

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 29, 1979
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

Reverend Richard E. McCabe, St. Theresa's Church gave the Invocation.

RESOLUTION FOR SHEFFIELD

A resolution, signed by the Mayor and all Councilmembers was read by Mayor McClellan, honoring Beverly S. Sheffield as Austin's "Most Worthy Citizen" for 1978 by the Austin Board of Realtors. Mr. Sheffield was employed by the City of Austin from 1934 to 1978. Ms. Dorothy Wallace, President, Austin Board of Realtors, accepted the Resolution in Mr. Sheffield's behalf.

SHRINE HOSPITAL DAY

Saturday, April 7, 1979 has been proclaimed Shrine Hospital Day, according to a proclamation read by Mayor McClellan, MR. HARRY BAKAGIA and MR. HORACE IVY, local Shriners were in the Council Chamber to receive the proclamation. They expressed their appreciation.

URBAN SURVIVAL DAY

Mayor McClellan read a proclamation designating March 31, 1979 as Urban Survival Day in Austin. Sally Wyeth, Kyle Holyfield, Sheryl Miller, Jim Brown, and David Carruthers accepted the proclamation with their thanks and appreciation.

BOARDS AND COMMISSIONS

Mayor McClellan announced the following appointments will be made to Boards and Commissions on April 12, 1979:

- Wrecker Standards Commission - 2
- On-Going of Goals Committee - 3
- Dental Health Advisory Committee - 9
- Library Commission - 7
- Elisabet Ney Museum - 7
- Commission on the Status of Women - 2
- Building Standards Commission - 1
- Citizen's Board of Natural Resources and Environmental Quality - 1
- Community Development Commission - 7
- Energy Conservation Commission - 1
- Hospital Board - 1

The following appointments will be made May 3, 1979:

- Urban Transportation Commission - 2
- Board of Equalization - 3
- Manpower Planning Council - 1

EXECUTIVE SESSION

Mayor McClellan announced that Council would convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for Executive Session at 9:30 a.m. and returned to the Council Chambers at 10:15.

FAA GRANT

Councilmember Mullen moved that the Council adopt a resolution to accept a grant offer from the Federal Aviation Administration in the amount of \$645,163 for airport improvements. (City's share \$161,291) The motion, seconded by Councilmember Snell, carried by the following vote:

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

INTEGRATED CRIMINAL APPREHENSION PROGRAM GRANT

Councilmember Mullen moved that the Council adopt a resolution to accept a continuation grant for the Integrated Criminal Apprehension Program - Phase II from the Criminal Justice Division, Office of the Governor, in the amount of \$378,290.00 for the program period March 15, 1979 through September 14, 1980. The motion, seconded by Councilmember Snell, carried by the following vote:

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

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

Councilmember Mullen moved that the Council adopt a resolution to accept a Selective Traffic Enforcement Program Grant from the Texas Department of Highways and Public Transportation, Office of Traffic Safety, in the amount of \$97,120.00 for the program period April 15, 1979 through September 30, 1979. The motion, seconded by Councilmember Snell, carried by the following vote:

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

TEMPORARY STREET CLOSING

Councilmember Mullen moved that the Council adopt a resolution to temporarily close the 600 and 700 blocks of San Jacinto from 6:00 a.m. to 7:00 p.m., April 14 and 15, 1979 as requested by Mary Fletcher and Michael Wolverton of the Old Pecan Street Art Fair. The motion, seconded by Councilmember Snell, carried by the following vote:

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

CHANGE ORDER

Councilmember Mullen moved that the Council adopt a resolution to authorize a Change Order in the amount of \$26,425 to Power Constructors, Inc., for 345 KV Transmission Line, Fayette Power Project to Austrop Substation. CAPITAL IMPROVEMENTS PROGRAM NO. 77/15-03. The motion, seconded by Councilmember Snell, carried by the following vote:

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

ZONING HEARINGS RESCHEDULED

Councilmember Mullen moved that the Council reschedule the April 26, 1979 zoning hearings to May 3, 1979. The motion, seconded by Councilmember Snell, carried by the following vote:

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

GRANT APPLICATION

Councilmember Mullen moved that the Council adopt a resolution to apply for a grant in the amount of \$17,380 from the Department of Energy to install solar water heaters in the homes of low-income persons in the Neighborhood Strategy Area (NSA). The motion, seconded by Councilmember Snell, carried by the following vote:

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

PUBLIC HEARING SET

Councilmember Mullen moved that the Council set a public hearing on April 12 at 6:00 p.m. to amend the Austin Development Plan from Low Density Residential to Planned Development Area for industry. (C2a-79-011) The motion, seconded by Councilmember Snell, carried by the following vote:

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

FIRE DEPARTMENT EDUCATIONAL INCENTIVE PAY

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1978-1979 BY TRANSFERRING \$40,680.00 FROM THE GENERAL FUND ENDING BALANCE TO THE 1978-1979 OPERATING BUDGET OF THE FIRE DEPARTMENT FOR THE PURPOSE OF FUNDING EDUCATIONAL INCENTIVE PAY FOR MEMBERS OF THE FIRE DEPARTMENT; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

SOUTHERN UNION GAS SERVICE REGULATIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REVISING THE JULY 1, 1976 SOUTHERN UNION GAS SERVICE REGULATIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A SPECIAL MONTHLY CITY COUNCIL MEETING FOR THE PURPOSE OF CONSIDERING THE CITY'S MONTHLY FINANCIAL REPORT AND OTHER CITY FINANCIAL MATTERS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770229-E, PASSED AND APPROVED DECEMBER 29, 1977, BY REPEALING SECTIONS 4, 5, 6 AND 7 THEREOF IN THEIR ENTIRETIES; CANCELING ALL PAVING AND STREET IMPROVEMENT CHARGES, FEES, ASSESSMENTS, AND ALL CITY LIENS RELATABLE THERETO, MADE BY THE CITY AGAINST ABUTTING PROPERTY OWNERS IN TILLERY STREET UNIT NO. 77-89, CIP PROJECT NO. 62400, INCLUDING PROPERTIES FROM EAST 5TH STREET TO GOVALLE AVENUE; FINDING THAT THE PAYMENTS HEREIN PROVIDED ARE WITHIN CURRENT ANNUAL OR INTERIM PERIOD APPROPRIATION ORDINANCES; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE DIRECTOR OF PUBLIC WORKS, OR BOTH, AS THE MANAGER MAY ELECT, TO REFUND BY CITY WARRANT, VOUCHER OR CHECK, PAYABLE TO THE PERSONS, CORPORATIONS, AND ASSOCIATIONS LISTED UNDER COL. IA OF EXHIBIT "A", ANNEXED HERETO, IN THE SUMS SHOWN OPPOSITE SUCH PERSONS, CORPORATIONS, AND ASSOCIATIONS UNDER COL. III OF SAID EXHIBIT "A", BEING SUMS HERETOFORE PAID THE CITY BY SUCH PERSONS, CORPORATIONS, AND ASSOCIATIONS FOR ESTIMATED ASSESSMENTS IN SAID TILLERY STREET PROJECT, SAME NOT HAVING BEEN FIXED AND NOT DUE AND OWING, AND NOT MORE THAN \$22,936; INSTRUCTING THE CITY CLERK TO CAUSE A NOTICE OF PASSAGE OF THIS ORDINANCE TO BE FILED IN THE TRAVIS COUNTY, TEXAS MORTGAGE OR DEED OF TRUST RECORDS; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH OTHER INSTRUMENTS AS MAY PROVE NECESSARY, IN HIS JUDGMENT, TO EFFECT THE PURPOSES OF THIS ORDINANCE IN FORMS APPROVED BY THE CITY ATTORNEY; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS. (Tillery Street)

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 35.71 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE: AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Councilmember Trevino moved that it be finally passed. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

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 41,748 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 700 WEST MARTIN LUTHER KING BOULEVARD; FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O" OFFICE, 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. (Samuel E. Dunnam IV, C14-78-128)

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

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

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:

THE WEST 8 FEET OF LOT 7, AND ALL OF LOTS 8 AND 9, OUTLOT 78, DIVISION D, OAKLAND SQUARE SUBDIVISION, LOCALLY KNOWN AS 106 WEST 38TH STREET AND 108 WEST 38TH STREET; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "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. (W. P. Watts, C14-78-175)

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

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

Noes: None

Abstain: Councilmember Snell, Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

LIBRARY COMMISSION REPORT

MS. VALERIE DUNNAM and MR. ALAN MINTER, representing the Library Commission, appeared before Council. Ms. Dunnam requested Council to restore \$252,110 to the budget for the library. She said that is the amount that was cut from this year's budget and has come at a time when the City is opening a new branch library as well as the new central library. Ms. Dunnam pointed out that the new central library will contain over three times the public space as was in the old central library, yet there are fewer staff members than they had last year. As a result, large areas of the first and second floors will remain unstaffed. This will increase the wait for checking out and returning of books and will increase the opportunity for theft and vandalism. Ms. Dunnam said that an overall increase in library usage in January and February of this year has been 22%; and also said the cost of books has doubled in the past six years and they are not able to purchase as many books as they have in past years. She also requested the restoration of children's services at the branch library to the level that they were prior to the budget cut because curtailment of this service has caused more public outcry than any other area.

Mayor McClellan thanked Ms. Dunnam for her report. She asked Mr. Holt, Director of Public Libraries, to prepare for Council, in writing, a report on each of the Library Commission's requests, addressing such things as large areas of the new library being understaffed, and what sort of alternatives may be used for children's services. She said this is late in the budget year and there are needs in every area of the City and some critical needs where there has been cut back from what their requests were. Councilmember Himmelblau said she would be amenable to putting some money back for new books and security guards in the budget. She said she would like to see a library charge for cards for those living outside the City of Austin and would like to see volunteers used for the children's story hour program. Mayor Pro Tem Goodman stated he too would like to see the book money restored. Mayor McClellan pointed out that there are critical problems in all departments and if they look at the library, they should look at all departments. Councilmember Cooke interjected the recent OPEC agreements could impact Austin severely and Council needs to look at all departments to see where they may be effected. Councilmember Mullen asked Mr. Holt if Austin is still number one, for per capita library expenditures in the state. Mr. Holt said, "yes," and Mr. Mullen expressed the opinion that there is no hurt to the citizens of Austin when they are still number one. Mayor Pro Tem Goodman asked how long it would take to get a report on all critical areas in the city. Mr. Davidson, City Manager, said, "If it is determined that the presentation before you right now is a so-called critical area, necessitating an amendment to the budget, I'll advise right now that the list of things that are of similar importance will be quite extensive. I think we could have a report to you in three weeks. We're talking about a major study of last year's budget as recommended by municipal departments, while at the same time we're starting the

process for next year's budget. I want the Council to understand that every time we do this kind of a major study and do it well, we're taking away from the resources that ought to be applied to next year's budget. I just can't recommend that the Council consider amending the budget for this kind of a purpose. If you want the report we'll stop what we are doing and work for three weeks to get it back to you."

Councilmembers Cooke and Mullen said they do not want the report. Discussion continued among the Councilmembers and Mayor concerning the budget and department needs. The Mayor pointed out that they all considered the budget very carefully before it was passed and knew there would be cut-backs in departments, but it was something they all agreed, at the time, needed to be done.

MR. CHUCK MATHESON appeared before Council and asked if the City would object to having volunteers staff the Brackenridge Hospital library so it can remain open on Saturday and Sunday. Mr. Davidson stated, "For the record, that library is not closed." Mayor McClellan said, the City is funding 40 hours to that library and it is supposed to be a cooperative type venture. The library is also being used by ACC, the University of Texas and Southwest Texas at San Marcos. The Mayor pointed out that the City has been working with the other users of the Brackenridge Library and asked for an updated report on the progress. She asked that a copy of the report be given to Mr. Matheson.

Mayor McClellan thanked Ms. Dunnam and Mr. Minter for being in the Council Chamber and presenting their report.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

ROBERT C. NOREN,	811 Springdale Road	From "A" Residence
ET UX	4608-4610 Glissman	1st Height and Area
By Donald Dumas		To "DL" Light Industrial
C14-79-022		3rd Height and Area
		RECOMMENDED (amended area) by
		the Planning Commission

Mayor Pro Tem Goodman moved that the Council grant "DL" Light Industrial, 3rd Height and Area District, as recommended by the Planning Commission, on amended area. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "DL" Light Industrial, 3rd Height and Area District, amended area, and the City Attorney was instructed to draw the necessary ordinance to cover.

March 29, 1979

CARL W. BURNETT,
TRUSTEE AND
ROBERT L. BOWERS
C14-79-025

907-915 Reinli Drive
921 Reinli Drive

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED (amended area) by
the Planning Commission

Mayor Pro Tem Goodman moved that the Council grant "C" Commercial, 1st Height and Area District (amended area) as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District (amended area), and the City Attorney was instructed to draw the necessary ordinance to cover.

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 6.489 ACRE TRACT OF LAND, LOCALLY KNOWN AS 907-915 REINLI DRIVE AND 921 REINLI DRIVE; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, 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 DECLARING AN EMERGENCY. (Carl W. Burnett, Trustee & Robert L. Bowers, C14-79-025)

Mayor Pro Tem Goodman 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed as an emergency measure.

CITY OF AUSTIN
By Byram
Properties
C14-79-026

1309-1311 Red River
Street

From "B" Residence and
"C" Commercial
2nd Height and Area
To "O" Office
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Goodman moved that the Council grant "O" Office, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

BUDDY PRIESTMEYER
& JERRY HOLLEY
By G. W. Thompson
C14-79-036

Property to the rear
of 722 Morrow and
bounded by North
Lamar

From "C" Commercial
1st Height and Area
To "C-2" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Goodman moved that the Council grant "C-2" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

DOYLE CHAPMAN
By C. L. Reeves
C14-79-039

Rear of 10611 - 10701
Plains Trail

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

Mayor Pro Tem Goodman moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

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AUSTIN COMMERCIAL
PROPERTIES
By C. L. Reeves
C14-79-043

Rear of 907-1001
Wagon Trail

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

Mayor Pro Tem Goodman moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

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

CITY OF AUSTIN
PLANNING DEPART-
MENT
(Original zoning)
C14-78-242

6902-2704 & 6811-
6701 Lost Valley,
6814-6700 & 6815-
6701 Side Saddle
Street, 6812-6700
& 6813-6703 Stage
Coach Trail, 3300-
3311 Gallop Cove,
3317-3201 & 3316-
3200 Western Drive,
3108-2900 William
Cannon Drive, 7009-
6809 Brodie Lane &
6812-6700 & 6813-
6701 Rearden Road

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

Mayor Pro Tem Goodman moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

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

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EDWARD R. RATH-
GEBER JR. & JESSIE
B. ANDERSON
By Edward R.
Rathgeber, Jr.
C14-79-021

900-1012 William Cannon
Drive
6705-6709 Emerald Forest

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

Mr. Lillie, Director of Planning, reviewed the application by use of slides. He told Council the case had been before them a month ago with a recommendation for "O" Office on the interior and "A" Residence along the frontage of William Cannon and Emerald Forest with the exception of two locations, one on William Cannon and one on Emerald Forest for driveways. He said the Council denied the zoning. Mr. Rathgeber had not been able to attend that meeting so he refiled and took it back through the process. The Planning Commission again recommended the application to Council. The reason for the quick turn-around is if the Planning Commission makes a recommendation and Council denies, there is no waiting time before an individual can re-file. He said applicant is in agreement with the recommendation of the Commission. Councilmember Trevino said he hopes the next time there is a similar case before Council that a summary of the Council's action will be included in the back-up material. Mr. Lillie said he would. Mr. Lillie reminded Council that the Planning Department is still investigating the ordinance to see whether or not the five-acre minimum is appropriate and whether clinics could occur on acreage that has multiple ownership. They are checking this with the Building Inspection and Legal Departments.

The applicant, Mr. Dick Rathgeber, said he secured the special permit for the medical office. He said the City of Austin subdivided the piece of property for him and insisted Emerald Forest Drive be put through the land. This left him with a sliver of land because at one time he owned the entire 30-acre tract. He said there is a medical office next door to the site and a rest home across the street. He felt a medical office building would be the best use of the land in question. Mayor Pro Tem Goodman asked if the Planning Department had recommended this zoning change. Mr. Lillie said they had not because they want to discourage strip zoning. It was decided, after discussion, that the application should be granted as recommended.

Councilmember Himmelblau moved that the Council grant "O" Office and "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor McClellan, carried by the following vote:

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

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

LEONARD PASSMORE 12589-12561 U. S.
& J. H. CONNOLLY, Highway 183
TRUSTEES
By William T.
Carlisle
C14-79-041

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

Mr. Lillie reviewed the application by use of slides. He reminded Council that when they declared the moratorium on Highway 183, Mr. Carlisle visited with Council and requested his case be allowed to proceed and Council did agree to allow this one case to proceed. All the others have been held. Councilmember Cooke said he just wanted to verify that this was the same case that Council had discussed previously.

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

BOY SCOUTS RECOGNIZED

Mayor McClellan called attention to the presence of Boy Scouts from Troop 10, from Berkeley Methodist Church, sponsored by the Exchange Club, who were in the Council Chamber. They are working on their merit badge in communication.

ZONINGS CONTINUED

WILSON RAVEN
By Frank Kerbow
C14-79-019

701 East 55th Street

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a sub-
division and the site plan as
submitted by the applicant.

MR. FRANK KERBOW, representing the applicant, appeared and stated all committees and agencies passed their request without any question. Therefore, he requested emergency passage because Mr. Raven has a contract with the State of Texas which needs to be consummated.

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover as an emergency measure.

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: LOTS 2-5, BLOCK 28, HIGHLANDS SUBDIVISION; AND,
TRACT 2: LOTS 6-9, BLOCK 28, AND LOT 29, BLOCK 29, HIGHLAND SUBDIVISION, AND A 7,748 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 701 EAST 55TH STREET; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, 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 DECLARING AN EMERGENCY. (Wilson Raven, C14-79-019)

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

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

The Mayor announced that the ordinance had been finally passed as an emergency measure.

OTIS RAY SIMON
By D. P. Buell, Jr.
C14-79-023

3510-3504 Manchaca Road

From "A" Residence and
Interim "A" Residence

1st Height and Area

To "B" Residence

1st Height and Area

RECOMMENDED by the Planning
Commission with the restrictive
covenant as offered by applicant
limiting subject tract to 30 per acre.

Mayor Pro Tem Goodman moved that the Council grant "B" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

March 29, 1979

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

THE AUSTIN NATIONAL BANK, TRUSTEE
By Joseph Latting
C14-79-029

1902 University Avenue

From "B" Residence
2nd Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning Commission (as amended) with restrictive covenant as agreed by the applicant that subject tract be used for a ground level parking lot only.

Mr. Lillie reviewed the application by use of slides. MR. JOE HART, representing the applicant, appeared before Council to state they agree to the condition and the restrictive covenant, and feel the use is compatible to other uses in the neighborhood.

MARTIN MERCER, a tenant at 1902 University, appeared before Council to object to the demolition of the low-cost housing where he and several other tenants reside.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission (as amended) subject to conditions. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

LAWRENCE R. & MAE LOUISE DURBIN
By Ronald N. Goldstein
C14-79-034

1203-1205 West 49th Street

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
RECOMMENDED "BB" Residence and five (5) feet of right-of-way be dedicated for widening of West 49th Street, by the Planning Commission.

Mr. Lillie reviewed the application by use of slides. He said the number of units the applicant had proposed could not be erected on the site and is now requesting his original application which was for "B" zoning with the 5 feet of right-of-way dedication. Councilmember Himmelblau asked if this should go back to the Planning Commission since it is reconsideration of an original request. Mr. Lillie said the Commission had considered the "B" and felt the "BB" was more appropriate but was under the impression the proposed development could be done with "BB."

Motion

Councilmember Himmelblau moved that the Council send this case back to the Planning Commission. The motion was seconded by Mayor Pro Tem Goodman.

MR. RONALD GOLDSTEIN, representing the property owner, said they agreed to the five feet of right-of-way and then found out this footage would reduce the code requirements for 6 two-bedroom units under "BB." Since the Planning Commission voted under the assumption that they were accomodating the applicants request for six two-bedroom units, Mr. Goldstein requested "B" zoning with 5 feet of street right-of-way be granted.

Motion Withdrawn

Councilmember Himmelblau withdrew her motion and Mayor Pro Tem Goodman withdrew his second.

Motion

Mayor Pro Tem Goodman moved that the Council grant "B" Residence, 1st Height and Area District with five (5) feet of right-of-way, and restrict to six units. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

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

AUSTIN JUNIOR
FORUM, INC.
By Margaret Kelly
C14-79-020

1404 West Avenue
Caswell House South

From "A-H" Residence-Historic
1st Height and Area
To "GR-H" General Retail-
Historic
1st Height and Area
NOT Recommended
RECOMMENDED (as amended) by the
Planning Commission "O-H"
Office-Historic 1st Height and
Area

Mayor Pro Tem Goodman moved that the Council grant the zoning as amended, "O-H" Office-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning change had been granted to "O-H" Office-Historic, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

ALLIED DEVELOPMENT COMPANY
By Thomas W. Cummins
C14-79-017

7000 Ed Bluestein
Boulevard
6950 Manor Road

From "GR" General Retail
1st Height and Area
To "C-1" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

(This zoning was heard in the morning and continued in the afternoon.)

Mr. Lillie reviewed the application by use of slides. MR. THOMAS CUMMINS, representing Allied Development Company, said they have a request from Tom Shepherd for a liquor store within the confines of the 145,000 square foot shopping center they are building. The store will be restricted to that usage only.

MR. WOODROW SLEDGE, representing the Austin Independent School District, spoke in opposition to the escalation of zoning to this degree across from schools, which will include a liquor store.

MS. JOAN BARTZ, zoning chairman for University Hills Neighborhood Association, spoke in opposition to granting zoning for a liquor store across the street from a school. She said there already is a liquor store 1.2 miles away, and another is not needed.

(Council requested some information, so case was continued later in the day.)

Council requested information on decision of Council in similar zoning cases.

Motion

Councilmember Snell moved that the Council deny the zoning change. The motion was seconded by Mayor McClellan.

It was noted that Councilmember Himmelblau was out of the Council Chamber and Council decided they should hold their vote until she returned.

Motion Withdrawn

Councilmember Snell withdrew his motion and Mayor McClellan withdrew her second.

Later in the day, Council received the report they had requested concerning the result in any similar zoning cases where a liquor store would be across the street from a school. After looking at the report, Mr. Cummins said that none of the cases in the report appeared to be similar to the one before Council today.

Motion

Councilmember Snell moved that the Council uphold the Planning Commission and deny the zoning. The motion was seconded by Mayor McClellan.

Substitute Motion

Councilmember Mullen made a substitute motion that the Council grant "C-1" Commercial, 1st Height and Area District, with a restrictive covenant to roll back to "GR" General Retail if the liquor store ceases to operate. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino

Noes: Mayor McClellan, Mayor Pro Tem Goodman, Councilmember Snell

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

BELL AVENUE
AREA STUDY
C14-79-044

Tract 2:
6507-6801 Woodcrest Drive
11413-11505 Oak View Drive
11412-11706 & 11413-11708
Oak Knoll Drive
11600-11706 & 11601-11707
Broad Oaks Drive
6600-6606 & 6601-6607
Branching Oak Drive
11500-11704 & 11501-11705
Three Oaks Trail
6700-6804 & 6701-6805
Fireoak Drive
6700-6806 & 6701-6805
Rustling Oaks Drive
11500-11504 & 11501-11505
Hollow Oak Court
6512-6804 & 6513-6805
Danwood Drive also bounded
by Colina Lane and Valle-
cito Drive

From Interim "AA" Residence
1st Height and Area
To "AA", "A" Residence and
"O" Office, 1st Height and
Area

BELL AVENUE
AREA STUDY
(continued)

Tract 3:
11839 Jollyville Road

Tract 4:
11833 Jollyville Road

Tract 6:
11700 Jollyville Road,
also bounded by Bell
Avenue and Ladera Vista
Drive

Tract 7:
Jollyville Road and
Ladera Vista Drive

Tract 12:
Northwest corner of
Thunder Creek Road and
Jollyville Road

Tract 16:
11905 Bell Avenue

All the zoning cases included in the Bell Avenue Area study were granted as recommended by the Planning Commission, except Tract 5 and Tract 10.

Councilmember Cooke moved that the Council grant "AA" Residence, 1st Height and Area on Tract 2; "O" Office, 1st Height and Area District on Tract 3; "O" Office and "A" Residence on easternmost 20 feet of Tract 4; "AA" Residence, 1st Height and Area District on Tract 6; "AA" Residence, "A" Residence and "O" Office, 1st Height and Area District on Tract 7; "O" Office, 1st Height and Area District on Tract 12; and "A" Residence, 1st Height and Area District on Tract 16; as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

Noes: None

Tract 5:
11710-11820 Jollyville
Road, also bounded by
Bell Avenue

Mr. Lillie reviewed the application by use of slides. MR. CLYDE WINN of the Northwest Oaks Neighborhood Association told Council they are both for and against the zoning change. The Planning Commission recommended two tracts be zoned "O", but that does not conform with the surrounding "A". He requested the Council to zone all tracts "A," except those who had requested "AA."

Councilmember Himmelblau wanted to know why "O" Office was recommended for any of the land, and Mr. Lillie said the Commission had recommended it for the day care center on the eastern end.

MR. PHIL MOCKFORD, representing Mr. Bradford, who owns part of Tract 5 between the warehouse and the printing facility, requested Interim zoning to remain if Council does not agree with the Planning Commission recommendation. Mr. Winn returned to request "A" zoning with non-conforming use. That, he said, would give the neighborhood their right to protest.

BOB LETZO appeared before Council, stated he lives in the neighborhood and requested "A" and "AA" to prevent spot zoning.

PAUL WEISS asked Council to give the neighborhood that which they have been asking for all these years.

Councilmember Mullen moved that the Council grant "A" and "AA" Residence, 1st Height and Area District, with non-conforming use on Tract 5. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Tract 10:
11701 and the rear of
11715-11903 Bell Avenue
also bounded by Jolly-
ville Road

Mr. Lillie stated that there is a letter from the owner requesting withdrawal today so he can come back later.

MR. CHARLES AUBREY, owner, APC Industries, appeared before Council to state that Tract 10 is part of a 32-acre block. He requested time to be able to talk to the Bell Avenue neighbors because he wants to have an office at this point. The Planning Commission recommends "A" Residence zoning, but he feels it would be in the best interest to zone it "O." Mr. Bob Letzo appeared to say Council should do what has been recommended and zone it "A." Councilmember Cooke felt the property should be zoned "O", and Mr. Aubrey reiterated he wants to work with the neighbors and understands their concerns.

Councilmember Cooke moved that the Council bring this Tract 10 back April 19, 1979, at 6:00 p.m. The motion, seconded by Mayor McClellan, carried by the following vote:

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

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area on Tract 2; "O" Office, 1st Height and Area District on Tract 3; "O" Office and "A" Residence, 1st Height and Area District on easternmost 20 feet of Tract 4; "AA" Residence, 1st Height and Area District on Tract 6;

"AA" Residence, "A" Residence and "O" Office, 1st Height and Area District on Tract 7; "O" Office, 1st Height and Area District on Tract 12; and "A" Residence, 1st Height and Area District on Tract 16; "A" and "AA" Residence, 1st Height and Area District, with non-conforming use on Tract 5; and bring Tract 10 back April 19, 1979, at 6:00 p.m., and the City Attorney was instructed to draw the necessary ordinance to cover.

HANCOCK HOUSE 1306 Colorado
By City of Austin
C14h-79-005

From "C" Commercial
3rd Height and Area
To "C-H" Commercial-Historic
3rd Height and Area
RECOMMENDED by the Planning
Commission

(Heard in the afternoon)

Councilmember Cooke moved that the Council accept the finding of fact, a, b, c, d, e, f, g, h, i, k, l, m, and grant "C-H" Commercial-Historic, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "C-H" Commercial-Historic, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GOVERNOR'S MANSION 1010 Colorado
By City of Austin
C14h-79-007

From Exempt
To Exempt-Historic
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council accept the finding of fact, a, b, c, d, e, f, g, h, i, j, k, l, m, and grant Exempt-Historic as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to Exempt-Historic, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Denied

RATHER HOUSE
By City of Austin
C14h-78-019

3105 Duval

From "A" Residence
1st Height and Area
To "A-H" Residence-Historic
1st Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie reviewed the application by use of slides and stated the owner, the Episcopal Seminary, objects to historic zoning. MR. BLAKE ALEXANDER appeared before Council and explained the history of the house. It is his contention that a tax free religious group has a debt to the public. DEAN GORDAN CHARLTON of the Theological Seminary asked Council to trust them to continue the preservation of the building in the future as they have in the past. He said the granting of Historic zoning could force them to move. Councilmember Mullen asked if it would be acceptable to the Seminary to have the same type of restrictive covenant that had been granted to the American Legion home.....that the City would be advised 120 days before the house is to be sold or demolished. Dean Charlton said that would be fine.

Councilmember Mullen moved that the Council maintain "A" Residence, 1st Height and Area District, with a restrictive covenant that the City will be advised 120 days before house to be sold or demolished. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that "A" Residence, 1st Height and Area District, would be maintained subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zonings Withdrawn

DENNIS A. HEIN
C14-79-037

6906 Manor Road, also
bounded by 3306 Rock-
hurst Drive

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission permanent "A"
Residence, 1st Height and Area.

Mayor Pro Tem Goodman moved that the zoning application be withdrawn. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning case had been withdrawn.

WEST 34TH STREET
By William T.
Carlisle
C14-79-035

3401-3407 Owen Avenue
808-800 West 34th Street
3400-3406 West Avenue

From "O" Office
1st Height and Area
To "O" Office
2nd Height and Area
NOT Recommended by the Planning
Commission

Mayor Pro Tem Goodman moved that the zoning case be withdrawn. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning case had been withdrawn.

Zonings Sent Back to Planning Commission

KNIGHTS OF COLUMBUS
HOME ASSOCIATION
By Jeryl D. Hart
C14-79-042

2305-2333 Columbus
Drive

From Interim "A" Residence
1st Height and Area
To "C-2" Commercial
1st Height and Area (Tract 4)
and "O" Office, 1st Height
and Area (Tracts 1, 2 and 3)
NOT Recommended
RECOMMENDED by the Planning
Commission "A" Residence, 1st
Height and Area on Tracts 1,
2, 3, and 4.

Mayor Pro Tem Goodman moved that the Council send the zoning back to the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

The Mayor announced that the zoning had been sent back to the Planning Commission.

JACK E. AND
MARGIE BUNCH
By Don Fergusson
C14-79-027

501-503 East Rundberg
Lane

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides. Mr. DON FERGUSON, representing the applicant, stated that when they appeared before the Planning Commission, they did not have a specific plan for the site; they do now. The property has been sold to Mr. Lambert who plans to remodel one of the houses to use as a shop, and rent out the other two until the remodeling is done, then demolish the two rent houses and use that area for parking.

MIKE KELLEY, President, Rundberg Lane Homeowners Association, spoke in favor of the granting of the zoning request. CARL LUNDBERG, Vice-President, also spoke in favor of the zoning.

RICH CRAWFORD, who leased property next door to the property in question, said he spent \$6,000 to upgrade the appearance of his building. He favors the zoning change. Also in favor are Winnie Rundberg, Frances Phillips and Oscar Martinez.

TOM COOKE, President of the Georgian Acres Homeowners Association, spoke against the zoning change because he feels they are being crowded out of the neighborhood by "GR" zoning. A woman who did not identify herself expressed concern with increasing traffic where children walk to school, and RONALD BORG spoke against the zoning change.

Don Ferguson returned to state that Mr. Tom Cooke had shown slides to Council which do not show a true picture of the area and are areas 3/4 of a mile away from the site in question.

Motion

Mayor Pro Tem Goodman moved that the Council uphold the Planning Commission's recommendation and deny. The motion was seconded by Mayor McClellan.

Mr. Ferguson said he is prepared to accept the staff recommendation and asked Council to send the case back to the Planning Commission or to grant "O" zoning.

Substitute Motion - Died for Lack of Second

Councilmember Mullen made a substitute motion to deny "GR" General Retail zoning and permit "O" Office. There was no second to the motion.

Substitute Motion

Councilmember Cooke moved that the Council send zoning case C14-79-027 back to the Planning Commission for consideration of "O" Office zoning. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Mullen, Snell, Trevino

Noes: Mayor Pro Tem Goodman, Mayor McClellan

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning case had been referred back to the Planning Commission.

D. Y. NICHOLS

By Dan T. Stathos, Jr.
C14-79-009

1300 South Congress
Avenue also bounded
by James Street

From "C" Commercial
2nd Height and Area
To "C-1" Commercial
2nd Height and Area
NOT Recommended by the
Planning Commission

Mayor Pro Tem Goodman moved that the Council send zoning case C14-79-009 back to the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning case had been referred back to the Planning Commission.

REPROGRAMMING CDBG FUNDS

MR. BURT ADAMS, President, Austin Chapter National Business League, said the purpose of his organization is to improve, enhance and increase the quality of minority economic life in this area. He said he wanted to speak on one of the new projects recommended by the Planning Subcommittee of the Planning Commission and the Community Development Committee, that met in joint session, addressing itself to the corridor project which takes in East 11th and East 12th Street. He said, "I'd like to go on record saying the National Business League subscribes wholeheartedly to this recommendation in the amount of at least \$690,000 plus. The National Business League is able, willing and ready to provide the appropriate City officials with information they have never had before. The information being the minority businessman's wishes and needs and what are the priorities they can live with?" He discussed the potential that is being lost in high school and college drop outs.

MR. RAY GALLOWAY, who said he is an East Austin barber who has earned his livelihood from the people in East Austin for 32 years, expressed his support of the program which deals with better street lighting, paved alleys, better police protection and patrol, cleaning of debris from creeks, etc., for a better environment. Councilmember Snell said, "The thing the program calls for is the support of citizens in that area. Do you think you have the support of the citizens in that area to help with this program?" Mr. Galloway answered that they have. It has been discussed with the people and they have given their suggestions also.

Councilmember Himmelblau asked about the administration of Section 8; she wondered if these would be a pass through of these funds to the Housing Authority, or if it will go to the rehabilitation of units. She wondered if it is strictly money to be used for administrative salaries and benefits. Mr. Buck Apelt, Acting Director, Human Services, said the funding basically has two components. One is \$27,000 for administrative staffing costs of the Urban Renewal Agency for the conduct of this program. The remaining funding of \$97,000 is committed mostly to any relocation demands they may run into in dealing with the first 100 units of this particular program. Councilmember Himmelblau asked if the administrative costs would reflect at budget year so Council can see what percentage is coming off of each grant for administrative purposes. Mr. Apelt said it is the intent to bring the administrative budget back again along with the overall administrative budget for the Urban Renewal Agency. Mrs. Himmelblau said she gets greatly concerned with the grants that to administration.

Councilmember Snell moved that the Council adopt a resolution to reprogram Community Development Block Grant funds. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

RECESS

Council recessed its meeting at 1:05 p.m. and resumed the recessed meeting at 2:20 p.m.

CANOE RACES

Councilmember Cooke moved that the Council approve the request of Mr. Johnny Johns, President, Austin Branch, American Society of Civil Engineers, to operate powered rescue boat on Town Lake during a concrete canoe race on March 31, 1979, from 10:00 a.m. to 12:00 noon. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers
Cooke, Himmelblau

Noes: None

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

CONCESSION AT WATERLOO PARK

Councilmember Cooke moved that the Council approve the request of MS. ROSE BATSON, Vice-President, Neal Spelce Associates, for concession rights for sale of food and soft drinks at Waterloo Park from 12:00 noon to dusk on April 12, 1979. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers
Cooke, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember
Trevino, Mayor Pro Tem Goodman

FIRE FIGHTERS

MR. MIKE VAN BLARICOM, President, Austin Association of Professional Fire Fighters, who had requested to appear to discuss educational incentive and certification pay for Austin Fire Fighters, did not appear. His concerns had been addressed favorably during the morning's consent motion, and he was present at that time.

TRANSMISSION LINES

MR. JACK D. PYBURN, JR., appeared before Council to discuss the City of Austin Transmission Lines in Bastrop, Lee and Fayette Counties. He discussed the trespassing and harassment suffered by those who own property between the Fayette Power Project and the City of Austin. Council received his report, which is on file in the City Clerk's office.

CITIZEN COMMUNICATION NOT ON AGENDA

MR. PAUL ROBBINS asked to appear before Council to speak on the nuclear question. He was not listed on the agenda. Council allowed him to speak.

DAVENPORT RANCH M.U.D.

(Transcript of proceedings on file in City Clerk's Office.)

Council had before it for consideration approval of a District agreement relating to the consent of the Davenport Ranch Municipal Utility District No. 1. Mayor Pro Tem Goodman asked for a clarification of Council's previous action. Mr. Albert De La Rosa, Assistant City Attorney, stated that, if for some reason, the Council ends up with no decision today, the original consent granted two weeks ago with pending negotiated items stands as original approval of the consent to a MUD, and the interested parties have the authority to go out and create a MUD under the terms of that original motion. The original motion specified that this would come back for Council's final approval, so if the Council does not grant its approval to these specific items, they are back to the original motion. Mayor Pro Tem Goodman said, "And that met the legal deadline and that was why we voted that day. I just wanted to clear that point."

Motion

Councilmember Cooke moved that the Council amend the original motion to allow the applicants' request with \$500,000 to be used for the development of park land. The motion was seconded by Councilmember Mullen.

Substitute Motion

Mayor Pro Tem Goodman made a substitute motion to maintain the original consent as granted previously. Councilmember Snell seconded the motion.

Mayor Pro Tem Goodman continued, "If there are any other items that want to be added to that consent, the applicants are more than able to contact the City and make arrangements for whatever additions that they may want to make in the agreement, just as we frequently allow amendments to a particular MUD agreement. For now, in the absence of any established policy, it is a half million dollar give-away at this particular point if you don't tack on any specifics requiring the use of that park land money, so my motion is that we stick with our original consent.

"I have a document that I will enter into the City Clerk's records, which is the formal legal document for this consent, and it's to include everything except number A-3, under Article III, and that is the original consent that was voted upon two weeks ago, and I would hope that we don't have to go one inch further at this particular point when we don't have to. It is money that will end up costing home owners in that area inevitably if we annex with our original consent and pursue this as aggressively as we can."

Roll Call on Substitute Motion - Failed

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

Friendly Amendment to Original Motion

Mayor Pro Tem Goodman offered a friendly amendment that the funds be specifically targeted to be spent by a specific date and specifically for parks purposes. Councilmember Cooke accepted the friendly amendment.

Councilmember Cooke said they should discuss what the logical date would be. Mr. Harris, City Attorney, said that so far there has been no discussion with the applicants concerning acquisition of park land by a certain date. Mayor Pro Tem Goodman suggested that within two years after the bonds are sold, the money should be invested in park land and park land improvements. He asked the Mayor if she would support that position to the Water Rights Commission. Mayor McClellan answered, "I don't have any problem with that restriction on park land, but if that is all the credit you are going to give, we may just end up opposing the whole question before the Water Rights Commission."

There was some discussion re the stipulation. Mr. Harris stated: "We need Council approval of some agreement concerning creation of Davenport Ranch Municipal Utility District, and whether it has all the three things talked about left out, that's fine, but we need you to approve some sort of District agreement

that's acceptable to you, whether or not the Davenport Ranch people ever accept it. And, I thought it would be consistent with the original motion that at least you would have 4 votes that would approve this agreement here without any mention of the credit for parks in it at all." Discussion continued defining previous Council action. Then Councilmember Cooke said, "My interpretation is that while we gave consent, we have room for negotiation. My motion offers one additional option and that is negotiation be added to that package and that's this, and that's the \$500,000 for parks. And this has to have a final vote."

Pam Giblin stated, "The three items that essentially were negotiated items, which were not disallowed by your motion on the 8th, are three items which if this development were within the City would be paid for by the City, so that all that we are asking is that since this development is outside the City limits, the MUD be allowed to pay for every one of those items, which an in-city developer would have the City pay for. The MUD's public funds would be substituted for the City's public funds."

Mayor McClellan asked City Clerk Monroe to call the roll. Before she did she asked for a clarification of the motion. Mr. Harris stated: "The motion is to approve the agreement the Council has before them concerning the creation of the Davenport Ranch Municipal Utility District with the provision for the expenditure of MUD bond money for parks within two years after the initial MUD bonds are issued."

Roll Call on Original Motion with Friendly Amendment - Failed

Ayes: Councilmember Cooke, Mullen

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

Motion

Mayor Pro Tem Goodman moved that the Council allow the creation of the MUD, excluding number 3 of Article III, which would exclude the park land. The motion was seconded by Councilmember Snell.

Roll Call on Motion - Failed

Ayes: Mayor Pro Tem Goodman, Councilmember Snell

Noes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan

Council then discussed further what had been done, consequences, etc. Mr. Harris stated, "Let's go into some detail as to where we are as we see it. The consent that was passed a couple of weeks ago consents to the creation of the district, and in that consent is specified certain things that the District can use bond funds to finance. In addition, that consent says other things may be financed with district bond money, which are subsequently approved in a District agreement by the City Council, so I would like Mr. DeLaRosa to explain what, under the consent, given two weeks ago, the District can finance out of District bond funds, and then discuss about what additional is included in here that they can finance out of bond funds, and maybe that will get us to where we are currently."

Mr. DeLaRosa said, "Under the consent motion that the Council passed, the District is authorized to finance an amount equivalent to the cost of the oversize water main, internal oversize.....pumping facilities, storage facilities, cost of the approach mains, size only to serve the district....that's an important part; and then the Council directed us to go forward from there and to work out any other mutual agreement that the District could finance with bonds. So, if the Council doesn't provide us with any additional avenues for bond financing, those three items remain."

Motion to Reconsider

Mayor Pro Tem Goodman moved that the Council reconsider approval of a District Agreement relating to the consent of the Davenport Ranch Municipal Utility District No. 1. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Motion

Councilmember Cooke moved that the Council adopt a resolution to approve a District Agreement relating to the consent of the Davenport Ranch Municipal Utility District No. 1 as previously approved; with the provision for the expenditure of MUD bond money for parks within two years after the initial MUD bonds are issued for a total of \$500,000; 5% of land to be parks will be 25 acres at an expenditure of \$250,000, and \$250,000 in actual expenditures for park improvements. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

APPROVAL OF MINUTES

Councilmember Cooke moved that the Council approve the Minutes for March 22, 1979. The motion, seconded by Mayor Pro Tem Goodman, carried by the following vote:

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

CITY MANAGER REPORTS POSTPONED

City Manager Davidson postponed the following reports: Proposed Standards for Street Closures, Report on Railroad Crossing Protection, Monthly Status Report on South Texas Project, and Monthly Status Report of Fayette Power Project.

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 May 3, 1979:

WILLIAM G. GAMEL By R. Clarke Heidrick, Jr. C14-79-046	2210 San Gabriel	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area
GARY HALDEMAN By Ken Harris C14-79-047	Front of 1901-1905 Kinney Avenue	From "BB" Residence 1st Height and Area To "A" Residence 1st Height and Area
MODELL BALLARD, ROBERT G. BALLARD, JOHN R. BALLARD, & CHARLES W. BALLARD By John R. Ballard C14-79-048	10304 North Lamar 803 Neans Drive	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
NPC REALTY COMPANY By James A. Siepiela C14-79-051	1721-1821 Kramer Lane 10418-10502 Macmora Road	From "BB" Residence 1st Height and Area To "A" Residence 1st Height and Area
DR. LLOYD A. and ALYCE DOGGETT By Lloyd Doggett C14-79-052	1402 West Avenue	From "A-H" Residence-Historic 1st Height and Area To "O-H" Office-Historic 1st Height and Area
C. M. BUILDERS, INC. By Charles Marsh C14-79-053	1507 West 6th Street	From "O" Office 2nd Height and Area To "LR" Local Retail 2nd Height and Area
C. M. BUILDERS, INC. By Charles Marsh C14-79-054	1509 West 6th Street also bounded by Powell Street	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area

LAND EQUITIES, INC. By John R. Braziel C14-79-055	6413-6811 I. H. 35 also bounded by La Posada Drive and Atkinson Road	From "C" Commercial 6th Height and Area To "C" Commercial 2nd Height and Area
NELSON PUETT, JR. By Rodney Sheppard C14-79-056	5332 Manchaca Road	From "GR" General Retail 1st Height and Area To "C-1" Commercial 1st Height and Area
T. O. JOHNS By C. & L. Business, Inc. C14-79-057	1310 Kramer Lane also bounded by Pecusa Drive	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
BEECAVE WOODS DEVELOPMENT COMPANY By Ralph Harris C14-79-058	2007-2101 Walsh Tarlton Lane 3200 block of Tamarron Boulevard	From Interim "A" Residence 1st Height and Area To "BB" Residence 1st Height and Area
DAVID B. BARROW By David Barrow, Jr. C14-79-059	3400 Far West Boulevard, also bounded by MoPac Boulevard	From "GR" General Retail 1st Height and Area To "GR" General Retail 3rd Height and Area
HORACE C. BARN- HART, JR. and HELEN BARNHART WILEY By Pamela Giblin C14-79-060	2004 University Avenue	From "GR" General Retail 2nd Height and Area To "GR" General Retail 4th Height and Area
R & R REINFORCING, INC. By Terra Firma Planning C14-79-061	505-507 Chaparral Road	From Interim "AA" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area
Z INVESTMENTS By Bill Jezek C14-79-062	6019-6037 IH 35 6101-6105 U. S. 290	From "C" Commercial 1st and 5th Height and Area To "C" Commercial 2nd Height and Area
CULLEN CENTER BANK and TRUST By Louis Henna, Jr. and Bert Pence C14-79-063	8717-8831 IH 35 800-956 Park Plaza 8716-8816 North Plaza	From "GR" General Retail 1st Height and Area To "C" Commercial 1st Height and Area

March 29, 1979

J. T. HEWLETT, JR.
and DAWN HEWLETT
SHACKELFORD
By Fred Powers, Jr.
C14-79-064

72-74 East Avenue

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

EARL M. MCCLURE,
JR.
C14-79-065

80 Red River Street

From "A" Residence
1st Height and Area
To "L" Lake District
4th Height and Area

BILL MILBURN
By John Avery
C14-78-190

3003-3205 Duval Road

From Interim "AA" Residence
1st Height and Area
To "A" Residence
1st Height and Area
(as amended)

LIBERTY INSUR-
ANCE AGENCY, INC.
C14-78-246

201 East Rundberg Lane

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area

O. G. ANDERSON
By Ken Harris
C14-79-004

Rear of 1901-1905 Kinney
Avenue

From "BB" Residence
1st Height and Area
To "C" Commercial
1st Height and Area

SCOTT KELLER
By Fred W.
Powers, Jr.
C14-79-033


1199-1191 Curve Street
1000-1006 Catalpa Street
1001-1013 East 12th Street

From "C" Commercial and
"B" Residence
2nd and 5th Height and Area
To "O" Office
2nd Height and Area

ADJOURNMENT

Council adjourned its meeting at 10:35 a.m.

APPROVED


Mayor

ATTEST:


City Clerk