

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 14, 1979  
9:00 A.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

Reverend Don Vincent, Northside Church of Christ, gave the Invocation.

RESOLUTION FROM A.I.S.D.

Mayor McClellan stated she wanted to re-read a Resolution presented in the School Board Chambers last Monday. She called Frank Dyson, Chief of Police, forward and asked him to present some of his staff members. Chief Dyson introduced the members of his staff who, he said, interact with the school officials and are instrumental in receiving the Resolution from A.I.S.D. They were Major Don Doyle, Uniform Division; Captain John Boscus, Community Services Division; and Sgt. Henry Gonzales, Youth Services Division.

The Resolution, as read by Mayor McClellan, recognized the Austin Police Department for their cooperative and helpful relationship with the Austin Independent School District for many years. Chief Dyson, Major Doyle, Captain Boscus and Sgt. Gonzales expressed their appreciation for the Resolution.

# RESOLUTION TO HOOT BROTHERS

Mayor McClellan read a resolution, signed by all Councilmembers, citing Johnny Hoot and Tom Hoot, Partners and Owners of H. & H. Construction Company, for their professionalism and genuine sensitivity to those businesses and citizens in the area surrounding the construction of approximately 3,800 linear feet of 60" - 78" diameter concrete pipe storm sewer down the center of Congress Avenue. Mr. Johnny Hoot and Mr. Tom Hoot thanked the Mayor and Councilmembers for the Resolution.

## BOARDS & COMMISSIONS

Mayor McClellan announced the following Boards & Commissions appointments will be made June 21, 1979:

Citizen's Board of Natural Resources & Environmental Quality, 1  
 Elizabet Ney Museum, 2  
 On-Going of Goals Assembly Committee, 1  
 Wrecker Standards Commission, 5  
 Historic Landmark Commission, 5  
 Medical Assistance Advisory Board, 3  
 Parks & Recreation Board, 7  
 Planning Commission, 5  
 Commission on the Status of Women, 7  
 Vending Commission, 3  
 Community Development Commission, 2

and Board of Adjustment, 3 on an emergency basis.

## INVITATION

Mr. ED KLOPPE appeared before Council representing ASME as their new business agent, and invited Council to a reception at 8:00 P.M., June 14, at 1106 Lavaca to say goodbye to Charlie Timm, his immediate predecessor.

## APPROVAL OF MINUTES

Mayor Pro Tem Cooke moved that the Council approve the Minutes for May 24, 1979; May 31, 1979 and Special Meeting of May 30, 1979. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Snell  
 Noes: None  
 Not in Council Chamber when roll was called: Councilmembers Trevino, Mullen

EMINENT DOMAIN PROCEEDINGS

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project:

N. 15' of Lot 4, Block L, North Oaks Hillside Section 2-B.

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

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

Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project:

N. 25' of Lot 4, Walnut Bluff. (Calvin Pape, et ux, owners)

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

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

Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project:

E. 20' of Lot 19, Block E, North Oaks Hillside Section 3.  
(Larry Eugene Herzog, et ux, owners)

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

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

Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project.

N. 20' of Lot 14, North Oaks. (George H. Olewin, et ux, owners)

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

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

Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project:

N. 15' of Lot 4, North Oaks. (C.W. Boswell, et ux, owners)

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

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

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project:

E. 15' of Lot 5, Block L. North Oaks. (O. Dean Montgomery, et ux, owners)

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

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

Councilmember Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for sanitary sewer easements for the Upper Walnut Creek Wastewater Improvements Project:

E. 15' of Lot 2, Block L, North Oaks Hillside Section 2-B.  
(Robert J. Urquhart, et ux, owners)

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

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

#### LEASE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to authorize execution of a Lease Agreement with San Jacinto Properties for 11,750 sq. ft. of space on the first and second floor of the San Jacinto Building, 503 San Jacinto, for the Manpower Training Division of the Human Services Department of the City of Austin. The motion, seconded by Councilmember Snell, carried by the following vote:

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Mullen moved that the Council adopt a resolution to acquire certain land for Stassney Lane Phase II. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-30.

2,652 square feet of land out of Lot 1, Safeway Addition No. 3.  
(Corporate Property Investors)

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

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

R.M. 2222 SAFETY PROGRAM

Councilmember Mullen moved that the Council a resolution to acquire certain land for the R.M. 2222 Safety Program (Curve Adjustments) by the State Department of Highways and Public Transportation.

0.954 of one acre of land, more or less, out of that certain  
7.578 acre tract in the Thomas J. Chambers Grant. (Adon Sitra)

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

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

LEASE AGREEMENTS

Councilmember Mullen moved that the Council adopt a resolution to authorize renewal of two Lease Agreements in the Rosewood Village Shopping Center for the Health Department. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## GLEN OAKS URBAN RENEWAL PROJECT

Councilmember Mullen moved that the Council adopt a resolution to approve the sale of Disposition Parcels to Mr. Earl O. Forester for the high bids of \$1,950.00 for Parcel R-7(1); \$2,150.00 for Parcel R-7(2) and \$1,500.00 for Parcel R-9 located in the Glen Oaks Urban Renewal Project Tex A-11-4, as approved by the Board of Commissioners on June 5, 1979. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

## RELEASE OF EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution to release the following Easement:

Two (2) five (5.00') foot Public Utility Easements out of Lot 4, Block 5, Brykerwoods "E" Subdivision, locally known as 1702 W. 33rd Street. (Requested by Mr. David Brunovsky, agent for owner)

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

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

Noes: None

Councilmember Mullen moved that the Council adopt a resolution to release the following Easement:

A portion of a seven and one-half (7.50') foot Public Utility Easement along the west line of Lot 2, South Lamar Business Park. (Requested by Mr. B.F. Priest, representing J & T Investments)

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

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

Noes: None

Councilmember Mullen moved that the Council adopt a resolution to release the following Easement:

A thirty (30.00') foot Drainage Easement out of Lot B, Parkinson Place Resubdivision #1. (Requested by Metcalfe Engineering Co., Inc. representing Byram Properties, Inc. owner)

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

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

#### LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to authorize a License Agreement to construct a breezeway over a ten (10.00) foot drainage easement between Lots 15 and 16, Block A, Western Trail Estates, locally known as 4807 Buckskin Pass. (Requested by Mr. Kerby Meyer, owner.)  
The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### WASTEWATER APPROACH MAIN

Councilmember Mullen moved that the Council adopt a resolution to approve the following wastewater approach main:

SWECO, INC. - To construct a wastewater approach main to serve the Sweco Addition.  
(No cost participation by the City)

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

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

## ITEM PULLED FROM AGENDA

Pulled from the agenda was consideration of a resolution approving the following wastewater approach main:

LARRY PEEL

- To construct a 24-inch wastewater approach main to serve Dellana-Peel Tract. (Cost participation by the City will be \$102,700.00 if annexed within one year.

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

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

## PAYMENT AUTHORIZED

Councilmember Mullen moved that the Council adopt a resolution authorizing payment to the following:

PROVIDENT DEVELOPMENT COMPANY

- The cost difference of 21"/8", 12"/8" and 10"/8" wastewater main installed to serve West Creek Phase 1, Section 1 - \$18,228.82.

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

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

Councilmember Mullen moved that the Council adopt a resolution authorizing payment to the following:

NPC REALTY COMPANY

- The cost difference of 12"/8" water main installed in Buckingham Estates, Phase 2, Sections 1 and 2 - \$12,104.25.

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

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



Councilmember Mullen moved that the Council adopt a resolution authorizing payment to the following:

COTTON TEXAS LIMITED

- The cost difference for installation of 36"/8" and 16"/8" water mains and a 12"/8" wastewater main installed in Great Hills Trail Street Dedication "B" and a portion of Great Hills Commercial One - \$172,184.82

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

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

#### CONTRACTS APPROVED

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

PUBLIC WORKS CONSTRUCTION  
2153 South Lamar, Suite 201  
Austin, Texas

- CAPITAL IMPROVEMENTS PROJECT -  
Boggy Creek South Wastewater  
Interceptor 1A - \$320,285.50.  
C.I.P. No. 73/50-26

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

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

Mayor Pro Tem Cooke asked if this is related to funds transfer out of the Onion Creek Project. City Manager Davidson answered, "No".

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

POOL AND ROGERS PAVING CO., INC.  
10731 Manchaca Road  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Senior Citizen's Activity Center  
Parking Lot Addition-Phase II-HCD -  
\$18,812.04 C.I.P. No. 76/86-41

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

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

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

THE ACRATOD COMPANY  
12309 Deerbrook Trail  
Austin, Texas

- File Folders and Labels, Brackenridge  
Hospital  
Twelve (12) month supply agreement  
Items 1 thru 3 - \$20,077.80

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

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

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

AIRLINE INDUSTRIAL MACHINERY, INC.  
Tampa Int'l. Airport  
Tampa, Florida

- Emergency Repair of Loading Bridge  
Number 6, Robert Mueller Municipal  
Airport, Department of Aviation.  
Estimated \$45,272.40, total not to  
exceed \$50,000.00

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

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

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

NIEMAN, HANKS & PURYEAR COMPANY  
910 Lavaca  
Austin, Texas

- Office space for office of Minority  
Business Affairs.  
Initial Lease - one year \$480.00 mo./  
\$5,760.00 yr.

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

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

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

HAY ASSOCIATES  
One East Wacker Drive  
Chicago, Illinois

- Develop a Performance Evaluation System for Police Officers, Police Department  
Not to exceed \$18,500.00

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

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

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

HOLT MACHINERY COMPANY  
6901 S. Interregional Hwy.  
Austin, Texas

- Repair Parts for Caterpillar Bulldozer, Vehicle & Equipment Services Department  
Item Nos. 1 thru 14 - \$5,959.13

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

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

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

AUTOMATIC SIGNAL COMPANY  
2205 West Division, Suite B-5  
Arlington, Texas

- Traffic Signal Controllers, Urban Transportation Department  
Item 1 - 20 ea. @ \$5,879.00  
Total \$117,580.00

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

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

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

GENERAL ELECTRIC COMPANY  
4219 Richmond Avenue  
Houston, Texas

- Parts and Supplies for Turbine  
Generator Modification, Holly #4  
Power Production Division  
Items Nos. 1 and 2 - \$7,268.20

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

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

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

WESTINGHOUSE ELECTRIC SUPPLY CO.  
9230 Research Boulevard  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Three (3) 138 KV Potential  
Transformers, Electric Utility  
Department  
Item 1 - 3 ea @ \$5,000  
Total \$15,000.00 C.I.P. No. 77/35-06

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

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

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

WESTINGHOUSE ELECTRIC CORPORATION  
201 N. St. Mary's  
San Antonio, Texas

- Repair of Hydrogen Coolers for  
Westinghouse Generator at Holly #1,  
Item 1 - 1 set of 2 - Total \$59,650

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

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

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

B & B LAND CLEARING COMPANY, INC.  
8001 East Riverside  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of streetlight  
foundations, conduit and pull boxes  
on East Riverside Drive and on  
William Cannon Drive - \$55,137.50  
C.I.P. Nos. 75/38-01, & 74/38-01

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

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

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

ALLIED CONTRACTING COMPANY

- CAPITAL IMPROVEMENTS PROGRAM -  
Roofing & Ceiling repair to  
Municipal Auditorium. C.I.P. No.  
79/80-02 \$168,421

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

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

#### RAILROAD RELOCATION FEASIBILITY STUDY

Councilmember Mullen moved that the Council adopt a resolution to enter into a contract with Railroad Commission of Texas for railroad relocation feasibility study. (Total \$63,178; \$12,636 In-kind) The motion, seconded by Councilmember Snell, carried by the following vote:

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

### PARKING METER ZONES

Councilmember Mullen moved that the Council adopt a resolution to authorize the following Parking Meter Zones:

<u>Meter Zone</u>	<u>Street</u>	<u>Location</u>	<u>Side of Street</u>
15/30	Congress Ave.	1000 Block	West
30/60/90/120	W. 18th Street	400 Block	West
30/60/90/120	San Antonio St.	800 Block	West
120/240/360/480/600	E. 8th Street	400 Block	North and South
120/240/360/480/600	E. 9th Street	400 Block	North and South

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

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

### INTERGOVERNMENTAL PERSONNEL ACT GRANT

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of grant application to the Texas Department of Community Affairs (TDCA) for an Intergovernmental Personnel Act (IPA) grant for an "Employee Assistance Program" beginning October 1, 1979 through September 30, 1980. (Total cost \$48,133; \$28,167 In-kind & \$19,966 Federal) The motion, seconded by Councilmember Snell, carried by the following vote:

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

### ACCIDENT PREVENTION TRAINING PROJECT

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of grant application to the Texas Department of Community Affairs (TDCA) for Intergovernmental Personnel Act (IPA) grant for an "Accident Prevention Training Project" beginning October 1, 1979 through September 30, 1980. (Total cost \$31,663; \$16,261 In-kind & \$15,402 Federal) The motion, seconded by Councilmember Snell, carried by the following vote:

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

ITEM POSTPONED

Councilmember Mullen moved that the Council postpone until June 21, 1979, consideration of authorization to contract with the Clarksville Community Development Corporation to administer the "Clarksville Rent House Repair Program", funded in the amount of \$17,500 from the Fourth Year Community Development Block Grant. The motion, seconded by Councilmember Snell, carried by the following vote:

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

RESTRICTIVE COVENANTS RESCINDED

Councilmember Mullen moved that the Council adopt a resolution to rescind restrictive covenants no longer required by the current Lake Austin Watershed Interim Ordinance No. 781102-C, as requested by William B. Cotton. The motion, seconded by Councilmember Snell, carried by the following vote:

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

U.S. 183 AREA STUDY REPORT

Councilmember Mullen moved that the Council adopt a resolution to approve the U.S. 183 Area Study Report and Recommendation of the Planning Commission; without a moratorium. The motion, seconded by Councilmember Snell, carried by the following vote:

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

MUNICIPAL ORGANIZATION ANALYSIS

Councilmember Mullen moved that the Council adopt a resolution to amend the existing audit contract with Peat, Marwick Mitchell & Co. to perform an analysis of the Municipal Organization. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## GREEN WATER TREATMENT PLANT IMPROVEMENT

Councilmember Mullen moved that the Council adopt a resolution to select the firm of Freese & Nichols, Inc. for professional engineering services in connection with Green Water Treatment Plant Improvements for the Water and Wastewater Department. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## RED RIVER STREET RELOCATION

Councilmember Mullen moved that the Council adopt a resolution to approve amendments to the contract between the city and the University of Texas to the relocation and construction of Red River Street. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing June 21, 1979 at 8:30 P.M. on an appeal of the decision of the Planning Commission from Lin Murray, President of Whispering Oaks-Cherry Creek Area Neighborhood Association granting a Special Permit for a 72-unit apartment complex at 2201 Wm. Cannon Drive (The Southland Apartments). C14p-79-004. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing July 5, 1979 at 10:00 A.M. to amend Chapter 45 of the Austin City Code, Zoning Ordinance, regarding the establishment of fees for postponement of zoning applications requested by the applicant. The motion, seconded by Councilmember Snell, carried by the following vote:

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



## PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing on July 5, 1979 at 10:15 A.M. to amend Chapter 45 of the Austin City Code, Zoning Ordinance, regarding the establishment of landscaping requirements on (1) land zoned "BB" Residence or more permissive which is located on streets with a right-of-way of 60 feet or greater, and (2) land with twenty or more parking spaces. The motion, seconded by Councilmember Snell, carried by the following vote:

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

## PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing for July 5, 1979 at 10:30 A.M. to consider annexing the following:

- a. 97.83 acres of land out of the Patterson Moore Survey No. 70, the Lawrence P. Sunberg Survey No. 71, the A. Eanes Survey No. 290, and the Henry P. Hill League Survey No. 21, Eanes I.S.D. Middle School Subdivision, Woodhaven II, Portion of Pinnacle Road, Portion of Walsh Tarlton Lane, and Unplatted Land. (56.83 acres initiated by the City and 41.0 requested by owner)  
C7a-79-005
- b. Approximately 3,000 acres of land north of Bee Creek south of Lake Austin, excluding the area in Water District 10. (Initiated by City)

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

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

## PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution to set a public hearing on July 19, 1979 at 10:00 A.M. on whether to permit construction of a wastewater main through the Walnut Creek Park. The motion, seconded by Councilmember Snell, carried by the following vote:

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

AGENDA ITEM POSTPONED

Councilmember Mullen moved that the Council postpone until next week consideration of setting a public hearing to amend Chapter 45 of the Austin City Code, Zoning Ordinance, regarding establishment of building height limits in the Center City area and the requirement for a Special Permit if building heights are exceeded. The motion, seconded by Councilmember Snell, carried by the following vote:

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

AGENDA ITEM PULLED

A resolution to consider approval of the form and content of the Notice of Sale and Bidding Instructions, the Official Bid Form and Official statement and authorization of the use thereof, in the city's offering of \$45,000,000 Utility System Revenue Bonds, Series 6, and \$8,000,000 Various Purpose General Obligation Bonds, Series 259, was withdrawn from the agenda.

AGREEMENT WITH FIRST SOUTHWEST COMPANY

Councilmember Mullen moved that the Council adopt a resolution to authorize an agreement with First Southwest Company relating to the sale of the City's proposed Electric, Waterworks and Sewer System Refunding Revenue Bonds. The motion, seconded by Councilmember Snell, carried the following vote:

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

Mayor McClellan commented, "This is our \$40-60,000,000 we'll realize over a 20-year period."

LIMITED DISTRIBUTION MEMORANDUM

Councilmember Mullen moved that the Council adopt a resolution to approve the form, content, and distribution of a Limited Distribution Memorandum relating to city's proposed Electric, Waterworks, and Sewer System Refunding Revenue Bonds. The motion, seconded by Councilmember Snell, carried by the following vote:

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

RESOLUTION TO TEXAS LEGISLATURE

Councilmember Mullen moved that the Council adopt a resolution commending the Travis County Delegation for their efforts to enhance the City of Austin in the 66th Session of the Texas Legislature. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Mayor McClellan requested the resolution to be spread upon the Minutes.

(Resolution)

WHEREAS, during the 66th Session of the Legislature of the State of Texas, the Legislature considered numerous matters involving and effecting municipalities including the City of Austin, Texas; and,

WHEREAS, THE Legislative Delegation from Travis County, Texas, did an outstanding job in helping the passage of legislation beneficial to the City of Austin; and,

WHEREAS, the Travis County Legislative Delegation did an outstanding job in helping to defeat legislation detrimental to the City of Austin, Texas; and,

WHEREAS, the efforts of the Travis County Legislative Delegation have greatly benefitted the City of Austin and its citizens; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin hereby officially commends and gives thanks to Senator Lloyd Doggett, Representative Gonzalo Barrientos, Representative Mary Jane Bode, Representative Wilhelmina Delco and Representative Gerald W. Hill, for their outstanding efforts on behalf of the citizens of the City of Austin, Texas.

Councilmember Goodman stated: "The Travis County delegation was successful in helping the City of Austin pass the bill which enabled us to re-finance our senior lien bonds. That could save us up to about \$60,000,000. They were successful in stopping the other bill which would allow for competitive bidding for electricity for state facilities which would have been very harmful to our system. They passed the bill which allows the city to maintain the Old Bakery. \$30,000.00 was placed in the appropriations bill to pay for a new roof on the Old Bakery. There was also an effort to move the Board of Pardons and Parole from the City of Austin. This was also successfully stopped." Mayor McClellan stated, "We want this Resolution spread upon the Minutes and we will certainly see to it that it is delivered to each of our Travis County delegation with our sincere appreciation for their efforts." Councilmember Snell said, "One thing my colleague left out that is most important is that they passed a bill making June 19th a legal holiday for the State of Texas."

#### SALE OF SURPLUS PROPERTY

Councilmember Mullen moved that Council adopt a resolution to approve sale of surplus property, (fire truck, 1961 model, to Jollyville Fire Department, Jollyville, Texas, in the amount of \$10,000.00). The motion, seconded by Councilmember Snell, carried by the following vote:

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

#### ITEM PULLED FROM AGENDA

A resolution to consider granting the consent of the city to the creation of the Springwoods Municipal Utility District was pulled from the agenda.

#### DAVENPORT RANCH

Councilmember Mullen moved that the Council adopt a resolution amending the March 8, 1979 resolution granting the consent of the City of Austin to the creation of the Davenport Ranch Municipal Utility District to include additional conditions authorized by the new subsections (f) and (h) of the Section 54.016 of the Texas Water Code (H.B. 1974). The motion, seconded by Councilmember Snell, carried by the following vote:

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

## RECOGNITION

Mayor McClellan called attention to the special help in the Council Chambers this morning and asked Mr. Davidson to introduce them "in line with our refunding item."

Mr. Dan Davidson stated, "The Travis County Legislative delegation helped us get the legislation required in order to do the refunding. I congratulate the Council in passing the motion today which will start the process, achieving the savings that are possible under this refund proposal. We do have some people in the audience who, as I read their name, would like to have them stand so everyone will know who is here. These are individuals who have contributed to everything required to start the process." Mr. Davidson then introduced the following: Mr. Curtis Adrian, Senior Vice President, First Southwest Company; Mr. Jerry S. Pearce, Vice-President, First Southwest Company from Dallas; Michael L. Salmon, Asst. Vice President, First Southwest Company, Dallas; Richard C. Porter, McCall, Parkhurst & Porten, Dallas; Francis X. Coleman Jr., a partner in Goldman-Sachs & Co.; Donald G. Robinson, Hawkins, Delafield & Wood; Joe Rogers, Hawkins, Delafield & Wood. Mr. Davidson said he thought the Council and audience would like to know "who is here to represent this item."

## GOLF FEES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 24-2.1 (a) (3) AND (4) OF THE AUSTIN CITY CODE; CORRECTING THE FEES TO BE CHARGED FOR JUNIOR AND SENIOR WEEKDAY PLAY AND SENIOR WEEKEND-EVENING PLAY ON MUNICIPAL GOLF COURSES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ordinance No. 79-0614E

F-6

Central Library Shelving

WEST 35TH STREET CUT-OFF

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ASSIGNING THE NAME OF WEST 35TH STREET CUT-OFF TO THAT CERTAIN STREET WHICH EXTENDS FROM THE NORTH LINE OF WEST 35TH STREET TO THE SOUTH LINE OF WEST 38TH STREET; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

TAXICAB FRANCHISE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34-59 (a) OF THE AUSTIN CITY CODE OF 1967; PROVIDING THAT EACH FRANCHISE FOR TAXICABS AWARDED BY THE CITY COUNCIL OF THE CITY OF AUSTIN BE GRANTED FOR A SPECIFIC PERIOD OF TIME RATHER THAN FOR ONE YEAR ONLY PROVIDING THAT FRANCHISES MAY BE SUBJECT TO FORFEITURE AND CANCELLATION FOR GOOD CAUSE WITH ANNUAL REPORTS ON PERFORMANCE AND OTHER INFORMATION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

### SPEED ZONE MODIFICATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967, MAKING A CERTAIN ADDITION AND DELETION TO SUBSECTIONS (a) AND (b) THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON "HIGHWAY" (VERNON'S ANN. CIV. ST., ART. 6701d): SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

ADDITION: Sub-section b - 40 m.p.h.

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Woodward Street	I.H. 35 West Service Rd. (1200 block	South Congress Ave. (100 block)

DELETION: Sub-section a - 35 m.p.h.

Manchaca Road	South Lamar Blvd. (2800 block	Glen Allen (3100 block)
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### CENTRAL LIBRARY SHELVING

Mayor McClellan introduced the following ordinance:

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



## PUBLIC HEARINGS SET

Mayor Pro Tem Cooke moved that the Council set a public hearing on June 21, 1979 at 6:30 P.M. to consider amending Chapter 41 of the Austin City Code (Subdivision Ordinance) providing interim standards for development of land within Lake Austin Watershed. The motion was seconded by Councilmember Mullen.

Later, Council reconsidered the time set and made the following motions:

Motion to Reconsider

Councilmember Goodman moved that the Council reconsider the time set for the public hearing on consideration of amending Chapter 41. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Motion

Councilmember Goodman moved that the Council set a public hearing on June 21, 1979 at 9:15 P.M. to consider amending Chapter 41 of the Austin City Code (Subdivision Ordinance) providing interim standards for development of land within Lake Austin Watershed. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

## PUBLIC HEARING SET

Mayor Pro Tem Cooke moved that the Council set a public hearing on June 21, 1979 at 6:30 P.M. to consider amending Chapter 29 of the Austin City Code (River, Lakes and Water Courses) providing interim requirements for site development permits for the development of land within Lake Austin Watershed. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Later, Council reconsidered the time set and made the following motions:

Motion to Reconsider

Councilmember Goodman moved that the Council reconsider the time set for the public hearing on consideration of amending Chapter 41. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Motion

Councilmember Goodman moved that the Council set a public hearing on June 21, 1979 at 9:15 P.M. to consider amending Chapter 29 of the Austin City Code (River, Lakes and Water Courses) providing interim requirements for site development permits for the development of land within Lake Austin Watershed. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

ZONING ORDINANCE

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

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 3,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 7000 ED BLUESTEIN BOULEVARD AND 6950 MANOR ROAD, FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Allied Development Company, C14-79-017)

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

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

Noes: Councilmembers Goodman, Snell, Mayor McClellan

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 1.96 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8422-8524 BALCONES AND 3501-13 CIMA SERENA; FROM "BB" RESIDENCE, FIRST 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. (First City National of Houston, C14-79-073)

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

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

Noes: None

Abstained: Councilmember 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:

AN 11,252 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1213 PARKWAY; FROM "A" RESIDENCE, FIRST 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. (Jonas Silberstein; Howard & Lois Okon, C14-79-077)

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

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 35.71 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3594-3616 DUVAL ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, 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. (City of Austin Planning Department C14-79-084)

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

Mayor McClellan introduced that 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 EASTERNMOST 73.6 FEET OF SOUTH 1/2 OF LOT 8, WEST 56.5 FEET OF SOUTH 1/2 OF LOT 10 RAYMOND'S SUBDIVISION, OUTLOT 38, DIVISION D, LOCALLY KNOWN AS 706 AND 706-1/2 AND A PORTION OF 708 WEST 23RD STREET, FROM "B" RESIDENCE, FIRST 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. (V. & M. Investments, C14-79-072)

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

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 29.34 ACRE TRACT OF LAND, SAVE AND EXCEPT THE SOUTHERNMOST 100 FEET WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" FIRST HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 9241-9269 RESEARCH BOULEVARD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, 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. (Bradfield, Cummins & Shepherd, C14-79-068)

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

Mayor McClellan introduced the following ordinance:

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

AREA 1: ALL OF LOTS 6 AND 5 REMAINING AFTER THE DEDICATION OF WILLIAM CANNON DRIVE AND ALL OF LOTS 4, 3, 2, AND 1, BLOCK B, SAN ANTONIO ROAD ADDITION, AND ALL OF LOTS 24, 23 AND 22, BLOCK A, SAN ANTONIO ROAD ADDITION; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

AREA 2: ALL OF LOTS 7 THROUGH 21 INCLUSIVE, BLOCK A, SAN ANTONIO ROAD ADDITION, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 6409-6704 CONGRESS AVENUE, 100 BLOCK OF EAST WILLIAM CANNON DRIVE AND 6408-7610 CIRCLE S ROAD; 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. (Odas Jung, C14-79-080)

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

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 7,198 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 250 SQUARE FOOT TRACT OF LAND WHICH IS CURRENTLY ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND WHICH SHALL REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF THE ABOVE PROPERTY BEING LOCALLY KNOWN AS 1107 EDGEWOOD AVENUE; 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. (Frankie R. Melder, C14-79-082)

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

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

Noes: None

Abstain: Councilmember 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:

A 0.59 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1604 EAST 11TH STREET (GERMAN-AMERICAN LADIES' COLLEGE); FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "B-H" RESIDENCE-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. (German-American Ladies' College, C14h-79-009)

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

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING "LANTANA GLEN PHASE I" LOCATED AT CIMA SERENA DRIVE AND BENT TREE DRIVE TO BE USED FOR A PLANNED UNIT DEVELOPMENT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (JLP Development Corp. C814-78-009)

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

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke  
Noes: None  
Abstain: Councilmembers Goodman, 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:  
A 2.751 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE NORTHEAST CORNER OF TERRY-O LANE; 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. (Taylor's Southside Auto Parts, Inc., C14-70-001)

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

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING "THE VILLAGE AT PLEASANT VALLEY, SECTION TWO" LOCATED AT NUCKOLS CROSSING ROAD AND PLEASANT VALLEY ROAD TO BE USED FOR A PLANNED UNIT DEVELOPMENT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Equity Investors, Inc., C814-72-015)

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

#### ITEM PULLED FROM AGENDA

Mayor Pro Tem Cooke moved that the Council withdraw the following zoning case:

JUDGE SEBRON SNEED	1703 North Bluff Dr.	From Interim "A" Residence
HOME		1st Height and Area
By Mrs. E. C. Chamness		To Interim "A-H" Residence-Historic
C14h-77-011		1st Height and Area

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

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

#### URBAN TRANSPORTATION SYSTEM FOR THE MOBILITY IMPAIRED

MS. MARTHA ARBUCKLE, former president of MIGHT, appeared before Council to present a report prepared by Mr. Joe Ternus and the Urban Transportation Department on a System for the Mobility Impaired. She thanked Mr. Ternus for asking her to present the report and called Council's attention to the yellow book each one had before them. Mrs. Arbuckle commended the content and the manner of compilation. As a member of the Urban Transportation Commission, Mrs. Arbuckle said she helped develop the report which gives a broad view of all the needs of the mobility impaired in Austin...not just transportation but sidewalks, parking, etc. with recommendations for improvement.



Mr. Ternus commented the development of the system is due to co-operation by the mobility impaired and the Transportation Department.

Motion

Mayor Pro Tem Cooke moved that the Council approve the Urban Transportation System for the Mobility Impaired Report. The motion, seconded by Mayor McClellan, carried by the following vote:

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

JIMMY SNELL OPEN

Councilmember Snell announced the Jimmy Snell Open Golf Tournament has been set for Saturday. Purpose of the tournament is to raise money for renovation of a building to use for a performing arts center in East Austin. He said trophies will be awarded Saturday at 6:30 P.M.

PUBLIC HEARING - URBAN MASS TRANSPORTATION GRANT

Mayor McClellan opened the public hearing set for 9:30 A.M. on Urban Mass Transportation Administration 1978 Capital Assistance Grant Project TX-03-0048 in the amount of \$1,161,363.00.

Mr. Joe Ternus, Director of Urban Transportation, appeared before Council and stated: "Pursuant to Federal guidelines, notices to hold this public hearing have been published. This project is a Section 5 capital assistance grant from the Urban Mass Transportation Administration in the amount of \$1,451,704 for land acquisition of approximately 6.44 acres, engineering and architectural services, site preparation, and paving for the north Austin area transit terminal. In addition, two supervisory sedans and an oil separator are included in the application. We have estimated that with this particular equipment the net savings to the annual budget for the Transit System will be approximately \$4,000.00." No one appeared to be heard.

Motion

Mayor Pro Tem Cooke moved that the Council close the public hearing and adopt a resolution for the Urban Mass Transportation Administration 1978 Capital Assistance Grant Project TX-03-0048 in the amount of \$1,161,363.00. The motion, seconded by Councilmember Snell, carried by the following vote:

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

### HOLISTIC HEALTH ASSOCIATION PICNIC

Mayor Pro Tem Cooke moved that the Council approve the request of Ms. Megan Carter, Secretary, Austin Area Holistic Health Association, for permission for sale of fruit, juice and salad at the Annual Spring Fund-Raiser Picnic, June 17, 1979, at Eastwoods Park. The motion, seconded by Councilmember Snell, carried by the following vote:

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

### RELOCATION OF SINGLE FAMILY RESIDENCE

MR. MAX N. HOPPE appeared before Council and asked them to consider an appeal from himself and Raymond Nowotny, concerning a Building Standards Commission order granting a permit to relocate a single family residence from 408 Sterzing Street to 2007 Arpdale Street. Mr. Hoppe said he is a retired attorney and CPA who assists people when they have invasion of property rights and Federal tax problems. He said the appeal is in protest of the proposed move of a previously condemned residential house. He said the house was ordered, by Building Standards, to be demolished by April of 1979 as being a substandard unit. Now they have decided to move it to another area. He said there were several neighbors in the Chamber audience to give their opinion on the moving of the house to their area. Mayor McClellan pointed out that Mr. Hoppe is appearing under Citizen Communication and if there are people to be heard on the matter, then a public hearing should be set. After some discussion, the following motion was made:

#### Motion

Mayor Pro Tem Cooke moved that the Council put a hold on the demolition of the house and set a public hearing for June 21, 1979 at 9:00 P.M. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Himmelblau, Mullen, Snell  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Trevino, Mayor Pro Tem Cooke

Mr. Lonnie Davis, Director, Building Inspection, submitted a request from Mr. Hoppe and Mr. Nowotny to withdraw their appeal. The letter was submitted later in the day.

Motion to Reconsider

Councilmember Mullen moved that the Council reconsider their decision on the appeal by Max N. Hoppe and Raymond Nowotny. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

Motion

Mayor Pro Tem Cooke moved that the Council allow Mr. Hoppe and Mr. Nowotny to withdraw their appeal. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

DESIGNER'S COOPERATIVE

MR. TOM GIEBINK, Designer's Cooperative, appeared before Council to discuss the importance of keeping the community of artists living and working downtown and a proposal for the interim use vacant building space for artist work space. He showed a series of slides depicting what has been done with the Capitol Paper Storage Warehouse at 309 East 4th Street. He asked consideration of the artist's efforts in the Central City revitalization plans. Mayor Pro Tem Cooke commented he was not aware of their building but was impressed. Mr. Giebink said they were requesting a tax structure whereby buildings such as theirs, used for artists studios would not be taxed as highly as condominiums. Councilmember Himmelblau asked if the artists would market their crafts and make the building accessible to the public. He said that generally, that is their idea.

Mayor Pro Tem Cooke asked about taxing one structure to maintain the integrity of that structure, based on the use of the structure. He asked for an analysis as it relates to taxing entities and uniform property taxes as related to the Texas Constitution.

Mr. Jerry Harris, City Attorney, stated: "You're exactly right. It's not unlike what has been done, for example with agricultural land. There's been some provisions made now that instead of being taxed on market value, in certain instances agricultural land will be taxed on the basis of income production. But those sorts of adjustments in the general rule about equal uniform taxation really have to be made through constitutional and statutory

changes. We can do some further work on analyzing those type of changes that would be necessary to implement such a plan."

The following people accompanied Mr. Giebink to the podium, but made no comments: Jean Eby Marburger, Karen McGraw, Scott Hightower.

#### PARADE PERMIT

Councilmember Snell moved that the Council approve the request for a Parade Permit from Brig. General John A. Hamilton, for Improved, Benevolent, Protective Order of Elks of the World, from 12:00 noon to 1:30 P.M., Saturday, June 16, 1979, beginning from Congress Avenue and East 3rd Street to East 4th, 5th, 6th & 7th by way of Congress Avenue, right turn on 7th Street to Brazos. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Himmelblau, Mullen, Snell.

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino, Goodman, and Mayor Pro Tem Cooke

#### PUBLIC HEARING TO AMEND CHAPTER IV AUSTIN COMPREHENSIVE PLAN

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. to amend Chapter IV of the Austin Comprehensive Plan as related to disposition of Area V. Mr. Dick Lillie addressed Council as follows: "When the City Council approved Chapter IV of the Comprehensive Plan in March there were several areas in that plan identified as transitional. They are called Area V...they are generally west and northwest of the city. They instructed the Planning Commission to come back to you with recommendations on the resolution of the areas as to whether they ought to be upgraded to Priority Area IV or downgraded to Priority Area VI. ...There are two options the Commission looked at." (Options he outlined follow)

Option #1, Assign to Area IV. Area IV is outside the preferred growth corridor; it is so designated in recognition of, or in response to, intense development activity and pressure, plus substantial prior public commitments. Area IV designation represents an intention to serve and to annex, largely in response to private market decisions. This reflex attitude contrasts with the declared policy of actively encouraging development in Area III. However, this policy should still result in the facilitation of medium density suburban development and growth within Area IV. The annexation of new development and developing areas has the advantage of extending City controls to these areas. This may result in a higher quality development and the mitigation of certain impacts.

It should be noted that state statute now requires the City to annex an entire utility district (except those portions lying within another city or its E.T.J.) at the time that the City annexes any portion of that district. Several utility districts are located within the southern Area V region.

Option #2, Assign to Area VI. Area VI designates land which the City has no intention of annexing and serving, within a time frame similar to that mentioned previously. This precludes neither the ability to develop, at private initiative and cost, nor to serve or annex based on future decisions or needs. For instance, the ability to annex in order to forestall independent incorporation, should this be deemed desirable, would not be pre-empted by an Area VI designation. The policy associated with Area VI is that the City should do nothing to encourage development there, but still may annex if it becomes beneficial for the City to do so.

On the other hand, the policy of non-encouragement is intended to result in residential suburban areas of quite low density in Area VI. It is generally considered to be much more expensive to later bring these low density areas up to the same urban infrastructure standards as may exist in most of the rest of the City.

Mr. Lillie continued by explaining the land areas by use of maps. He said, "The Planning Commission recommends the area to the north on Bull Creek to Area IV and the area south of Bull Creek to Area VI. This assignment recognizes that development will occur without expenditures of municipal funds and that most of the area is within the five year Annexation Plan. Area V South should be assigned to Area VI. This assignment recognizes that any significant rate and scale of development is dependent upon wastewater facilities in the Barton Creek watershed, which at this time seems unlikely. The subcommittee further recommend a clarification to one of the principles for guiding development in Area IV. Because of the wording in principal #2 -- 'Municipal infrastructure, such as water and wastewater, available on a cost-sharing basis between the city and the developer'--one might infer that infrastructure will automatically be provided in Area IV. This is obviously not the intent of this principle. The following wording is recommended: 'If provided, municipal infrastructure, such as water and wastewater, available on a cost-sharing basis between the city and the developer'." He referred to another map and explained further.

Neal Graham, representing the Citizen's Board of Natural Resources and Environmental Quality, appeared before Council. He referred to a letter from the Board which Council had before them and said they are in favor of designating the southern areas to Area VI, but take issue of the recommendation to designate the area north and east of Bull Creek to Area IV. He said this would encourage growth outside of the approved growth corridor. Mr. Graham then described the technicalities.

MR. E.N. MANNUS, appeared before Council and said he concurs with the Planning Commission's recommendation regarding the Barton Creek area to Area VI. He said he does have some reservations about designating the Bull Creek as Area IV. He said the infrastructure prohibits drainage unless there is lift station to lift sewage up to Bull Creek lateral.

MR. DAVID BLOCK appeared as Chairman of the West Austin neighborhood Group and stated they concur with Mr. Graham.

Motion

Councilmember Mullen moved that the Council close the public hearing and change Area V to Area VI. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

ROOM OVER BOAT DOCK TO BE BUILT

MR. GEORGE BRUNER appeared before Council to request approval to build a room over boat docks on Lake Austin. Mr. Leonard Ehrler, Parks & Recreation Department, told Council the staff recommendation is to grant this. This is the second time Mr. Bruner has made this request. The first time it was not made clear to the Parks and Recreation Advisory Board what the room was for. Some thought it might be a habitat and the Board did not want to encourage that. At the time of the second application, the owner spoke to the Board and supplied the Legal Department with a covenant which expressly prohibits anyone living in the room....it is strictly for storage and recreation purposes. Therefore staff recommended it be granted and the Board concurred.

Motion

Councilmember Mullen moved that the Council approve the request of Mr. George Bruner to build a room over boat docks on Lake Austin, subject to legal restrictions as presented. 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  
Noes: None  
Not in Council Chamber when roll was called: Mayor Pro Tem Goodman

PLANNED UNIT DEVELOPMENT  
PUBLIC HEARING

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. on the following planned unit development:

O.B. MCKNOWN, 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 P.U.D.

Mr. Lillie reviewed the application by use of slides. He said all the departments of the city have reviewed the PUD as have agencies outside the city administration. The requirements and recommendations are a part of the packet which was distributed to Council. Proposed for the PUD is a central evapo-transpiration system. That system has been approved by the State Health Department, the City/County Health Department has reviewed it and made recommendation on it and it has been approved by the Planning Commission. The Planning Commission recommends the PUD be approved, and the final plat can be considered by the Commission as early as June 26, 1979. The PUD is a concept plan; the purpose of it is to conceptually locate where the development is going to occur on the property, where the roads and open spaces will be and where areas will be dedicated to the centralized evapo-transpiration system. The owner has agreed with the recommendations and requirements of the Planning Commission. A notice was placed in the newspaper for this public hearing as per City Council requirements.

MR. ALLEN HAYWOOD, representing the applicant, appeared and stated he or the applicant would answer any question the Council has.

MR. JIM LaCHANCE, Homebuilder and realtor, appeared before Council to state his opposition to the PUD. He asked Council to postpone their decision so further study can be done. He fears the development could pollute Slaughter Creek. He suggested there be a postponement of 120 days until all data has been gathered.

Councilmember Cooke said he appreciates the details of Mr. LaChance's information and asked what staff's recommendation is. Mr. Lillie answered in a PUD, they recommend them if they meet the City and County Code and Ordinances. "In this case, the only thing that caused any serious problem and any question was the use of the evapo-transpiration system."

Dr. Maureen McReynolds, Director, Environmental Resource Management stated: "A couple of months ago you did pass an ordinance allowing the limited experimental use of the evapo-transpiration system through the subdivision process. At that time we did not specifically address PUD's and did not address the collective system such as is being proposed here. The limited use at that time was restricted because we felt there were questions we were not able to answer without some actual experience. There have been several permits issued since that time. The Health Department can give you information, but I believe about 7 or 8 systems have been installed in the county area with individual homes. They will be observed on an experimental basis."

MR. DEREK HOWARD, attorney representing certain landowners in McKownville who purchased land from O.B. McKown Jr. He stated: "We will file suit in District Court for injunction to prohibit construction of McKownville II for the reason that this project is in direct violation of certain deed restrictions which apply to the land on which Mr. McKown proposed to build. I have provided each of you with a copy of this petition. (NOT FILED WITH CITY CLERK) ...In addition to all of the environmental problems and questions which have been raised regarding this PUD the landowners bought their lots from Mr. McKown after he had made express representations to them that certain deed restrictions would apply to all the land sold within the 369.96 acre development named McKownville." He referred to maps and an appellate brief which stated none of said land shall be used except for residential purposes. He referred to the section which stated the land will not be subdivided into smaller lots or tracts smaller than  $1\frac{1}{2}$  acres each and in no instance will more than one residence  $1\frac{1}{2}$  acre tract be permitted. Mr. Howard pointed out there is no question McKownville II violates the specific deed restriction. He said this is what Mr. McKown told the Supreme Court of Texas three days ago, and requested Council to postpone final decision for 90-120 days pending the final legal determination of the parties involved in this dispute and allow the agencies who have approved McKownville II time to review their decisions in light of the serious threat to the environment.

Mayor Pro Tem Cooke thought the information presented today should be further studied before a final decision is made.

KENT RYDER, representing Phillips Pipeline Company, said they are neither for or against the PUD but appears before Council because of the law imposed on them because of the nature of the material that goes through the pipeline. "Our people have only very recently become aware of this plan to look at it to see if there would be any impact on the line. Late yesterday afternoon we became aware there are possibly two areas in which the adoption of this site plan could create some degree of non-conformity with applicable Federal Department of Transportation regulations. We have advised the Legal Department and Mr. McKown's attorney of this. We are not saying there would be a non-conformity, we are saying there is a possibility. We do not want to see anyone use a non-conformity in this area as a lever against Mr. McKown, the pipeline company or the city, in the event there should ever be an accident, injuries or damage resulting from the operation of the pipeline in this area." He requested Council, if they postpone decision today, that Phillips Pipeline Co. be kept informed of any changes in the site plan because they don't want to be in a situation where there could be some direct effect on their line. He said they have had communication problems with the landowner for about the past 6 years and this is requesting information from Council.

Mr. Haywood returned to state a study of the evapo-transpiration system has been completed by city and state and has been approved, and his client has met all of the requirements. After some discussion he said he did not think Council has the authority to disapprove the PUD on the basis of the ET system. Mr. Harris, City Attorney pointed out there is reason to postpone decision on three issues: restrictive covenant, evapo-transpiration



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system, and the Phillips Pipeline Co. He said they can request postponement on the pipeline alone and suggested a postponement of a minimum of 30 and a maximum of 120 days.

MR. O.B. MCKOWN, applicant, appeared before Council, and told them the ET system was selected because it would do the least damage. He said it is the most expensive but will protect the creek. He asked Council to approve their PUD concept and then let the lawsuit be settled in court.

Motion

Mayor Pro Tem Cooke moved that the Council delay decision on Zoning Case C814-79-001 for at least 60 days to allow time for study. The motion was seconded by Councilmember Goodman.

Friendly Amendment - Not Accepted

Councilmember Trevino offered a friendly amendment to allow 90 days for time for study. His friendly amendment was not accepted.

Roll Call on Motion

Roll Call on motion showed the following vote:

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

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 11:00 A.M., on the following application. Pursuant to published notice thereof, the following zoning was publicly heard:

BILL MILBURN  
By Bill Gursich  
C14-78-190

3003-3205 Duval Road

From Interim "AA" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

MR. BILL GURSICH, representing Bill Milburn, appeared before Council to state: "I am here to present to you today a copy of a joint recommendation on behalf of the Walnut Crossing Homeowners Association and the Bill Milburn Company, and a proposed plat. (CITY CLERK DID NOT RECEIVE A COPY) If this zoning is approved by you, we have met with the neighborhood group, we have

jointly come up with this recommendation and would appreciate your consideration on the matter."

Councilmember Goodman moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission with joint agreement. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, with joint agreement and the City Attorney was instructed to draw the necessary ordinance to cover.

#### RECESS

Council recessed its meeting at 12:30 P.M. and resumed its recessed meeting at 2:20 P.M.

#### URBAN RENEWAL REDEVELOPMENT AREA DESIGNATED

Mayor McClellan opened the public hearing scheduled for 2:00 P.M. on designation of the proposed Urban Renewal Redevelopment Area in the Central City adjacent to Town Lake.

Mayor McClellan stated that the purpose of the public hearing had been misunderstood in some quarters. The purpose of the public hearing was to consider whether to designate an area in downtown as an urban renewal redevelopment area. The redevelopment proposal submitted by the American City Corporation was based on Texas Urban Renewal Law. The hearing was not to review the proposed plan, the Super Block or other various buildings referenced as that would come at a date that was yet to be set by the Council.

Mr. Dick Lillie, Planning Director, reviewed the history of the proposed urban renewal area, which was bounded on the north by 5th Street from IH 35 to San Antonio Street, south to 4th Street on San Antonio Street, westerly to Lamar Blvd., on the west bounded by Lamar Blvd. to Riverside Drive, easterly to Lee Barton Drive, southerly to Barton Springs Road, on the south along Barton Springs Road to Congress Avenue, northerly to the north shore of Town Lake, easterly to the alley between IH 35 and Rainey Street, on the east side of the alley northerly to River Street, west to what would be the extension of Red River Street, northerly to 1st Street and easterly to IH 35 back to 5th Street.

Mr. Lillie said that the following City departments had reviewed the approximately 60-block area.

1. Building Inspection Department to determine building conditions.
2. Urban Transportation Department on transportation facilities and operations.
3. Planning Department on land use and zoning.
4. Police Department on crime.
5. Fire Department on fire hazards.
6. Water and Wastewater Department on their facilities.

A report had been prepared with the following findings:

1. Area contained 288 structures, 88% commercial, 12% residential. 222 structures (77%) were determined by survey to be deteriorated, deteriorating or dilapidated beyond feasible rehabilitation. 66 structures (23%) were found to be sound.
2. In transportation, it was found that there were conflicts between railroad, vehicular and pedestrian circulation resulting in auto-train and auto-auto collisions, industrial traffic conflicting with auto and pedestrian traffic, missing, broken or sidewalks not in standard condition, substandard paving needing repair or reconstruction of streets.
3. The Planning analysis found density conflicts with residential and high-density or more permissive land uses, permissive zoning and building heights within the existing Ordinance.
4. The Fire Department found a combination of older structures and the frequency or presence of transients in the area caused problems with fire.
5. The Police Department found 421 reported crimes in 1978 in the area. In the top three categories, 68% of the crimes were theft, 13% burglary and 10% aggravated assault.
6. Water and wastewater facilities were found to be in good condition; however some old lines in place required maintenance and some replacement was necessary.

Mayor McClellan then opened discussion to the floor.

MS. JODY ZIMMEL spoke on noise pollution as it related to revitalization of Austin.

PHIL CONARD, representing the Organization for a Livable Downtown, commented on a series of slides of structures within the proposed urban renewal area. He questioned the accuracy of the conditions as stated in the report Mr. Lillie reviewed. Speaking for the Organization, he asked the City not to designate the subject area as an urban renewal area. (Mr. Conard filed a full presentation for the record and it appears at the end of this hearing)

NOEL WEBBE, MARK ZUFELD, SUZANNE KELLY, DARIAH FISK and HERB HILLERY each yielded their time to Phil Conard.

MARY OGDEN, who owned a small building at 119 Congress Avenue, stated that she bought the building for investment and did not intend to let the City have it without an argument. She stated that the City did not need another government project and felt that over the last 8 to 10 years City Hall had become more and more anti-business and socialistic. She also commented on the City's high utilities and taxes. She stated that the proposed project was not a necessity. She understood that some big investors were interested in the area and wondered why those investors had not come to private property owners instead of the City. She stated that if the City really wanted to revitalize downtown, then reduce the cost of government, reduce property taxes, reduce utility bills and stop strangling businesses with regulations.

BERNARDINO VERASTIQUE, a poet and professor at the University of Texas, hoped that the Council would remember the people effected by the proposed urban renewal.

MARILYN SIMPSON, President, Austin Neighborhoods Council, requested that the public hearing be continued until ANC had time to review the matter and the advice of the Planning Commission, Urban Transportation Commission, the Environmental Board and the Historic Landmark Commission had been obtained.

LEE BARBEE questioned the absence of an environmental impact statement in the report on the area by City staff. He suggested that the City not proceed until previously made recommendations for citizen input be carried out.

JEAN MATHER, representing South City Citizens, stated that there was no access from IH 35 to downtown, which would leave Riverside Drive as the major access to the area. She suggested the widening of some streets in the area west of IH 35. Mayor McClellan agreed with the suggestion.

PAUL HERNANDEZ, stated that he would oppose the creation of an urban development district downtown unless a guarantee could be made that the neighborhoods could be protected.

MS. MUNIZ asked the Council to stop the project now.

WILLA HARDIN, representing ACORN, asked the Council to hold public hearings in the evening when working people could attend. ACORN opposed the use of eminent domain. She asked the Council to take no action until the citizens of Austin had looked at the detailed plan and commented on it.

WILLIAM E. SMITH asked the Council not to designate the proposed area as an urban renewal area until more information was available.

Mayor McClellan pointed out that the purpose of the hearing was not to discuss the plan for the area, that under State law it was first necessary to declare by resolution that the area be designated as an urban renewal area.

Mayor Pro Tem Cooke also pointed out that the law required the placement in a newspaper on three consecutive weekends notice that a plan would be discussed. A district would have to be designated before a plan could be discussed.\*

TOM SHEFELMAN, member of the Community Affairs Committee of the local chapter of the American Institute of Architects, felt that more input was needed before any decision was made on designating the area as an urban renewal area.

JIM PIPER, attorney for the Blackshear Residents Organization, asked the Council to reaffirm that Community Development Block Grant funds would not be used for downtown revitalization. He asked the City to re-think the project and re-do its statistics on the area.

Mayor Pro Tem Cooke stated that the Council had gone on record several times that CDBG funds would be used for other projects. He had no problem reaffirming that position. Referring to the report discussed previously by Mr. Lillie, he read the following definitions into the record.

1. Sound - Structure in good condition
2. Deteriorated - Minimal repair needed
3. Dilapidated - Major repair needed
4. Dilapidated Beyond Feasible Rehabilitation - Cost of repair excessive

Mayor McClellan underscored that there had been no discussion on using CDBG funds in the proposed area.

JOHN BERNARDONI asked what powers would be given to the City by designating the area as an urban renewal area.

City Attorney Jerry Harris stated that about the only power would be to let the City proceed to prepare a detailed development plan for the area and then have one or more public hearings as required by statute.

MARTIN DELGADO commented on the influx of outside money if the development plan went forward and the possible political implications.

BILL MILSTEAD observed that the vitality of the downtown area determined the vitality of the city. He asked that at some point there be an action for the development and revitalization of downtown Austin.

HEINZ SNHULTZ commented that it sounded to him that people did not want the Council to designate the downtown area as an urban renewal development area.

JERRY WILLINGHAM questioned the value of the report prepared by the City Staff and called for reevaluation and more research before proceeding further.

\*Mayor McClellan stated that any person calling the City Manager would receive a written notice.

MOSES VASQUEZ stated that he had tried to fix up the property located at 1st and Congress but had been stopped. Mayor McClellan asked that a report be prepared by the City Attorney's office and the Building Inspection Department to see if the problem could be resolved.

BILL SMITH felt that before a detailed plan was formulated there should be much more discussion and reevaluation and that a good look be taken of which parts of the City should be revitalized and how.

JOHN HOLREY yielded his time to Mr. Smith.

GEORGE NALLE congratulated the Council on tangling with a knotty problem and offered his cooperation.

CONNIE MOORE asked the Council to orient the plan toward people who already live in Austin before designating the area as a redevelopment district.

JOE BROWN, an Austin architect, felt that designation of the area as an urban renewal area should proceed if that was required before developing a plan.

REGISTERED ARCHITECT 6690 asked why more local firms were not used in developing plans for downtown. He felt that outsiders were not needed.

Mayor McClellan stated that no plan was being adopted today. The American City Corporation had presented a plan after being selected by the Council to do so. Any ultimate plan would be adopted by the Council only after extensive hearings with the Commissions referenced earlier, the Urban Renewal Board, various neighborhood groups and other interested parties.

JEAN MARBURGER also felt that local talent should be used. She asked if declaring the proposed area as an urban renewal area included the power of eminent domain.

City Attorney Harris replied that it did not. When the detailed plan was adopted, under certain circumstances the Urban Renewal Agency could exercise the power of eminent domain.

#### Motion

Mayor Pro Tem Cooke moved that the Council close the public hearing and designate an Urban Renewal Redevelopment Area in the Central City adjacent to Town Lake as described on the map attached hereto as Exhibit "A". The motion was seconded by Councilmember Goodman.

#### Statement by Councilman Goodman

"I realize that this is a sensitive matter to everybody in this room, and after looking over all the facts and figures in this case I can't come to any other conclusion except that to think that this is a step in the right

direction. And that a lot of the concerns expressed here today are going to be taken care of in the hearings that are to come. And if they're not, I'm not going to be voting for those plans. And as a part of the process in putting together the plans we're going to address as many of these concerns as we can. I think there are a number of advantages to designating this area an urban renewal district and proceeding ahead in a positive fashion and I think the effect for the whole city including East Austin would be rapid and positive. We can't deny the fact that we've got a downtown area right now that is revitalizing in a very natural way and if we can stimulate that it will help, and for those residents here and there will no doubt be others who will come from out of town with nothing but dollar signs in their eyes and so forth. But we have to look at the overall effect and I think that overall effect will be that we're going to improve on a downtown that is three-quarters deteriorated, that for handicapped people who have a tough time getting around and in new and existing structures and improvements that we make there are just all kinds of small things like that that are going to make a big difference. We're going to be able to preserve Town Lake and do something that no other city has ever been able to do--have mixed residential and commercial uses and have a healthy downtown that works. Furthermore, because of its deteriorated state right now, which I think is undeniable, we're going to have tax dollars that are going to help ease the burden for us all. The negative concerns that have been expressed today I think we can get those taken care of and that's what I commit myself to and that's why I second Mr. Cooke's motion."

Statement by Mayor McClellan

"I just want to say that I too am certainly in favor of designating this a redevelopment area. There have been a lot of statements made here today that I think that we will pay very close attention to in the development of any specific plan for this area. There have been a lot of, I think, misstatements and misinformation. On a per capita basis our government employees are the same since 1973. One-half of the utility bills don't go to bureaucratic projects. Ten per cent of your bill is transferred to the General Fund. We would have to double property taxes if we didn't do that. I think that there were some real valid points made about orienting the plan to the people who are living in the areas right now, being sure that you address that. Out presentation this morning from the arts group and what's happening there in that particular building was very fine and I think should be incorporated into and certainly be given maximum consideration in any development in that area. I don't think this is an exclusive either/or thing. I think you can have mixed use in your central city area and I think we really need to learn our lesson well from what's happened in other parts of the country, in the northeast and midwest and look what's happened in the inner city. I think that we can in fact come up and devise a plan and all work together in devising a plan step by step that really addresses people living and working and playing together in that central city area and a cross-section of people that really reflects the diversity of Austin which has made it a delightful place to live. I would hope that everyone who is here today will help and we certainly welcome and solicit and want the input of Austinites into this plan at each step and will not only be addressing it if we designate this as redevelopment area through the Urban Renewal Board, but again through all of our City boards and commissions and certainly back here in the Council Chambers in at least one or several public hearings."

Statement by Councilman Snell

"I was really impressed talking with ACORN some time last week and some of the points they brought out about this particular plan and I would be interested in discussing it with anyone. I was really interested in the statement that Martin Delgado made about some of us not being here. We might not be on the City Council, but we don't have any intentions of leaving the City, nor do I have any intentions of getting out of a position of decision making for the City or the State or County or whatever. I certainly have plans to be around here and to see Austin develop like we want Austin to develop, not like outsiders want it developed. So it's going to take us working together. Someone made a statement, I think I was talking to ACORN then, you know the lines of communication have to stay open. This is the only way that we are going to solve some of the problems. We have to talk about it. So I can understand how you feel because sometimes I feel as though we are misled. But I guarantee you as long as I sit here, I'm just only one vote, but I'll work hard to keep you or anyone else from being misled about the decisions that are going to be made on this particular project."

Statement by Mayor Pro Tem Cooke

"I've heard a number of people today say that this is going to be made by The American City or this is going to be made by the staff and this is not going to be made by The American City and it is not going to be made by the staff. It's going to be made by the seven of us up here and I concur wholly it should be made with the input of the Austin public."

Statement by Councilman Trevino

"Being one of the rare breeds of people, that is to say, I was born in Austin and I remember what the city used to be some years ago. As a member of the Council I also see the problems and difficulties we have in seeing the the city deteriorate. But I strongly believe that this is probably going to be one of the most important decisions that I'm going to have to help make while being on the Council. I think that what we've heard today is a reasonable request by the public to take a look at it very carefully before we commit ourselves to designating an area. I think it's a very reasonable request. I don't feel as comfortable, perhaps, as my colleagues in voting for the area, although I do know that the area can be amended. I think, perhaps, I would do a disservice if I didn't listen to what is being said today. After all, if the city has suffered this type of deterioration for so many years, surely we can afford to invest just a little bit more time because in reality we need the input and support of all the public. I would caution my colleagues. I strongly support the concept of redevelopment of downtown, but why can't we wait just a little bit longer? You and I have had privilege to a heck of a lot more information than most people have. I would strongly urge the Council to reconsider in designating the area, and I vote No."



Roll Call on Motion

Roll Call on Mayor Pro Tem Cooke's motion, Councilmember Goodman's second, to close the public hearing and designate an Urban Renewal Redevelopment Area in the Central City adjacent to Town Lake as described on the map attached hereto as Exhibit "A", showed the following vote:

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

Mayor McClellan thanked everyone for attending the hearing and stated that future public hearings on the matter would be scheduled for evening meetings.

(See Redevelopment District Map following this report following Mr. Conard's statement)

MR. CONARD'S STATEMENT:

My name is Phil Conard, I am here representing the Organization for a Livable Downtown (O.L.D.) - a unique alliance of property owners, business, residents and a number of people from establishments continuously and somewhat maliciously referred to in City publications as nuisances and inappropriate land users. First, I would like to protest the lack of publicity given this hearing, and the difficulty in obtaining the "Redevelopment District - Inventory and Evaluation" document.

Although we have been able to effectively research this booklet, our efforts have a need for a more in-depth study prior to acceptance of it as "a basis for a City Council determination" (page 3)

As we shall prove, this study is a useless waste of taxpayer's money. It is filled with ignorance, arrogance, riddled with inaccuracies, falsehoods and overflowing with inappropriate assumptions, illogical, biased and fraudulent conclusions. As such, it fails in its purpose of analyzing the characteristics of the redevelopment district, and thus fails to serve as a valid base for a City Council determination.

The Texas Urban Renewal Law provides cities a course of action to rid themselves of blight and slums so that the population may be better served. It does not provide a course of action for cities to eliminate functioning and sound sections of town for new development.

For an area to be designated an urban renewal district it must be evaluated and shown to be a significant hazard to the well-being of the city. This study is said to be such an evaluation. Page 3: "all of the structures in the district were evaluated in May of 1979 to determine existing conditions." This evaluation was through "on-site" inspection and the buildings were categorized as follows: "Sound - structure in good condition, Deteriorated - minimal repairs needed, Dilapidating - major repairs needed, and Dilapidated Beyond Feasible Rehabilitation - cost of repairs would be excessive."

The choice of category headings is, in itself, biased and misleading. Further, the categories are far too narrow and exclusive. As we shall prove, no regard is made for buildings undergoing renovation, no emphasis is placed on the architectural or historical integrity of the buildings. No emphasis is placed on the social or psychological value of the buildings. Agreed, in purely economic terms, every building is deteriorating. But is the Paramount Theatre D.B.F.H. because it needs (still) major renovation? I hope not. The Woodburn House is of enormous value as much because of its location as its important history and irreplaceable architecture. These values must be included.

In this time we live with widespread and critical shortages of many things. Because of this, it is now better to conserve and rehabilitate old buildings. It is more logical on environmental, social, historical, and economic grounds. Therefore, we argue that D.B.F.H. is an obsolete concept.

The Building Inspections Department found 288 structures in the district Figure one shows only 248 dots representing the condition of these buildings. Although I tried to view the actual building inspection forms, I have thus far been unable too. They should in any case provide the same information as figure 1. In light of the previous objections towards biased and narrow categories, I think it useful to examine a random sampling of the buildings in the district and their new designation.

Lets start near City Hall.

1. Schneider Building, 1873, State and City Historical Landmark. Currently occupied, renovation in planning stages. Rating: D.B.F.R.
2. Palm School. Those of us who attended Austin Upturn know of the many exciting plans for this building being converted to a "Family Center." The cost is considered minimal in light of the gain. Rating: D.B.F.R.
3. El Ranchos - listed in the "Economic Strategies" booklet as being recently renovated and expanded. Logically, the building would thus be sound. Rating: Det'd.
4. House, 000 Block San Jacinto. Built in the 1880's, continously occupied since. D.B.F.R.
5. 307 E. 2nd - Historic home, built 1870's, currently undergoing renovation and before the Historical Commission. D.B.F.R.
6. San Jacinto and 2nd. Built 1950's, four bedrooms, fireplace. D.B.F.R.
7. Waterloo Compound, built 1870's, superbly restored, soon to be considered for Historic zoning. Det'd.

It is a slap in the face for the City to list the renovations and revitalization projects of these people as being unworthy of sound designations.

8. Davis and Red River, Built in 1978, not listed on map at all. I thought this was an on-site investigation.
9. Alex Pope Building - 300 N. Congress, built 1870's. Renovation in progress by the grandson of the original builder. D.B.F.R.
10. Central Hotel, 1870's. Historically and architecturally significant. One of the most beautiful buildings on Congress. Continously occupied since built. D.B.F.R.

11. 309 E. 4th, built 1878, continuously used. D.B.F.R.
12. Phillips Building, 111 E. 5th, built 1880, recently underwent extensive structural renovations. D.B.F.R.
13. Heierman Building - Hotel Provident, 1883, State and City Historical Landmark. Underwent total renovation 1974, a sound building and an inner-city revitalization effort to be proud of. Det'd.
14. Spaghetti Warehouse, built 1880's, had \$1,000,000 + renovation less than three years ago. Dilapidated.
15. The Hollywood, 1900, undergoing complete renovation. D.B.F.R.
16. Gaslight Theatre, 1890's. A significant force in the Austin Arts situation. Building undergoing complete renovation. D.B.F.R.
17. Capital Paper Stock Co. - Designer's Coop, 1940's. You heard about this one this morning. Complete renovation into commercial residential and studio space completed. D.B.F.R.
18. Brace your eyes. This non-building at Colorado and Second, demolished in October, 1978. Yet, in an on site investigation in May, 1979 the Building Inspections Department rated it as deteriorating. Two non-buildings were thus categorized.

Obviously something is significantly wrong with the building evaluation. Obviously this is a rush job and very floppy and inaccurate. We recommend a new survey and a new survey team composed of City Inspectors, Architects, Historians and residents. After all, according to the "Strategies" book "Existing strengths and potential in the Central City should be preserved and built upon. Adaptive use of older or historic structures should be encouraged."

The only accurate description of many of the buildings in that they are old. To quote Jane Jacobs:

"Cities need old buildings so badly it is probably impossible for vigorous streets and districts to grow without them. By old buildings I do not mean museum-piece old buildings - although these make fine ingredients - but also a good lot of plain, ordinary, low-value buildings, including some rundown old buildings. "If a city has only new buildings, the enterprises that can exist there are automatically limited to those that can support the high cost of construction. ...Chain stores, chain restaurants and banks go into new construction. But neighborhood bars, pawn shops, foreign restaurants go into old buildings. Well-subsidized opera and museums go into new buildings, but the informal and necessary feeders of the arts - studios, galleries, instrument stores - these go into old buildings.

"Even the enterprises that can support new construction in cities need old construction in the vicinity. Otherwise they are part of a total attraction that is economically too limited - and therefore functionally too limited to be lively, interesting and convenient."

The section on transportation is generally accurate, although it implies that poor streets and sidewalks are a problem of just Downtown.

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The section on Land Use and Zoning draws inappropriate and misleading conclusions.

The mixed pattern of land use and zoning has created a large area of great diversity. Industry, commerce, public and residential are combined to create a whole environment unique to Downtown. The crowded, continuous activity is what makes living in Downtown both attractive, and worthwhile. The result has been a safe, lively and interesting area. This mixture creates great opportunity to continue to establish a successful Downtown environment. It may hamper a suburban development and a massive tax base, but the purpose of cities is to provide wide choice, rich opportunity and a sense of community.

The section on fire hazards and crime is filled with ignorance, arrogance and false and misleading conclusions.

"The cluster of fires near Congress Avenue, East 1st Street and Second may be the result of the activities of vagrants and transients who frequent the taverns and liquor stores in the vicinity."

There is no valid way to justify or prove this statement. First, the patrons of the establishments are 90% Austin residents. As for condemning the presence of transients, why is a new hotel meeting with approval? So the level of sophistication of the crime may increase?

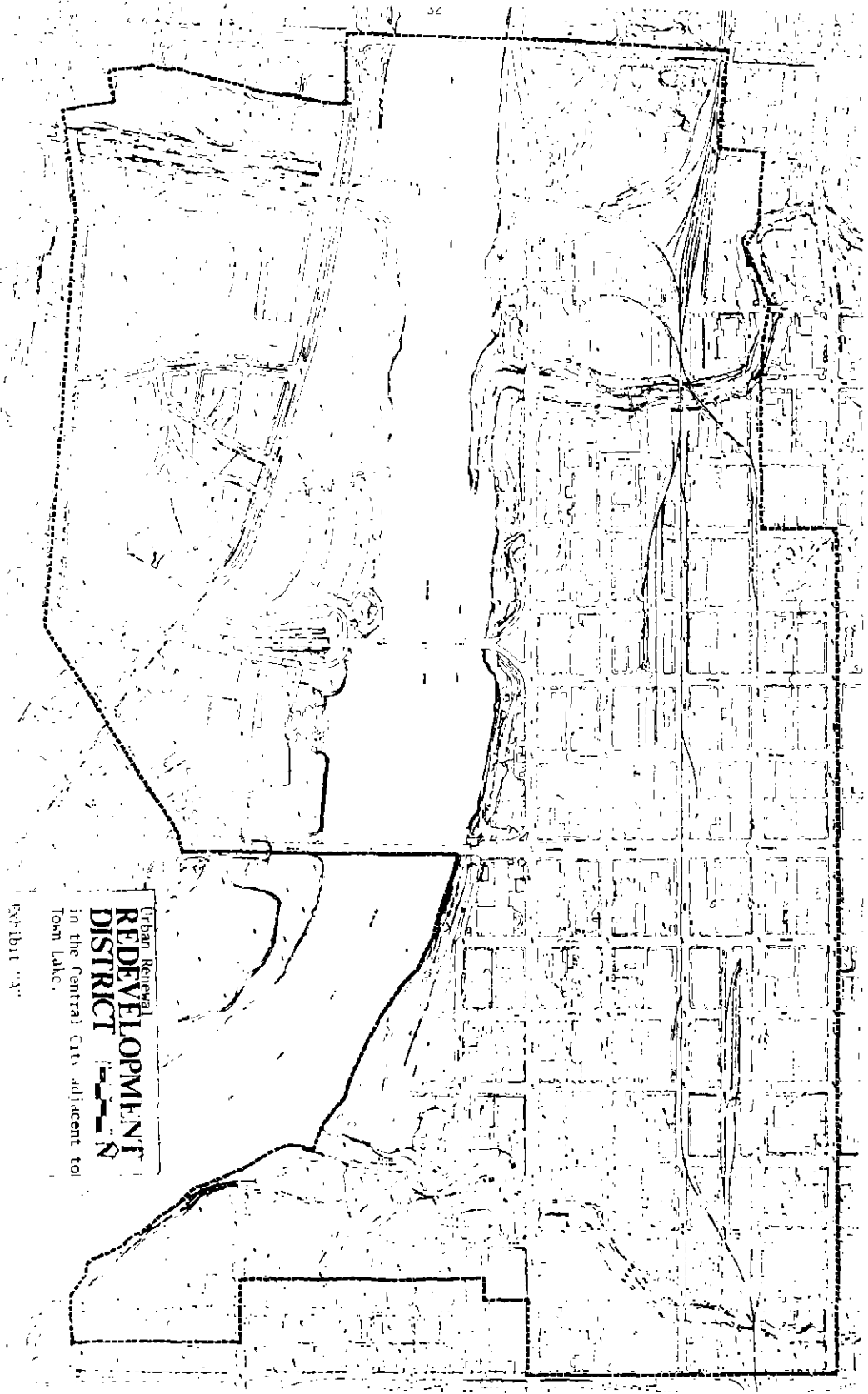
The criminal activity is clustered in certain area, not because of the presence of taverns, liquor stores or visitors, but because the concentration of people is greatest in those areas. It is interesting that the Municipal Auditorium Parking lot was divided into two sections, thereby reducing the impact of the most crime-laden area of the district being city property. Does this mean Symphony patrons are a significant criminal element? No. It means the concentration of people was greatest in that area.

I was however, pleased to see an extra large "T" for theft located by the offices of Southern Union Gas.

The intent of the Texas Urban Renewal Law is to designate areas of cities which are destructive to the fabric of the city as a whole. Although this area is overflowing with potential and a large amount of vacant land, it cannot logically nor accurately be called a "blighted" or "slum" area. It can be called an area with the potential and need for development. This can be done without urban renewal.

I quote an address given at the 1974 National Conference on Neighborhood Preservation in New York City:

"If we have learned anything about neighborhoods it is their essential fragility. Literally overnight a successful and lively neighborhood can be destroyed by one out-of scale urban renewal project." "If we have learned anything about neighborhoods, it is their essential fragility, which must be preserved."



Urban Renewal  
**REDEVELOPMENT  
DISTRICT**  
in the Central City adjacent to  
Town Lake.

Exhibit "A"

The Organization for a Livable Downtown requests that Council postpone its decision until it has accurate information on which to make a fair judgement. We also urge the Council to consider other methods to revitalize the Downtown area.

RECESS

Council recessed at 4:00 P.M. and returned at 4:10 P.M.

HEARING ON BOAT RACES POSTPONED

Mayor McClellan announced the public hearing on request for boat races on Lake Austin would not be held today because it was not possible to hold a trial run prior to this meeting. She asked Council to set another public hearing.

Motion

Councilmember Himmelblau moved that the Council approve a public hearing on boat races on Lake Austin for June 21 at 9:15 P.M. if a test run is held June 19, 1979. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino, Goodman

Later, Council decided to change the time of the public hearing.

Motion to Reconsider

Councilmember Goodman moved that the Council reconsider the time for the public hearing on the boat races on Lake Austin. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Motion

Councilmember Goodman moved that the Council approve a public hearing on boat races on Lake Austin for June 21, 1979 at 6:30 P.M. if a test run is held June 19, 1979. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

WESTVIEW DEVELOPMENT CORPORATION  
(DAVENPORT RANCH)

Mayor McClellan introduced an item, Westview Development Corporation Contract, for consideration. Mr. Davidson, City Manager, stated: "We have had an opportunity to meet the applicant that had originally proposed approval of a MUD, and also tried to address some of the concerns brought out by the City Council two weeks ago. I'd like Mr. Albert DeLaRosa to outline the status of the current contract and I should point out I recommend the City Council approve this agreement as in the best interests of the city."

Mr. Albert DeLaRosa passed out a new copy of the water-wastewater contract. (CITY CLERK DID NOT RECEIVE A COPY)

Mr. DeLaRosa stated: "This is the last of three items on this week's Council agenda concerning the Davenport Ranch MUD. Previously the Council has authorized the creation of the Davenport Ranch MUD. Today the Council took advantage of House Bill 1974 and inserted additional conditions into the consent of the city. This last item is the water-waste water contract which is proposed with the westview Development Corporation whereby the development company will provide water and wastewater services to the remaining 700 acres of land that is not to be included within the boundaries of the Davenport Ranch MUD. The contract has been revised to be very explicit that Westview Development Corporation will not be allowed to operate a private utility system. That was one of the main concerns the Council has had. It is spoken to twice in this contract and stated clearly that they do not have the right or the authority to operate a private utility system. It does allow for the additional oversizing of the line but again there is no private utility system. The exact size is not spoken to but it will be stated it is only to serve that remaining portion." Mr. Davidson said, "Under the contract the applicant can pay for, at their own expense, the full capital cost of what it takes to serve all 1200 acres."

Councilmember Himmelblau asked, "Once our utilities are over there, say that the oversizing goes in to accommodate the 700 acres, what's to stop it if there's a request of the city to go ahead and furnish water and sewer to the next contiguous subdivision of land because we're a public utility. How could we stop it?" Mr. DeLaRosa said that authority would have to come back to the City Council and it would have to be Council's discretion to authorize any other additional service.

Mr. Davidson asked Mr. DeLaRosa to explain a provision on the 700 acres. Mr. DeLaRosa said, "The developers have agreed that they will place restrictive covenants on the 700 acres of land to the effect that the land will be developed in accordance with the Lake Austin Growth Management Plan at a minimum. This particular point will be further discussed when the Council is considering the possible annexation of the 700 acres of land with additional land that is located in the peninsula." Councilmember Goodman said one of the things under consideration is limited annexation under which the residents of the peninsula would have no city taxes. As a consequence they wouldn't be able to vote and we would be able to see the plats coming in.

Mr. DeLaRosa concluded, "This particular item should be viewed in connection with all the additional items that have been before the Council concerning Davenport, and it's more or less part of an overall package concerning the Davenport Ranch, including the limited annexation and the consent."

#### Motion

Councilmember Goodman moved that the Council approve the Westview Development Corporation Contract (Davenport Ranch). The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: Councilmembers Himmelblau, Trevino

Mr. Davidson said this has been on the Council agendas for a long time and Council has had a multitude of questions, but he appreciates the time Council has spent in arriving at a sound decision. Councilmember Goodman commented "This has been one of the thorniest things we've had to deal with in our two years plus on the Council and I commend the staff on their work." Councilmember Snell said when the people first came to Council they intimated it was an emergency case and the length of time it has taken to resolve shows that it was not an emergency. "I just hate to deal with cases like this and hope we don't have to be faced with something like that again when it's really not an emergency case."

#### PARK LAND ACQUISITION

Councilmembers Himmelblau, Goodman and Mayor Pro Tem Cooke introduced an item to Council to consider a special item on the next bond election providing for additional park land acquisitions (especially in the vicinity of Zilker Park or along the Barton Creek Watershed.)

Councilmember Himmelblau said they placed this on the agenda in order to go to the Planning Commission and the Parks Board for assessment to see if they want to look at additional bonding authority for the Parks Department or just land acquisition. She said there has been a lot of public input and they feel the watershed should be protected. At the time of the next bond election, Mrs. Himmelblau said she wanted this put before the public for consideration.

#### Motion

Councilmember Himmelblau moved that the Council have the City Manager bring back a report in 30 days with figures for financial acquisition. The motion was seconded by Councilmember Goodman.

Councilmember Mullen stated: "Unfortunately the public has not received all of the figures on the negative aspects of the city buying this



property. As much as I would like to buy as much of that area as we can, there are some negative aspects. There are some downsides to it the public hasn't even heard." He asked Mr. Ehrler to discuss this because he said, "I just go head long into this because of what I would consider one-sided press and not total information being given to the public about all of the ramifications. We've got a \$1.3-million and a lot of offers out to protect the creek all the way up. If that money is depleted, we can't buy tremendous amounts of property to protect Barton Creek and as a result you will harm the creek more than you will help it if we don't get this bonding you're talking about. Another thing, is it good to have one designated area in this city. Perhaps that bonding money should be spent for another Zilker Park somewhere else in the city...a large park somewhere else north."

Mr. Davidson explained Mr. Ehrler had not gone around talking about the downsides to additional land purchase but has answered questions posed by people who want to know what property he would like to acquire if he had an additional million or two million dollars.

Mr. Ehrler said he thinks we're premature in some of the things we are doing because they are in the midst of establishing a Master Plan for the best land use. He is concerned because we are very deficient in large tracts of land that can handle the kind of activities that the Zilker Park type of things require and he is not sure the purchase proposed, because of its size, would solve that much of a problem. Water shed controls all along Barton Creek speak more highly than just this. He said they feel at this time the priorities are much higher and critical for them to purchase properties in other areas of the city in order to disburse the large number of users rather than try to put a little bit more land in this area and try to take care of the tremendous load Zilker Park now has to suffer through. He said their concern is an adequate use of funds in its highest and best possible way in order to get property that would best serve the public as a whole. They are not sure whether an additional purchase for Zilker Park would have that much of an impact.

Mayor McClellan said she thought what they are looking for is an added boost because they may not have these chances again, therefore in the next bond issue it would behoove Austin to put double into parkland acquisition in order to get the land needed in the periphery and protect Zilker Park.

After further discussion, roll call on the motion was made.

#### Roll Call on Motion

Roll Call on Councilmember Himmelblau's motion, Councilmember Goodman's second to have the City Manager bring back a report in 30 days with figures for financial acquisition, showed the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman  
 Noes: None  
 Not in Council Chamber when roll was called: Councilmembers Trevino, Snell

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## CONTRACT FOR REFUSE TRUCK BODIES

DAVIS TRUCK AND EQUIPEMENT CO.  
Interstate Hwy. 35N  
Waco, Texas

Refuse Collection Truck Bodies,  
Vehicle & Equipment Services Depart-  
ment  
Item 1 - 12 ea. @ \$12,716.00  
Total \$152,592.00

Council had before it the above contract for approval. Councilmember Mullen stated: "I don't know if the Council remembers or not but the first bids on this was \$10,500 a truck. Now we're going to go to the second bid which was \$12,526 a truck which is about 20% higher and the reasons were... maybe the staff would like to state the reasons."

Mr. German stated: "The Council ordered a contract for 13 trucks. We issued a purchase order for one and indicated in that we would evaluate the first unit since we'd never had one like it in Austin and they would not allow us to test it before the bid. We did purchase the one and brought it into town and actually put it out on our routes and ran some extensive tests on that truck. The test involved compaction, loading the quantity of material put on the truck, its operational features and its safety features. There was some limitations of compaction. The first few days they tested it they were far short of the recommended compaction level. We allowed them to take the vehicle back and work on it. They added a new motor. They came back and they got closer, but still below the recommended compaction level. Finally, out of the ten days they had one day where they exceeded the recommended compaction level but that was a day we had a lot of wet material and wet material of course increased the weight of the full load so it looked like they were really doing a super job on that one day but it was not really an accurate count. All the other nine days were below the recommended compaction level. The average of all the ten days we surveyed were something less than recommended compaction level also. So that's one of the main factors. The other factors involved in recommending the cancellation....one was a safety factor wherein the employees were endangered by the operation of the hopper on this truck and by material flying out of the truck which actually endangered the helpers riding on the back. We were very concerned about that and so were the helpers who were working on the truck during the test. Another item that we mentioned was the fact of the way the truck is built. It has some gaps in the body which allows material to actually fall down through the cracks and spread out onto the ground as the truck goes down the street leaving quite a mess, in effect, behind it. Instead of picking up garbage it was actually leaving it in the street. So these are the main reasons we recommended against purchase of the remaining 12 units. We do own the first unit and we are using it the best we can."

Councilmember Mullen said, "Just for Council's information, the specs said 650 pounds of compaction, right?" Mr. German said that was correct. Mr. Mullen said, "All right in the last five days the new motor was put in and it said approximately 650 pounds compaction. Isn't it true that it was a 646 pound average?" Mr. German answered: "In the last five days yes." Mr. Mullen continued, "When the new motor was put in which is approximately 650. It's not exactly but it's awfully close for a 20% increase in the price."

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Mr. German said, "That includes that one day when we had a lot of wet material and they went up to 707 pounds instead of an average on all the rest of the days which was something like 600 to 610 pounds. So I'm not sure the average of the last five days is really true indication of what that truck would do 250 days a year while we're picking up garbage."

Councilmember Mullen asked about the safety situation. "I understand from a letter I received from this organization that they're the only company that has met the Michigan Department of Occupational Safety and Health Administration's requirement for safety standards. And that's the only organization that has ever asked for or set up standards like this and they are the only company in April of 1979 that met those standards. Also a private safety consultant reviewed their product under the A & SI standards and certified them to being safe and also I got a letter here saying there are some changes that could be made if that was required that would take care of some of these problems. All I'm trying to get back to, are we giving up considerable amount of money for some minor changes that could be made and keep our basic price the same. Is it the pressure coming from the people who are doing the work? Is the pressure coming from higher up? Where did the pressure come from to try and go back to the Heil product?" Mr. Dan Davidson, City Manager, stated: "Mr. Mullen, there's been no pressure. There's been an objective determination that this particular unit does not meet our specifications and cannot operate satisfactorily, period. There's no pressure from anyone." Mr. German said, "The City of Austin, Mr. Mullen, has one of the best safety records in the country and I don't have any idea what Michigan wrote in that standard they're referring to. We'd be glad to write off and get a copy but I don't know what their safety record is in comparison to the City of Austin. But we're very much concerned with the safety of our employees and demonstrate that in the way we operate and have received a number of national safety awards for our program, so it is an important factor as far as we're concerned."

Councilmember Mullen said, "Next time we go out for this type trucks then the chances of us getting a bid are, again, cut down I would imagine, don't you? When we come in with a 20% lower bid and still can't place the product because of what I consider rather subjective criteria? Hasn't this drug on for a long time because of differences of opinion as how safe they were or were not; differences of opinion on compaction and differences of opinion on whether or not we should continue the contract?" Mr. German answered, "It's drug on because we have been trying to deal fairly with Pak-Mor and answer all the questions and comments they've raised and meet with them, explain where we're coming from and let them tell us what their problems are and suggestions. We've tried to be as fair with them as we possibly could and that's the reason for the delay in coming to Council. But we feel at this point that we do need to proceed with purchasing the trucks and we're recommending the second low bidder. The Davis truck people have been pretty good to offer that second low bid at the same price they bid back in August of last year, as opposed to some higher figure. So even though it's 20% higher than the low bid, if we were to readvertise at this point we would see a 10% to 15% increase in the bids at this time."

Councilmember Mullen asked, "What response was made on the safety factors you're talking about by these people, what they could do about that problem?" Mr. German answered, "I've not had a good answer from them as to what they could do to improve the safety. They contend they could do something but they've not come forth with any specific answers. The unit we're measuring here...the unit they've brought in is even less in carrying capacity than the current units we had in the bids. We had hoped to get a body which actually increased in compaction capability over our existing units and I think we provided some information in the handout that shows that Pak-Mor's body is really the one we tested and is not any better than the existing units we have in service, the Heil bodies."

Councilmember Mullen continued, "Mayor, I spent a lot of time on this and I'm convinced that it's in the best interest of the city to go with the second high bid and, with what's on the agenda today is it still proper to make a motion to go with a primary bid? That's not even on the agenda today."

Councilmember Himmelblau commented: "I have had some complaints about the one vehicle we had and sent a memo into the Manager's office to register that complaint and make sure we didn't buy more of those vehicles and I won't go with that type vehicle if it's unsafe. Regardless if it's the low bid."

Councilmember Mullen said, "I think the question of safety is a matter of judgement and I think it's a very minor situation. I'm concerned about why we're getting into the Heil and going to stay in the Heil truck continuously no matter what. You can find problems, I think with the Heil, and with anyone else who puts a bid in and if you decide you don't want that truck there will be sufficient evidence, I think, to reject it. I think that's a judgement call and in my judgement it's not enough to reject the bid. You can call a safety factor on the Heil truck of some kind. You know that, or any piece of equipment that you buy, Mr. German."

"We can't agree with that," said Mr. Davidson, "we really can't. It's true it's a judgement call and it's the responsibility of the people I have assigned to run this operation to make those judgements and we're recommending Council award the contract to the second low bidder because of some very severe safety limitations that the low bidder has. We really stand on that recommendation. It's not a light thing as far as we're concerned. As a matter of fact, I'm also concerned about the litter problem. We should not have to accept the bid based or conditioned on someone coming in making makeshift arrangements or conditions to the unit. Especially when we don't even know what those conditions or additions would be, so, you know there's just no doubt that we recommend the second low bidder." Mr. Mullen said, "I understand your position, Mr. Davidson. I don't particularly care to get in a long or big discussion or argument with you. I think it's a matter of judgement on your part because of the statement 'severe safety hazard' I think is very questionable. I don't believe these trucks could be sold for a very long time, and they are sold all over the United States, if they had a 'severe safety hazard'. So it is a matter of judgement. It's just your judgement is different than mine on that position and I will go and vote differently."

Mr. German stated, "Just to double check our judgement we checked with a number of other cities who are in the same business of picking up garbage as we are to see what their experience had been with this unit. None of the large cities used this Pak-Mor unit at all. They use the Heil more than any other unit for a rear loading type truck so it's not just our judgement it's the collective judgement of other large cities who are in the business."

Councilmember Goodman said, "We're talking about \$2,000 difference per truck at 12 each. With \$24,000, not to form an alliance or diminish your arguments because I think you're one who most carefully combs through all of these matters, but I think the staff recommendation, to me for \$24,000, with our men operating these garbage trucks, I'd rather pay \$24,000 and help to guarantee their safety, and I agree with you, they wouldn't be selling the other trucks if they weren't safe, but I'd rather invest the \$24,000 in a garbage truck that's a lot safer and I move the approval of it." Councilmember Himmelblau seconded the motion. Mr. Mullen concluded, "I'd like to say in conclusion, and again, I don't want to get in a big deal over it, except it's a principle in my mind that if we continue to do this type thing with city contracts, if we continue to set precedent which continues to exclude people from voting for city contracts, if you decide you want the Heil ahead of time, and I'm not saying in this case it's been done, we can always get down to where we buy the Heil. And that's what's going to happen in the future. You're going to have one bidder and that's Heil and it's going to be their price and it's not going to be \$24,000 different. It's going to be \$50,000 or \$100,000 difference because they know they are going to win the bid. And so if we do this today, it's just another thing..." Councilmember Goodman interjected, "All right, but we have the option any time to buy whatever kind of truck we want." Councilmember Mullen answered, "I'm saying you're not going to get the bids so you won't have the option, Richard." Mr. Goodman said, "I guess we'll have to wait and see then and if at that time I'm wrong, which I am occasionally then you can say, you see, you were wrong." Mr. Mullen said, "You've already seen it in other areas where we have fewer and fewer bids because of the paper work and the hassles we go through to get somebody to put in a bid."

#### Motion

Councilmember Goodman moved that the Council approve the contract for the purchase of 12 refuse and collection trucks from Davis Truck and Equipment Company at a cost of \$12,716 each for a total of \$152,592.00. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

PUBLIC HEARING TO BE SET NEXT WEEK

Council had before them for consideration the calling of a Special Meeting on July 16, 1979 to hold a public hearing on the Urban Renewal Plan for the Downtown Development District. It was unanimously decided to bring this item back for consideration on the June 21, 1979 agenda.

MESAMATE

Council had before it for consideration a resolution pertaining to the use of Mesamate. The City Manager had the EPA Report on Mesamate scheduled for discussion.

Dr. Maureen McReynolds, Director, Environmental Resources Management, stated the EPA reported there was no serious effects from Mesamate if the label directions were followed. It is a chemical which is widely used with no restrictive handling. Dr. McReynolds said their conclusion is that there is not conclusive evidence of its harmfulness and should be continued to be used under controlled conditions. Mr. Davidson pointed out the State of Texas uses Mesamate, and if Austin stopped using it, it would still be around. Further discussion ensued and the following motion was made:

Motion

Councilmember Goodman moved that the Council adopt a resolution to discontinue the use of Mesamate immediately. The motion was seconded by Councilmember Trevino.

Friendly Amendment

Councilmember Mullen offered a Friendly Amendment for the continued use of Mesamate on golf courses was accepted by Councilmember Goodman with that care be taken not to use it near creeks. Roll Call on Motion with Friendly Amendment showed the following vote:

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

ENGINEERING SERVICES - ONION CREEK WASTEWATER INTERCEPTOR

Council had before it a resolution to select professional engineering services in connection with Onion Creek Wastewater Interceptor under the Capital Improvements Program.

Motion

Councilmember Mullen moved that the Council select the firm of Tye F. Collins and Associates in Joint Venture with Black & Veatch, Inc. The motion was seconded by Councilmember Goodman.

Substitute Motion

Councilmember Trevino offered a substitute motion to go with the prime recommendation of Turner, Collie and Braden. Mayor McClellan seconded the motion.

Mayor McClellan stated this is a most difficult decision because "we have several qualified persons and I will speak only for myself by saying both groups in the motions can do an outstanding job. When I get in a situation where you have several well qualified people I go with the prime recommendation. The only time I deviate is where there is some real reason or cause to do so, e.g. all the people being from out of state, or unable to handle the job."

Roll Call on Substitute Motion - FAILED

Roll Call on Substitute motion failed to carry by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan

Noes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen

Roll Call on Original Motion

Roll Call on original motion to adopt a resolution selecting the firm of Tye F. Collins & Associates in Joint Venture with Black & Veatch, Inc., in connection with Onion Creek Wastewater Interceptor, CAPITAL IMPROVEMENTS PROGRAM, carried by the following vote:

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

Noes: None

BOGGY CREEK PROJECT

Charles Graves, Engineering Director, said Boggy Creek has long been a source of distress to many citizens and in 1974 the Corps of Engineers became involved in a study of the project. It was recently stated that storm water in all of Austin drains through Boggy Creek. Mr. Graves said, "This is patently wrong of course. Something like 10% of Austin's land area drains into and through Boggy Creek. It was also reported the heavy rains last month were the 100 year storm when in fact it was something less than a 10 year storm." He introduced Corps Engineers present in the Council Chamber: Mr. Jim Smythe, Chief, General Planning Section, Fort Worth District, Army Corps of Engineers; Mr. Mike Mossick is the Project Engineer for the Boggy Creek Project.

MR. SMYTHE appeared before Council, discussed the workshops and public hearings which have been held in the Boggy Creek community and said they are now nearing completion of their feasibility study. The primary purpose is to make a recommendation to the U.S. Congress re what they believe is the appropriate solution by giving them factual data so they can decide whether or not Federal involvement is warranted. He passed out copies of the report which has been sent to city officials to review.

(Mayor McClellan interrupted to introduce Mr. Reg Todd, member of Congressman Pickle's office who was in the Chamber audience.)

Mr. Smythe reviewed the report. He said the concluded channelization is the most feasible way of coming up with something which will work to solve the problem and meet the criteria the Corps has under evaluation. He pointed out they will conduct a public meeting on July 17 in the Rosewood-Zaragosa Community Center at 7 p.m. They hope to complete the report in August, send the report to Washington for independent reviews and then out to other Federal agencies to be reviewed, and then go to Congress for decision as to whether or not to authorize the project.

Councilmember Trevino suggested the Engineer Corps work closely with the city to try to save some of the trees.

#### TUITION REIMBURSEMENT 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 Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.



Ordinance No. 7906 14-Q  
ITEM F-5  
Junction Reimbursement Program

## FUND TRANSFER

Daron Butler presented a report on Fund Transfer for Boggy Creek South and Upper Walnut Creek Wastewater Interceptors. He said two weeks ago he reported to Council some needs for increment funds for the two interceptors. To do this they would borrow from two existing projects in appropriations and replacing those borrowed funds from subsequent authorizations they hope to see the City Council approve through bond election in the near future. If this is approved the funds will be transferred in the near future and work will begin as quickly as possible. Mr. Davidson said he has the legal authorization to do this, but said he wanted to communicate this to Council and make sure they are all going in the same direction.

Mayor Pro Tem Cooke stated: "I pulled this two weeks ago and the reason I did was I wanted to have some clarification with regard to the amount of money, that was basically \$79,000,000 the voters approved in November of 1977 with regard to water and wastewater projects and while I realize those \$79,000,000 are all unrestricted funds I did want a clarification with exactly how much of those monies implied were scheduled to go to the Onion Creek Project which is, I understand, \$14.7 million were to the plant, & \$10.3 million was to the Onion Creek line for a total of \$25,000,000 of the total \$79,000,000. And while I appreciate that Mr. Davidson brought this before us and was not required, while we have had fund transfers before and that there's nothing unorthodox about this, I wanted it to go in the record with exactly what had happened and Council had full knowledge of what was told to the voters in November of 1976 as we proceeded to take action on this and that's why I pulled it."

Motion

Councilmember Goodman moved that the Council transfer funds for the Boggy Creek South and Upper Walnut Creek Wastewater Interceptors from the Onion Creek Project. 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

## RIVERSIDE DRIVE DESIGN

Mr. Joe Ternus reported on the proposed design on Riverside Drive between Pleasant Valley Road and Ben White Boulevard. He recommended Council designate a street standard for Pleasant Valley with 36 foot roadways and 14 foot median and 120 foot right-of-way. This is a cooperative agreement reached with the Highway Department and others.

Motion

Councilmember Goodman moved that the Council approve the report on design on Riverside Drive between Pleasant Valley Road and Ben White Boulevard. 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, Himmelblau  
Noes: None

STATUS ON REPORT ON COLISEUM IMPROVEMENTS

Mr. Ron Wood, Auditorium Director, gave a status report on the report requested in May on the Coliseum improvements. He said they are at the point of meeting with city architects and engineers along with the proposed plan from the Austin Livestock Association to verify some of the cost projections made in the original proposal. He said they will be in a position by the end of the week to complete the report and come back to Council by June 21.

Councilmember Himmelblau expressed concern with parking along the shore of Town Lake if both levels of the auditorium and the Coliseum were in use at the same time. Mr. Wood said they are looking into the possibility of additional parking around the Coliseum area.

STATE TAX LEGISLATION IMPACT ON LOCAL TAX REVENUES

Mr. Dan Davidson, City Manager, discussed the Impact of State Tax Legislation on local Tax Revenues. He referred to a written report he distributed to Council indicating the impact of various legislative actions financially on the City of Austin. He said the Council should address some of the areas, for example the vehicle tax, concerning whether or not it should be maintained as revenue for the city's budget.

Councilmember Goodman noted the city would lose \$1.2 million dollars in the 1979 budget if the vehicle tax were abolished and asked for a report on how it would impact property taxes. Councilmember Himmelblau said the impact would be about 4¢ on each \$100.00 valuation. Mr. Davidson said if the tax is abolished, only property owners would feel the burden, which he felt was unfair. He said he will have a report on this on next week's Agenda.

POLICE DEPARTMENT CAPITAL IMPROVEMENT PROGRAM

Chief Dyson, Austin Police Department, reported on the Police Department Capital Improvement Program. He referred Council to the report before them and said the concept is: "For a long time we've been without resolution to our police pistol range problem. As you know we did reach an agreement with Bergstrom Air Force Base to use their facility on a limited basis. The heavy use of that facility has led to it being closed for repair and in all likelihood the heavy use will not allow us to continue it even on a limited

basis. That means we do not have a pistol range now, nor any recourse for that type of training open to us. One of the projects in the Capital Improvements Program approved in the last bond election was a two story addition to the existing Police Academy Building. A plan has surfaced which amounts to the consolidating of all the training facilities at one site separate from the Police Station that would take into account firearms training, classroom training, in-service training, and all of the training needs would be located at one center. There are a number of advantages to that. I would add that one advantage would be development of the alternative I am proposing would postpone any extension of the Academy Building until the Waller Creek Project has been completed and we can determine what expansion would be most compatible for this development." He said his proposal could be carried out much more quickly and at less cost than the funding approved for the two projects.

Mayor Pro Tem Cooke commended Chief Dyson for his assessment in using less money than has been appropriated.

#### Motion

Mayor Pro Tem Cooke moved that the Council approve the Police Department Capital Improvement Program. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

#### ZONING HEARINGS - JULY 5, 1979

The City Clerk has announced the following zoning applications have been set for hearing by the City Council for July 5, 1979. It reflects all amendments, withdrawals and postponements which have resulted from the Planning Commission hearing:

JANNETT WALKER MCNEALY By R.E. Brittain C14-79-092	1159 Navasota	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
JOHN C. MCELROY, ET AL C14-79-018	12164-12758 U.S. 183 12153-12283 Jolly- ville Road	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area

### ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on July 26, 1979.

H.C. MCGARY C14-79-104	606 West Applegate Dr. also bounded by Motheral Drive	From Interim "AA" Residence 1st Height and Area To "A" Residence 1st Height and Area
RUDOLFO BARRERA and MILTON SIMON By Jim Laurence C14-79-105	920 Shady Lane 928 Shady Lane	From "A" Residence 1st Height and Area To "GR" General Retail 1st and 6th Height and Area
JAMES A. MOSLEY By Robert C. Penrose C14-79-106	5007 Lynnwood Street	From "B" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
AUBRA L. SPARKMAN and JUANITA SPARKMAN by Lisa Gambill C14-79-107	2028-2140 West Ben White Blvd. 2029-2113 Ivy Trail	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
W. TRAVIS WILLIAMSON, ET UX By Phyllis Cart- wright C14-79-108	1703 West Avenue	From "B-H" Residence- Historic 1st Height and Area To "O-H" Office-Historic 1st Height and Area
SARAH E. BARROW KEMPER and TEXAS COMMERCE BANK NATIONAL ASSOCIATION By John Harvey C14-79-109	3929-4033 IH 35 1600-1724 Ben White Blvd.	From "C" Commercial 1st Height and Area To "C" Commercial 3rd Height and Area
A.C. BRYANT, INCORPO- RATED By Sterling F. Koester C14-79-110	Rear of 2711 Expo- sition locally known on building as 2719 Exposition	From "C" Commercial 1st Height and Area To "C-1" Commercial 1st Height and Area

BOBBY G. BOYD C14-79-111	6904 Meador	From "A" Residence 1st Height and Area To "BB" Residence 1st Height and Area
MAX R. HADDICK C14-79-112	7212-7236 Manchaca Road	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
CLIFFORD J. WOERNER By Robert C. Penrose C14-79-113	9517-9425 IH 35 9506-9424 Middle Fiskville Rd.	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
EMERALD WRAY C14-79-114	4705 North IH 35	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
MRS. EVELYN W. COLLINS By Yolanda Martinez C14-79-115	1018 Justin Lane also bounded by Ryan Drive	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
LARRY PEEL C14-79-116	7630 Wood Hollow Drive	From "O" Office 1st Height and Area To "BB" Residence 1st Height and Area
VFB, INCORPORATED By Tom Carlson C14-79-117	7600-7605 St. Amant Place 7500-7511 and 7513 St. Amant Place 3505, 3507 and 3509 Harpers Ferry Lane	From Interim "A" Residence 1st Height and Area To "A" Residence 1st Height and Area
EDD OGDEN By P.K. Staber C14-79-118	5307A and 5307 B South Congress Avenue	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area

PHILIP JUAREZ C14-79-119	1211 Parkway	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
BAYLOR PROPERTIES OF AUSTIN, INC. By Larry Niemann C14-79-120	1200-1202 Baylor Street	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
THE CHASE FINANCIAL CORPORATION By Tom Curtis C14-79-121	711 Wonsley Drive	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
FEATHERLITE CORPORA- TION By Jay Frank Powell C14-79-122	8130 North Lamar	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
JERRY A. HAWKINS and MARTHA HAWKINS C14-79-123	13409 Research Blvd.	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
C.M. BUILDERS, INC. By Charles E. Marsh C14-79-124	507 Powell	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area
GAY THOMAS HARRIS, ET UX By Charles Conner C14-79-125	806 Baylor	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area
AP 803, LTD. By Gary F. Brown C14-79-126	13900-13902 Research Bovd. also bounded by FM 620	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
B.L. MCGEE, INCORPORA- TED By Gary Brown C14-79-127	13584-13600 Research Blvd.	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area

FREDERICK E. & PATRICIA G. TANKERSLEY By Don Harris C14-79-128	801 East Riverside also bounded by Alameda Drive	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
JAMES H. and JESSAMINE ARNOLD By James H. Arnold, Jr. C14-79-129	13118 RR 620	From Interim "AA" Residence To "C-1" Commercial 2nd and 5th Height and Area
JAMES H. ARNOLD, JR. C14-79-130	13114 and 13116 RR 620	From Interim "AA" Residence 1st Height and Area To "C" Commercial 2nd and 5th Height and Area
POOL and ROGERS PAVING COMPANY, INC. By James Y. Bryce C14-79-131	3606 South Second Street	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
S.C.S.C., LTD., THERON S. BRADFORD By Burrell D. Johnston C14-79-132	7934 Great Northern Blvd.	From "GR" General Retail 1st Height and Area To "C-2" Commercial 1st Height and Area
COTTON TEXAS, LTD. By William B. Cotton C14-79-133	8900-9006 Great Hills Trail 5101-5205 Bluffside Drive	From "AA" Residence 1st Height and Area To "BB" Residence and "O" Office 1st Height and Area
COTTON TEXAS, LTD. By Robert Sneed C14-79-134	9208-9302, 9304-9406 and 9408-9504 Great Hills Trail	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area
CRISWELL MANAGEMENT COMPANY, INC. By Steve Van C14-79-137	108-302 Barton Springs Road 131-153 South 1st Street	From "L" Lake District 4th Height and Area To "C-2" Commercial 4th Height and Area
ODAS JUNG C14-78-161	406-412 and 500 East Ben White Blvd.	From "D" Industrial 1st Height and Area To "D" Industrial 2nd Height and Area



LISELOTTE L. GAMBILL  
By William Brooks  
C14-79-069

2022-2026 Ben White  
Blvd.  
2023-2027 Ivy Trail

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

BILL MILBURN, INC.  
By John S. Avery  
C14-79-083

12024-12036 Burnet  
Road

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area

BELL AVENUE AREA  
STUDY  
By City of Austin  
Planning Department  
C14-79-044

Tract 13: 12004-12102  
Bell Avenue, 5901-6001  
McCoy Road, 12200  
Howlett Court, Rear  
of 6000-6004 McCoy  
Road

From Interim "AA" Residence  
1st Height and Area  
To "A", "AA" & "BB"  
Residence, "O" Office, &  
"GR" General Retail  
1st Height and Area

Tract 14: 11877-12005  
U.S. Hwy. 183, 12000-  
12004 & 12003-12005 Tweed  
Ct., Rear of 12004-12102  
Bell Avenue, 6000-6004 McCoy Road, Rear of 5901-  
6001 McCoy Road, Rear of 12200 Howlett Court

GREEN PASTURES  
C14h-79-013

811 West Live Oak

From "A" Residence, "LR"  
Local Retail, and "C"  
Commercial  
1st Height and Area  
To "A-H" Residence-  
Historic, "LR-H" Local  
Retail-Historic and "C-H"  
Commercial-Historic  
1st Height and Area

June 14, 1979

## ADJOURNMENT

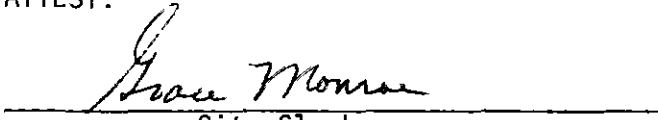
Council adjourned its meeting at 6:03 P.M.

APPROVED



Mayor

ATTEST:

  
City Clerk