressway and the railroad track would not likely be used for anything else, except south of Northland Drive.

Councilmember Linn moved that the Council grant "GR" General Retail District as recommended by the Planning Commission, subject to an approved subdivision to be required prior to issuance of a building permit. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

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

TREV SEYMOUR &
LAIRD PALMER
C14-75-067

901 Baylor Street
also bounded by
West 9th Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to
restrictive covenant limiting
use to professional and semi-
professional use only, and a
reversion clause that if the
existing structure is removed,
zoning will revert to "B"
Residence, 1st Height and Area

Mr. Richard Tulk, Assistant City Attorney, pointed out that the reversion clause would not be valid in Texas and recommended the elimination of the reversion clause.

Mr. Lillie stated that this had been before the Council 2 months ago, and the vote had been 3 to 2; therefore, the zoning was not granted. He indicated that it was possible for the applicant to refile within the following cycle to be reconsidered. He pointed out that both the staff and Planning Commission felt the property should be used, and the applicant intended to use the home as it presently stood. He further noted that the Commission felt that if zoning and use of the property were restricted to this use, they would have no objections; and that was the recommendation before the Council, but it was recommended by the Legal Office and the staff that the reversionary clause be removed.

Councilmember Himmelblau asked if this structure could be designated as "H" Historic District. In reply to this, Mr. Lillie noted that the Historic Landmark Commission had reviewed this and had concluded that it should not be zoned "H" Historic District.

MR. TREV SEYMOUR, applicant, reviewed their request for zoning change and pointed out that the tract was presently zoned for second height and area; so that this would actually be a request for roll back in that it would limit the intensity of the use of the property.

He submitted that this change was important to them and to the neighborhood; and from the aspect of preserving an attractive structure, it was important to the City of Austin. By using slides he demonstrated the lack of feasibility of the use of the structure for residential purposes in view of its state of need of repair and its proximity to commercial development along Lamar. He pointed out that they had been granted a street vacation so that the removal of the existing structure would cause a reversion back to the City of the Baylor Street right of way, upon which part of the structure sits.

MRS. CHARLES HUNTLEY suggested that the residents had very little choice unless the Council and staff determined a way to prevent neighborhoods from being encroached upon. She felt that the problem was in connection with the traffic that would be brought by any kind of commercial development. She also suggested that if their alternative was to have an apartment building, this would be preferable. She requested that a privacy fence and buffer area be put all along commercial areas in existence to preserve the remaining neighbors on the hill.

In response to her question, Mr. Tulk explained that the Commission's recommendation for a reversionary clause was not valid in Texas in that it would constitute rezoning without going through proper procedures. He noted that if the structure is removed, the street right of way deed will go back to the City, but the tract would remain "O" Office.

In response to Councilmember Himmelblau's question as to whether or not the Council could ask for reconsideration of the "H" Historic District designation by the Landmark Commission, Mr. Lillie stated that the Commission felt this did not meet enough of the qualifications set out in the preservation ordinance, and they could not recommend it to the Planning Commission and Council.

MR. JEFF CASE asked how this site would benefit from the 9th and 10th Streets project. In response to this, Mayor Friedman noted that it would not benefit.

MR. LAIRD PALMER, applicant, sympathized with Mrs. Huntley concerning the matter of encroachment on the neighborhood and her desire to preserve her neighborhood. However, he submitted that this building had no heating, no air conditioning, almost no plumbing, and the electricity was far below City standards; and he suggested that it was unfit to be used for any sort of residential purpose. He pointed out that they wanted to renovate the structure back to what it had looked like when it was built, but the only way they could afford to do so would be if they were allowed to have a use for it that was economical.

He noted that there would only be 5 lawyers and a secretary during the day, and all their business and traffic would be directed toward downtown Austin, so that there would be no traffic in the neighborhood. He pointed out that this was zoned to put 17 apartment units on the site 65 feet in the air.

Mrs. Huntley addressed herself to the matter of parking, and Mr. Seymour pointed out the area that had been proposed for parking and submitted that the lot was 17,000 square feet with the house only utilizing around 6,000; so that there would be ample room for parking. He added that the property owner adjoining the area proposed for parking had given his approval of this. Mrs. Huntley felt that many of the people would attempt to go out the alley and disturb the residents.

Councilmember Himmelblau asked for a report from the Planning Department on the feasibility of vacating the alley.

Councilmember Hofmann remarked that she would not imagine less use than 5 or 6 cars during the day in that apartments would generate far more traffic, and she was impressed with this attempt at a roll back.

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

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

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

BARTON-WEST
ASSOCIATION, LTD.
C14-75-029

2142-2150 West Ben
White Boulevard
2201-2327 Prather
Lane
4000-4312 Victory
Drive

From "A" Residence
1st Height and Area
To "GR" General Retail
(Tracts 1 and 2) and
"C" Commercial
(Tract 3) 1st Height and Area
NOT Recommended by the
Planning Commission
RECOMMENDED "GR" General Retail
1st Height and Area on Tracts
1 and 2, excluding easternmost
10' and "A" Residence 1st Height
and Area on 10' strip, and
"C" Commercial 1st Height and
Area on Tract 3, subject to
prohibited access to Prather
Lane; maintenance of unobstruc-
ted pathway and of existing
trees along easternmost 10'
strip of "A" Residence and
unbroken privacy fence except
for maintenance access along
west side of "A" Residence
strip.

Mr. Lillie noted that Victory was proposed to be a dedicated street for a subdivision and that this tract had been proposed for commercial usage for a number of years. He indicated that the staff's response to that was to not only review the zoning with that in mind but also with the residential uses adjacent to it and to make sure that any development on the tract was compatible with the residential uses. He reviewed the conditions that had been placed on this and pointed out that the intent was to provide zoning that would permit the land to be developed for commercial uses but soften development with respect to traffic on streets that were also serving residential areas. He noted that this was recommended by the staff and Planning Commission subject to conditions.

In response to Councilmember Hofmann's question, Mr. Lillie stated that there was an application for a special permit for a hospital on the far north end of the tract; and the Planning Commission reviewed that special permit and approved it subject to approval by the State Board reviewing hospital applications. He indicated that the remainder of the tract would be used for offices and commercial uses.

MR. ALFRED FUEGE, 2102 Ivy Trail, addressed himself to the condition of no access and asked for an explanation of what was recommended. After Mr. Lillie explained the conditions, Mr. Fuege indicated his approval and commented that the neighbors felt the idea of a hospital was good.

MR. WOODROW SLEDGE, Austin Independent School District, also asked for an explanation of what was recommended. He commented that in the future there should be some sort of restrictive covenant to prohibit game rooms in school sites.

Mr. Fuege noted that he had presented a petition to the Planning Commission that represented about 45 signatures, and he had intended to present one to the Council, but because they reached an agreement with the developer, he noted that he would not present one.

Councilmember Lebermann moved that the Council grant "GR" General Retail, 1st Height and Area District on Tracts 1 and 2, excluding easternmost 10' and "A" Residence, 1st Height and Area District on the 10' strip, and "C" Commercial, 1st Height and Area District on Tract 3, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tracts 1 and 2, excluding easternmost 10' and "A" Residence, 1st Height and Area District on the 10' strip, and "C" Commercial, 1st Height and Area District on Tract 3, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ODIE E. AINSWORTH
By C. C. Cook
C14-75-045

908 Holly Street
also bounded by
San Marcos Street
and I. H. 35

From "A" Residence
To "LR" Local Retail
RECOMMENDED by the Planning
Commission (as amended)
subject to no access on San
Marcos Street and 1/2 the
right of way (5') to increase
Holly Street from 60 to 70
feet.

Mr. Lillie noted that this was adjacent to a new elementary school, and the application was subject to some right of way provisions to which the applicant had agreed.

Councilmember Linn commented that this was surrounded by "A" Residence District and the only reason the change was recommended was because it faced a freeway. Mr. Lillie pointed out that Holly was a major neighborhood collector street.

Mr. Woodrow Sledge, Austin Independent School District, stated that the original request had been for "GR" but he had recommended "LR" Local Retail District to the Planning Commission, which was acceptable to the applicant. He felt that this would not set a precedent and suggested that this tract was "ruined" for residential property.

Councilmember Lebermann moved that the Council grant "LR" Local Retail District as recommended by the Planning Commission, as amended, subject to conditions. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MOONLIGHT TOWERS
C14h-74-028

4th and Nueces Streets;
Leland Street and East Side
Drive; Canterbury and Lynn
Street; East 11th and Lydia
Streets; Pennsylvania and
Leona Streets; 12th and
Blanco Streets; 12th and
Rio Grande Streets; 15th
and San Antonio Streets;
22nd and Nueces Streets;
41st Street and Speedway;
23rd and Red River Streets;
11th and Trinity Streets; 9th
and Guadalupe Streets; City
Park; and Zilker Park.

From various zoning classi-
fications to "H" Historic
RECOMMENDED by the Planning
Commission subject to provi-
sion that City Electric
Department be given authority
to demolish any tower should
it become damaged to the
extent that it becomes
imminent public danger.

Councilmember Lebermann moved that the Council grant "H" Historic District as recommended by the Planning Commission subject to conditions. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the change had been granted to "H" Historic District subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

The following zoning change was DENIED.

STANLEY W. CASNER, JR. C14-75-026	4019 Spicewood Springs Road	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area NOT Recommended by the Planning Commission
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Mr. Lillie pointed out that during the past several years the Commission and Council had tried to discourage strip zoning as much as possible. He noted that this particular tract had an office on it with a non-conforming use established prior to annexation, so that the zoning change would be to give legal sanction to the office; and the applicant had plans to do some expansion on the site. He stated that the staff and Commission had denied this application.

DR. STANLEY W. CASNER, applicant, noted that the change was for additional storage facilities for the clinic. With regard to whether or not this would set a precedent, he disagreed in that every homeowner who came in this area did so with full knowledge that his office was there.

MR. WILLIAM COCKRILL, 8000 Greenslope Drive, stated that this was a very heavy residential area and that the residents were not opposed to Dr. Casner. He suggested that if Dr. Casner wanted to build, he did not have to have a zoning change.

Councilmember Lebermann asked if it was possible for Dr. Casner to get a building permit without the zoning change.

MR. RICHARD STERLING, Balcones Civic Association, stated that they liked Dr. Casner but were very much opposed to opening up this zoning in that it would set a precedent and ruin their street. They felt the Commission's recommendation should be followed.

MR. EDGAR STEVENS, Assistant Director of Building Department, stated that any addition to the office would be structural alteration and would require a zoning change or a Board of Adjustment hearing.

Councilmember Linn moved that the Council DENY the request for a zoning change. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

City Manager Davidson noted that Dr. Casner would be provided information to seek approval of the Board of Adjustment.

RELEASE OF EASEMENTS

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

The Public Utility Easement that covers the rear five (5.00) feet of Lots 4, 5 and 6, SUDDUTH ADDITION. (Requested by Windsor Park Assembly of God, owner of said Lots 4, 5 and 6)

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

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

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

The Public Utility Easement that covers the east seven and one-half (7.50) feet of Lot 2, Block D, GREAT HILLS IV. (Requested by Mr. Benny C. Cowart, owner of Lot 2)

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

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

LICENSE AGREEMENT

Mayor Pro Tem Snell moved that the Council adopt a resolution granting the following license agreement:

Permitting encroachment by an asphalt parking facility upon the south ten (10.00) feet of the West Koenig Lane right-of-way in two (2) areas, each being eighteen (18.00) feet in length, in front of Lot 7, Block "A", SUNSET TERRACE, also known locally as 1907 West Koenig Lane. (Requested by Glen E. Eller, owner)

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

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

CONTRACTS AWARDED

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

WESTINGHOUSE ELECTRIC CORPORATION 201 North St. Mary's Street San Antonio, Texas	- Repair parts for Turbine No. 8 at Seaholm Power Plant, Electric Utility Department. Item 1 thru 37 - \$20,805.64.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

LARSON-PUGH, INC. P. O. Box 5156 Austin, Texas	- Construction of Sidewalk Improve- ments - Safe School Routes. C.I.P. Project No. 7514 0 - \$55,168.39.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Councilmember Hofmann made the following statement for the record:

"This item is of particular joy and meaning to me. This means the letting of a contract for the installation of the sidewalk on South First Street from Cumberland to Cardinal Lane on the west side of South First Street. The sidewalk is already in existence for the benefit of the school children of Molly Dawson School in the east side of South First Street. It was this pair of sidewalks that launched the entire safe school route sidewalk program--my very first effort and contact with the workings of the City in 1962. In those days South First Street was being paved and I thought that a phone call to the City would be all that was necessary to get sidewalks installed on that street. That was a 12 or 14-year-long phone call. If it hadn't been for those sidewalks, I probably would never have taken as much interest in city workings as I have, and I wouldn't be here. It is an additional pleasure to me that my daughter is here.

I would like to recognize her if she would please rise, Anna Hofman, way in the back. She helped me at the time. She was a kindergartner then. This will demonstrate how long it has been. She is now in college.

"We then visited, the then Mayor..I would like to say we were laughed out of the Council Chambers for wanting sidewalks. But times have changed and now I am glad to see there is a great deal of interest in sidewalks, and the really crowning of all my efforts started...I consider this the most fitting birthday present I could have received. Thank you very much."

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- Street and Drainage Improvements - West 45th Street from Marathon Blvd. to approximately 700 feet east of Lamar Blvd. and Lamar Blvd. from West 44th to approximately 75 feet north of 45th Street.
C.I.P. Project No. 6068 3 - \$60,285.40.

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

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

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

Bid Award:

- Hot Mix Asphaltic Concrete, Type I and Special Type D, Hot Mix Cold Laid Asphaltic Concrete, Street and Bridge Division. 12 month supply agreement.

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- Items No. 1.0 and 2.0; 13,000 tons at 8.95 per ton - Total \$116,350.00

CAPITOL AGGREGATES, INC.
Bolm Road
Austin, Texas

- Item No. 1.0; 14,000 tons at \$11.00/ton
Item No. 2; 9,000 tons at \$11.40/ton
Item No. 3; 3,500 tons at \$11.00/ton
Total - \$262,100.00

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

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

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

<p>NORTON CONSTRUCTION PROJECTS DIVISION 50 New Bond Street Worcester, Massachusetts</p>	<p>- Two Self-Propelled Concrete Saws, Vehicle and Equipment Services Department. Item 1 - 2 ea. @ \$2,875.00 Total \$5,750.00</p>
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

<p>GULF OIL COMPANY, U.S. 6300 Westpark Drive - Ste. #600 Houston, Texas</p>	<p>- Continuation of Supply Agreement for Gasoline and other petroleum products through duration of federal allocation program, Vehicle and Equipment Services Department. Items Nos. 1 thru 3 & 5 thru 26 Estimated total - \$926,326.14</p>
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

<p>Bid Award:</p>	<p>- Industrial Trucks and Police Scooters, Vehicle and Equipment Services Dept.</p>
<p>WESTINGHOUSE ELECTRIC CORPORATION 26701 Redlands Boulevard Redlands, California</p>	<p>- Item 1; 1 ea. @ \$2,155.00 Item 7; 1 ea. @ \$2,386.00 Total - \$4,541.00</p>
<p>COLONIAL MOTOR COMPANY 3219 Holmes Street Dallas, Texas</p>	<p>Item 2; 4 ea. @ \$2,929.00 Item 3; 1 ea. @ \$2,924.00 Item 4; 1 ea. @ \$3,619.00 Item 5; 1 ea. @ \$2,924.00 Item 6; 2 ea. @ \$3,024.00 Total - \$27,321.00</p>

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

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

COST DIFFERENCE PAYMENTS

Councilmember Lebermann moved that the Council adopt a resolution authorizing the following cost difference payment:

Payment to JOE T. OGDEN & JERRY N. WALLACE the cost difference of 12"/8" water main and appurtenances installed in Runnymede Subdivision - \$2,889.18.

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

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

Councilmember Lebermann moved that the Council adopt a resolution authorizing the following cost difference payment:

Payment to AUSTEX DEVELOPMENT CO., LTD. the cost difference of 12"/8" water mains and wastewater mains and 15"/8" wastewater mains in Cherry Creek, Phase VI Rev. Section 1 and 2 - \$23,249.20

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

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

PARKING METER ZONES

Councilmember Lebermann moved that the Council adopt a resolution authorizing the following parking meter zones:

<u>STREET</u>	<u>DELETE</u> ZONE 30-60-90-120 <u>BLOCK</u>	<u>SIDE</u>
San Jacinto Street	500	East
	<u>INSTALL</u> ZONE 15-30	
San Jacinto Street	500	East

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

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

PURCHASE OF LAND

Councilmember Lebermann moved that the Council adopt a resolution authorizing the purchase of 2009 Bergman in Fiesta Gardens from Dr. Milka Bliznakov. The motion, seconded by Mayor Friedman, carried by the following vote:

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

INVITATION

Ms. Janis Linder, representing Hyde Park Neighborhood Association, appeared before the Council to extend an invitation to the Council to attend the "Rediscovery Tour of Hyde Park Neighborhood." She noted that this would be conducted on Sunday, June 6, 1975, at 2:00 p.m. and would begin at 3904 Avenue F.

REQUEST TO USE TOWN LAKE

Mr. Mark W. Mathias, President of the Austin Water Ski Club, appeared before the Council requesting permission to use Town Lake at Festival Beach on July 19 and 20 for a round robin and novice tournament. In response to Mayor Friedman's question, City Manager Davidson stated that they had reviewed this and recommended approval.

Councilmember Himmelblau suggested that this would put additional usage of motor boats on Town Lake. Councilmember Lebermann noted that this had been approved for the past several years.

Councilmember Lebermann moved that the Council approve the request to use Town Lake at Festival Beach on July 19 and 20 for the purpose indicated. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

REQUEST TO HANG BANNER

Councilmember Trevino moved that the Council approve a request by Rev. John E. Driscoll, Cristo Rey Parish, for permission to place a banner across 2nd Street at the intersection of 2nd and Corta from July 21 through August 4, 1975, to advertise the Annual Parish Bazaar. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

REQUEST TO USE SECTION OF LAND

Councilmember Lebermann moved that the Council approve a request by Bill Archer, President, and John Braziel, Commodore of Austin Aqua Festival, for permission to use a section of land southwest of Long Lake for Festival Moto-cross races on July 27, 1975. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

REQUEST TO USE CHAMER OF COMMERCE PARKING LOT

There was a request before the Council by Pat Kaufmann, Program Chairman of Austin Jaycees, for permission to use the Chamber of Commerce parking lot to hold a street dance in conjunction with the Bicentennial Commission on July 5, 1975. City Manager Davidson noted that it was the staff's recommendation that the fee not be waived. He pointed out that any time the Council was confronted with a request to utilize City park facilities, auditorium grounds, etc., approval was subject to any other City ordinance or departmental policy. He stated that the Council had at an earlier date determined that there would be a \$200 charge if a parking lot was to be roped off and admission charged. He recommended that this continue because it would be difficult to segregate who should pay the fee and who should not. He further noted that there would be other activities with which the City would be able to help.

Councilmember Lebermann moved that the Council approve the request for permission to use the Chamber of Commerce parking lot on July 5, 1975, in accordance with all City ordinances and regulations by not waiving the required fee. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

ANNEXATION ORDINANCE - FIRST READING

Mayor Friedman brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 85.40 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE, BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilmember Linn moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

ANNEXATION ORDINANCE - ALL READINGS

The Council had before it for consideration an ordinance annexing the following:

1. 70.95 acres of land out of the Thomas Anderson League, Western Oaks, Section Two, unplatted land and portion of Beckett Lane, Convict Hill Road and McCarty Lane. (Initiated by City.)
2. 219.93 acres of unplatted land out of the Thomas Anderson League. (Requested by J. W. Smith, owner.)
3. 274.58 acres of unplatted land out of the Thomas Anderson League. (Requested by Provident Development Company, owner.)

Mr. Lillie noted that this had originated as a request for annexation by two major property owners; and in order for the Council to consider it, it was necessary to tie these requests back to the corporate limits with a corridor of land not less than 500 feet in width. He added that the annexation request had been submitted to various departments and had been recommended for consideration by the Council. He noted that when the Council reviewed this two weeks ago, it had been requested by a property owner within the 219.93 acres to be left out of the annexation request. He indicated that the Council was of the understanding that the whole corridor was necessary to provide the needed width to tie back to the City limit line. However, he pointed out that if this piece of property was left out by the Council, the City would retain the minimum of a 500-foot corridor.

MR. RAY BROWN, 7330 Latta Drive, requested that his property be excluded from the annexation.

Councilmember Himmelblau suggested that it would be hard to designate this piece of property when the City hooked up the services. She did not believe this piece of property should be excluded in this type annexation.

In response to Councilmember Hofmann's question, Mr. Brown stated that he did not want to be annexed because of City taxes. He noted that he had a good well and septic system; he was 7 miles from the closest fire station; and his garbage was collected for \$4 per month. He wanted to know what he would get for his taxes.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 70.95 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE; 219.93 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE; AND 274.58 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

SETTING DATE TO RECEIVE BIDS FOR BONDS

Councilmember Linn moved that the Council set August 21, 1975, 10:30 a.m. C. D. T., to receive bids and authorize the sale of Electric Light & Power, Waterworks and Sewer System Revenue Bonds, as follows:

For Sale by Bid:	Electric	\$17,565,000
	Water	6,435,000
	Sewer System	<u>2,000,000</u>
	Total Public Sale:	\$26,000,000
For Sale to Texas Water Development Board:	Sewer System	<u>\$ 4,070,000</u>
	Total Utility Revenue Bonds	\$30,070,000

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

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

NON-SCHEDULED APPEARANCE

Ms. Pat Kunie appeared before the Council and registered a complaint against the City.

ITEM CONCERNING ALTERNATIVE COAL SOURCES

The Council had before it for consideration a study of alternative coal sources, as proposed by Mayor Friedman. He noted that a report had been distributed to the Council and staff and had been prepared through his office by Joe Cook, Alba Etie, and Allen Kaplan.

Joe Cook reviewed this and noted that in the past Austin had studied or utilized natural gas, coal, diesel fuel, and nuclear power plants; however, he indicated that the Mayor felt another source of energy should be considered - deepmined bituminous coal. Therefore, he noted that it was the Mayor's recommendation that Austin consider building its own power plant with stack scrubbers on top of this reserve, and it would be City-owned, operated, and controlled.

He pointed out that there were deep bituminous coal reserves in North Central Texas, which had not been touched due to competition from oil and gas. He stated that the Mayor was proposing a 25-year project for Austin and reviewed some of the economic advantages to the City:

1. The coal that exists has a BTU value of 12,000 BTU's per pound as compared to 9,000 for lignite. Therefore, the City would receive 25 to 30% more electricity for the same amount of coal, which could be substantially enough to cover Austin's energy needs present and future.
2. Would create surplus to sell that could be a substantial source of added revenue.
3. Elimination of fuel transportation costs by rail so that the City could be in a position to lower the consumer's electric bills.
4. He noted that it would take an initial, large investment in building a power plant and transmission lines, and the investment could be offset in a relatively short period of time in view of the higher BTU value for each pound of coal mined and the savings on transportation.

Mr. Cook stated that the Mayor asked that it be remembered that no matter where the plant was located or how it was located or how it was fired, Austin must be prepared for the eventuality of another power plant. He noted that the Mayor felt this would enable Austin to be independent in the present and future. He concluded by stating that the Mayor was asking that Austin vigorously explore the North Central Texas reserves with an independent comprehensive feasibility study.

There were questions from the Council, and Mayor Friedman pointed out that these and other questions would be addressed in the study. He remarked that there was coal present but it was not known who owned it and whether or not there was any feasibility of Austin's acquiring the coal. He commented that he had talked for a long time about Austin's standing on its own and doing something about rates in the future. He stated that he would like the Manager to work with Mr. R. L. Hancock, Electric Utility Director, to start this investigation and get back to the Council promptly.

MR. ANDRE BACON, San Antonio resident, appeared to offer an alternate suggestion. He addressed himself to various conservations practices, and Mayor Friedman informed him that this was being handled through the City's Energy Conservation Commission. He noted that he was a stockholder in Basic Industries, Inc., and offered the Council a full-scale presentation by Basic Industries after July 17, 1975. In response to this, Mayor Friedman suggested that Mr. Bacon might like to get with the Electric Utility Department, but what he was talking about did not speak to the issue at this time. City Manager Davidson stated that they would be pleased to visit with Mr. Bacon.

Councilmember Hofmann moved that the Council ask Mr. Hancock and staff, through the City Manager, to initiated the study of alternative coal sources with special emphasis on Mayor Friedman's report. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

ADJOURNMENT

The Council adjourned at 3:30 p.m.

APPROVED: _____


Mayor

ATTEST:



City Clerk