

MINUTES OF THE CITY COUNCIL  
CITY OF AUSTIN, TEXAS  
Special Called Council Meeting  
August 23, 1979  
5:00 P.M.  
301 West Second Street  
Council Chambers

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None


Mayor McClellan opened the meeting scheduled for 5:00 P.M., stating that this was a Special Called Meeting of the City Council for the purpose of publicly announcing that it will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session any final action, decision or vote with regard to any matter considered in the closed or executive session would be made in open session, should such action, decision or vote be necessary.

Mayor McClellan announced that the Council would go into executive session at this time to consider the items authorized in Section 2, Paragraphs (e), (f) and (g) of article 6252-17, Texas Revised Civil Statutes Annotated.

APPROVED

  
Mayor

ATTEST:

  
City Clerk

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting  
August 23, 1979  
6:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

Reverend Gerald Dickerson, Cherry Road Baptist Church, gave the  
Invocation.

EQUALITY DAY

Mayor McClellan read a proclamation designating August 23, 1979, as  
Equality Day. Accepting the proclamation with their thanks were Vickie Worsham,  
Coordinator, Austin Chapter of NOW; and Barbara Duke.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes of  
the Meeting for August 9, 1979. The motion, seconded by Mayor Pro Tem Cooke,  
carried by the following vote:

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

Noes: None

## BOARDS AND COMMISSIONS

Councilmember Goodman moved that the Council approve the following Board and Commission appointments:

Arts Commission

Jerry Conn  
Paul Foreman

Terms to expire 10-1-81

Renewable Energy Resources Commission

Chuck Randolph

Term to expire 7-1-81

Energy Conservation Commission

George Matcek

Term to Expire 7-1-80

Citizens' Board of Natural Resources  
and Environmental Quality

Ron Cartlidge

Term to expire 7-1-80

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

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Mullen, Snell,  
Trevino, Mayor McClellan

Noes: Councilmember Himmelblau

Mayor McClellan announced the following Board and Commission appointments will be made August 30, 1979:

Community Development Commission - 2  
Plumbing Advisory Board - 1  
Parks and Recreation Board - 1  
Board of Adjustment - 1  
On-Going Goals Assembly - 1  
Joint Airport Zoning Board - 1  
Employees' Retirement System - 1

The Mayor announced appointments will be made to the Electric Utility Commission and the Hospital Board on October 4, 1979.

## ITEM PULLED FROM AGENDA

Consideration of authorization of eminent domain proceedings to acquire the following tract of land for sanitary sewer easement for the Upper Walnut Creek Wastewater Improvement Project was pulled from the Agenda:

North 20' of Lot 12, North Oaks. (James Curtis Bostic, et ux owners.)

## CAPITAL IMPROVEMENTS PROGRAM

Councilmember Goodman moved that the Council adopt a resolution to authorize acquisition of certain land for the Waller Creek Greenbelt, CAPITAL IMPROVEMENTS PROGRAM No. 75/86-44:

All the east 23.23 feet of Lot 8, Block 62, Original City of Austin. (El Matamoros, Inc.)

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

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

Councilmember Goodman moved that the Council adopt a resolution to authorize the acquisition of certain land for the Spicewood Springs Road Project. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-23:

440 square feet of land for street purposes, 7,015 square feet of land for drainage purposes and public utility easement, and other items. (Charles D. Alexander and Robert C. Raley)

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

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

Councilmember Goodman moved that the Council adopt a resolution to authorize the acquisition of certain land for the Spicewood Springs Road Project. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-23:

1,545 square feet of land out of Lot 8, Block A, Mesa Village.  
(R. T. Mayfield)

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

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

Councilmember Goodman moved that the Council adopt a resolution to authorize the acquisition of certain land for the Police Firearms Training Facility. CAPITAL IMPROVEMENTS PROGRAM No. 78/87-01:

23.91 acres of land out of Lots 4, 4A, 5 and 5A, Martinshaw Subdivision. (Cecil Ruby Co., Inc.)

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

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

#### CONTRACT AMENDED

Councilmember Goodman moved that the Council adopt a resolution authorizing an amendment to the contract between the City of Austin and the Paramount Theatre for Performing Arts. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### RELEASE OF EASEMENTS

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

A Public Utility Easement across parts of Beecave Woods Section One and Two, and the release of two Electric Guy Wire Easements, one being out of Lot 21, Block A and the other out of Lot 31, Block A, Beecave Woods, Section Two. (Requested by Ralph Harris and Associates, representing Mr. Glenn Means, owner)

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

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

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

A Twenty-five (25.00) foot wide Drainage Easement and a Waterline and Meter Easement being out of Lot 1, Block A, Bee Caves Section Two. (Requested by Bryant-Curington, Inc., representing Austin Mall)

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

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

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

Portions of ten foot (10') Public Utility Easements out of Lots 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3405 and 3406, located in the Lakeway Section 26-B Subdivision.

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

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

#### LICENSE AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to accept a License Agreement granted by Laguna Gloria Art Museum, Inc., and payment of \$4,100.00 in consideration of their assuming all liability for the cost of removing an existing rock wall and gates, storing same and granting the license agreement. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### PAYMENT AUTHORIZED

Councilmember Goodman moved that the Council adopt a resolution to authorize payment to the following:

CAPITOL CITY CONSTRUCTION COMPANY - The cost difference of 12"/8"  
Water Main installed in Commerce  
Square Subdivision - \$6,974.80.

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

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

#### WASTEWATER APPROACH MAINS

Councilmember Goodman moved that the Council adopt a resolution approving the following Wastewater Approach Mains:

AUSTIN SAVINGS AND LOAN - For construction of an 18-inch and  
15-inch wastewater approach main to  
serve Oak Park Subdivision -  
\$103,000.00 (City cost participation  
\$80,500.00 if annexed within one year)

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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following Wastewater Approach Main:

MR. RANDY ROGERS

- For construction of an 8-inch wastewater approach main to serve The Highlands of Oak Forest Sub-division - \$33,700.00 (City cost participation \$16,850.00)

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

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

#### CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

CULLUM & DICKEHUT CONSTRUCTION CO.  
P. O. Box 426  
Marble Falls, Texas

- CAPITAL IMPROVEMENTS PROJECT - Boggy Creek South Wastewater Interceptor  
Project IIA - \$313,383.25  
C.I.P. No. 73/50-25

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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

MINE SAFETY APPLIANCE COMPANY  
600 Penn Center Boulevard  
Pittsburgh, Pennsylvania

- Air Masks and Components, Fire Department  
Items 1-C - \$71,488.92

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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

BRISTOL INSTRUMENTS SYSTEM  
Acc-Bristol Division  
7701 Parnell Street  
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Potentionmetric Type Strip Chart  
Recorder, Electric Utility Department.  
Item 1, 4 ea. @ \$3,050.00  
Total \$12,420.00 C.I.P. No. 75/39-01

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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

JENTSCH-BOYD CONSTRUCTION COMPANY  
5109 Manchaca Road  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Lost Creek Section 3 and Bee Cave  
Woods, Section Two, Electric Conduit  
System Two - \$84,665.00  
C.I.P. No. 75/30-01

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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

OLMOS CONSTRUCTION COMPANY  
1003 Howard Drive  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Overlay of Miscellaneous Streets -  
\$180,060.00 C.I.P. No. 78/62-16

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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

NPC REALTY COMPANY  
6010 Brooks  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Proposed Paving and Drainage  
Improvements - Kramer Lane and  
Pecusa Drive - \$438,072.20  
C.I.P. No. 78/62-21.



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

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

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

CUTLER REPAVING, INC.  
P. O. Box 3246  
Lawrence, Kansas

- CAPITAL IMPROVEMENTS PROGRAM -  
Repaving of Streets - \$166,088.98  
C.I.P. No. 76/62-16

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

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

#### WIRE LINE LICENSE

Councilmember Goodman moved that the Council adopt a resolution to authorize execution of a Wire Line License for construction of a 12.5 KV power line above the Missouri Pacific Railroad at Bergstrom Spur. (\$300.00 fee will be required) The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### COLISEUM FEASIBILITY STUDY

Councilmember Goodman moved that the Council adopt a resolution to authorize the firm of Jessen Associates, architects, to conduct a Coliseum Feasibility Study. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### ONE-WAY STREETS FOR HOME FOOTBALL GAMES

Councilmember Goodman moved that the Council adopt a resolution to authorize the following temporary one-way streets as part of the University Stadium One-Way Plan, designed to improve traffic flow before and after all of the University of Texas home football games. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

STREET	FROM	TO	DIRECTION
Red River Street	15th Street	38-1/2 Street	Southbound
San Jacinto Blvd.	M. L. King, Jr. Blvd.	30th Street	Northbound

(Temporary Reversible One-Way Street)

Manor Road	Red River Street	Swisher Street	Westbound and Eastbound
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#### SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Councilmember Goodman moved that the Council adopt a resolution to submit an application to the Texas Department of Highways and Public Transportation for a grant in the amount of \$204,527.00 for a Selective Traffic Enforcement Program from October 1, 1979 to September 30, 1980. (No local match) The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### CETA TITLE II-B, OJT PROGRAM

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts for the CETA Title II-B, OJT Program for FY 1980:

SER-Jobs for Progress, Inc.	\$190,766.00
Austin Women's Center	111,966.00
Austin Area Urban League	111,966.00
Total	<u>\$414,688.00</u>

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

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

## BLACKSHEAR PROJECT SALE

Councilmember Goodman moved that the Council adopt a resolution to sell Parcel No. C-4-2 in the Blackshear Project Area to Spencer Nobles for the amount of \$6,200.00. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

## PUBLIC HEARINGS SET

Councilmember Goodman moved that the Council set a public hearing at 10:15 A.M., September 13, 1979, on an appeal of a Special Permit from Lt. Col. and Mrs. H. B. Howard, Jr., granted on File No. C14p-79-030 (Woodland Condominiums Project). The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing at 11:00 A.M., September 13, 1979, to amend the Zoning Ordinance to allow sound recording studios in areas zoned "O" Office. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing at 11:15 A.M., September 13, 1979, to amend the Zoning Ordinance to eliminate conflict between the Zoning Ordinance and the rules and regulations of the Board of Adjustment. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing at 9:30 A.M., August 30, 1979, to consider a Planned Development Area for the Police Training Center south of Burleson Road along Shaw Lane. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Councilmember Goodman moved that the Council set a public hearing at 11:30 A.M., September 13, 1979, to consider annexation of the following:

1. 73.10 acres of land out of the William Cannon League Survey No. 19, O.H. Pool Subdivision, Beacon Ridge Baptist Church Addition, and Beacon Ridge West. (64.60 acres requested by Owner and 8.50 acres initiated by City) C7a-79-008
2. 21.97 acres of land out of the H. T. Davis Survey No. 30, Northridge Park, Section One. (Requested by owner) C7a-79-009

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

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

#### WORK SESSION SET

Councilmember Goodman moved that the Council set a Council Work Session at 9:00 A.M., September 6, 1979, for agency applicants for 1979-80 contract funding. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### HUMANE SOCIETY LEASE AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to approve a Lease Agreement with Austin/Travis County Humane Society. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### PUBLIC HEARING SET

Councilmember Goodman moved that the Council set a public hearing at 2:00 P.M., August 30, 1979, on an appeal of the decision of the Historic Landmark Commission, from Mrs. Ellen Bagby, to move the Woodburn House at 200 East 40th Street. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

## ITEMS PULLED FROM AGENDA

The two following items were pulled from the Agenda:

1. Approval of Contract for DIGITAL EQUIPMENT CORP. - \$84,000.00  
6937 North IH 35  
Suite 116  
Austin, Texas
2. Consideration of City-State Street Maintenance Agreement regarding Koenig Lane.

## STREET REPAVING PROGRAM

Mayor McClellan introduced the following ordinance:

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

## COLISEUM FEASIBILITY STUDY CONTRACT

Mayor McClellan introduced the following ordinance:

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

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

The Mayor announced that the ordinance had been finally passed.

#### TRANSFER OF FUNDS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE CITY OF AUSTIN 1978-79 BUDGET BY AUTHORIZING AND DIRECTING THE TRANSFER OF \$50,000.00 FROM THE CITY PARKS AND RECREATION DEPARTMENT CAPITAL FUND TO THE CITY DEPARTMENT OF PUBLIC WORKS CEMETERY CAPITAL IMPROVEMENT PROGRAM IN PARTIAL PAYMENT OF CEMETERY LAND FOR NORTHWEST RECREATION CENTER SITE; DECLARING ARTICLE 698a-15, V.T.C.S. EMERGENCY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

#### CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS; SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY OWNER, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A.M. ON THE 11TH DAY OF OCTOBER, 1979, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (St. Elmo Road)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS; SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A.M. ON THE 11TH DAY OF OCTOBER, 1979, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Community Development District #7)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF BEAVER STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY ROBERT C. GRAY CONSTRUCTION COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES TO THE CITY IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Beaver Street and others)

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

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

The Mayor announced that the ordinance had been finally passed.

#### FIVE YEAR APPROACH MAIN CONTRACT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNATE TO ENTER INTO A CERTAIN APPROACH MAIN CONTRACT WITH NORTHWOOD DEVELOPMENT CORPORATION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Northwood Sections III and IV)

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

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

The Mayor announced that the ordinance had been finally passed.



## ANNEXATION ORDINANCE

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 535.89 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES COLEMAN SURVEY NO. 25, WILLIAM BELL SURVEY NO. 44, L. LINDSEY SURVEY NO. 287, ROBERT FOSTER SURVEY NO. 43, JAMES JETT SURVEY NO. 1, T. J. CHAMBERS 8 LEAGUE GRANT AND M. D. WILLIAMS SURVEY NO. 49, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Himmelblau moved that the Council pass the ordinance to its third reading. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Cooke

Noes: Councilmember Trevino

Abstain: Councilmember Goodman

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

## ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A PORTION OF ORIGINAL LOT THREE (3), OUTLOT 31, DIVISION "D," LOCALLY KNOWN AS 2210 SAN GABRIEL, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (William G. Gamel, C14-79-046)

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Cooke

Noes: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

THE EAST 160 FEET OF ORIGINAL LOT 3, OUTLOT 31, DIVISION D, ORIGINAL CITY, LOCALLY KNOWN AS 2210 SAN GABRIEL (HURT HOUSE); FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O-H" OFFICE-HISTORIC, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Hurt House, C14h-78-039)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 3.68 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9700-9808 R.M. 620, FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, WILLIAMSON COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Raymond E. Mitchell, Trustee, C14-78-219)

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

Ayes: Councilmembers Himmelblau, Snell, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Abstain: Councilmembers Mullen, Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 3.98 ACRE TRACT OF LAND LOCALLY KNOWN AS 4314-4404 NIXON LANE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Debora A. Threadgill, C14-78-133)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 0.50 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1703 NORTH BLUFF DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO INTERIM "A-H" RESIDENCE-HISTORIC, INTERIM FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Judge Sebron Sneed Home, C14h-77-011)

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

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

Noes: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 14, WOODWARD INDUSTRIAL DISTRICT, LOCALLY KNOWN AS 3800 WOODBURY AVENUE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (W. H. Richardson Company, C14-70-001)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 14, 15, 16 AND 17, BLOCK 2, ST. JOHN'S HOME ADDITION, LOCALLY KNOWN AS 701-707 DELMAR AVENUE AND 7407-7411 MARTIN AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (William J. Joseph, C14-77-100)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 4.89 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 6.60 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 1.97 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 8206-8008, 8006-7628 AND 7624-7616 BRODIE LANE, 3509-3501 AND 3500-3510 ESKEW DRIVE;

SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Central Texas Service Corp., C14-78-117)

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

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

The Mayor announced that the ordinance had been finally passed.

#### ELECTRIC AND HYBRID DEMONSTRATION PROJECT

Mayor McClellan introduced the following ordinance:

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

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

The Mayor announced that the ordinance had been finally passed.

#### BARTON CREEK DEVELOPMENT STANDARDS WORK PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1978-1979 BY APPROPRIATING \$3,000.00 FROM THE GENERAL FUND ENDING BALANCE TO FUND A DETAILED WORK PROGRAM ON BARTON CREEK DEVELOPMENT STANDARDS BY ESPEY HUSTON AND ASSOCIATES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

#### INTERIM AIRPORT IMPROVEMENTS

Mr. Roy Bayless, Director of Aviation, introduced Mr. Jerry Riddle of Bovay Engineers, who presented the following report:

"Concurrent with our recommendations for an initial program of interim improvements at the airport, we would also like to submit our recommendation for architectural services which will be required for this work.

"We have selected two firms, Holt, Fatter and Scott for the terminal building improvements, and Pfluger and Polkinghorn for the concourse addition. Both firms were selected from a list compiled with the assistance of the Office of Facilities Planning and Construction. Personal interviews were held with each firm and each was evaluated using the following criteria:

1. Size and experience of staff
2. Present workload
3. Relationship with former clients
4. Financial condition
5. Type and magnitude of various projects and responsibilities

"The two firms recommended satisfy the above evaluation criteria and are qualified for the projects planned. Additionally, the Department of Aviation and the Office of Facilities Planning and Construction are in accord with these selections."

#### Motion

Councilmember Goodman moved that the Council approve the selection of Holt, Fatter, Scott for airport terminal building improvements architectural services; and Pfluger and Polkinghorn for architectural services for the concourse addition. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

## ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 6:45 P.M. on the following zoning case. Pursuant to published notice thereof the following zoning case was publicly heard:

JOHN H. GRIGGS  
C14-78-093

2100 Payne, also  
bounded by Laird  
Street

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

Ms. Evelyn Butler reviewed the application. She said the applicant has been operating an antique business from his residence and "O" Office is required. On January 4, 1979, Council heard the case and postponed a decision pending completion of the Home Occupation Ordinance, which will be on the Council Agenda on August 30 to set the public hearing on the ordinance. A valid petition against the zoning has been submitted. It would take 6 votes to pass.

MR. JOHN H. GRIGGS, the applicant, appeared before Council and stated his request for a postponement of a ruling on the zoning change for his property until the Home Occupation Ordinance is acted upon.

Councilmember Himmelblau said she did not think Mr. Griggs application would fit under the Home Occupation Ordinance.

Motion

Councilmember Mullen moved that the Council postpone zoning case C14-78-093 until November 15, 1979 at 7:00 P.M. The motion was seconded by Mayor Pro Tem Cooke.

Councilmember Himmelblau reminded Council they had heard this case previously and voted to deny, but because of improper notification they were hearing it again.

MRS. C. T. DOTSON, representing the neighborhood, appeared before Council and requested they make a decision tonight. She said the neighbors were weary of attending meetings concerning this case and said a decision would be appreciated. She said she did not think Mr. Griggs case would come under the Home Occupation Ordinance because he operates his business out of a garage.

A man who did not identify himself, appeared before Council, stated he thought the neighborhood should remain a residential area, said he had attended three Council meetings concerning the zoning application, and requested a decision be made tonight.

Mayor McClellan asked if Mr. Griggs property will come under the Home Occupation Ordinance. Ms. Butler advised, "Not at the way it is written at this time. .... It would call for home occupation in "B" zoning and he has "A" zoning." Mr. De La Rosa, Assistant City Attorney, said the Home Occupation Ordinance would authorize certain home occupations with certain conditions in all

uses in the city with exception of the "MH" District. He said the problem with Mr. Griggs' use is that articles are being stored in public view and direct selling is occurring on the premises. Under the draft ordinance there can be no direct selling and all articles must be stored out of view.

Second to Motion Withdrawn

Mayor Pro Tem Cooke withdrew his second to the motion.

Motion

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission and deny "O" Office. It was seconded by Councilmember Himmelblau.

Substitute Motion

Councilmember Mullen made a substitute motion to postpone Zoning Case C14-78-093 until November 15, 1979, at 7:00 P.M. The substitute motion was seconded by Councilmember Snell.

Roll Call on Substitute Motion

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

RESOLUTION FROM CHAMBER OF COMMERCE

MR. BILL ARCHER, President, Austin Chamber of Commerce, appeared before Council to present a resolution from the Board of Directors of the Chamber of Commerce in support of downtown revitalization. He said the resolution was unanimously passed at their August 7, 1979, meeting. It stated:

"Resolved, the Chamber of Commerce approves the concept of revitalization of the down town area of the City of Austin; commends the City Council for its preliminary planning efforts and urges that the architectural integrity and uniqueness of the City of Austin be maintained and preserved in the final form."

Mayor McClellan thanked Mr. Archer for his appearance and for bringing the resolution to Council.

LEADERSHIP AUSTIN PROGRAM

MR. BILL YOUNGBLOOD, Chairman of Leadership Austin, appeared before Council to present the Leadership Austin Program to them and further invite participation of Council and the citizens of Austin. He said a number of individuals in the community have felt for some time that they see the same names and same faces year after year in positions of leadership as Chairman of the Chamber of Commerce, President of United Way, Chairman of the Board of the United



Way, as Campaign Chairman of the United Way, as President of the American Red Cross, as President of the Salvation Army, as President of Goodwill Industries, etc. He said they have been derelict in not recruiting young people to train them for positions of leadership in this community. That is the essence of the Leadership in Austin program. It is an eight month program beginning in October that will consist of 40 participants sponsored by Austin Chamber of Commerce. Tuition fee will be \$200.00 for the leadership course. He pointed out the highlights of the course, and said 10% of the participants will receive a scholarship to the course. Age limit is 25-45. He asked each Councilmember to find a participant in the community to attend the course.

Councilmember Himmelblau said she did not like the age limit to be set at 45 because there is lots of productivity in older people. Councilmember Goodman thought the age should be younger than 25, and thought the age requirements on both ends should not be limited, and also thought the tuition fee should be waived.

#### WAIVER OF LICENSE FEE FOR SLALOM SKI COURSE

Councilmember Goodman moved that the Council approve the request of MR. GORDON HALL, Vice President, University of Texas Water Ski Team, to waive the \$100.00 license fee for a regulation slalom ski course on Lake Walter E. Long. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

#### BOGGY CREEK CHANNEL EXCAVATION

Mr. Charles Graves, Director, Engineering Department, reviewed a report prepared by the Engineering Department whereby it was proposed that Boggy Creek be widened but not deepened to hold up to 30 acre-feet of flood water.

Mr. Graves stated that the U. S. Army Corps of Engineers was working on a permanent solution to the flooding problem, but that solution was still several years away.

The proposed work would widen a 2,500-foot section of Boggy Creek between Pleasant Valley Road and the MKT and HT & C Railroad Bridge for on-channel storage. 50,000 cubic feet of earth would be removed along the Creek. Sides of the Creek would be sloped and grass planted on them to prevent erosion. Water would rise, but would not stand after a storm subsided.

It was proposed that personnel from the Camp Gary Job Corps be used to operate scrapers to widen the Creek at a cost not to exceed \$30,000. That portion of the work could be completed by the end of October.

Also proposed was a one-year clearing and clean-up program by the Public Works Department for other areas of the Creek, excluding the area between Pleasant Valley Road and the railroad trestle at a cost of \$250,000. If begun immediately, \$30,000 would be needed for a five-man crew, dump trucks and earth moving equipment to work during the rest of this fiscal year.

Mr. Graves felt that the amount of money requested would handle all of the work that could be done on an interim basis.

#### CITIZENS COMMUNICATIONS - BOGGY CREEK

MR. GENARO HERNANDEZ, Chairperson, Govalle Association for Survival, presented the following recommendations for Boggy Creek which had been approved by the neighborhood:

1. Creek to be cleaned of all debris and silt buildup removed.
2. Bridges to be made higher and railroad bridge southwest of Springdale Road replaced with a bridge of new design.
3. Creek to be made the same width for its entire length.
4. Bridge at Shady Lane to be implemented since money already has been appropriated and plans drawn up.
5. Build detention ponds in the vicinity of Rosewood and East 12th Street.
6. Tom Miller Ditch to be rerouted to drain into the Tannehill Branch of Boggy Creek.
7. Any major excavation planned by the City should include the portion of the Creek from Webberville Road to Govalle Park.
8. The City should make it illegal for any property owner to interfere with the flow of Boggy Creek by installing low-crossing bridges, pipe crossings or any other obstruction.

Mr. Hernandez asked why a gas line had not been moved so that the Shady Lane Bridge could be built. Mr. Charles Graves stated that design of the bridge was almost complete and that replacement or removal of the gas line was a step to be taken next. A six-month delay would be involved. Land acquisition for the project was under way, but a substantial number of parcels had to be acquired. The projected date for letting the contract was about 10 or 11 months from now. Construction of the bridge would take about one year. Although the project was authorized in 1976, design of the bridge could not be completed until it was known what the nature of the Corps of Engineers' solution would be. The City was proceeding on the basis of the latest hearing conducted by the Corps of Engineers with the expectation that the Corps would approve the study which was presented at that hearing. Until that hearing, there was no assurance that the City would be building the bridge to be compatible with the Corps of Engineers' project.

Mayor McClellan asked if there was any way to shorten the time between now and bid letting. Mr. Graves replied that about 6 months was the best estimate available from the owner of the gas line, but there might be some adjustment of priorities. Relocation of the gas line would begin as soon as the City acquired the necessary right-of-way. Mr. Graves pointed out that replacement of the bridge per se would not solve the flooding problem.

Mayor McClellan requested that Mr. Graves advise the Council how much the project could be speeded up.

Councilmember Goodman asked the City Manager to look into the possibility of contracting with someone for the property acquisitions needed on the project.

Councilmember Goodman asked Mr. Graves about the rerouting of the Tom Miller Ditch. Mr. Graves said that a way had not been found to reroute the ditch, that it was not a good ditch and its bottom was lower than the creek it drained into.

MR. JORGE D. GUERRA, 900 Linden Street, 78702, business address, 2600 East 7th Street, first requested that a copy of the Minutes be mailed to him and that he would pay for them.

Mr. Guerra stated that two City engineers had asked that he request the Council to intervene in the Tom Miller Ditch affair. He stated that the Tom Miller Ditch was the main flooding problem, not Boggy Creek, because flooding first began with the Ditch. Mr. Guerra stated that the Audubon Society in Austin cared for the birds, but not for Mexican-Americans, Blacks and Anglos in East Austin. He had been told that if the City attempted to correct the Tom Miller Ditch problem that the Audubon Society would get an injunction to stop the work because of the birds living in the area.

Mr. Guerra next expressed concern that water was not being diverted to the Tannehill Branch of Boggy Creek. He asked that the situation be looked at. Mr. Guerra stated that when the Boggy Creek issue was first being discussed, the first people to come to the area were interested in the birds and not the residents of the area. He described an area next to the Oak Springs Library which was a polluted area, but was a good environment for birds. He did not wish to reveal the names of City staff members who told him that the Audubon Society would seek an injunction to block any work on Boggy Creek.

City Manager Davidson said he thought that what Mr. Guerra was referring to was appearances at some of the neighborhood public hearings by representatives of the Audubon Society and the Sierra Club expressing concern about improvements in the Boggy Creek area. He did not think that the birds were the limiting factor.

Mr. Guerra referred to a 48-inch pipe which had been installed recently to throw more water into the area and thought that it might effect the birds.

Mr. Guerra said that water falling on the east side of Airport Boulevard was being directed back across the street by underground pipes to Boggy Creek instead of being sent to the Tannehill Branch. Diverting the water to the Tannehill Branch would give some relief to the area.

In response to Councilmember Goodman's questions, Mr. Guerra stated that he had been praying about the matter since 1958 and had been collecting information in writing for the last 12 years. The first Human Relations Commission declared the area a shame to the City of Austin and asked the City Manager at that time, Mr. Tinstman, to correct the problem. City Manager Davidson in 1975 asked the federal government through Congressman Pickle to help the City correct the problem.

REV. JARAMILLO addressed the Council in Spanish with translation by Councilmember Trevino. He spoke of the dangers when the community flooded and asked that the creeks be cleaned up as soon as possible.

MS. ANTONIA MORAN also translated part of Rev. Jaramillo's speech by saying that the people had given the Council power by voting for them and now the Council should use that power to help the people in the area.

Councilmember Trevino continued by stating that Rev. Jaramillo asked the Council to take action today on the matter.

SABINO MATA stated that the Govalle Association for Survival did not want Mr. Graves' project as he saw it. Regarding a holding pond, Mr. Mata said that there was a more natural area at 12th and Rosewood for a pond and that area had been recommended by Mr. John German. He stated that the people were being left out of the planning.

Mayor McClellan asked for clarification on the holding pond proposed by Mr. German. Mr. German said that the proposed pond would be placed essentially in a large, open area known as the Glen Oaks Urban Renewal area which used to flood regularly. Mr. Graves suggested that both areas be used for detention ponds. In response to Councilmember Goodman's question, Mr. Graves replied that to widen the Creek from the railroad bridge east to Govalle Park would require the acquisition of considerable easements and rights-of-way, and the City did not plan to do the widening.

Councilmember Goodman felt that widening of that area was one of the major items to be considered because it was compounding the problem now. He also thought that the City should be careful not to repeat the mistake made when the Tom Miller Ditch was dug which turned out to be no answer at all. Mr. Davidson agreed.

Mr. Graves stated that the railroad trestle was far more important to that area than the restrictive channel down stream. Responding to Councilmember Goodman's question, Mr. Graves said that the City had done everything requested by the Corps of Engineers. Part of the Corps project under present Federal rules would require that the City acquire the easements and rights-of-way and to construct the bridges necessary other than the railroad bridge, which would be built by the Corps of Engineers. It was anticipated that the Corps procedure would change shortly so that the City do up to 20% of the project cost, thereby reducing the City's cost. The City would be in the project immediately after it was approved by the Corps.

In response to Councilmember Goodman's question, Mr. Graves said that more easements would be necessary because from the railroad bridge east to Govalle Park the easement was narrow and irregular. If the easement were deepened without widening it, the sides would simply collapse.

Councilmember Trevino asked what it would cost to acquire the easements and widen the area under question. Mr. Graves said he did not have those figures.

Councilmember Goodman felt that it should be part of the City Manager's report on relieving the Property Management Department in regard to acquisition of the necessary easements.

Responding to the City Manager's question, Mr. Graves said that he would want the Corps of Engineers approval before proceeding as requested by the Council so as to be in compliance with the Corps' proposal.

Mr. Graves said that when the railroad bridge was removed, other structures down stream would also have to be replaced. Otherwise, lawsuits would be tremendous. The total project had to be done. The City was currently trying to find portions of the project which could stand on their own, and give some relief while waiting to do the total project.

Mr. Graves said it took about 15 minutes for debris to start damming up the trestle after a rain started. After launching a major cleanup campaign it would be necessary to keep that campaign going to avoid future flooding near the trestle. It would help a great deal if the neighborhood would participate in the cleanup since a lot of manpower was required to clean up the creeks.

Councilmember Trevino asked if there were any cost estimates for the project proposed by Mr. German (12th and Rosewood detention pond). Mr. Graves said, "No." The area would be studied to determine cost versus benefits and then presented to the Council for consideration.

Councilmember Goodman asked the City Manager if the report coming back would include cost estimates on all of the options discussed in Mr. Graves' report. The City Manager replied, "Yes," but he hoped that the Council would act tonight on the plan before them.

LEON DE HOYOS yielded his time to Mr. Pete Martinez.

MR. MARTINEZ, Chairman, El Centro Chicano Board, and President, Rainey Street Neighborhood Association, asked how much space would be needed on each side to widen Boggy Creek and when it would be done. He proposed that the City furnish machinery to clean up the creek and the people in the barrio would operate it. Mr. Martinez also expressed concern over the possible destruction of homes on Rainey Street by the City and wondered where the people would be moved.

MS. ANTONIA MORAN, 805 Morrow Street, asked the Council for help on the Boggy Creek problem and the cleanup of the area. She felt that area residents should be paid if they worked on the cleanup.

MS. ALICIA OLVERA GARCIA, 4702 Gonzalez, Co-chairperson, Govalle Association for Survival, asked the Council to give immediate action to relieve flooding on Boggy Creek. She noted that in Mr. Graves' report there was no mention of the Tom Miller Ditch. She stated that the Ditch should be the number one priority. She requested that another drainage ditch behind Allan Junior High School be cleaned out also. She urged the Council to take action on the Neighborhood's proposals.

MS. CONSUELO MARTINEZ, 4607 Lyons Road, felt that drainage improvements would help to alleviate flooding on Boggy Creek. She asked that the streets be repaired and curbs, gutters and sidewalks be built.

MS. MARY HERRERA, representing the Parish Board of St. Julia, stated that the people of the neighborhood would continue to come before the Council until something was done to eliminate flooding on Boggy Creek.

Mr. Mata requested copies of any reports being prepared on Boggy Creek. Mayor McClellan asked citizens present to leave names and addresses with the City Clerk and the reports would be provided.

Mr. Mata also asked about incorporating citizens into any planning for Boggy Creek. Councilmember Trevino stated that the Council established an ad hoc Boggy Creek Committee several years ago. That Committee and other people would be notified and organizations represented tonight would be informed. Citizen input would be needed for any additional plan which might be developed.

Mr. Guerra said that he had wanted to work on the Boggy Creek Committee, but declined because he felt that it would be a conflict of interest. He asked the Committee be revised to change its authority. He had already been to the Committee asking for help with Boggy Creek and was turned down. He felt that the Committee should be composed of people who sensed the needs of the neighborhood on an immediate basis.

Councilmember Goodman asked how long it would take for the various reports to be completed. Mr. Graves stated that a report on the other possible detention area could be ready in a week. A list of the required easements would be given to Mr. Morahan who stated that 3 to 4 days would be required to look at the property on the ground and get a feel for an estimate of the property's value.

City Manager Davidson said that a report would be coming back to the Council on September 13th.

Councilmember Goodman requested that the City Manager make available plenty of copies of the report to the neighborhood so that they would be prepared beforehand to review it and comment on it when the Council took it up in public session.

Mayor McClellan asked Mr. Graves if the report would cover the 8 points brought up by the Govalle Association for Survival. Mr. Graves said, "Yes."

Councilmember Snell stated that three years ago he worked with Camp Gary on having the Job Corps clean up the creeks, but their offer was turned down. He asked that the Job Corps now look at all of the creeks.

City Manager Davidson said that he would be happy to consider some of that, but in fairness to Councilmember Snell's suggestion three years ago, conditions had changed with regard to the Corps of Engineers' position on Boggy Creek.

Councilmember Snell said that the Corps of Engineers was working only with one part of Boggy Creek and that other branches were also in bad shape and something needed to be done about them.

Motion

Councilmember Trevino moved that the Council instruct the City Manager to place an ordinance on the August 30th Agenda to appropriate \$60,000 for use in immediate action to improve drainage in the Boggy Creek Area including tributaries and Tom Miller Ditch. \$30,000 of the amount appropriated would be used by the City Public Works Department; \$30,000 would be used to contract with the Gary Job Corps Center for Center parts of the work. Councilmember Goodman seconded the motion.

Councilmember Snell said that while the Job Corps was here doing the work, he certainly would like to see the staff check with them to see if other creeks and branches could be worked on.

Councilmember Trevino added that even though the motion right now spoke specifically of \$60,000 for cleaning the Creek above and below Pleasant Valley and the railroad tracks and the work to be done in that middle part, he would be asking his colleagues on the Council to appropriate additional monies from the next budget beginning October 1, 1979, to continue having monies to address the problem on a year round basis.

Councilmember Goodman stated that if the City Manager determined that it was going to cost beyond the \$60,000 for the items outlined in Councilmember Trevino's motion, that the Council would expect it to be on the agenda next Thursday for authorization.

Councilmember Mullen stated that he understood one of the City boards had put a lot of pressure to not have the Job Corps take on the work, and he asked if it was correct.

Councilmember Trevino replied, "Yes," and said that it was his understanding that the advisory committee and some private citizens felt that the work should be contracted out to contractors rather than the Job Corps and that it was perhaps the reason the work was turned down previously. He was hoping that the advisory committee and the citizens who objected before would not object this time, because it was clear that the Council was concerned and wanted to do whatever possible quickly to alleviate the problem on Boggy Creek.

Friendly Amendment - Accepted

Councilmember Mullen offered a friendly amendment that the Council make it clear that the project was a high-priority, immediate need so that it would not be discussed or postponed by any boards and commissions. Councilmember Trevino accepted the friendly amendment.

Roll Call on Motion

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

## WALNUT CREEK HOMEOWNERS REPORT

MS. LINDA FRITH, President, and MS. ELAINE BOSTIC, Vice-President, Northeast Walnut Creek Homeowners Association, requested to appear before Council to present a report on appearance before Planning Commission on an appeal of Waterway Development Permit. Ms. Linda Frith spoke for her association and cited the hardworking citizens who have spent time and energy on the common concern for the protection of Big Walnut Creek from the invasion of the Upper Walnut Creek Interceptor, Phase I. They feel the creek could never be restored to its natural state after the installation of the wastewater line. They thought the guidelines in the creek ordinance were for the protection of same and "astounded to find that, according to the Creek Ordinance, the City of Austin disregarded 10 out of 11 requirements of the contents of the plans and specification of this project. However, we were advised at a meeting with the City staff this week that the City is not bound by the rules of the Creek Ordinance, but does so only out of courtesy." She said they do not object to the wastewater line itself, but do object to the placement of the line in the creek bed. They will work with the City to meet the objectives both of their group and the City of Austin.

Councilmember Snell asked what has been done by the City to answer the concerns of the neighborhood. Mr. Johnson, Director of Water and Wastewater, stated they had a meeting with interested neighbors on Monday of this week and received a list of 64 questions from the neighbors. The various departments involved have taken the questions which can be best answered by them and they are now in the process of formulating the answers at this time. Because of the lengthy amount of questions it has not been possible to complete the answers for tonight's meeting. Mayor McClellan said she understood and asked the City Manager to specifically advise Council concerning the way the easements have been obtained. Mr. Johnson said all of the questions will be answered and back in Council's hands by August 30th...the next Council Meeting.

Councilmember Snell asked what the alternate recommendation, made by the neighborhood group, is. Mr. Johnson said his department is presently studying the alternate suggestion and has no final answers for Council tonight. Mr. Snell said Planning Commission has awarded the neighborhood an extension of 30 days. Mr. Johnson said that they hope to have it back on the Planning Commission agenda September 11, 1979. Councilmember Goodman asked if a motion is required requesting the Planning Commission to report back to Council as soon as they possibly can following presentation of the material. Mr. Davidson said the Commission would appreciate knowing the Council's concern.

Motion

Councilmember Snell moved that the Council request the Planning Commission to report back to Council as soon as possible after their September 11, 1979, meeting concerning the Walnut Creek Interceptor, Phase I. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

Councilmember Goodman asked if this could be presented to Council at the September 13, 1979, meeting. Mr. Davidson said it would be.



## BRANCH LIBRARY REQUESTED

MR. MOSES P. SALDANA, President, South Austin Neighborhood Council, appeared before Council to request that a branch library be located in the South Austin Multi-Purpose Center. He said a previous Council had allotted money for the library several years ago, but that there are no funds in the budget for the coming fiscal year for the library. He asked where the funds are and why 1800 square feet have been set aside for the library if there isn't going to be one. Mr. Saldana said he has been told a library in the Center will be a duplication of services since there is already a library a short distance away in Twin Oaks Shopping Center.

Mayor McClellan pointed out Council will make a decision at budget time. Mr. Daron Butler, Budget Director, stated: "As the proposal stands before the Council at this time, the City Manager's recommendation is that the Twin Oaks Library be funded and the library that had been scheduled for the South Austin Multi-Purpose Center will not be funded. However it is clear it is entirely the Council's prerogative on the location of the library in South Austin. Our primary recommendation is if you decide the South Austin Multi-Purpose Center Library is to be operated, then I would also recommend to you that the library in the Twin Oaks Center be closed. The Library Commission has also recommended to Council that the City not operate branch libraries within the radius of 6 to 7 blocks apart. ... The Commission left the basic decision to Council."

MS. MARTHA COTERA, Library Commission, said the library in the South Austin Multi-Purpose Center was to have been a special purpose type service and library for bi-lingual materials. She said she hoped the Library Commission would find some way to appropriate the money. Mayor McClellan asked Ms. Cotera to have the Library Commission advise Council, while studying the 1979-1980 budget, what their position is on the South Austin Multi-Purpose Center Library. Councilmember Trevino requested a cost estimate from staff in the event Council decides to put the library in the Center.

MR. JOE M. DIAZ, representing the Advisory Board of South Austin Neighborhood Center, requested to appear before Council to ask that a branch library be located in the South Austin Multi-Purpose Center. He referred to the fact that the Council in 1977 specifically instructed the City administration to include the specialized branch library in the South Austin Multi-Purpose Center. They feel the library there will be more cost effective than the present situation. He said he thought the cost of a library in a City-owned building would be less than paying the money for rent to a developer. He said they are adamantly opposed to opening the Multi-Purpose Center without the social services they requested when the project was first begun.

MR. HORSFALL urged City Council to find out what the cost would be to put a library in the multi-purpose building. He said to keep the Twin Oaks Library, also.

JUDGE GARCIA, Municipal Court Judge, asked Council to keep the library issue in mind during the budget hearings. He said the library was scheduled to go into the Multi-Purpose Center after many hours of hearings in the South Austin community. He felt the library located there would be an ideal location, and have more use by more people.

MS. BARBARA DEVINE, member of the Library Commission, appeared before Council. She said they had been told the South Austin Multi-Purpose Center Library would be a reality, but now hears it received a low priority from the Commission. Mayor McClellan reiterated she wants to know how much the library will cost so Council can make their decision.

#### POLICE CONDUCT DISCUSSED

MS. DOROTHY TURNER and others, President and members, Black Citizens' Task Force, requested to appear before Council to discuss police conduct. Ms. Turner said they appeared regarding a serious problem of police brutality. She asked whether they should take the law into their own hands or work with the system. She surmised taking the law into their own hands would leave a bad mark on the Austin community so they would rather work with the system to bring about changes.

MR. CONNIE MILLER said he does not feel the Council loves the people. He said Blacks and Browns are being harrassed by the police. He asked the Council to take a leadership role as not one Councilmember has spoken out against the police. (Ms. Velma Roberts relinquished her three minutes to him.) Mr. Miller asked the Council to take the power back from the City Manager and Chief of Police; if they can't, then fire them.

YVONNE (did not give last name) said she wanted to talk to the White people. She said the Blacks and Browns know about justice, but wanted the White people to know about justice too. She said it was hard for her to explain to the children she works with why the police strangled a Black man. (An unidentified person yielded their three minutes to her.) Yvonne went on to ask for the firing of Chief of Police Frank Dyson. She urged Councilmembers to talk to the people of East Austin and find out how they really feel. They feel used and abused and like there is no justice. She said the City of Austin will have no peace until her community gets justice.

IZELL OGBON told Council they are demanding a Citizens' Review Board for the police because they want to control the police activity in their community.

HOWIE WITZIG, member Black Citizens' Task Force, said the White community is in East Austin because they are the cause of the ghetto and the barrio. He said the White man should be gotten out of their community. He pointed out it appears the Council says one thing and City Manager Davidson does another. He felt the Council no longer has any authority.

ARTHUR HERRERA, Chairperson, Brown Berets, spoke against the Austin Police Association. He said they would organize against a "cop killer" but will not organize against themselves. He conjured the Councilmembers do not know what is really going on in East Austin.

PAUL HERNANDEZ appeared to state his displeasure regarding the case being put before the Grand Jury. He was upset because he had been questioned by the Grand Jury. He told Council to create a Citizens' Review Board for

the police force, and to fire Dan Davidson. He said if the Council does not meet their demands, then all of the good things which have been done for East Austin become a farce. He suggested Council follow the will of the people of East Austin, or else the people will go to those who control the Council.

CECIL HENNIGER, ordained minister, Church of Christ, appeared before Council and stated he is harrassed by police when he preaches on the street. He also asked for a Citizens' Review Board.

A woman who did not identify herself, related an incident where the police put her son, herself, and the rest of her family in jail. She thought there was no reason for it. She said Councilmember Trevino, the Mayor, nor Rep. Barrientos helped her.

A woman who did not identify herself spoke against police brutality. She threatened that the Citizens' Review Board had better become a reality.

Another woman, who did not identify herself, said there should be a line-up for the police.

Another woman, who did not identify herself, threatened the citizens of East Austin will do something if the Councilmembers do not.

Another woman, who did not identify herself, said the Citizens' Review Board had better become a reality soon, or else.. She said if Dyson and Davidson are not fired, then everyone on the Council must go.

A man who did not identify himself said there is a significant number of police who resort to brutality. He said it is not confined to Blacks and Browns but also happens to Anglos.

CARLETTA MONTOYA spoke in Spanish. She related an incident where she and her two sons were taken to jail. She did not know why, but charged police brutality.

TROOPER KEATON appeared before Council and said something seems to be seriously wrong. He said he does not know what to think about the Citizens' Review Board, but after thinking about it for a minute, thought it would be okay.

KEN ELDER, 1700 Briar Street, said he thinks a Citizens' Advisory Board is necessary. He said the Blacks and Browns have known for a long time what the situation is, but the White folks have had to learn the hard way. He said phones are being tapped, houses are being broken into, by those in opposition to anti-nuke people. He thought the police must know what is going on but is sure they will not help. He believes there is a dictatorial trend in this country and by 1984 he thinks there will be a dictatorship... He contends a Citizens' Advisory Board will prevent this.

#### Motion

Councilmember Snell moved that the Council listen to four more people (who had indicated they wanted to speak by show of hands) and then close Citizen Communications. Motion passed by unanimous consent.

A man who did not identify himself asked Council if this is a reality for them...if they understand what the people are saying. He said he grew up in East Austin, moved away to another part of town, but moved back to East Austin because he wants his sons to know the beauty of the area.

JORGE GUERRA spoke to Council and said there is a language barrier between the people and the police because the police do not understand Spanish. Many times, he said, because of the language barrier, the victim pays the price and the criminal gets away. He spoke in favor of a Citizens' Review Board.

FRANK HORSFALL told Council that most of the people calling for the resignation of Chief Dyson really don't mean what they say. He said there is no assurance a new Chief of Police would be any better. He said he is not for a police review board because he thought they would be prejudiced against the Police Department. He thinks Chief Dyson has done many good things so far for the Police Department but there should be more law and order.

Mayor McClellan said Council appreciates everyone who spoke this evening. "I'm sure we will not all agree on what the solutions are. I would hope, as we have stated before and stated in last week's meeting, that there are a number of common concerns and grounds we can work together on."

Councilmember Snell stated: "We understand that this is a very serious problem. I think it is one of the most serious problems we have faced in the years I have been on the City Council. Your words are not falling on a deaf ear, and the City Council can't solve this. The Police Department can't solve this. It's going to take us, as individuals to solve this. I look forward to working with you. I know nothing that I say is going to be accepted. I can understand that. But I'm not going to give up trying to solve this problem. I've talked to Dorothy Turner, I've talked to Velma, and I've talked to everybody and I've talked to Connie Miller. I suggested we sit around the table with any representatives that want to sit around the table and talk about any issue including the Review Board. This is the only way this issue is going to be solved. It will be a long time before it will be forgotten. But the thing we've got to do now is come together and let's try to solve it for the betterment of the community. If we don't do this, then outsiders will begin to come in and try to take advantage of the situation. If you don't work with the other Councilmembers, work with me. I live in the same area. I've experienced the same things that you have."

Ms. Dorothy Turner said, "Well, I'm willing to work with anyone to come to some kind of understanding about this issue. It is frightening. I live in that community...you can sit there and totally ignore it, but the people in East Austin is not going to continue to let the cops kick their doors in. ... You all are going along with this...what you are saying to us is that we mean absolutely nothing to you. But you are looking at lives and when you start oppressing one set of people, you end up oppressing yourself. ..."

Councilmember Snell said, "I understand, but I'd just like to say, let's work together and in the next few days try to solve the problem."

## CITIZEN DID NOT APPEAR

MR. JAMES M. HOWARD, who asked to appear before Council under Citizens' Communications requesting reimbursement of funds spent as representatives from the City of Austin in the 5th Annual State-Wide Kickball Tournament, did not appear when called upon.

## ZONING HEARINGS

Mayor McClellan opened the public hearing on the following zoning case, which was scheduled for 7:00 P.M. Council heard and instructed the City Attorney to challenge, in court, a State Health Department ruling.

O. B. McKOWN, JR. & ASSOCIATES, LTD. C814-79-001	F.M. 1826 South of U.S. Hwy. 290 south- west of the city.	From Low Density to a Residential PUD
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(TRANSCRIPT OF THE PROCEEDINGS IS ON FILE IN THE CITY CLERK'S OFFICE)

Mayor McClellan stated that there is a fundamental issue at stake because there is nothing at all the Council can do, and asked Mr. Albert DeLaRosa to address the issue for Council. Mr. DeLaRosa stated, "We have distributed a memo to Council explaining the background concerning this public hearing. That memo briefly describes the city's control of the land use beyond the city limits. This particular PUD is located within the city's ETJ. As that memo indicates, the City of Austin has adopted a policy of including within its Master Plan a land-use map which indicates their own land-use designations, and it has been the policy to have the City Council review all Planned Unit Developments which have been platted within the city's ETJ. The memo also details the city's policy as to the subdividing of land beyond the city limits. The authority for that subdividing of land rests with the Planning Commission of the City of Austin. The memo also includes that as to the McKownville Plat, that the...since the Planning Commission has approved that plat and has acted thereon, and since the City Council does not have any authority in the plat process, consequently the City Council of the City of Austin does not have the authority to require that there be a Master Plan amendment as to the McKownville PUD. Our memo basically concludes that the City Council does not have the authority to require that a PUD seek a Master Plan amendment...that the only requirement that the City of Austin can impose upon the subdivision would be approval by the Planning Commission. On July 24, the Planning Commission acted on the subdivision plat and finally approved that plat."

Ms. Evelyn Butler, Planning Department, reviewed the application.

Mayor McClellan asked if there were anyone in the Council Chamber representing the applicant. She said she assumed no one was present since they had stated the Council had no jurisdiction over their application.

MR. PETER KREISNER, representing a number of homeowners and residents and landowners in the McKownville II area, appeared before Council. He said on July 5 he had appeared before them and at that time the public hearing had been continued until tonight in order to give staff time to get together with homeowners who have some reservations about a PUD, particularly regarding the ET system. This past Monday, he found out the continuation of the public hearing was being taken off the Council agenda. He said he understood there was a manner in which the developer could circumvent the Council. Mr. Kreisner stated the homeowners he represents had hired a hydrologist who has prepared notes to show Council that there are definite technical questions and problems with the ET system. He then questioned whether or not the plat for the PUD constituted a Master Plan amendment.

Mr. Albert DeLaRosa, assistant City Attorney, stated: "Originally the plat for the PUD contained an area that was to be used as an office, within the residential area, and that office use was inconsistent with the Master Plan, and at the public hearing July 5...the last time this was before the City Council, the attorney for McKownville interests indicated that he could delete the office, which was to be the office for the home association for the McKownville Subdivision, and then he would not need the Master Plan amendment, because it would then be in conformance with the Master Plan because the entire project would be a residential project.

Mr. Kreisner then asked, "Is it then your opinion that the City has no control over its ETJ jurisdiction if there is any present zoning in that area?" Mr. DeLaRosa replied, "Exactly. It has control over the subdivision of land within the ETJ, but it has no authority as to the land use regulation within the ETJ."

Mr. Jerry Harris, City Attorney, explained further: "The Planning Commission is the body that has the final say-so over subdivision plats and they approve or disapprove subdivision plats based on pre-established ordinances adopted by the City Council. At that stage, it is really a quasi-judicial or administrative proceeding, which the Planning Commission must approve or disapprove, based on meeting those pre-established standards, and if a person meets the pre-established standards, the Planning Commission has no discretion but to grant the approval of the subdivision plat. As far as Master Plan changes go, Mr. DeLaRosa is exactly right, that even under the Council policy of trying to review land uses in the extra-territorial jurisdiction as Mr. Bray indicated to the City Council last week, as to that policy, that he would remove himself from that policy by removing anything that would make the McKownville II inconsistent with the Master Plan, which was removing the office uses and proceeding with residential uses, which were consistent with the Master Plan. I believe Mr. Bray made that very clear. We didn't say anything because we thought it was made very clear, and as Mr. Kreisner stated, he said, 'I understand. If the applicant would want to circumvent the Council, you know, there is no objection. There is nothing we can do about it. The applicant is free, but we are here to present to the Council what we feel are issues that are relevant should the Council retain jurisdiction in the matter.' Mr. Bray did exactly what he knew he could do, and that he had a right to do.

"Secondarily, on that point, even if the only issue was the land use control in extraterritorial jurisdiction, even that policy of the City Council could not be enforced by someone in the extraterritorial jurisdiction, because

it is elementary as we point out in our memo that the City Council does not have land use, zoning control beyond the City limits. So McKownville complied with subdivision requirements, which was getting their plat approved by the Planning Commission under pre-established standards adopted by the Council. Now this Master Plan review program has worked fairly successfully because many people want to cooperate even though it is not a legal requirement."

Discussion followed between Mr. Kreisner, Mr. Harris, Mayor Pro Tem Cooke and Councilmember Mullen concerning Council policy and the Planning Commission's jurisdiction. They discussed the proposed ET system in the proposed PUD and Mayor Pro Tem Cooke asked for the following to be entered into the record: "I want to take on one brief line of questioning because I would like a clarification and also for the record and that deals with this gentleman's discussion about the general welfare because I have had concerns about the ET system and still do, and I don't support it, and the line of thinking that I have from the legal point of view that I want to ask you Mr. Harris is the fact that the Council through trying to be innovative and analyzing septic tanks and the septic tank ordinance and going through that process over a period of a year, and finally arriving at a decision through public hearing to make amendment to the septic tank ordinance to allow ET systems in the first place, but our decision was a cautious decision to only allow them on 1-acre tracts, and while I don't know the full gist of all the testimony that went on, certainly the implication there was that we didn't want to storm into this thing, although we felt ET systems in general was an innovative way to go. If you had to support the City in a legal court in defense of the Council from the point of view that we were proceeding along the lines of trying to adapt this community to ET system, but in fact that we had not taken any stand on a collective system, or a system that was of much smaller nature. The question I have is does, do we have any justification to say that we were moving in that direction and simply because of the fact that we had not addressed the collective system makes it null and void for us to have any jurisdiction over a collective system?"

Mr. Harris replied, "At this current time, there is a jurisdictional mechanism set up for the approval of collective systems, because we had not addressed it and that's through the State agency."

Councilmember Goodman asked, "What right do we have to challenge it. Legally challenge it, to say what...it's in the very same Minutes that Mr. Mullen was referring to awhile ago. ET systems under consideration, development of plans, you know, for their approval, and so forth, and since we were considering the matter, it would seem to me that would enhance our case. Do we have the right to go to Court and make our case as a municipality, contending that since we had this under consideration, that the State agency entered the picture and approved something without our consent essentially violates our own rights and a municipality?" Mr. Harris answered, "In my opinion not. The State law gives this Council the right to adopt more restrictive standards than might be applied by the State." Mr. Harris continued to clarify the law to answer questions from Councilmembers Himmelblau, Goodman, Cooke, the Mayor and Mr. Kreisner. They all discussed the happenings of the July 5th meeting and went back to the validity of the Planning Commission action.

DEREK HOWARD, Peter Kreisner's partner, addressed Council. He said that reference has been made to Mr. McKown's legal maneuvers which were talked about at the July 5th meeting. He said the maneuver had not been discussed in detail

at the Council Meeting and the 'landowners in the McKownville area interpreted that particular statement as a symbol of Mr. McKown's arrogance'. .... What they have done is they have encroached on your jurisdiction and I think the legal opinion you have received tonight is erroneous...."

There was further discussion of what transpired at the Council Meeting on July 5th, and subsequent action by Mr. McKown.

Motion Died

Councilmember Himmelblau made a motion to accept the advice of the Legal Department. Motion died for lack of a second.

Motion

Councilmember Goodman made a motion, seconded by Mayor Pro Tem Cooke, to instruct the City Attorney to challenge the State Health Department ruling in Court on the basis that we had ET systems under consideration, and McKownville II may have an ET system which will not be approved by the City of Austin.

Councilmember Goodman explained, "In support of my own motion, I think it is only fair because we promised these people on two separate occasions whether there was mis-communication or not, that we were going to review their concerns and do something about it, and then postpone the time beyond any effective date. I think it is our obligation now to establish what our own power is."

Substitute Motion

Councilmember Mullen made a motion, seconded by Councilmember Himmelblau, to accept the advice of the Legal Department.

Roll Call on Substitute Motion - Failed

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

Roll Call on Motion

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



## ZONING HEARING

Mayor McClellan opened the zoning hearing scheduled for 7:15 P.M. Pursuant to published notice thereof, the following zoning case was publicly heard:

J. MAR FIREPLACE  
CENTER, INC.  
By Jodi G.  
Williamson

11575-11581 Hwy. 183  
11518-11520 Angus Road

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area

RECOMMENDED by the Planning  
Commission "GR" General Retail for that  
part of tract fronting U.S. 183; "GR"  
General Retail for that part of the tract  
fronting Angus Road with the exception of  
one foot of "A" Residence along the north  
boundary as well as one foot of "A"  
Residence adjacent to Angus Road.

Ms. Evelyn Butler, Planning Department, reviewed the application, stating this was the continuation of a public hearing which was postponed from the July 26, 1979 Council meeting.

MR. LARRY DEUSER, Angus Valley Neighborhood Association, stated the applicant had first requested "C" Commercial on that part of the tract fronting Angus Road, but it had been determined by Lonnie Davis, Building Inspector, that "GR" General Retail was all that was needed. Pre-fabricated fireplaces will be sold from the site. It is not served by a sewer line and they want to qualify for a septic tank. Mr. Deuser said his association would like to see a detail of the building planned, and his plans for a sewer.

JODI WILLIAMSON, representing the applicant, said they don't need "C" Commercial, because it won't be a wholesale operation. He stated he does not believe the sewer is an issue in the zoning case. Mr. Albert DeLaRosa, assistant City Attorney, agreed.

Mayor Pro Tem Cooke said he would like to stipulate that the zoning be granted in agreement with the Highway 183 study and 8 foot privacy fence.

Councilmember Mullen moved that the Council grant as recommended by the Planning Commission, "GR" General Retail, 1st Height and Area District for that part of the tract fronting U. S. 183; "GR" General Retail, 1st Height and Area District for that part of the tract fronting Angus Road with the exception of one foot of "A" Residence, 1st Height and Area District along the north boundary as well as one foot of "A" Residence, 1st Height and Area District adjacent to Angus Road; with 8-foot privacy fence and agree with Highway 183 Study recommendation. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail for that part of the tract fronting U.S. 183; "GR" General Retail for that part of the tract fronting Angus Road with the exception of one foot of "A" Residence, along the north boundary as well as one foot of "A" Residence adjacent to Angus Road; all 1st Height and Area District; subject to conditions; and the City Attorney was instructed to draw the necessary ordinance to cover.

#### PUBLIC HEARINGS TO BE CONTINUED

Mayor McClellan announced that due to the late hour, a request had been made to continue the public hearings, scheduled for 7:30 p.m., and 8:00 p.m., to another Council meeting. The following motions were made:

##### Motion

Councilmember Trevino moved that the Council continue until 3:30 p.m., August 30, 1979, the public hearing to amend Chapter 42, Section A-207 of the Austin City Code, Plumbing Ordinance to provide for the new classification of Residential Plumbing Inspector. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

##### Motion

Councilmember Goodman moved that the Council continue until 6:30 P.M., August 30, 1979, the public hearing on the Overall Economic Development Plan. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell,  
Mayor Pro Tem Cooke

#### PUBLIC HEARING ON DELETION FROM MASTER PLAN LOCATION OF WEST LAKE DRIVE

Mayor McClellan opened the public hearing, scheduled for 7:45 P.M. on the request to delete from the Master Plan the location of West Lake Drive from the south property line of F.M. 2244 to U.S. Highway 290.

Ms. Evelyn Butler reviewed and said staff has no objection to deletion of the arterial through the subdivision but recommends that provision be made at this time for an alternate location by widening the streets on the west side of the subdivision in the event an arterial is determined to be needed. This modification is acceptable to the applicant and would permit him to proceed with his subdivision. The Urban Transportation Department is currently updating the entire roadway plan and the staff prefers this arterial not be deleted until the entire plan is considered. The Urban Transportation Commission has held a

public hearing on the plan and the next step is a public hearing before the Planning Commission, after which it will be brought to the City Council. Because of the upcoming roadway plan hearing, the Barton Creek Moratorium and the Barton Creek Greenbelt Plan, the staff recommends that Council receives input for various plans but to hold action on the deletion of the arterial until the roadway plan is formally submitted for consideration.

#### Motion

Councilmember Goodman moved that the Council permit the shift in location. The motion was seconded by Councilmember Mullen.

MR. BILL GUNN, the developer and applicant, reviewed what he has done in order to get this before Council.

#### Roll Call on Motion

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell, Mayor Pro Tem Cooke

#### CONTRACT APPROVED

Mayor Pro Tem Cooke moved that the Council adopt a resolution to approve the following contract for procurement of a Supervisory Control and Data Acquisition System, for the Electric Utility Department:

MOORE SYSTEMS, INC.  
1730 Technology Drive  
San Jose, California

- \$1,396,749.00

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

Ayes: Councilmember Trevino, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell, Mayor McClellan

Mayor Pro Tem Cooke asked, before he made the motion, whether the money has already been allocated to the ECC. He said there is only about \$300,000 in the next three years of the CIP (Capital Improvements Program). He wanted to know where the funds were. Mr. R. L. Hancock, Director of Electric Utility, said "This shows up in the CIP under the ECC (Energy Control Center) improvements and it bears a trademark all the way back to the 74-79 CIP, with \$537,000 approved in 74-75; another \$537,000 in 75-76; and I believe the cumulative to date, if I recall correctly, is \$1,356,000.00." Mayor Pro Tem Cooke asked when the ECC approvals took place. Mr. Hancock replied, "The

funding that is available is an accumulation of funding that was established in 74-75 and supplemented between now and that time. Those funds were not expended at that time and that project was delayed on subsequent occasions and on the 77-82 CIP was not submitted because there was no activity planned that year because of financial problems. The same thing on the 78-83 CIP. So it has an accumulative total now of \$1,356,000.00. The new CIP anticipates some future funding for it but I'm not familiar with the magnitude of that funding. But the funding that is shown in the CIP account is unencumbered and is available and adequate to meet this expenditure.

#### PUBLIC HEARING SET ON PROPERTY RATE TAX

Councilmember Trevino moved that the Council adopt a resolution to set a public hearing for 6:00 P.M., September 13, 1979, to comply with state law concerning the property tax rate. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

#### WORK SESSION CANCELLED

Mayor McClellan announced the work session on the budget, scheduled for 2:00 P.M., August 24, 1979, is being cancelled.

#### ZONING ROLL BACK GRANTED

Councilmember Mullen moved that the Council approve the request for the Planning Commission to begin consideration of a roll back in zoning from "A" Residence to "AA" Residence (1st Height and Area District) for Balcones Park Number I as requested by the residents. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

This item was requested by Councilmember Mullen.

#### SPACE FOR ROSEWOOD MHMR

MR. TERRY TRIMBLE appeared before Council and expressed concern about having to move the Rosewood MHMR Center. He said that they would like to stay in the area.