

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 7, 1975  
10:00 A.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 MR. CHARLES GRAVES, Director of Engineering.

PRESENTATION

Mayor Friedman took this opportunity to introduce three visitors from Saltillo, the Sister City of Austin. On behalf of the City and Council, he declared Mrs. Guillermo Moeller and Mr. and Mrs. Jorge Moeller as honorary citizens and presented them with honorary citizen certificates. He encouraged more of Austin's fellow citizens to interchange their ideas and viewpoints.

Mrs. Guillermo Moeller presented the Mayor with a letter from the Mayor of Saltillo, Ing Luis Haracio Salinas; and Councilmember Trevino translated the letter, which indicated that Mrs. Moeller was a member of the organizing committee of the festival in Saltillo. The letter served as an introduction to the Council that Mrs. Moeller would be presenting the Council with a gift for the City.

Mrs. Moeller thanked the Council and stated that she brought best wishes and greetings from the Mayor of Saltillo. She presented the Council with water paintings of Saltillo that had been done by one of their best artists.

The Mayor recognized Mr. Clarence Saegert, their escort during their visit to Austin, and Mr. Reynolds, representing the Aqua Festival.

## APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes for July 31, 1975. 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

## ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 10:00 a.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

LONE STAR COMPANY  
By Frank Jones  
C14-75-070

8990 Research  
Boulevard

From "A" Residence  
To "DL" Light Industrial  
RECOMMENDED by the Planning  
Commission

Mr. Dick Lillie, Planning Department Director, reviewed this by stating that it was in an area that had developed and was developing with small industrial activity. He pointed out that the area was designated for industrial uses in the comprehensive plan, and it was recommended by the Planning Commission and staff. It was noted that the applicant was present.

Councilmember Linn moved that the Council grant "DL" Light Industrial District, as recommended by the Planning Commission. 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 "DL" Light Industrial District, and the City Attorney was instructed to draw the necessary ordinance to cover.

OTTO HOFMANN  
C14-75-072

610 Cardinal Lane

From "A" Residence  
To "GR" General Retail  
RECOMMENDED by the Planning  
Commission, subject to 5 feet  
of right of way on Cardinal  
Lane and restricted to uses as  
shown on special permit

Mr. Lillie noted that the total tract was about 1-1/2 acres, and this covered less than 1 acre of that with access provided by a minor residential street. He stated that the structures on the tract included a residence, work shop, and two storage sheds. He added that church organs had been constructed

here for over 20 years; and because this was not permitted in "A" Residence District uses, there had been a long-standing zoning violation. He noted that a zoning change was needed to allow continuation of this occupation, and the applicant had been requested to submit a special permit which would restrict this to the use on the tract; and the applicant agreed with the conditions.

Councilmember Himmelblau moved that the Council grant "GR" General Retail District as recommended by the Planning Commission, subject to conditions and restricted to uses as shown on special permit. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Abstain: Councilmember Hofmann

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

COLD, INC.  
By Eugene Jarman  
C14-75-071

704-706 West Powell  
Lane

From "A" Residence and  
"D" Industrial  
1st Height and Area  
To "D" Industrial  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "DL" Light Industrial  
1st Height and Area subject to  
10 feet of right of way (35  
feet from the center line) on  
West Powell Lane

Mr. Lillie stated that the area adjacent to the north and west had been zoned for industrial uses for a number of years, and to the south there were intensive commercial uses. He added that it was the recommendation of the Planning Commission that "DL" Light Industrial District be granted subject to conditions on the right of way to bring the street up to standards, and the applicant had agreed to the conditions.

MR. EUGENE JARMAN, representing the applicant, stated that the conditions were acceptable; but they felt it might be preferential to zone the entire lot "D" Industrial in that half of the lot was zoned as such at the present time.

Mayor Pro Tem Snell moved that the Council grant "DL" Light Industrial District, 1st Height and Area, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

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

-----  
The following zoning change was CONTINUED:

WESTOVER HILLS, INC.  
By Roy Bechtol  
C814-75-002

Southeast corner of  
F.M. 2222 and Loop  
360

From "A" Residence  
1st Height and Area  
To a Planned Unit Development  
361 single-family dwelling  
units with common open space  
and recreation area called,  
"The Courtyard."  
RECOMMENDED by the Planning  
Commission subject to depart-  
mental requirements and  
granting a variance to allow  
15-foot building setbacks from  
the streets; to reduce the  
right of way to 50 feet with  
30-foot paving widths on  
Scout Island Circle and Club  
Drive; and to allow no cutting  
or filling on slopes greater  
than 30%.

Mr. Lillie pointed out that the Planning Commission had requested that the staff prepare a report on the fiscal impact of the area upon annexation, which he noted would be brought out later. He stated that the majority of this 125-acre project was outside the City limits, with about 16 acres covered by water in Bull Creek. He noted that Council's consideration was limited to that area within the corporate limits (about 20 acres), but the staff wanted to bring the total project before the Council to see the relationship of the 20 acres to the total project.

He reviewed some of the general statistics in connection with the project. He stated that the 125 acres included a portion of the property owned by the Boy Scouts. He added that the proposal included 230 detached dwelling units and 130 townhouse units on approximately 103 acres of land, with 6 acres proposed for commercial and a net density of approximately 3.5 units per acre.

He pointed out that there were some departmental requirements and commitments to be met with respect to the project:

1. All streets within the project with the exception of driveways that will serve the townhouse units will be dedicated and built to City standards.
2. The timing of the project will conform to the timing of the extension or availability of City water and wastewater utilities.

3. Project will not be developed with septic tanks, private wells, package treatment facilities.
4. The developable area is above the 100-year flood plain with the exception of one area, and there will be 25 units built within the flood plain area on the north edge of the project on Bull Creek. If these units are approved, they will have to develop in conformance with City codes and ordinances and the federal insurance program.
5. Navigation Board and Council will have an opportunity to approve or deny location of docks or any shore alterations along the Creek within the City.
6. Creek permit will be required to be approved by the City.
7. Of the 230 lots proposed for residential use, only 8 fall on topography that is in excess of 20% slope. Planning Commission recommendation and comment relating to cut and fill activities on slopes of 30% or more.
8. Environmental Resource Management requires that if the land in the flood plain area is permitted to be developed, a minimum of 50% be left in open space.

Mr. Lillie commented that there were more requirements that were identified by various City departments, and it has been the intent of the developer to agree to meet all departmental requirements.

With respect to the fiscal impact if annexation does occur on this property, MR. JOE LIRO, Management and Budget Administrator, noted that they had conducted a study of the area and had concluded the following:

1. Except for the early years of the development, annexation would not place a strain on the City's General Operating Budget or the Utility Fund Budget.
2. Substantial capital requirements exist for utilities whether or not the area is annexed.

Mr. Liro commented that in the tax supported funds, the area would generate income in excess of requirements for municipal services, with fire protection, etc., in close proximity of the area. However, he noted that water and wastewater services would be more costly to the City if annexed in that operating expenses for water and wastewater were identical whether or not annexed; and if the area remained outside the limits, the income from water and wastewater would be 1-1/2 times greater than if inside. In the advanced state of development, he noted that the annexed area would not represent a drain on the budget. He pointed out that a change in the refund policy would change their projections.

Mr. Lillie pointed out that the Planning Department was presently reviewing 2 projects which have a total of 500 feet of frontage along the 44 linear miles of shore line on Lake Austin. He added that there were 2 additional projects with about 1/2 mile of frontage that were being considered by their

owners. He indicated that all these developments had been discussed with the staff and were presented in the form of planned unit developments, and this review process would provide the City with adequate authority to assure that the project would have minimum impact on the area and its environment. He commended the developers for their work; and after 2 years, he felt the project deserved the Council's favorable consideration.

MR. ROY BECHTOL, representing the applicant, reviewed the design process through which they had gone and noted that it had taken over 2 years of extensive study which involved the redesign of 8 master plans. They felt that this plan was definitely sympathetic with the use of the land. He showed the Council a model of the site and noted that they had been very careful to analyze all the beautiful aspects of the area to preserve most of the natural features. He reviewed the various analyses that had been made:

1. Utility.
2. Climate and soil.
3. Topographic and watershed.
4. Vegetation.

He submitted that the net result of the analyses was a design composite that had retained 35% of the project in its natural state.

MR. MAURY HOOD, representing the applicant, noted that they had conducted a very extensive survey on Bull Creek, recognizing that the drainage basin represented almost 32 square miles and anticipating what would happen if developed with structures. He also noted that he had a copy of the report. Because of the concern expressed with regard to the flood plain and the preparation of the Corp of Engineers' report on Bull Creek and the study being done on Lake Austin, he suggested that the 25 townhouses in the flood plain be removed from consideration at this time; and they would be resubmitted to the Council when the findings of these two reports were known, and they would be made to comply with the findings of the reports.

In response to Councilmember Linn's question as to whether or not there was a commercial area in the flood plain, Mr. Hood stated that they were marine related facilities. In regard to comments Mr. Hood had made concerning the velocity, he indicated that their figures had come from Mr. Paul Jones, a professional engineer, who had conducted a study and prepared a report; and Mr. Hood was relatively confident of their figures.

Mr. Hood submitted that they could meet all staff recommendations and requirements and added that they had done their best to maintain all the trees on the property. In conclusion, he asked for Council's approval of this proposal and read from a portion of the Environmental Resource Management's report which, in part, stated that the proposal was an example of what they felt was a well planned P.U.D.

MR. DAVID BARROW, 4101 Edgement Drive, appeared in support of the zoning change and addressed himself to Mr. Lillie's comment about the two additional projects with frontage on Lake Austin. He pointed out that some outside people were interested in putting this together for overall development; however, he indicated that he had signed no agreement for this.

In connection with any request to delay action on the development he addressed himself to the fact that a developer had to borrow money for such a project and submitted that the interest on the money would be substantial for a delay of the project. Mr. Barrow commented that he had followed the proposal closely, and he was convinced that no major plan for the land would have been handled differently from what was being recommended.

The following appeared in opposition to the zoning change:

MRS. CHARLES CLELAND appeared on behalf of her husband, President of Save Our Lake Association, and presented the Council with action that had been taken by the Association at a meeting on July 29, where 50 members were present. She noted that they voted to request that the Council withhold approval of the Planned Unit Development. She noted that they had hired Mr. Hoyle Osborne, former Planning Commission Chairperson, as a consultant; and he would address the Council and present more details.

PROFESSOR CORWIN JOHNSON, member of the Association, noted that the organization had formed about 1-1/2 years ago in response to a land development proposal on Lake Austin which threatened their homes. He added that they supported the City's decision about 1 year ago to employ a consulting firm to prepare the Lake Austin Development Plan; and despite the fact that it has been underway for several months, major land development proposals continue to be placed near the Lake. He indicated that they were attempting to become aware of these proposals as they came up and oppose those which more seriously threaten the Lake. He regretted that they did not become aware of this proposal in time to present their views to the Zoning committee of the Planning Commission; but when learned of the proposal, they engaged a consultant to make an analysis of the proposal and present his findings to the Association. He did so, and they voted to oppose the Planned Unit Development for the following reasons:

1. It could not satisfy the policy that P.U.D.'s be compatible with with neighboring land uses since the nature of future land uses in the area will remain unknown until completion of the Lake Austin Development Plan or actual development.
2. Council's approval of the P.U.D. would tend to undermine the Lake Austin Plan by reducing the options available to the planners and by allowing development which might be inconsistent with the Plan which finally emerges.
3. Mr. Osborne's report identifies several deficiencies in the P.U.D. which conflict with Austin's Comprehensive Plan:
  - a. Excessive intensity of development.
  - b. Incomplete consideration of the environmental factors.
  - c. Internal and external traffic problems.
  - d. Underestimation of the flood hazard in Bull Creek.
  - e. Contribution of the P.U.D. to boating congestion in Bull Creek.

He urged that the Council deny approval of the P.U.D. Contrary to certain news reports, he submitted that it was not their position that the Council's action be deferred. They felt that there should be a limited moratorium on all major land development in the Lake Austin watershed, pending completion of the Plan. They also felt that the application should be denied because it failed to meet the standards of existing ordinances.

MR. HOYLE OSBORNE, Planning Consultant, reviewed the proposal and noted that in Austin's present Master Plan the area was designated as green belt, open space area. He pointed out that over 40% of the land would have buildings and paving; 35-40% would be converted from natural to modified; only about 20-25% would remain in a relatively natural state, and portions of this would be used for drainage and recreational development within the common areas. He also pointed out that about 40% of the trees would be removed.

He submitted that the restrictive covenant was commendable, but the slopes should be controlled; and he felt that no formal information had been prepared with regard to this. He also submitted that there were significant external traffic issues to be considered, along with access to the commercial marina and to the 25 townhouses along Bull Creek. He also addressed himself to the issues of the flood plain, boating activity, and annexation.

MR. DEAN RINDY, Planning Commission member, stated that if this had been located in another section of town, he would have been favorable; but he pointed out that this was in an environmentally sensitive area. He suggested that approval of this would be precedent setting. He pointed out that the Environmental Board had requested a postponement, and the Environmental Resource Management staff had recommended approval because it conformed to existing City policy; however, he noted that on a previous occasion they had expressed the desire for a policy change.

He addressed himself to points that had been made in the AUSTIN TOMORROW Goals report with regard to open space and creeks and waterways. He felt that it was not unreasonable to require the developers to hold off until the City could determine how much development Lake Austin could stand. He pointed out that Lake Austin was the public water supply and the main public recreational resource. He suggested that the water was owned by the people, and the City had the right to make sure it remained pure and usable. He hoped the Council would make an effort to preserve and postpone this until the completion of the Lake Austin "Conservation" Plan.

In response to a comment that had been made that the applicant owned the water, City Attorney Don Butler commented that it would be an issue on the public water right; and the Council could vote as it saw fit based on the other things brought out.

Mr. Hood was disturbed by the fact that the Association would attempt to block any development that would effect the Lake in that anything put on the ground would have an effect. He reiterated that 25% of the area would be left natural with an additional 35% cultivation. He also reiterated several remarks and noted that they had over 35 cards from those who wanted to live in the Courtyard.



Councilmember Hofmann stated that she had communication from the Chairperson of the Citizens Board of Natural Resources and Environmental Quality and suggested that this be postponed until the Board had an opportunity to discuss this issue at a special called meeting 2 weeks from now.

Motion

Councilmember Hofmann moved that the Council continue the public hearing until such time as the Environmental Board could make a study and submit their comments to the Council. Councilmember Trevino seconded the motion.

Substitute Motion

Councilmember Linn moved that the Council postpone any action pending the Council's receiving the Lake Austin Development Plan; however, it died for lack of a second.

Councilmember Linn felt that the Plan would offer the Council guidelines for the use of the Lake. She pointed out that it was Austin's water supply, and the City needed to protect it. She also pointed out that the Master Plan indicated that this area should be left with the least population.

Mayor Friedman noted that the Environmental Board had requested to review this proposal, and it was the Council's obligation to allow them that opportunity and he wanted them to look at it. However, he announced that he was very interested in Lake Austin.

Vote on Motion

Councilmember Hofmann's motion, with Councilmember Trevino's second, showed the following vote:

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

Councilmember Lebermann congratulated the thoroughness and sensitivity of this plan. He stated that if the City could ensure this kind of responsible response to development in sensitive areas, we would be an advantaged community. He thanked Mr. Lillie for his comments.

Councilmember Hofmann wanted to set a public hearing for annexation of the Courtyard, and Mayor Friedman suggested that the Council wait and see what action was taken on the area after the report from the Environmental Board.

In response to Mayor Friedman's question, Mr. Lillie stated that this area was part of the general annexation proposal coming to the Council in October; and he indicated that Councilmember Hofmann would have a report on this.

-----

The following zoning change was WITHDRAWN:

JOSEPH E. SEGOVIA  
By Philip L. Spies  
C14-75-073

2100 Garden Street  
also bounded by  
Anthony Street

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission

Mayor Friedman noted that there was a request from the applicant's attorney that this be withdrawn. He explained that under the new policy it would prevent any subsequent action for one year.

Councilmember Linn moved that the Council approve the request for withdrawal. The motion, seconded by Mayor Pro Tem Snell, 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 zoning case had been WITHDRAWN.

#### RELEASE OF EASEMENTS

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

A portion of a Public Utility Easement covering the south ten (10.00) feet of Lots 5 and 6, Block "Y", and release of a portion of a driveway and Public Utility Easement of varying width in Lots 1 through 4, in said Block "Y", all in NORTHWEST HILLS, CAT MOUNTAIN SECTION (Amended). (Requested by Clinton P. Rippey, Registered Public Surveyor representing David B. Barrow, owner.)

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

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

The south 135.58 feet of the west six (6.00) feet of the Public Utility Easement that covers the east ten (10.00) feet of Lot 44, Block "D", SPICEWOOD AT BALCONES VILLAGE, SECTION FOUR. (Requested by W. Harvey Smith, Registered Public Surveyor representing Wayne Laymon, owner.)

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

## CONTRACTS AWARDED

Mayor Pro Tem Snell moved that the Council adopt a resolution awarding the following contract:

JOHNSON'S WASTE MATERIALS, INC. 1600 East Sixth Street Brownsville, Texas	- Wiping Rags stored by Central Stores. Twelve-month supply agreement. Item 1, Type I - \$26,250.00
---	--

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

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

Councilmember Hofmann wanted to know whether or not Good Will Industries had been contacted for the sale of the rags. In response to this, Mr. Tom Rodgers, Purchases and Stores, stated that these were bought on an annual agreement at about 35 cents a pound; and they are issued to Vehicle and Equipment Services and other departments as required. He pointed out that they had checked into the possibility of having these rags washed and recycled for use, but this had been the most economical method available.

Mayor Pro Tem Snell moved that the Council adopt a resolution awarding the following contract:

DOUGLAS W. KING COMPANY 4627 Emil Street San Antonio, Texas	- Ryegrass Seed, Parks and Recreation Department. Item 1; 12,900 lbs. @ \$78.50 CWT - Total \$10,126.50
---	--

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

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

In response to Councilmember Hofmann's question, Mr. Jack Robinson, Parks and Recreation Director, noted that this was needed for the golf courses in the winter, which would require \$3,200 for each of the 18-hole courses and over \$1,000 for the 9-hole at Hancock. Without this, he suggested that there would be a very substandard putting surface, and it was absolutely essential for a golf course.

Mayor Pro Tem Snell moved that the Council adopt a resolution awarding the following contract:

UARCO, INC.  
1210 Nueces, Apt. 102  
Austin, Texas

- Continuous Custom and Stock  
Forms, stored by Office  
Services Division. All  
items - \$33,490.99

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

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

In response to Councilmember Hofmann's question, Mr. Rodgers stated that this was used by Data Systems. Mr. Homer Reed, Deputy City Manager, added that the City had reduced the amount of paper it bought by going to microfilm.

#### AUCTION OF SURPLUS VEHICLES AND EQUIPMENT

Councilmember Hofmann moved that the Council adopt a resolution approving the disposition of surplus vehicles and equipment by Auction during August, 1975. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

#### CONTRACT FOR NEIGHBORHOOD CENTER'S RENT

Councilmember Lebermann moved that the Council adopt a resolution approving a contract with Travis County in the amount of \$1,800 to pay one-half of West Rural Neighborhood Center's rent. Contract period will be from September 1, 1975, through December 31, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### CONTRACT FOR RECREATION PROGRAM AT HOUSING PROJECTS

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City to enter into a contract with the Austin Housing Authority to provide a year-round, full-time recreation program at two Austin Housing Projects - Meadowbrook and Booker T. Washington. Contract period will be from July 1, 1975, through June 30, 1977. 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

#### CONTRACT TO PROVIDE MANPOWER SERVICES AT PROJECTS

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City to enter into a contract with the Austin Housing Authority to provide manpower services at the Meadowbrook and Booker T. Washington Housing Projects. This will be funded through HUD's Target Project Program, and the effective date will be August 1, 1975, through June 30, 1976. 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

#### ACCEPTANCE OF GRANT AWARD FOR PROJECT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City to accept a grant award from the Texas Criminal Justice Division for the project entitled, "Metropolitan Austin Criminal Justice Planning Unit," in the amount of \$42,393. \$1,882 will be Texas Criminal Justice support, and \$941.00 will be the City of Austin's share. Program period will be from July 1, 1975, through September 30, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### ACQUISITION OF LAND FOR MUNICIPAL ANNEX

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the acquisition of certain land for the municipal Annex:

All of Lot 8 and the East 2.5 feet of Lot 9, Block 4, Original  
City of Austin and all adjacent land in Lot 4 claimed by  
Grantor (John A. Starr et al)

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

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

#### CONSTRUCTION CHANGE ORDER

Councilmember Lebermann moved that the Council adopt a resolution approving a Construction Change Order in the amount of \$9,600.75 to Contract No. 74-DB-138, C.I.P. Project No. 7030 0, Buttermilk Creek Improvements, Private Drive Culvert. 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

At 12:20 p.m. Mayor Friedman announced that the Council would go into an Executive Session as authorized by Section 2, Paragraphs (e), (f), and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such session, any final action, decision, or vote with regard to any matter considered would be made in open session.

AFTERNOON SESSION  
2:00 P.M.

Mayor Friedman called the meeting to order at 2:00 p.m.

EXECUTIVE SESSION ACTION

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

Building Code Board of Appeals

Councilmember Linn moved that the Council appoint HENRY HOLMAN as the Chairperson of the Building Code Board of Appeals. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Joint-Legislative-Council Committee

Mayor Friedman appointed the following to the Joint Legislative-Council Committee:

H. A. Guerrero	Jane Sibley
Gus Garcia	Ankie Kirk
Chuck Hrnclir	Carol Crabtree
Dulie Bell	

Mayor Friedman noted that he would be in touch with the Governor's office and would request that a member of his staff sit on this Committee. He hoped that the Committee would start meeting shortly. (Councilmembers Trevino, Hofmann and Himmelblau were appointed on July 24.)

## PRESENTATION

Mr. Billy McGowan, Camp Horizon Director, appeared before the Council and presented each Councilmember with certificates for partly funding their summer camp. He also introduced some of the kids he had brought with him:

Trent Alexander  
Wilbur Buckner  
Frank Gonzales

Marion Howard  
Mary Beth Kalapach

## REQUEST FOR USE OF AUDITORIUM SHORES

Mr. Bill Irvin, Administrator for the Austin Baptist Association, appeared before the Council to request use of Auditorium Shores on September 22, 1975, from 9:00 to 10:00 p.m. for a celebration in connection with their Biannual State Convention. He noted that they anticipated having about 5,000 people in attendance, and the celebration would include band music, choral music, and perhaps a fireworks display.

Mayor Friedman asked if he was aware of and in agreement with the fact that approval was subject to all charges the City must make to all groups. Mr. Irvin indicated that they understood and added that he had a letter from the State Director, Dr. John Sisemore, in which he stated that the Association would expect to be fully responsible for any activity.

Councilmember Linn moved that the Council approve the request for the use of Auditorium Shores on September 22, 1975, from 9:00 to 10:00 p.m., subject to the proper charges and fees. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## POSTPONEMENT OF APPEARANCE CONCERNING ECONOMIC DEVELOPMENT

Mr. Arturo Cassillas had requested to appear before the Council to discuss the Community Development Minority Economic Development Program for 1975-76; however, this was postponed until August 14, 1975, at 10:00 a.m., at his request.

## ORDINANCE CONCERNING BOATING

The Council had before it an ordinance amending Chapter 29 of the Austin City Code to provide regulations for motor boat exhaust; to establish a maximum speed limit on part of Lake Austin; to provide minimum penalties for violation; to define visible wake; and to regulate boat traffic patterns. Mr. Lonnie Davis, Building Department Director, noted that the Navigation Board had been working on this for about 3-1/2 months and during this period of time had visited with members of Parks and Wildlife, the Park Rangers, and boat clubs and had come up

with the regulations outlined in the ordinance. He pointed out that they had tried to eliminate the use of open stack boats of any type but did not apply to outboards; the speed limit would apply to the developed portion only of City Park and would be adequately marked and would apply to the entire width of the Lake.

He added that a definition for "visible wake" was provided at the request of the Rangers to assist in determining whether a boat was violating the no wake requirement. Also included was the requirement that traffic stay on the right of the center of the Lake, with the exception of a boat turning to pick up a downed skier.

Councilmember Lebermann was concerned about being able to handle reckless drivers, and he wanted to be sure that the Rangers had an obligation and opportunity to straighten out an awkward situation. In connection with this, Mr. Davis assured Councilmember Lebermann that the ordinance spoke to that issue.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY ADDING CERTAIN SECTIONS; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Lebermann took this opportunity to congratulate the Navigation Board, and Mr. Davis for work done on this, and he felt the ordinance would make Lake Austin more pleasant and safer.

#### 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:

LOTS 8 AND 9, ST. ELMO HEIGHTS, SECTION 1, LOCALLY KNOWN AS 500 INDUSTRIAL BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; 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.  
(Esco Supply Company, C14-70-001)



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

The Mayor announced that the ordinance had been finally passed.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass an ordinance on the following zoning effective immediately: The motion

KIRKLAND MICHAUX  
C814-73-005

2609 Pecos Street  
2612 Hillview Road

From "A" Residence  
To Planned Unit Development  
called "West Park Place"

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

\*Note: This came up later in the meeting, at which time the  
Council voted to reconsider the ordinance.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING 5.70 ACRES OF LAND LOCATED AT CORONADO HILLS DRIVE AND BARCELONA DRIVE TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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. (N.P.C. Associates, C814-74-012)

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

The Mayor announced that the ordinance had been finally passed.

#### AMENDMENT TO PROVIDE SUPPLEMENTAL APPROPRIATION

The Council had before it an ordinance amending the 1974-75 Operating Budget and the 1974-79 Capital Improvements Program to provide supplemental appropriation of the revised housing and Community Development Block Grant. In response to Councilmember Trevino's question, Mr. Harry Savio, Budget

Officer, stated that the Council did have the flexibility to move monies around if necessary and that was part of the action the staff was requesting from the Council.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 741017-M, CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1974 AND TERMINATING SEPTEMBER 30, 1975, AND ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1974 AND TERMINATING SEPTEMBER 30, 1975, TO APPROPRIATE REVISED HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO CERTAIN DEPARTMENTS, PROJECTS AND ACCOUNTS; AND DECLARING AN EMERGENCY.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Snell, 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 ordinance had been finally passed.

#### APPROACH MAIN CONTRACT

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER OF THE CITY OF AUSTIN TO ENTER INTO A CERTAIN REFUND CONTRACT WITH JONES-LAKE DEVELOPMENT COMPANY. (Allen Subdivision)

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

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

Noes: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman noted that he thought a policy decision would be made in the future that would apply to City-wide programs.

#### HEARING ON AMENDMENTS TO WRECKER ORDINANCE

Mayor Friedman opened the public hearing scheduled for 2:00 p.m. on amendments to the Wrecker Ordinance. Councilmember Lebermann noted that the point of the amendments was to combine the City's rotation system and accident towaway with a new policy with regard to private property towaways. He

indicated that this was in response to specific consumer need and the wrecker operators, and he had been advised by the Police Department that some fairly detailed structuring of rules and regulations would be helpful to them.

Mr. Tommy Graves, Councilmember Lebermann's aide, reviewed the proposed amendments and noted that basically the ordinance was split up into 2 areas:

1. Protection of consumer rights.
2. Provisions to protect the people in the business and the Police Department in the administration of the ordinance.

He reviewed the proposed amendments as follows:

1. Establishing uniform and maximum fees charged for towing services and storage.
2. Modifying the burden of proof in proving violations under Chapter 34 so that knowledge of the violation does not have to be pleaded or proved.
3. Redefining wrecker business and defining several new words.
4. Requiring licensing and fees for all types of wrecker companies and wrecker vehicles.
5. Establishing minimum insurance requirements.
6. Requiring location of place where vehicle is to be towed be within City limits.
7. Requiring permanently affixed identification on wrecker vehicles.
8. Establishing three categories of wrecker rotation lists.
9. Regulating the towing of vehicles off of private parking lots and private property including regulations concerning signs which restrict parking.
10. Establishing new section which sets out duties of wrecker permit holders.
11. Establishing administrative procedure for suspension or revocation of permits and certificates.
12. Amendment to Section 34-126(b) (11)

No wrecker company shall have the owner of a vehicle sign a Release from liability for damages until the owner has inspected the vehicle for damages. Any such Release shall contain a notation of such inspection, as well as an exception and enumeration of damages for which the wrecker company is alleged to be liable, and shall be signed by the owner and a representative of the wrecker company.

## 13. Amendment to Section 34-126(b) (10)

Change "take" to "give" and "from" to "to"

With regard to Amendment No. 12, Councilmember Himmelblau suggested that the owner or owner's representative of a vehicle sign a Release, in that the owner might not be available for an extended period of time. In regard to this, Mr. Charles Bluntzer, Assistant City Attorney, explained that under the section with regard to definitions, the term "owner" described any person who held the legal title to a motor vehicle or had the legal right of possession thereof. Mayor Friedman asked what type of proof there would be to the company that the owner's representative had the legal right of possession. Mr. Bluntzer suggested that additional wording could be put in the ordinance and asked for a direction. Mayor Friedman suggested that he try to include some sort of framework to identify the representative, such as a copy of the title, a note, or some sort of authorization form.

MR. DOYLE CARTER, Carter's City-Wide Wrecker Service, addressed himself to the fee of \$30.00 for heavy duty wrecker hauls and submitted that there was no way to buy a 5-ton truck and operate it at this rate. In response to Councilmember Lebermann's question, he stated that he charged about \$50.00.

There was some discussion with regard to the cost of such a truck, and Councilmember Lebermann stated that he wanted the economics to be correct; they had some difficulty in tying down the economics of a 5-ton truck, and he suggested that the Council would be amenable to an adjustment. In response to this, Mr. Carter suggested \$50.00.

MR. R. P. VANDERVORT, Northside Wrecker Service, noted that his fee for heavy duty wrecker hauls was \$35.00 plus \$35.00 an hour.

Mayor Friedman suggested that some time should be spent in trying to look at figures to see what the staff could come up with. Councilmember Lebermann suggested that they could meet with Messrs. Carter and Vandervort and then come back with some new economics. Mayor Friedman also suggested that this ordinance could only be passed through its first reading.

Mr. Carter announced that there were other things in the ordinance with which he did not agree; and he felt that if the Council passed it, the City would be in the wrecker business itself. He suggested that the ordinance be passed and let the wrecker companies get their own attorney.

MR. LUKE GRIFFIN, Luke Griffin's Wrecker Service at Don's Paint and Body Shop, also disagreed with the fee for heavy duty wrecker hauls. He also felt that the \$15.00 fee for private parking hauls needed to be higher and noted that he was charging \$25.00 and pointed out that he had to be extremely careful not to damage the vehicle. He felt the fee should be at least \$20.00 or \$25.00.

He also disagreed with the \$10.00 fee for the use of dollies, and he suggested that it be at least \$12.50 or \$15.00. He pointed out that the insurance had gone up also.

Mayor Friedman suggested that perhaps the private property owner could pay the wrecker company if the vehicle was gone by the time the wrecker got there. He made this suggestion in response to Mr. Griffin's statement that the wrecker company received nothing if the vehicle was already gone.

MR. GARY BRADLEY felt that there should be a fee base and felt that the economics should be determined. He noted that the Council had an obligation to the consumer, and he congratulated the work that had been done on this. During his presentation, he addressed himself to specific incidents in regard to having his car towed away.

MR. TRAVIS PHILLIPS, attorney and co-owner of a wrecker business, submitted that there had been a lack of communication between the instigators of the ordinance and those effected. He urged the Council to recess this hearing and give them a change to study the impact of this ordinance and work out an agreement.

Councilmember Lebermann stated that it was his intent to move this ordinance through its first reading; and during the next 2 weeks there would be time to study it, and the necessary adjustments could be made with regard to the economics. He urged those who were interested to come by his office to discuss this.

MR. JIMMY FINGER, wrecker service operator, asked for the names of those companies that were contacted.

In response to this, Mr. Graves listed the companies that had been contacted in regard a towaway question:

Northside Wrecker Service  
Cecil's City-Wide Wrecker Service  
Luke Griffin's Wrecker Service

He listed the companies contacted about a question concerning tow for repair:

Haney's Automotive Service	Charles Maund Oldsmobile-Cadillac
Carter's City-Wide Wrecker Service	Jim Henery Body and Paint Shop
Dodge Wrecker	Northside Wrecker Service
Henna Chevrolet	
Leif Johnson	

Mr. Finger felt that the \$25.00 rotation fee was fair, but he also felt the \$10.00 dolly fee was too light and the \$10.00 per hour after the first hour was too light.

Councilmember Lebermann reiterated that they had difficulty in getting hard economic facts, and he welcomed any input over the next 2 weeks if this passed through its first reading.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY RAISING FEES CHARGED FOR THE IMPOUNDMENT AND STORAGE OF ABANDONED VEHICLES; AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 BY PROVIDING AN AMENDED PENALTY CLAUSE IN SECTION 34-3; BY REPEALING ALL PROVISIONS OF ARTICLE VI THEREOF,

AND BY SUBSTITUTING AN AMENDED ARTICLE VI THEREFOR; DEFINING TERMS; PROVIDING FOR PERMITTING OF WRECKER BUSINESSES AND INSPECTION AND CERTIFICATION OF WRECKERS USED IN THE SAME; REQUIRING THAT WRECKER BUSINESSES PERMITTED TO DO BUSINESS WITHIN THE CITY LIMITS OF AUSTIN BE LOCATED WITHIN SAID CITY LIMITS; REQUIRING THE MARKING OF WRECKERS WITH BUSINESS OR OWNERSHIP IDENTIFICATION; REQUIRING INSURANCE TO BE CARRIED BY WRECKER SERVICES; PROVIDING FOR REMOVAL OF WRECKED OR DISABLED VEHICLES ON THE PUBLIC STREETS; PROVIDING FOR USE OF WRECKER SELECTION FORMS AND WRECKER ROTATION LISTS; PROHIBITING THE SOLICITATION OF WRECKER BUSINESS ON PUBLIC STREETS; PROHIBITING THE INTERCEPTION OF POLICE BROADCASTS; REGULATING THE TOWING OF VEHICLES FROM PRIVATE PARKING LOTS AND FROM PRIVATE PROPERTY; PROMULGATING CERTAIN DUTIES OF PERMITTEE; REGULATING FEES AND CHARGES FOR WRECKER SERVICE; PROVIDING PROCEDURES FOR ADMINISTRATIVE AS WELL AS JUDICIAL ENFORCEMENT OF THESE PROVISIONS; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS OF ORDINANCES.

The ordinance was read the first time, and Councilmember Lebermann moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Linn, 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 ordinance had been passed through its first reading only.

Councilmember Lebermann noted that his office would continue to work with the wrecker operators and obtain information concerning the heavy equipment to identify any errors on the economic side of this ordinance. He also took this opportunity to thank Mr. Bluntzer for doing an outstanding job on the ordinance.

#### ITEM CONCERNING ZONING ORDINANCE

At this point Mrs. Bob Shipman appeared before the Council with regard to the Zoning Ordinance that had been passed on Case No. C814-73-005 (Kirkland Michaux). She stated that she represented a Sidewalk Committee in West Austin, and they were concerned that the developer had requested that the sidewalks on Pecos Street be deleted. She pointed out that there was a school crossing one block from this development, and this street was hazardous due to traffic. She submitted that making this street safer was their main priority; and they were concerned about the future, and the inclusion of sidewalks on Pecos was a step forward.

Councilmember Himmelblau pointed out that she had received a phone call earlier in the day, at which time the developer stated that she was perfectly agreeable to the sidewalks.

Mayor Friedman noted that it was his opinion that this had been approved with the inclusion of sidewalks and asked for some information regarding this.

Later in the meeting, Mr. Lillie announced that the original site plan for the development that was submitted to the Planning Department called for the inclusion of sidewalks on both Pecos Street and Hillview Road. He noted that this was accepted by the various departments as part of the plan; however, later in the review process and before submission to the Planning Commission, the Urban Transportation staff received communication from the owners that these sidewalks would be the only ones in the area and requested consideration be given to the deletion. Urban Transportation reviewed this and recommended that they be deleted on the two streets.

Mr. Lillie continued by stating that when this appeared before the Council, it showed the inclusion of the sidewalks on the map; however, the text from the Planning Department recommended the deletion. Later, citizens asked for a walkway easement through the property, and the Planning Commission voted not to require a public walkway easement through this private property and placed the burden of responsibility of access on the owner.

Councilmember Himmelblau reiterated the fact that she had received verbal communication from the owner and suggested that the Council should honor the agreement to include the sidewalks.

Councilmember Hofmann moved that the Council rescind its previous action and decide to reconsider the following:

KIRKLAND MICHAUX  
C814-73-005

2609 Pecos Street  
2612 Hillview Road

From "A" Residence  
To Planned Unit Development  
called "West Park Place"

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

#### Motion

Councilmember Himmelblau moved that the ordinance be passed upon the inclusion of the sidewalks on Pecos Street. Mayor Pro Tem Snell seconded the motion.

City Attorney Don Butler pointed out that the owners should first take care of the fiscal arrangements, and then the ordinance could come back for passage.

In response to Councilmember Linn's question, Mr. Lillie stated that when this came back to the Council, he would present the plan that appeared at the Planning Commission with the changes attached. He submitted that this would assure the applicant that he would not have to do any more extensive work.

## ITEM CONCERNING COST OF CONSULTANT SERVICES

The Council had before it a report concerning the cost of consultant services for Lower Waller Creek Development Plan. Mr. Al Eldridge, Construction Management, stated that on May 1, 1975, the Council selected the firms of Taniguchi, Shefelman, Vackar & Minter of Austin; Freese, Nichols of Austin; and Myrick, Newman & Dahlbarg of Dallas as the Joint Venture Consultants to provide the professional services in connection with the Lower Waller Creek Development Plan. He stated that information furnished the Council for this indicated an estimated fee for planning would be about \$40,000, and this amount was based on information furnished on a preliminary basis from another consulting firm.

Mr. Eldridge stated that at this time they have determined that for a thorough review an additional \$153,950 would be needed. He stated that it was their recommendation that the Council allow the staff to authorize the firms to proceed toward the next stage of the development of this Plan.

In response to Mayor Friedman's question, Mr. Eldridge stipulated that the change was justified; and the staff had met with them a number of times trying to deal with this problem.

In response to further questions, City Manager Davidson pointed out that this was one of the most difficult kinds of projects to define at the beginning.

There were further comments, and Mr. Eldridge explained that it was expected that a substantial amount of work would be done by the Planning Department and Parks and Recreation. In response to Councilmember Hofmann's question, he noted that this would include the cost for all the engineering and design.

City Manager Davidson pointed out that funding for this project had been established in the 1974-75 C.I.P. at \$495,000 with added amounts for 1975-76 and 1976-77 and might require an eventual expenditure of \$2.8 million. In response to Councilmember Hofmann's question, Mr. Davidson stated that this kind of work never went out for advertisement for bids.

## ADJOURNMENT

The Council adjourned at 4:00 p.m. Mayor Friedman announced that the Council would meet in a Work Session at 4:10 p.m. to resume its review of the 1975-76 Capital Improvements Program.

ATTEST:

Grace Monroe  
City Clerk

APPROVED

Al Eldridge