

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 22, 1975  
1:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Pro Tem Snell presiding.

Roll Call:

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

Absent: Mayor Friedman

The Invocation was delivered by REVEREND TOM WHITCOMB, Trinity United Church of Christ.

RECOGNITION

Mayor Pro Tem Snell read and then presented a resolution signed by the Council to Mr. Billy Carr and Ms. Frances Carr, Dougherty Foundation, in recognition that the James R. Dougherty, Jr., Foundation (a charitable, humanitarian organization) had made an important contribution to the growth of a portion of Austin's youth, providing valuable support to the development of healthy minds and bodies, and enhancing the lives of citizens today and in the future.

FIRE FIGHTER RECOGNITION DAY

Councilmember Himmelblau read and then presented a proclamation to Chief Ed Kirkham, declaring Saturday, May 24, 1975, as "Fire Fighter Recognition Day" and urged all Austin citizens to respond to visit any of the 21 fire stations in the community and personally thank the men and women of the Fire Department for their outstanding achievements.

## BUDDY POPPY DAYS

Councilmember Linn read and then presented a proclamation to Mr. Belos Alvis, proclaiming the week of May 22-31, 1975, as "Buddy Poppy Days" and urged the citizens of the community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies sold in the Austin area. Mr. Alvis thanked the Council and noted that the Poppies were assembled by disabled veterans, and the proceeds were used for the benefit of disabled and needy veterans and the widows and orphans of deceased veterans. He appreciated Austin's participating in this.

## B. IDEN PAYNE DAY

Councilmember Trevino read and then presented a proclamation to Mrs. B. Iden Payne and members of the Austin Circle of Theatres, proclaiming Monday, May 26, 1975, as "B. Iden Payne Day" and encouraged all residents to join the Council and the members of the Austin Circle of Theatres in paying tribute to a man whose skills and dedication to theater have had profound influence on the development of the performing arts throughout the world. It was noted that he was professor emeritus of drama at the University of Texas. Mrs. Payne thanked the Council and the Circle of Theatres.

## HEARING TO PERMIT INSTALLATION OF WASTEWATER MAIN

Mayor Pro Tem Snell opened the public hearing scheduled for 1:00 p.m. to permit the installation of a wastewater main across a portion of Zilker Park to serve Bee Caves, Section 1, Subdivision. Councilmember Lebermann moved that the Council close the public hearing and adopt a resolution authorizing the installation of the wastewater main. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## HEARING TO CONSIDER ANNEXATION

Mayor Pro Tem Snell opened the public hearing scheduled for 1:00 p.m. to consider the annexation of various land and to direct the administration to institute annexation proceedings:

1. 323.55 total acres of land (Case NO. C7a-75-001)
  - a. 53.86 acres known as Travis Country. (Requested by owner, Farm and Home Savings Association)
  - b. 173.51 acres known as Trailwood Village One at Travis Country and Trailwood Village Two at Travis Country. (Requested by owner, Austex Development Co., Ltd.)
  - c. 96.18 acres - portion of Loop 360 and unplatted land. (Initiated by City of Austin)

City Manager Davidson noted that he had communication with the Citizens Board of Natural Resources and Environmental Quality and suggested that this be postponed until some alternate sewer routes could be studied and a recommendation submitted for Council's consideration.

Mr. Dick Cory, Chairman of the Citizens Board, asked that this be postponed until such time as the Board would be able to make a study and come back as soon as possible.

In response to Councilmember Lebermann's question, Mr. Cory stated that it would take about 45 days in that this was one of the most important watersheds.

Councilmember Lebermann moved that the Council postpone consideration of the earlier mentioned property until such time as the Environmental Board could come back to the Council with a recommendation. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

2. 23.74 acres out of the William Cannon League. (Requested by Provident Development Company, owner.) (Case No. C7a-75-003)
  - a. 8.79 acres - a portion of Meadowcreek, Section 2, Phase 1, that is north of Dittmar Road.
  - b. 0.84 of one acre - a portion of Meadowcreek, Section 2, Phase 1, that is south of Dittmar Road.
  - c. 14.11 acres - all of Meadowcreek, Section 2, Phase 2.
3. 20.66 acres out of the William Cannon League. (Case No. C7a-75-002)
  - a. 19.92 acres out of William Cannon League- Beaconridge II. (Requested by Bryant-Curington, Inc., Consulting Engineers representing Fawnridge Development Company, owner.)
  - b. 0.74 of one acre out of the William Cannon League - unplatted land. (Initiated by City)

Councilmember Himmelblau moved that the Council close the public hearing and direct the administration to institute annexation proceedings on the aforementioned. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

## RELEASE OF EASEMENTS

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

Portions of certain Electric Easements that cover any part of that certain 7.00-acre tract of land out of the THOMAS ANDERSON LEAGUE that was conveyed to Steve G. Smart by warranty deed of record in Volume 5024 at Page 2313 of the Deed Records of Travis County, Texas. (Requested by Ralph W. Harris, Registered Public Surveyor, representing Steve G. Smart, owner.)

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

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

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

The west 117.50 feet of the Public Utility Easements 10.00 feet in width centered on the common lot line between Lots 3 and 4 and between Lots 5 and 6, QUAIL CREEK WEST, PHASE 2, SECTION 4. (Requested by Capitol Mortgage Bankers, Inc., representing Russell Aldridge, owner.)

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

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

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

The west 167.09 feet of the Public Utility Easement 10.00 feet in width centered on the common lot line between Lots 18 and 19, PARK VIEW, a subdivision. (Requested by Steve C. Chalmers, owner.)

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

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

## COST DIFFERENCE PAYMENT

Councilmember Lebermann moved that the Council adopt a resolution authorizing payment to EDWARD R. RATHGEBER, GARY L. THORNTON, and JIM CASKEY for the cost difference of 12"/8" water mains in Onion Creek Forest, Section 4, in the amount of \$4,044.60. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

## DEMOLITION OF STRUCTURES

Councilmember Lebermann moved that the Council adopt a resolution authorizing demolition of structures as follows:

Accept negative and positive bids - to be demolished only

- |                     |                     |           |
|---------------------|---------------------|-----------|
| 1. 19 Chicon Street | Joe P. Moore        | +\$112.00 |
| 2. 23 Lynn Street   | Clarence Cullen Co. | -\$149.00 |

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

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

## CONTRACTS AWARDED

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

THE WHALE	- Work Shirts, 18-month supply
1906 Guadalupe	agreement, Department of Public
Austin, Texas	Works Sanitation Division
	Items 1-4 - \$6,500.80

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

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

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

Bid Award:	- Potential Transformers for Electric Department.
WESTINGHOUSE ELECTRIC CORPORATION 201 North St. Mary's Street San Antonio, Texas	- Item 1; 9 ea. @ \$1,991.00 Total - \$17,919.00
ALLIS-CHALMERS CORPORATION 310 South St. Mary's Street San Antonio, Texas	- Item 2; 3 ea. @ \$3,024.00 Total - \$9,072.00
ELECTROMAGNETIC INDUSTRIES, INC. 2005 Calumet Street Clearwater, Florida	- Item 2; 6 ea. @ \$2,865.00 Total - \$17,190.00

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

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

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

TIPS IRON AND STEEL COMPANY 300 Baylor Austin, Texas	- Steel Grates and Tamper Shields for Electric Department. Item 1; 93 ea. @ \$62.00 Item 1; 93 ea. @ \$22.00 Total - \$7,812.00
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The motion, seconded by Councilmember Linn, carried by the following vote:

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

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

JIM WOODMANSEE CONSTRUCTION COMPANY 7233B Manchaca Road Austin, Texas	- Construction of a concrete driveway at Warren Substation - \$18,295.20
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The motion, seconded by Councilmember Linn, carried by the following vote:

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

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

WILSON FOREMAN, CONTRACTOR  
3416 Old Duval Road  
Austin, Texas

- Construction of Concrete  
Skimming Pit for prevention  
and countermeasure for oil  
spills, Electric Utility Department.  
Item 1 - \$12,500.00

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

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

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

WESTINGHOUSE ELECTRIC CORPORATION  
1455 West Loop South  
Houston, Texas

- Supervisory engineering service,  
spare parts, and equipment rental  
for disassemble, inspection, and  
preventive maintenance work,  
Steam Turbine Unit #8, at Seaholm  
Power Plant, Electric Utility Dept.  
Estimated cost - \$54,980.00

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

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

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

SOUTHWAY ELECTRIC UTILITY  
SERVICE, INC.  
3201 Longhorn Boulevard  
Austin, Texas

- Seamless Aluminum Tubing  
Item Nos. 1 and 2 - \$10,859.25

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

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

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

D. R. GIBSON, d/b/a  
GIBSON'S AUTO SALVAGE  
Moore Road, Route 1, Box 76  
Del Valle, Texas

- Removal and Purchase of Junked Vehicles, Police Department. One-year contract, \$20,00 per vehicle or estimated annual revenue of \$16,000.00 to the City.

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

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

Noes: None

Absent: Mayor Friedman

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

BASF WYANDOTTE CORPORATION  
Industrial Chemical Group  
1609 Biddle Avenue  
Wyandotte, Michigan

- Liquid Caustic Soda for use as a demineralizer in power plant boilers. Estimated 140 tons at initial price, \$140.00 per ton, Estimated total - \$19,600.00

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

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

Noes: None

Absent: Mayor Friedman

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

FERD STAFFEL COMPANY  
821 East Commerce Street  
San Antonio, Texas

- Fertilizer for Parks and Recreation Department.  
Item 2 - \$7,917.25

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

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

Noes: None

Absent: Mayor Friedman

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

PPG INDUSTRIES  
205 West 5th Street  
Austin, Texas

- Safety Glass and Installation of Same, 12-month supply agreement, Vehicle and Equipment Services Department. Items 1 thru 51  
Estimated \$7,324.43 annually



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

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

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

MOTOROLA C & E, INC.  
3320 Belt Line Road  
Dallas, Texas

- Mobile Radio Transmitter-  
Receivers, Vehicle & Equipment  
Services Department.  
Item 1; 20 ea. @ \$840.00  
Item 2; 1 ea. @ \$899.00  
Total - \$17,699.00

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

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

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

MISSION CONTRACTORS, INC.  
P. O. Box 9523  
Austin, Texas

- Construction of a reinforced  
concrete 7-barrel 10' x 5' box  
culvert in Rundberg Lane, Quail  
Creek, Section Seven, Phase One,  
C.I.P. No. 6543 4 - \$60,633.00

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

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

The Council had before it the following contracts for consideration:  
Contract:

TERRY EDWARDS CONSTRUCTION CO.  
11607 North Lamar Boulevard  
Austin, Texas

- Parking Lot Improvements for  
Town Lake Beautification Project  
C.I.P. No. 8621 2 - \$9,671.25

In response to Councilmember Hofmann's question as to the feasibility of using some permeable paving for parking, City Manager Davidson noted that there was some steep grade between the parking lot and water and one of the purposes of this was to contain water for drainage purposes. He stated that other locations would be considered in the future for this type paving, but he did not recommend it for this particular location.

Councilmember Lebermann moved that the Council adopt a resolution awarding the afore-mentioned contract. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

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

LICHTI-TARKAN INTERNATIONAL,  
INC.  
P. O. Box 2903  
11832 South Bloomfield  
Santa Fe Springs, California

- Installation of Six Aircraft  
Passenger Loading Bridges,  
Robert Mueller Municipal  
Airport, C.I.P. No. 8106 4 -  
\$453,628.00

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

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

Noes: None

Absent: Mayor Friedman

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

TURNER-DOWNS CORPORATION  
5508 Parkcrest  
Austin, Texas

- Landscape and Irrigation  
Installation, Austin Public  
Library - Henry Terrazas Branch -  
\$5,577.77

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

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

Noes: None

Absent: Mayor Friedman

#### SELECTION OF ENGINEERING TESTING SERVICES

Councilmember Lebermann moved that the Council select the firm of TRINITY ENGINEERING TESTING CORPORATION for engineering testing services in connection with the following Capital Improvements Program Project:

Brackenridge Hospital Expansion Phase 2B, C.I.P. Project  
No. 8410 3.

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

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

#### SELECTION OF SOILS INVESTIGATION SERVICES

Councilmember Lebermann moved that the Council select the firm of SNOWDEN AND MEYER, INC., for soils investigation services in connection with the following Capital Improvements Program Project:

138 KV Transmission Line Circuit 924, Decker Switchyard to  
Hi-Cross Substation, C.I.P. Project No. 1525 O.

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

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

In response to Councilmember Trevino's question, Councilmember Lebermann stated that in the past the Council had an update on what each of the recommended firms was doing by dollar volume and the number of contracts. City Manager Davidson added that the Council was normally provided with three names of those who were particularly qualified for this type of work, and the Council could select any of these or choose another firm. He noted that the staff would continue with this study so that the Council could get a quick idea as to how much work was awarded these firms.

#### AGREEMENT FOR DEVELOPMENT OF EXAMINATION FOR FIREFIGHTERS

The Council had before it the possible authorization of an agreement between the Personnel Department and the U.S. Civil Service Commission for the development of an entry level examination for Firefighters. City Manager Davidson reviewed this by stating that it had been determined that the present testing procedure used in connection with firefighter applicants possibly discriminated against those who were otherwise qualified to become firefighters. He stated that Ms. Andrea Beatty, Personnel Director, and Mr. Jimmie Flakes, EEO Compliance Representative, had worked with the Firefighters and the Civil Service Commission to come up with a new proposal that would eliminate this type discrimination; and this would give the City the authority to contract with the Commission to provide the kind of expertise needed.

In response to Councilmember Himmelblau's question, Ms. Beatty stated that this would not lower the standards but would provide the same if not better qualified people. She pointed out that the Department had a job-related examination that required a certain amount of knowledge of what it was like to be a firefighter; and the problem acquainted with the minority was that almost 80% had failed the examination over the past 3 years. They hoped to achieve a varied job-related kind of examination that would not require prior knowledge of what it was like to be a firefighter, and that it would be concentrated more on the aptitude.

Councilmember Lebermann moved that the Council adopt a resolution authorizing an agreement between the Personnel Department and the U.S. Civil Service Commission for the development of an entry level examination for firefighters. Total cost will be \$7,294 from CETA funds, and the term agreement will be from May 18 through August 23, 1975. The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### ADVANCE OF FUNDS TO URBAN RENEWAL AGENCY

Councilmember Linn moved that the Council adopt a resolution authorizing the advance of \$752,600 of Housing and Community Development Block Grant advance funds to the Austin Urban Renewal Agency. (Approved by Council on February 13, 1975.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### SUPPLEMENTAL GRANT AWARD FOR RAPE CRISIS CENTER

Councilmember Linn moved that the Council adopt a resolution authorizing the City Manager to accept a supplemental grant award for the project entitled "Austin Rape Crisis Center." The grant will provide an additional \$1,000 Texas Criminal Justice support for the project. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### GRANT AWARD CONCERNING POLICE OFFICERS

Councilmember Linn moved that the Council adopt a resolution authorizing the City Manager to accept a grant award from the Texas Criminal Justice Division for the project entitled "Conversational Spanish for Austin Police Officers." Total Texas Criminal Justice support will be \$9,040; and the program period will be from May 1, 1975, through April 30, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## GRANT AWARD FOR "DEVELOPMENT ASSISTANCE FOR REHABILITATION"

Councilmember Linn moved that the Council adopt a resolution authorizing the City Manager to accept a grant award from the Texas Criminal Justice Division for the project entitled "Development Assistance for Rehabilitation." Total Texas Criminal Justice Division support will be \$65,201; and the program period will be from June 1, 1975, through March 31, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## LEASE AGREEMENT FOR STOREFRONT NO. 1

Councilmember Lebermann moved that the Council adopt a resolution authorizing the City Manager to enter into a lease agreement for 745 Montopolis (J. D. Culp) to be used as Police Community Relations Storefront No. 1. The motion, seconded by Councilmember Linn, carried by the following vote:

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

## ACQUISITION OF LAND FOR MOPAC

The Council had before it the acquisition of certain land for MoPac. In response to Councilmember Hofmann's question, Mr. Joe Morahan, Property Management Director, stated that this strip of land was part of the right of way needed for the Expressway and was located on the northern end of town and would not only contain the middle part but also the service roads on the sides. He noted that the area was about 80 feet wide, and the overall length was about 1,300 feet. He also noted that this was a partial taking from a much larger tract of land.

Mr. Homer Reed, Deputy City Manager, added that the next phase of construction through this area would be the frontage roads only and was scheduled by the Highway Department for next year. He also added that the City's contractual obligation to acquire the right of way extended to Highway 183 on the north. Mr. Morahan commented that the City still lacked about another 10 parcels of land, but the others were not as large as this one.

Councilmember Lebermann moved that the Council adopt a resolution authorizing acquisition of certain land for MoPac Expressway:

4.20 acres of land out of the James P. Wallace Survey No. 18.  
(W. L. Mayfield Estate)

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

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

Noes: None

Absent: Mayor Friedman

\*Councilmember Himmelblau prefaced her second to the motion by stating that she hated to see the City wait on something like this when 10 years ago the City knew they needed it. She commented that the undeveloped tract this was part of might go on the tax rolls at the appraised price.

#### ACQUISITION OF LAND FOR WEST 10TH STREET PROJECT

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acquisition of certain land for the West 10th Street Project, West Avenue to North Lamar Boulevard:

818-824 West Avenue to North Lamar Boulevard (Roberta P. Dickson)

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

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

Noes: Councilmembers Linn, Trevino

Absent: Mayor Friedman

#### ACQUISITION OF LAND FOR FIESTA GARDENS

The Council had before it the acquisition of certain land for the expansion of Fiesta Gardens. It was determined that this was in accordance with Council's policy in regard to relocation; and in response to Mayor Pro Tem Snell's question, Mr. Morahan stated that this was a very small sub-standard size residential lot containing a small 3-room house that was occupied.

Mr. Morahan explained the relocation policy by stating that the Urban Renewal Agency administered the ordinance for the City because of their expertise, and the policy recognized that a person or family could often not replace themselves in another location for what was being paid as market value. The policy would take up that difference.

Mr. Morahan noted that on this particular piece of property, the City had negotiated with the attorneys and owners of this. He pointed out that originally the Council had authorized condemnation because of title problems; but they had finally agreed to the title, and the occupant has entered into a contract to purchase a replacement house.

Councilmember Lebermann remarked that he was proud of the sensible, mature, and very humane policy the City had come forward with.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acquisition of 2111 Bergman (Pogue Estates, et al) for the expansion of Fiesta Gardens. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### HEARING SET TO CONSIDER ANNEXATION

Councilmember Linn moved that the Council adopt a resolution setting a public hearing for June 12, 1975, at 1:00 p.m. to consider annexing the following:

1. Total of 117.67 acres of land: (Case No. C7a-75-004)
  - a. 37.59 acres of land out of the J. C. Brooks Survey (Gracywoods, Section One) - (Requested by Bryant-Curington, Inc., Consulting Engineers representing Austex Development Company, Ltd., owner.)
  - b. 80.08 acres of land out of the J. C. Brooks Survey and the John Applegait Survey (Parson's Subdivision), Sections One, Two and Three and unplatted land and Pecusa Drive, Plains Trail, Austin Park Lane, Parsons Drive, Renel Drive, and Selma Drive - (Initiated by the City.)
2. 163.03 acres out of John M. Swisher Survey, the Thomas C. Collins Survey, the William B. Harrison Survey, the J. C. Harrelson Survey, and the J.A.G. Brooks Survey. Portions of Walnut Forest, Interstated Highway 35, also Yager Lane, and Coxville Interchange. (Initiated by the City of Austin.) (Case No. C7a-75-005)

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

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

#### CONSIDERATION OF HEARING ON APPEAL OF SPECIAL PERMIT

The Council had before it the setting of a public hearing on an appeal by Harriet E. Buxkemper of the decision of the Planning Commission granting a special permit to Teague-Buda to reroute Harper's Branch, install new wastewater mains and watering system for trees adjacent to the fill area, and to place the Ramble in a 5' x 6' box culvert. However, this item was postponed until May 29, 1975.

## POSTPONEMENT OF APPROACH MAIN CONTRACT

Consideration of a resolution authorizing execution of the proposed Approach Main Contract for Travis Country was postponed until such time as the Environmental Board could come back to the Council with a recommendation with regard to the annexation considered earlier in the meeting. Councilmember Lebermann moved that the Council postpone consideration of this resolution as mentioned above. The motion, seconded by Councilmember Linn, carried by the following vote:

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

## ORDINANCE CONCERNING IMPROVEMENTS TO RUNDBERG LANE

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

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 Linn, carried by the following vote:

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

The Mayor Pro Tem announced that the ordinance had been finally passed.



## ZONING ORDINANCES

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 5 AND 6, BLOCK 1, POST ROAD ADDITION, LOCALLY KNOWN AS 112-114 POST ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Dennis Bauerle, C14-75-014)

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 Linn, carried by the following vote:

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Snell 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:  
(1) A 0.988 ACRE TRACT OF LAND, LOCALLY KNOWN AS 5605 SOUTH CONGRESS AVENUE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,  
(2) LOT 14, OUTLOT 20, DIVISION "D," HORST SUBDIVISION, LOCALLY KNOWN AS 1910 WHITIS AVENUE AND ALSO BOUNDED BY WEST 20TH STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, THIRD HEIGHT AND AREA DISTRICT; AND,  
(3) A 1,200 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2001 WHELESS LANE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT;  
ALL OF 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. (M. H. Flournoy, C14-75-027; Victor F. Wilkening, C14-75-028; Crow & Associates, C14-75-032)

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 Linn, carried by the following vote:

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### AMENDMENT TO AIRPORT CIP

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 741017-M, CAPITAL IMPROVEMENTS PROGRAM BUDGET, TO APPROPRIATE \$453,628 FOR THE ACQUISITION OF SIX LOADING BRIDGES TO BE UTILIZED BY THE AIRLINES AT MUNICIPAL AIRPORT; FOR TRIM OUT EXPENSES INCURRED FOR FIVE GATE HOLDING POSITIONS; PROVIDING THAT SUCH APPROPRIATION BE CONDITIONED UPON THE CREATION OF AN AIRPORT CAPITAL PROJECT RESERVE AND DEDICATION OF REVENUES FROM AIRLINE AGREEMENTS; PROVIDING FOR AMORTIZATION OF THE COSTS HEREIN AUTHORIZED AS WELL AS THE CREATION OF ADDITIONAL OPERATING REVENUES IN THE 1975-1976 OPERATING BUDGET; AND DECLARING AN EMERGENCY.

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

The Mayor Pro Tem announced that the ordinance had been finally passed.

## ORDINANCE REGULATING SALE OF CERTAIN INTOXICATING SUBSTANCES

The Council had before it an ordinance amending Section 23-8, Chapter 23, of the Austin City Code of 1967 by substituting in lieu thereof new Section 23-8, regulating the sale of certain intoxicating substances and decriminalizing the inhalation of such substances.

In response to a question from MR. EDWARD BACON, City Attorney Don Butler stated that the substances covered by this ordinance were any glue, cement, or copper, silver or gold aerosol paint containing toluol or toluene; and the ordinance would make it unlawful to sell to any person under the age of 17.

MR. HOWARD O'DONNELL, representing Davis Hardware, commented that the proposed ordinance not only regulated the sale of those items but also regulated the display in stores and required record keeping on each sale. He submitted that there were hundreds of these items sold every day in stores, and he stated that he could not live with the ordinance the way it was stated.

In response to Councilmember Lebermann's question, Mr. O'Donnell suggested that Austin use an ordinance similar to that of Dallas. He noted that Dallas had two separate ordinances, one for model glue and another for other items such as spray paint; but they did not regulate the display or record keeping.

City Attorney Don Butler noted that originally he had recommended that the provision in the ordinance for record keeping be eliminated, and he had recommended that it be an offense to inhale because the City could not effect any treatment. Councilmember Linn pointed out that the provision for display was included in the ordinance because one of the big problems had to do with shoplifting.

MR. MARIO MORALES, Montopolis Advisory Board to the Storefront, noted that not only copper, gold and silver spray paint contained toluene but also bronze and aluminum. He also noted that there had been discussion among the Council concerning some treatment; and he submitted that the ordinance had no mention of this, and this was what he had wanted in the ordinance. He suggested that the display situation was no problem because other stores had taken only the three mentioned paints off their shelves.

He recommended that the bronze and aluminum aerosol spray paints be included and that there be a provision that an offender be taken to some establishment for treatment.

The City Attorney submitted that the ordinance was not necessarily the place to spread out the treatment provision, and he suggested that the City Manager be given appropriate instruction to investigate the implementation of such. He also suggested that a resolution might be the most appropriate method to give substantial public assurance.

The City Manager stated that if the Council wanted to accomplish this objective, this could be omitted from the ordinance; and he would come back later and tell the Council how he intended to handle this.

Councilmember Himmelblau wanted to delay a decision of the ordinance for a week in that she was not familiar with the Dallas ordinance, and she wanted to see what it contained before she voted on this.

Councilmember Lebermann agreed that a week's delay might be appropriate, and he was concerned about the ordinance's being policed and enforced correctly.

MR. HAL MOORE, Montopolis Storefront No. 1 Advisory Committee, stated that he had occasion to meet with a toxicologist at the University of Texas; and he submitted that toluene was a more powerful narcotic than benzine. He asked that the Council vote for the ordinance and pass it through all three readings to get it on the "books" as soon as possible.

MR. MALCOLM GREENSTEIN, representing the Austin Committee for Justice, stated that there was no difference in the metallic and non-metallic paints as far as toxic qualities; and he asked that the Council prohibit not only the paints mentioned but all paints that contain toluene. He noted that toluene had been defined as "being included in but not limited to glue, cement, dope, paint thinners, paint, and any other combination of hydrocarbons."

MR. PAUL HERNANDEZ, representing Carnales, Inc., asked that the Council overlook the interests of the businessmen and take the interests of the children at heart.

MR. WALTER VON MERZ, Walter Tips Company (distributor of warehouse and building products), submitted that cements and industrial glues would be included in this ordinance.

MR. JAMES KEITH KNAPP felt that the proposed ordinance would be sufficient. He suggested that there were numerous items in a department store that contained toluene; and if everything that contained toluene was restricted, he felt that there would be a serious display problem.

Councilmember Linn suggested that the ordinance could address itself to other aerosol paints containing toluene.

In response to Councilmember Linn's request, Mr. Moore stated that there was a certain percentage of aromatic hydrocarbons in all aerosol spray paints; but the metallic paints contained 65%, and a non-metallic paint such as red contained 12%. He mentioned that an experiment had been conducted with red paint, which displayed its potency.

MR. ROWLAND PERSONS, Bradford Paint Company, felt that an ordinance had been proposed that he would be glad to support and try to enforce and to use to educate retailers around Austin. He proposed that cement be omitted from the ordinance and that the ordinance be passed to help the kids learn the dangers of paint and glue sniffing.

Mayor Pro Tem Snell suggested that the Council should wait until next week and let the City Manager bring back his procedure for handling the treatment, and Councilmember Lebermann felt that this was an excellent suggestion.

#### Motion

Councilmember Linn moved that the Council pass the ordinance with two amendments as follows:

Part 1. "...The City Council further finds that persons who inhale these substances are often in need of treatment and rehabilitation rather than punishment and that all appropriate steps be taken to effect that objective."

Part 2.(a) (1)"...to see or transfer possession of any glue, cement, or aerosol paint containing toluol or toluene..."

The motion died for lack of a second.

Councilmember Himmelblau commented that she would like to meet with Mr. Moore before she voted on this.

Councilmember Lebermann moved that the Council postpone consideration of this until May 29, 1975. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Councilmembers Linn, Trevino

Absent: Mayor Friedman

#### AMENDMENT TO ORDINANCE CONCERNING INTOXICATING LIQUORS

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 14 OF THE AUSTIN CITY CODE OF 1967; CHANGING REFERENCES CONTAINED THEREIN FROM "THE LIQUOR CONTROL BOARD" TO "THE ALCOHOLIC BEVERAGE COMMISSION"; PROVIDING FOR ADDITIONAL CATEGORIES OF ANNUAL OCCUPATION TAXES; CLARIFYING CERTAIN PORTIONS OF CHAPTER 14; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Absent: Mayor Friedman

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### AMENDMENT TO HEATING, AIR CONDITIONING, AND REFRIGERATION CODE

The Council had before it the second and third readings of an ordinance amending Chapter 39, Heating, Air Conditioning, and Refrigeration Code to provide for restricted Masters' licenses; reinstate permit and inspection authority out of the City; use of PVC piping with .060 inches minimum wall thickness for condensate drain lines. It was noted that there had been some concern as to whether or not there should be insulation for the piping.

MR. LONNIE DAVIS, Building Department Director, noted that with the inferior grade piping the only problem experienced had been lags; and with the passage of the ordinance, there would be better grade pipe with supports every 24 inches. He commented that there had not been complaints of condensation on the lines. He stated that he had been instructed to do some background work on the testing for condensation, and he noted that this had never posed enough of a problem for the National Codes to address themselves to it.

Mr. Davis stated that the staff's greatest concern when they came before the Council with an amendment to an ordinance was to strengthen or upgrade, and he felt that their purpose for being there was to be consumer oriented. He stated that the City would not be doing the consumer justice by having this money spent for something that was not necessary.

MR. FRANK GERLING, President of Gerling-Thomas, Inc., stated that he had been asked to investigate to see if he could determine what the heat transfer coefficient might be with the proposed pipe. He indicated that the only figures they had were based on a piece of pipe running full of a certain temperature of liquid. However, he found that plastics had approximately six times the insulating value as the metallic pipe. He noted that they were unable to make a calculation that would indicate that pipe would condensate on the outside under Austin's local weather conditions. Mr. Gerling stated that in the years he had used this pipe and other plastic materials, he had never seen one of the lines sweating on the outside.

MR. GEORGE SMITH, President of George Smith, Inc., stated that as a contractor, he had installed thousands of units using the proposed drain line or a lesser quality drain line; and to this date, he had never received a complaint of sweating from a condensate line. In serving on the Codes Revision Committee and the Heating and Air Conditioning Appeals Board, he had yet to have a complaint or any input from anyone about this being a problem.

MR. JAMES HAMRICK, Business Agent for Plumber's Steamfitters, was no authority on plastic pipe with regard to sweating; but he stated that he was concerned with insulation in the attics and the chance the homeowners might have. He submitted that when the humidity was high, there would be condensation where there was a conductor.

In response to Councilmember Linn's question concerning the effect of condensation, Mr. Hamrick stated that his main concern was in the attic or above a ceiling where there was a drain line.

MR. LARRY ZUNKER, President of Climate Engineering of Austin, Inc., stated that he had never had a problem with any condensate forming on a line.

In response to Councilmember Lebermann's question, Mr. Zunker indicated that it was his opinion that the material was adequate and would have the effect of holding down the cost of building.

There was discussion between Councilmembers Lebermann and Linn, and Councilmember Lebermann was convinced that the material was adequate and that sweating would not occur in damaging amounts.

#### Motion

Mayor Pro Tem Snell brought up the following ordinance for its second and third reading.

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1967; REPEALING CERTAIN PROVISIONS OF SHAPTER 39; RENUMBERING CERTAIN PROVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the ordinance be passed through its second and third readings as recommended but that the insulation requirement be maintained. Councilmember Trevino seconded the motion.

#### Substitute Motion

Councilmember Lebermann moved that the ordinance be passed through its second and third readings as recommended. Councilmember Himmelblau seconded the substitute motion. Roll call showed the following vote:

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

The Mayor Pro Tem announced that the motion had failed to carry.

#### Roll Call on Motion

Roll call on Councilmember Linn's motion, Councilmember Trevino's second, that the ordinance be passed through its second and third readings as recommended but that the insulation requirement be maintained, showed the following vote:

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

The Mayor Pro Tem announced that the motion had failed to carry.

Motion

Councilmember Lebermann moved that this be reconsidered and placed back on the agenda for May 29, 1975. The motion, seconded by Councilmember Linn, carried by the following vote:

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

APPEARANCE CONCERNING REQUEST FOR ROLL BACK IN ZONING DESIGNATION

Mr. Lodis Rhodes, representing Brodie Lane Homeowners Association, appeared before the Council to present petitions and request a roll back in zoning designation on tracts of land on Brodie Lane as follows:

8101-8307 Brodie Lane Case No. C14-75-002  
also bounded by Thomas Kincheon Street,  
Dunliegh Drive, and Plantation Road

Intersection of Brodie Lane and Eskew Case No. C14-75-010  
Drive and Brodie Lane and Woodstone  
Drive

He noted that they had been informed that technically these were still carrying an Interim "A" Residence designation and would not take on "LR" Local Retail District until such time as the Council passes the necessary ordinance required for the beginning of construction.

Mr. Rhodes stated that he had a series of petitions that had been signed by residents of the area encompassed by the Association, and they hoped it would be possible for the Council to initiate consideration of a zoning roll back prior to the construction on the land in question. He suggested that it would effect a substantial savings in money and would insure the environmental integrity of much of the land along Brodie.

He commented that the residents of Kincheonville were either not aware or were not notified of the earlier public hearings which were held in February and March, 1975. He suggested that the approval of the zoning was the beginning of the destruction of their neighborhood, and he felt that the Council had now zoned for either commercial or industrial the vast majority of Brodie Lane.

MS. NORMA DAY submitted that they were not notified of the zoning change and asked that the Council think over the situation and decide not to have another Clarksville or St. Johns. She asked that they be given a chance to live.

MR. WOODROW SLEDGE, Austin Independent School District, noted that the zoning change was for a proposed shopping center; and at the time he spoke to the developer, he indicated that the School Board was concerned with the size; and he warned them that he would like for appropriate planning standards to be observed in the sizing of the shopping center. It was also noted that there was a proposal for a junior high school a quarter mile north of the elementary school, and he visualized a stream of pedestrian and bicycle school traffic; and he could not see this commercial strip out here in the country. He asked



that the Council take a look at this again and give them some relief.

Mr. Rhodes took this opportunity to review the area and submitted that it involved high income professionals who were very much concerned about what happened to the environment of their neighborhood.

MR. PHIL MOCKFORD, representing the Central Texas Service Corporation (applicant in Case No. 010), did not believe it was appropriate for the Council to consider this. He submitted that they believed there was a need for commercial development in the area. He noted that they had never failed to appear before any neighborhood group that indicated any interest and stated that they never heard from any. He felt that they should be able to move on with the development of this.

City Attorney Don Butler noted that the Council had approved zoning changes for both these cases subject to certain conditions being met; and for all practical purposes, that was the end of the case. He pointed out that under the Zoning Ordinance a roll back may be initiated by the City or the owners of the land, and the Association was asking that the City initiate the roll back. He listed the Council's options:

1. Wait until the zoning change has been effected and then send back to the Planning Commission initiating a roll back.
2. Act at this time to indicate a roll back is not appropriate in the Council's estimation and that the Council does not want the City to initiate a roll back.

Mr. Sledge stated that he was opposed in principle to roll back where there was a matter of confiscation of value; however, he suggested that there had been no substantial investment in this, the excessive amount of land strip commercial was obvious, and he did not believe any high matter of confiscation was involved here.

Councilmember Himmelblau commented that curb cuts had been eliminated so that there would not be a traffic hazard, and she remarked that it was not the policy of the past Councils to roll back on someone else's property.

#### Motion

Councilmember Himmelblau moved that the request for roll back in zoning designation on tracts of land on Brodie Lane (Case Nos. 002 and 010) be denied. Councilman Lebermann seconded the motion. Roll call showed the following vote:

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

The motion failed to carry.

#### Motion

Councilmember Linn moved that the Council hold a public hearing on this matter at night. Councilmember Trevino seconded the motion.

Substitute Motion

Councilmember Himmelblau moved that the Council send this back to the Planning Commission for review and input with regard to any changed conditions. Councilmember Lebermann seconded the substitute motion. Roll call showed the following vote:

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

The Mayor Pro Tem announced that the substitute motion had carried.

## WILD BASIN WILDERNESS PARK

Ms. Janet Poage, representing "Now or Never," appeared before the Council to discuss a proposal for a 400-acre wilderness park in the Wild Basin of Bee Creek. She noted that this proposal had been made to the County Commissioners Court with the thought that the project would be a joint one between Travis County and the City, with an application to be made to the Federal Government through the Texas Department of Parks and Wildlife for Bureau of Outdoor Recreation. She stated that her organization had done all the staff work in establishing this proposal and had contacted property owners and Parks and Wildlife. She indicated that the proposal would be for acquisition over a 3-year period of time as follows:

- First year -- an input of \$175,000 each, matching \$350,000 from Bureau of Outdoor Recreation
- Second year - donations of land and money to bring in another \$700,000 worth of land
- Third year - completion of the 400-acre tract

She reviewed the location by use of slides.

Councilmember Lebermann noted that Mr. Jack Robinson, Parks and Recreation Director, had indicated that his department could recommend this since it was 25% participation with the County and 50% from the Bureau. He added that the application would be put forward with the understanding that the money would be committed at the proper budgetary time and that the City was not locked into any price.

Councilmember Lebermann moved that the Council direct the Parks and Recreation Department to work with the committee on Wild Basin Wilderness Park established by the Travis County Commissioners Court to study the feasibility of a joint City-County application to be submitted prior to July 1, 1975, to the Texas Department of Parks and Wildlife for Bureau of Outdoor Recreation matching funds to establish a wilderness park in the Wild Basin of Bee Creek, Austin, Travis County, Texas, and that the ~~mechanics be set in motion~~ be set in motion with the understanding that all the City's options remain open. The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### CHARTER REVISION COMMITTEE REPORT

MR. CHARLES MILES, Chairperson of the Charter Revision Committee, stated that they were present regarding funding of their staffing. MS. RUTH EPSTEIN, Chairperson of the Budget and Staffing Committee, stated that they believed good staffing for research and coordination was necessary to insure the high quality of their final proposals to the Council and recommended the following:

1. The immediate hiring of a coordinator to begin research activities as well as aid the Committee in the administrative functions necessary to carry out the work plan of the Committee. (The Coordinator should be hired and paid through the office of the City Clerk but would be selected by and responsible to the Committee for all duties performed.)
2. The adoption of a flexible staffing pattern to meet the needs of the subcommittees.
  - a. The use of all expert consultants who might be able to donate their services.
  - b. Graduate student interns who might be able to undertake specific short-term research projects under the direction of the Committee coordinator.
  - c. Paid consultants whose services would not be available to the Committee on any other basis.
  - d. Paid staff services assistants who would work full-time as subcommittee staff for a specified period of time.
  - e. Style and Drafting Consultant to be retained on a monthly basis.
3. All clerical and secretarial support functions for the Committee and subcommittees be provided through the City Clerk's office.
4. Office space, necessary equipment and supplies for up to six people.
5. Public Information Office be directed to provide all possible support in preparing press releases, meeting notices, and information to the general public.

6. Duties be assigned the coordinator to oversee the budget and authorize the expenditure of funds. A record of all expenditures should be kept and a report prepared and distributed to the full Committee on a monthly basis.
7. All travel requests have prior approval of the Chairperson and that any Committee member or staff employee be reimbursed for travel in the same manner as City officials.

She noted that the budget was approved by 19 of the Committee members and disapproved by two.

MR. ED WENDLER, Chairperson of the temporary committee on Rules and Procedures, stated that there was an ordinance before the Council that laid out their request.

MS. MARY BETH ROGERS, Vice Chairperson of the Committee, felt a need for the staff and suggested that in the past there had been lack of research, and they were looking for the best way possible to funnel to this Committee some supportive data to technical ideas and some sort of record of practical application throughout other cities in the country. She felt that someone not already on the City's staff might be able to give a fresh view and some new approaches. She asked that the City find available funds and put them together in a way that would enable the Committee to do the staff work and suggested that this should be a high priority item with regard to looking toward solutions and ways to make government responsive through the 1970's and 1980's.

MS. MARGARET GOMEZ felt that she had been appointed to this Committee and had been turned loose to try to do a job on the Charter and suggested that maybe some direction should have come from the Council. She stated that she would work to do a good job and felt that they needed some staff to help them put all this material together that they would be gathering.

MR. DAN RUIZ submitted that if this budget was approved, they would do their best to seek help free of charge. He indicated that they would be working very closely with the City staff, but he noted that employees were involved in their day to day business of the City; and this would enable them to have this staff with their primary responsibility being the Committee.

In response to Councilmember Trevino's question as to whether or not the City had personnel to provide the Commission with assistance on a top priority basis, City Manager Davidson stated that there were not seven people to provide this for the next six months; however, he felt that based on the procedure of outlining their objectives and research, the City was able to accommodate their requests.

Councilmember Himmelblau suggested that because of Mayor Friedman's absence, this should be postponed for one week.

Councilmember Himmelblau moved that the Council postpone consideration of this until May 29, 1975. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

There was discussion concerning the possibility of reducing the requested number of people.

MR. ROYAL MASSET read a statement that had been signed by himself, and Messrs. Barr McClellan, Bill Youngblood, Bud Shivers, and Dr. James Lassiter in which they opposed this requested expenditure of public funds and felt that it did not represent an emergency and that they could do the work within the existing City budget.

Councilmember Lebermann requested that this above referenced report along with comments in response to inquiries concerning legal matters be compiled and sent to the Council right away.

#### ITEM CONCERNING POLICE COMMUNITY RELATIONS TASK FORCE

Dr. John Warfield, Vice Chairman of the Police Community Relations Task Force, appeared before the Council and requested the Council's support in completing its mandate. He made the following requests:

1. A clear mandate be given to the Task Force from the Council to the general and overall support of the objectives of the Task Force's work and that this mandate include the solicitation of cooperation from the Police Department.
2. The Council reinstate the staff necessary to complete their appointed work:
  - a. Shirley Shaw, Staff Coordinator - Job tenure: 45 days.
  - b. Zeke Romo, Interviewer/Investigator - Job tenure: 45 days.
  - c. James Kline, Style and Draft Consultant - Job tenure: 45 days.
  - d. Carlotta Collins, Secretary - Job tenure: 60 days.
3. The appointment of Dr. John Warfield as Chairperson of the Special Police-Community Relations Task Force.

He committed the Task Force to a full and final report to the Council in 60 days and requested that adequate office space, machinery and equipment, and all staff authority necessary to acquire materials, telephone systems, etc., be supplied.

#### Motion

Councilmember Himmelblau moved that the City Manager provide the necessary City staff to assist the Task Force in completing its report in 45 days, with a final report presentation on July 17, 1975. Also, that a staff member of the City Manager's Office be assigned to the Task Force to assist the Chairperson

and Subcommittee Chairpersons in developing a specific work schedule and report format so that assigned staff will have specific work tasks to complete in a brief period of time. Further, it would seem appropriate for two of the persons employed under the Manpower program for Task Force work be retained for no more than an additional 20 working days to finish their information gathering and draft subcommittee reports. (The City Manager's staff members will then assist the Task Force in preparing their final report.) The motion was seconded by Councilmember Lebermann.

#### Substitute Motion

Councilmember Dr. Linn moved that the Council adopt the recommendations of the Task Force and accept Dr. Warfield as Chairperson and issue a mandate to continue their full work. The substitute motion died for lack of a second.

#### Amendment to Motion

Councilmember Trevino amended Councilmember Himmelblau's motion to accept Dr. Warfield as Chairperson and to include the solicitation of cooperation from the Austin Police Department. Councilmember Himmelblau accepted the amendment.

Councilmember Hofmann wanted to see that the two people mentioned in the motion were Shirley Shaw and Zeke Romo. In response to this, City Attorney Don Butler noted that the Council could not instruct the Manager who to hire.

There was extensive discussion concerning the motion and the request that had been made by the Task Force and their similarities and differences.

#### Roll Call on Amended Motion

Roll call on Councilmember Himmelblau's amended motion, Councilmember Lebermann's second, showed the following vote:

Ayes: Councilmembers Himmelblau, Trevino, Hofmann

Noes: Councilmember Linn, Mayor Pro Tem Snell

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

The amended motion failed to carry.

MR. LARRY JACKSON, member of the Task Force, suggested that there were members who were not willing to work with the Manager's office; and if the Council felt their attitudes were not representative of the City, they should be relieved.

MR. ROMO submitted that he would not work under the conditions as set out in the motion because he felt that they had come to the point where everyone has forgotten about the people who had been beaten up.

MR. NORMAN EATON asked that they be allowed to finish their work by themselves. In response to Councilmember Hofmann's question, Mr. Eaton noted that a majority now felt that they had come to a concrete wall and they could go no further.

Mr. Davidson noted that the completed report would reflect the Task Force's views, and he was willing to provide the Task Force with whatever expertise needed to get the job done. Mr. Davidson continued by stating that he had a commitment to the Council to do an outstanding job in completing this report with the information presented by the Task Force and edited by the Task Force.

MS. SHAW stated that she would not be able to accept employment under this motion.

Mr. Eaton stated that what was important to him was the mandate from Council and their understanding with the Police Department.

After further discussion, it was determined that this item would be reconsidered next week.

Dr. Warfield commented that he could not continue, and City Manager Davidson remarked that he had extended an invitation to Dr. Warfield to come in and meet with some of the people on the staff to explain what could be done and on what basis. He stated that he would be pleased to extend that identical invitation to meet with him prior to next week to get a better idea of what would be available to him and the Task Force.

Mr. Jackson felt that the Council should appoint another Task Force and announced that he was resigning.

There were remarks from the Council, and Councilmember Trevino stated that he hoped the Task Force would not give the public the impression that the Council was unresponsive and unsensitive to their needs.

#### APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes of May 6, 1975 (10:00 a.m.); Special Meeting Minutes of May 7, 1975 (8:00 p.m.); Special Meeting Minutes of May 8, 1975 (10:30 a.m.); Regular Meeting Minutes of May 8, 1975 (1:00 p.m.); Special Meeting Minutes of May 15, 1975 (7:30 p.m.); and Special Meeting Minutes of May 19, 1975 (9:30 a.m.). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

In the Special Meeting Minutes of May 15, 1975, Councilmember Hofmann noted a correction in the spelling of Mrs. ~~Hof~~heinz and the correction of her statement that she pledged to those who had supported her and those who had not that she would do the very best she could.

## ZONINGS SET FOR PUBLIC HEARING

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on July 3, 1975:

FRANK BARRON C14-75-060	7200-7216 Cameron Road also bounded by St. Johns Avenue	From "LR" Local Retail To "C" Commercial
GEORGE R. HABERLIN, Independent Executor of the Estate of Alma Tabb Harrell 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
S. A. THIELEPAPE, JR., ET AL C14-75-062	5200 Airport Boulevard	From "A" Residence To "C" Commercial
FRED C. MORSE By John A. Echols C14-75-064	8041-8105 Burnet Road 2309-2327 Teakwood Drive	From "A" Residence To "GR" General Retail
THE R & O CORPORATION By Robert L. Davis C14-75-065	8627-8637 Balcones Drive	From "A" Residence To "GR" General Retail
AUSTIN BAPTISTS ASSOCIATION By John C. Blazier C14-75-066	707-713 East First Street also bounded by Driskill Street and Interstate High- way 35	From "B" Residence To "C" Commercial
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
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
BARTON-WEST ASSOCIATION, LTD. C14-75-029	2142-2150 West Ben White Boulevard 2201-2327 Prather Lane 4000-4312 Victory Drive	From "A" Residence To "GR" General Retail (Tracts 1 & 2) and "C" Commercial (Tract 3)



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

908 Holly Street also  
bounded by San Marcos  
Street and Interstate  
Highway 35

From "A" Residence  
To "GR" General Retail

MRS. JIMMIE LEA  
HAZLEWOOD CHRIS  
By Terry J. Sasser  
C14-75-052

2201 Lake Austin  
Boulevard also bounded  
by Foster Avenue and  
MoPac Boulevard

From "A" Residence  
To "GR" General Retail

MOONLIGHT TOWERS  
(City of Austin, owner)  
C14h-74-028

4th and Nueces Streets  
Leland Street and East  
Side Drive  
Canterbury and Lynn  
Streets  
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 and Speedway; 23rd  
and Red River Streets;  
11th and Trinity Streets;  
9th and Guadalupe  
Streets; City Park;  
Zilker Park

From Various Zoning  
Classifications  
To "H" Historic

#### SPECIAL PERMIT APPLICATIONS

LOUIS BONUGLI  
By Buford Stewart  
C14p-75-022

2500 South Lamar  
Boulevard  
2001 Montclair  
Street

(presently zoned "O")  
For a neighborhood  
convenience drive-in  
grocery store.

JOANNE BURGEY  
C14p-75-023

3216 South Congress  
Avenue also bounded  
by Frederick Street

(presently zoned "C-2"  
Commercial, 6th Height  
and Area) For a lounge  
and game room called,  
"The Warehouse"

BOB R. HOWERTON  
C14p-75-024

4018-4200 Victory  
Drive

(presently zoned "C"  
Commercial, 2nd Height  
and Area) For a 100-bed  
hospital called "Travis  
General Hospital"

HARVEST TIME PENTA-  
COSTAL CHURCH OF  
GOD  
By Dale B. Hill  
C14p-75-025

1300 Redd Street also  
bounded by Banister  
Lane

(presently zoned "A"  
Residence) For a day  
care center for 73  
children called "Harvest  
Time Day Care Center"

ROBERT ABBASSI  
C14p-75-026

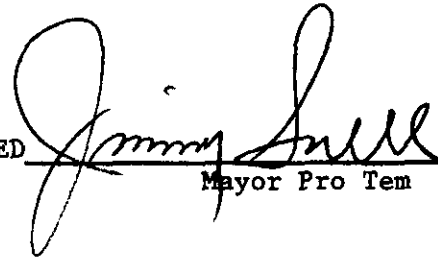
4206 Duval Street

(presently zoned "LR" Local  
Retail) For a restaurant.

ADJOURNMENT

The Council adjourned at 5:35 p.m.

APPROVED

  
Mayor Pro Tem

ATTEST:

  
City Clerk