

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 26, 1978

9:00 A.M.

Council Chambers  
301 West Second Street

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

Roll Call:

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

Absent: Mayor McClellan, Councilmember Snell

The Invocation was delivered by Reverend Merle G. Franke, First English Lutheran Church.

UNICEF DAY

Councilmember Trevino read a proclamation designating Tuesday, October 31, 1978, as UNICEF Day in Austin, and urged every citizen, old and young alike, to buy UNICEF Christmas Cards and to participate in trick or treat for UNICEF and to welcome properly identified trick or treaters at the door - those whose orange and black containers carry the official printed UNICEF message with the UNICEF symbol of a mother and child. Accepting the proclamation were MS. MARGRET HOFMANN and MS. MARGIT ANDERSON.

AUSTIN NATURAL SCIENCE ASSOCIATION GUILD, INC. DAY

Councilmember Himmelblau read a proclamation designating Saturday, October 28, 1978, as Austin Natural Science Association Guild, Inc. Day in Austin, and urged all citizens to join in recognizing members of this outstanding organization for their efforts in behalf of Austin's youth. MS. MARGENE BECKHAM accepted the proclamation on behalf of the Association and thanked the Council.

## AUSTIN LEGAL SECRETARIES ASSOCIATION DAY

Councilmember Mullen read a proclamation designating Saturday, October 28, 1978, as Austin Legal Secretaries Association Day in Austin, and urged all citizens to join in giving due recognition to legal secretaries and the importance of their service to the legal profession. The Association was represented by MARY LYNN WEBER, who thanked the Mayor for the proclamation.

## BEVO'S BIRTHDAY WEEK

Bevo's Birthday Week will be celebrated October 22-28, 1978, according to a proclamation read by Mayor Pro Tem Cooke. BUCK WOODSON and MIKE RUDELSON accepted the proclamation with their appreciation.

## BOARDS AND COMMISSIONS APPOINTMENTS

Mayor Pro Tem Cooke announced the following Board and/or Commission appointments will be made on November 2, 1978:

- Building Standards Commission - 3
- Vending Commission - 2
- Community Development Commission - 1
- Dental Health Advisory Committee - 1
- Mental Health/Mental Retardation - 1
- Wrecker Standards Commission - 7
- Medical Assistance Advisory Board - 9
- Construction Advisory Committee - 4
- On-Going Goals Committee - 6 (on an Emergency Basis)
- Electric Utility Commission - 1 (on an Emergency Basis)
- Human Relations Commission - 7

Mayor Pro Tem Cooke also announced that the Electrical Board is scheduled to be reconstituted. He stated that applications will be taken through November 2, 1978, and that appointments will be made on November 9, 1978.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO AUSTIN HOUSING  
STANDARDS ORDINANCE

Mayor Pro Tem Cooke opened the public hearing scheduled for 9:30 A.M., on the proposed amendments to the Austin Housing Standards Ordinance, and consider passage of Ordinance.

Mr. Lonnie Davis, Director of the Building Inspection Department, told the Council that this matter first came before the Council at a public hearing on September 28, 1978, and at the time the Ordinance was agreeable to all parties concerned with the exception of one paragraph. Mr. Davis stated that the Austin Apartment Association asked that the Ordinance be referred back to the Commission so that they could recommend support for the Ordinance. Mr. Davis pointed out that the Section in question did not constitute retaliatory action and this was to permit the raising of rent in an apartment project of four or more units. Mr. Davis stated the Section had been revised. He introduced persons in the audience who had worked on the Ordinance.

Mayor Pro Tem Cooke introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 40 OF THE 1967 CODE OF THE CITY OF AUSTIN, PROVIDING FOR ABATEMENT OF VIOLATIONS BY PROSECUTION IN MUNICIPAL COURT; PROHIBITING THE TRANSFER OF OWNERSHIP OF A SUBSTANDARD STRUCTURE UNLESS NOTICE OF THE SUBSTANDARD CONDITION IS GIVEN TO THE PURCHASER; REQUIRING ANY AGREEMENT WHEREBY THE TENANT UNDERTAKES ANY RESPONSIBILITIES OF THE OWNER TO BE IN WRITING; PROVIDING THAT A TENANT CANNOT BE EVICTED FOR SIX MONTHS FOR SEEKING TO ENFORCE HIS RIGHTS OR FOR SIX MONTHS FOLLOWING COMPLETION OF REPAIRS; PROHIBITING ANY RENTAL INCREASE UNTIL FULL COMPLIANCE IS MADE WITH THIS CHAPTER; PROVIDING NOTICE OF A PUBLIC HEARING BEFORE THE COMMISSION TO AN OWNER; PROVIDING FOR THE ISSUANCE OF A DEMOLITION PERMIT AT NO COST WHEN DEMOLITION OF A STRUCTURE IS ORDERED BY THE COMMISSION; PROVIDING NOTICE OF AN ORDER OF DEMOLITION BY MAIL TO AN OWNER; ADDING DETERIORATED OR LOOSE PAINT AND LACK OF ADEQUATE INSULATION TO THE DEFINITION OF A SUBSTANDARD STRUCTURE; PROVIDING THIS CHAPTER DOES NOT APPLY TO PORTABLE BUILDINGS NOT OVER FOURTEEN FEET; CHANGING VARIOUS FEES; PROVIDING FOR AN APPEAL TO THE CITY COUNCIL OF THE DECISION BY THE BUILDING STANDARDS COMMISSION TO DENY OR GRANT A MOVE PERMIT; PROVIDING NOTICE TO NEIGHBORHOOD ASSOCIATIONS IN THE AREA OF A PROPOSED MOVE-OFF LOCATION OF A HEARING ON THE MOVE PERMIT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, accept the amendment, waive the requirement for three readings, declare an emergency and finally pass the ordinance adopting the Austin Housing Standards Ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor McClellan, Councilmember Snell

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

Mr. Davis gave further recognition to the persons in the audience who had worked on the Ordinance. Mayor Pro Tem Cooke thanked Mr. Davis for bringing this to the Council's attention.

#### OPTION AGREEMENT POSTPONED

Councilmember Himmelblau moved that the Council postpone until November 2, 1978, consideration of an option agreement for lease of property at Brackenridge Hospital for construction of a private medical/professional office building. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

## LEASE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing execution of a lease agreement between the City of Austin and San Jose Church to provide for a Medical Services Clinic. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Deputy City Manager Homer Reed pointed out that this item was related to Zoning Case No. 11 on the agenda. (Most Rev. Vincent M. Harris, C14-78-179)

## LAND ACQUISITION

Councilmember Himmelblau moved that the Council adopt a resolution approving acquisition of certain land for the U.S. 183/MoPac Interchange:

6.6839 acres of land, more or less out of the J. O. Hamilton Subdivision out of the James P. Wallace Survey. (A-1 Sandblasting and Waterproofing of Austin, Inc.)

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Councilmember Himmelblau inquired about getting an agreement whereby the City would receive payments in lieu of taxes from the owner while the land is occupied.

## EASEMENT RELEASE

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

Two (2) seven and one-half (7.5) foot Public Utility and Drainage Easements adjacent to the common lot lines of Lots 3 and 4, Block T, Westwood Section 7, a subdivision in Travis County, Texas. (Requested by Mr. Stanley Adams, representing Lamar Savings.)

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

## CONTRACTS

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

CROUCH ELECTRIC, INC.  
3505 Chapman Lane  
Austin, Texas

- Fire Alarm System for North Building -  
Brackenridge Hospital - \$32,500

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

LEEDS & NORTHRUP COMPANY  
Dickerson Road  
North Wales, Pennsylvania

- CAPITAL IMPROVEMENTS PROGRAM -  
Telemetering Totalizing System  
Additions for Automatic Generation  
Control, Electric Department.  
Item 1 - \$187,764.75

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

WESTINGHOUSE ELECTRIC SUPPLY CO.  
9230 Research Boulevard  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Automatic Metal Enclosed Switchgear,  
Electric Department.  
Items 1 & 2 - \$45,500.00

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

ELGIN-BUTLER BRICK COMPANY  
4000 North IH 35  
Austin, Texas

- Bricks, Central Stores stock for all effected Departments.
- Item 1 - 150,000 ea. @ \$73.50/M
- Total \$11,025.00

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Councilmember Himmelblau moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Paper for printing and copy machines for various City departments.

MONARCH PAPER COMPANY  
1905 East 6th Street  
Austin, Texas

- Items 1.1 thru 1.6, 6, 7 & 8 - \$32,641.66

LONE STAR PAPER COMPANY  
210 East St. Elmo Road  
Austin, Texas

- Items 2.1 thru 5 - \$8,310.63

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

HUSKY INDUSTRIES, INC.  
U. S. 41 North  
Dunnellon, Florida

- Powdered Activated Carbon, Water and Wastewater Department.
- Item 1 @ \$517.04/ton
- Item 2 @ \$439.70/ton
- Total \$36,722.80

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

ANDREW WILSON COMPANY  
616 Essex Street  
Lawrence, Massachusetts

- CAPITAL IMPROVEMENTS PROGRAM -  
Library Steel Bookstack Shelving,  
Library Department.  
71 items (Total 24,158 pieces)  
\$116,297.53

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

#### TRANSIT ROUTES

Councilmember Himmelblau moved that the Council adopt a resolution adjusting transit routes and/or schedules on the Martin Luther King, Jr., Boulevard and East 12th Street routes. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

#### APPLICATIONS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following application for FY 1979 CJD/LEAA funds:

AVID - Crime Prevention Component - Texas Council on Crime and  
Delinquency (\$57,749 total; \$44,789 CJD and \$12,960 in-kind)

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following application for FY 1979 CJD/LEAA funds:

Voice Protection Radio - Austin Police Department (\$35,300 total;  
\$26,475 CJD and \$8,825 City of Austin funds)

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

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

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following application for FY 1979 CJD/LEAA funds:

Police Communications Study - Austin Police Department (\$43,000 total;  
\$43,000 CJD and \$0 City of Austin)

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

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

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following application for FY 1979 CJD/LEAA funds:

Questioned Document Equipment - Austin Police Department \$6,500 total;  
\$5,050 CJD and \$1,450 City of Austin)

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

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

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following application for FY 1979 CJD/LEAA funds:

APD Delinquency Prevention Officers - Austin Police Department  
(\$65,865 total; \$65,865 CJD and \$0 City of Austin funds)

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

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



## CONTRACT

Councilmember Himmelblau moved that the Council adopt a resolution designating the Williamson-Burnet County Opportunities, Inc., as the rural operator for the Capital Area Manpower Consortium and authorization to negotiate Title I, Title III, and Title VI contracts. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

## AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing entering into an agreement with the Region XIII Education Service Center to extend the FY 78 CETA Title III Youth Employment and Training Program (YETP) Contract for the period October 1, 1978, to June 30, 1979. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

## PURCHASE OF SERVICE CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing entering into FY 1978-79 Human Services purchase of service contracts as follows:

Austin Area Urban League	\$ 25,904
Austin Rape Crisis Center	19,800
Caritas	49,400
Capital Area Rehabilitation Center	34,918
Austin-Travis County MHMR	252,665
Peoples' Community Clinic	30,186
United Cerebral Palsy	20,220
Youth Employment Services	44,972
Austin Community Nursery	29,276
Services for the Elderly	52,320
Child, Inc.	259,121
Extend-A-Care	16,860
Big Brothers/Big Sisters	30,952
Austin Tenants' Council	21,536

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

## SETTING PUBLIC HEARINGS

Councilmember Himmelblau moved that the Council adopt a resolution setting a public hearing for November 30, 1978, at 10:00 a.m., for the purpose of receiving a status report inviting public comment on the City's Community Development Block Grant Program. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Councilmember Himmelblau moved that the Council set a public hearing for November 9, 1978, at 11:00 a.m., to consider amending the water rate Ordinance for Travis County Water Control and Improvement District No. 11, to lower the rate to the standard outside the City limits rate paid by all other water districts. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

## PAVING

Mayor Pro Tem Cooke introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF PECOS STREET IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY CLEARWATER CONSTRUCTORS AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Pecos Street)

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

## LICENSE AGREEMENT

The Council had before it for consideration, approval of a License Agreement for a proposed recycling depot (a 12 foot x 7 foot x 8 foot non-permanent structure) to be located in San Antonio Street right-of-way north of West 24th Street.

Mr. John German, Director of the Public Works Department, told the Council that MR. MICHAEL KLEINMAN, representing Youth Emergency Service, Inc., had requested a recycling center at above mentioned location. Mr. German made a slide presentation of the proposed site. He stated that the center would serve as a newspaper collection station, the newspaper from which to be sold to local newspaper companies for recycling purposes. Mr. German indicated that the matter has been reviewed by all necessary City departments and utilities, but that the Building Inspections Department, the Urban Transportation Department and the Public Works Department did not recommend approval of the request. In response to a question from Councilmember Trevino, Mr. German indicated that one of the primary reasons why these departments did not recommend approval of the request was that they felt it would be improper use of public street right-of-way. Mr. German indicated that Section 31-4 of the City Code addressed the particular use being requested. He also stated that traffic visibility would be blocked by the depot, and that there would be a problem in keeping refuse off the sidewalk. Mr. German also pointed out that the Building Inspections Department has indicated that the site is located in a fire zone in which a wooden structure is not permitted.

Motion

Councilmember Goodman moved to uphold the staff recommendation and for Mr. German to work with the applicant to find another site. The motion was seconded by Councilmember Himmelblau.

Councilmember Trevino asked if any effort was made to contact the University of Texas. He indicated that he was concerned about public safety at the location. Mr. German stated that there was an alternative that the depot be located in the 23rd Street market area, but that this would have to be reviewed by the Vending Commission and would require some Ordinance amendments to be done. Councilmember Mullen felt that using the 23rd Street market area would be a good idea.

Mr. Michael Kleinman told the Council that the Varsity Theatre had agreed to locate the depot at the proposed site. Mr. Kleinman emphasized that the project is not yet finished. He stated that they would maintain the center on a daily basis. Mr. Kleinman pointed out that the center has already been in operation for two months and that none of the complaints anticipated by staff have occurred. Mr. Kleinman indicated that Mr. German did not think that a public right-of-way should be used by public service organizations. Councilmember Trevino asked Mr. Kleinman what he thought about the suggestion to use the 23rd Street market area. He suggested that Mr. Kleinman look into this alternative. Councilmember Goodman suggested to Mr. Kleinman that he look elsewhere in the U. T. area.

City Attorney Jerry Harris stated that an accident in the area could cause serious problems for the City and felt that the depot should be removed due to the liability aspects.

Councilmember Himmelblau emphasized that staff continue to help find a suitable location for the depot. Mayor Pro Tem Cooke agreed with this statement.

Roll Call on Motion

Roll Call on Councilmember Goodman's motion, Councilmember Himmelblau's second, to uphold the staff recommendation and not approve a license agreement for a proposed recycling depot to be located on San Antonio Street right-of-way north of West 24th Street, and instruct Mr. John German of the Public Works Department to work with the applicant to find another site location, showed the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

PARADE PERMIT

Councilmember Goodman moved that the Council approve a request for a parade permit from MR. JACK HOLFORD for Travis County Chapter, University of Texas Ex-Student's Association, from 8:00 a.m. to 10:00 a.m. Saturday, November 11, 1978, beginning Alumni Center at 2110 San Jacinto, north on San Jacinto, right on 23rd to Red River, back to San Jacinto, north to 24th into U.T. campus, run through campus, return east on 24th to San Jacinto and back to start. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

WILLIAMSON COUNTY M.U.D. NO. ONE

Councilmember Goodman moved that the Council approve a request from MR. KIRKE H. JEFFREY, General Manager, Williamson County Municipal Utility District No. One, to provide water and wastewater service to a tract of land outside the boundary of the MUD. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Mr. Jeffery indicated that water service to the tract would be on a temporary basis, and also gave a brief description of where the tract is located.

## MAYOR'S PICNIC

Councilmember Trevino moved that the Council approve a request from MS. MELODY TYLER for permission to use Auditorium Shores on November 12, 1978, from 4:30 p.m. to 6:00 p.m., and approval of a \$2.50 charge per person to cover food and beverage cost of an appreciation picnic for the Mayor. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor McClellan, Councilmember Snell

## ZONING HEARINGS

Mayor Pro Tem Cooke announced that the Council would hear zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning cases were publicly heard:

AUSTIN INDEPENDENT SCHOOL DISTRICT & CITY OF AUSTIN By City of Austin Planning Department C14-78-141	1900-2110 East 3rd Street 1901-2111 East 4th Street also bounded by Chicon Street and Canadian Street	From "D" Industrial 3rd Height and Area and "C" Commercial and "B" Residence 2nd Height and Area To "A" Residence 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Trevino moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem 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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BILL CLARK By John Neely C14-78-162	13531 Research Boulevard	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem 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.

Mayor Pro Tem Cooke introduced the following ordinance as an emergency measure:

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 1.317 ACRE TRACT OF LAND, LOCALLY KNOWN AS 13531 RESEARCH BOULEVARD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS AND WILLIAMSON COUNTIES, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (C14-78-162)

Councilmember Trevino 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 Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

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JAN KUBICEK  
By John Patton  
C14-78-163

2306 Lake Austin Boulevard From "A" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

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

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

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

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CENTRAL TEXAS AREA 7801-7823 North IH 35  
FOUNDATION, INC. 800-828 U.S. 183  
By Stuart Benson  
C14-78-164

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

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

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

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

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LAKE TRAVIS 13651 U.S. 183  
DEVELOPMENT  
COMPANY  
By William Pohl  
C14-78-166

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

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

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

The Mayor Pro Tem 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.

Mayor Pro Tem Cooke introduced the following ordinance:

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

LOT 13, BLOCK C, ACRES WEST SUBDIVISION, LOCALLY KNOWN AS 13651 U.S. HIGHWAY 183; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS AND WILLIAMSON COUNTIES, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Lake Travis Development Company, C14-78-166)

Councilmember Trevino 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 Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

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JAMES A BLAKE &  
DAVID B. SMITH  
By William Pohl  
C14-78-167

13609 Research Boulevard

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

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

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RUBEN H.  
JOHNSON, TRUSTEE  
By Tom Curtis  
C14-78-176

400-412 West 15th Street  
1507-1515 San Antonio  
401-421 West 16th Street  
1500-1518 Guadalupe

From "O" Office, 2nd Height  
and Area (Tract 1) and  
"C" Commercial, 3rd Height  
and Area (Tract 2)  
To "LR" Local Retail, 4th  
Height and Area (Tract 1) and  
"C" Commercial, 4th  
Height and Area (Tract 2)  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "LR" Local Retail, 4th Height and Area (Tract 1) and "C" Commercial, 4th Height and Area District, (Tract 2), as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the change had been granted to "LR" Local Retail, 4th Height and Area District on Tract 1, and "C" Commercial, 4th Height and Area District on Tract 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

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SIGMOR CORPORATION  
By Les Proctor  
C14-78-171

1332 West Ben White  
Boulevard

From "GR" General Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mr. Lillie, Director of Planning, reviewed the application by use of slides. Councilmember Himmelblau said that she would not like to see commercial zoning there and made the following motion:

Motion - Died for Lack of Second

Councilmember moved that the Council deny the zoning as recommended. The motion died for lack of a second.

MR. LES PROCTOR, attorney for Sigmor, told Council they were asking for "C" zoning so that they can sell wine and beer. Councilmember Himmelblau had brought out the point that Sigmor might go out of business and then there would be no control over what would go in under "C" zoning, but he said that the likelihood of Sigmor going out of business was nil. Mr. Proctor said they could have the alternative of building a large structure to house a store, but they did not want to have to sell groceries in order to sell beer and wine. Councilmember Himmelblau then asked if Council could grant "C" Commercial on the building only and Mr. Lillie answered that Council has done this in the past.

Motion

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District on the building only. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

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MOST REVEREND  
VINCENT M. HARRIS  
By Austin-Travis  
County Health  
Department  
C14-78-179

2411 Oakcrest Street

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission with the agreement  
that the City of Austin can  
initiate to rollback the zoning  
when the clinic ceases to exist  
at this location.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

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H. C. BYLER  
By Dan Womack and  
W. W. Richardson  
C14-78-170

5505 Jeff Davis Street

From "A" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission subject to a  
restrictive covenant that no  
more units can be added.

Mr. Lillie reviewed the application by use of slides. He said the subject tract has two structures on it. The Building Inspection Department had notified the owner that the structures could not continue to be used as multi-family use in "A" Residential zoning and therefore, required that a zoning change be considered. Councilmember Himmelblau asked how long the structures have been on the lot. Mr. Lillie told her the zoning would be required to permit the structures to remain; the covenant says that if the zoning is granted, no more units can be added and the Planning Commission felt that is adequate. Councilmember Himmelblau said that it still would show as a change on a zoning map and that would be her objection. She asked if they could stand as a non-conforming use. Mr. Lillie surmised that if the option were available, the Building Inspection Department would have offered it. Councilmember Himmelblau said she wanted someone to answer if this could stand.

MR. W. W. RICHARDSON, representing the applicant, told Council that both structures were on the property when the applicant purchased the lots. He fixed the structure as a duplex, and went through many procedures to find out how to handle the other building on the property. Mr. Richardson outlined what had been done. The Planning Commission approved this 5-0, recognizing the problem he has had and it was their idea to have the restrictive covenant. It was their recommendation, which the applicant agreed to, so there would not be a precedent-setting device in the neighborhood. Mr. Richardson continued, "Once we get 'BB' zoning we can go back to them, because that is a change in condition, and get a variance to have the second structure not attached." Councilmember Himmelblau said she was hoping it could stay in a non-conforming use so they would not see a change in the zoning maps, because once there is a change it is apt to domino into others.

Mr. Lonnie Davis, Director of Building Inspection, stated: "To address the question of non-conformance, the rear unit, which is about 20 x 25, has not been used as living quarters since 1945. I was personally on the job sometime in 1975 when a sewer line was being run to it and those facilities were being put in at that time. It may have been lived in, as a room, or something of that nature, but did not have full sewage facilities until 1975. Councilmember Himmelblau pointed out that she had asked about some trailers on 38th Street, and was told they were non-conforming. She felt they were more of an outrage than this is. Mr. Davis said the difference is that the Mobile Home Ordinance was passed in 1974, and mobile homes were put in there at a time when they were permissible. At the time this was done on this particular structure, he said, it was not permissible. Mr. Richardson said that without a change in zoning, the structure in the rear will have to be removed...that they had tried every way to maintain the structure without re-zoning.

Councilmember Goodman said he wished there were some way to show on the maps what they are doing.

Councilmember Himmelblau moved that the Council grant "BB" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

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W. P. WATTS                      106 West 38th Street  
By Eugene Wukasch              108 West 38th Street  
C14-78-175

From "A" Residence and  
"B" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED as amended subject  
to the dedication of 15 feet  
of right-of-way, by the  
Planning Commission

Mr. Lillie reviewed the application by use of slides. He told Council that the site included two lots with two duplexes. MRS. DOROTHY RICHTER, 3901 Avenue G, appeared before Council to say that previously site plans have always been requested for office use in the area in question; she requested a site plan.

W. P. WATTS, owner of the land, stated that anyone who owns property will try to improve it as an office.

EUGENE WUKASCH, applicant, questioned the necessity of a site plan when they already have all of the requirements of the Building Code restrictions. Mr. Lillie told him that site plans have been requested by the neighborhood for this area, but never have been requested by the Commission or staff.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions, and also that a restrictive covenant be required that if another structure is ever put there, site plan will have to be approved by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Mayor McClellan, Councilmember Snell

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

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FRED C. MORSE  
By Robert  
Mueller  
C14-78-158

8023-8043 Burnet Road

From Interim "A" and "AA"  
Residence, 1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "GR" General Retail, 1st  
Height and Area save and except for a  
25-foot buffer strip on the easternmost  
boundary of subject tract, to be  
zoned "A" Residence, 1st Height and  
Area.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, save and except for a 25-foot buffer strip on the easternmost boundary of subject tract, to be zoned "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the change had been granted to "GR" General Retail, 1st Height and Area District, save and except for a 25-foot buffer strip on the easternmost boundary of subject tract, to be zoned "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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WALTER WENDLANDT  
By David Minter  
C14-78-172

1701-1711 West 6th Street  
(exclude 1709)  
1704-1710 West 5th Street

From "B" Residence  
2nd Height and Area  
To "LR" Local Retail  
2nd Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "LR" Local Retail on Lots  
19-22, "O" Office, 2nd Height and Area on  
Lots 13-16. Lot 11 should remain "B"  
Residence, 2nd Height and Area. That five  
(5) feet of right-of-way be dedicated  
along Lots 13-16 fronting West 6th Street  
and that the Urban Transportation Depart-  
ment report to City Council on right-of-  
way requirement.

Councilmember Himmelblau moved that the Council grant "LR" Local Retail on Lots 19-22, "O" Office, 2nd Height and Area District on Lots 13-16; Lot 11 should remain "B" Residence, 2nd Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion was seconded by Councilmember Goodman, and carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the change had been granted to "LR" on Lots 19-22, "O" Office, 2nd Height and Area District on Lots 13-16; Lot 11 to remain "B" Residence, 2nd Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN GARY JOHNSON  
By Gary F. Brown  
C14-78-159

13542-13546 Research  
Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "GR" General Retail,  
1st Height and Area District,  
save and except for a ten (10)  
foot strip to be zoned "A"  
Residence, 1st Height and Area,  
on the westernmost boundary.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, save and except for a ten (10) foot strip to be zoned "A" Residence, 1st Height and Area District on the westernmost boundary, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the change had been granted to "GR" General Retail, 1st Height and Area District, save and except for a ten (10) foot strip to be zoned "A" Residence, 1st Height and Area District on the westernmost boundary, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Pro Tem Cooke introduced the following ordinance:

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

LOT 1, BLOCK B, ACRES WEST SUBDIVISION, SAVE AND EXCEPT THE WESTERNMOST 10 FEET WHICH IS HEREBY ZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 13542-13546 RESEARCH BOULEVARD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS AND WILLIAMSON COUNTIES, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (John Gary Johnson, C14-78-159)

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

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

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ERROL YOUNG  
By Donald Bird  
C14-78-150

500 West 38th Street

From "A" Residence  
1st Height and Area  
To "O" Office  
2nd Height and Area  
NOT Recommended

RECOMMENDED by the Planning  
Commission "O" Office, 1st Height and  
Area, subject to a restrictive covenant  
that the property come back for site  
plan review if it is not used for "O"  
Office and that 15 feet of right-of-way  
be dedicated.

Mr. Lillie reviewed the presentation by use of slides. MS. VIRGINIA DUKE, representing the Children's Home, said that they will have a playground adjacent to the property in question and are interested in this being an office and not apartments. MRS. RICHTER addressed Council by saying that if the present structure is not used for an office, then the Children's Home people would like to have a look at what is going there. MR. DON BIRD said he thinks this is a situation where everyone agrees, but no one knows what they are agreed on, but it is his interpretation that if the present building is removed, it will be necessary to return to the Planning Commission with a site plan. Mr. Meinrath, Assistant City Attorney, stated: "The restriction could be drafted to limit the use of the property to an office and not another use of the property." Mr. Bird pointed out that due to street realignment the property owners on one side dedicate 15 feet of right-of-way, and the property owners on the other side dedicate only five feet. He thought Council should devise a way to be equitable in realignment of streets because this problem will come up more and more in the future.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission, with the addition of a restrictive covenant that it can be used for "O" Office, but if building is removed, site plan comes back for approval of the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

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

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W. L. MAYFIELD ESTATE By Maury Hood C814-78-006	Spicewood Springs Road	From "LR" Local Retail, 1st Height and Area to a Commercial Planned Unit Develop- ment called "SPICEWOOD CENTER II," as recommended by the Planning Commission.
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Councilmember Goodman commented that no site plan was submitted and that in the future he would like to see them submitted.

Councilmember Goodman moved that the Council grant a Commercial Planned Unit Development, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been granted to a Commercial Planned Unit Development, and the City Attorney was instructed to draw the necessary ordinance to cover.

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OLIPHANT HOUSE By Donald Davis C14h-74-008	3900 Avenue C	From "B" Residence 2nd Height and Area To "B-H" Residence-Historic 2nd Height and Area RECOMMENDED by the Planning Commission
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Councilmember Trevino moved that the Council accept the finding of fact a, e, f, h, i, k, l, and m, and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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



The Mayor Pro Tem announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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PARAMOUNT THEATRE  
By John Bernardoni  
C14h-78-038

713-715 Congress Avenue

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council accept finding of fact a, b, c, d, f, h, i, k, l, and m, and grant "C-2-H", 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

At the time of her vote, Councilmember Himmelblau stated: "I'm a little touchy about voting for structures built after 1900, but I will make an exception here."

MR. BERNARDONI, President, Paramount Theatre for the Performing Arts, appeared before Council and stated, "When we applied to get the building to become a Texas Landmark, the criteria being so many years old didn't apply, but the fact that the Paramount was the last standing representative of this type of theatre was the most important cause. ...Back when the City of Austin gave us the \$125,000 grant for work on the dressing rooms we had three stipulations that the City asked us to do, and I want to let you know that all three are done. One was to get an EDA grant, which we got; one was to get the building zoned "H", which we are doing today; and the other was to get legal control of the building, and as you know half the building and land was donated to us by Mrs. Crenshaw, and the other half of the building and land we have under a 99-year lease. So we're done!" Councilmember Himmelblau said that she was one of the one's who wanted the historic zoning on there so it can't be torn down.

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Zoning Case Withdrawn

CLINTON W.  
BENJAMIN  
By James Sledd, Jr.  
C14-78-173

716 Norwalk Lane

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

Councilmember Trevino moved that the zoning case be withdrawn. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the zoning case had been WITHDRAWN.

Zoning Cases Postponed

TOM W. BRADFIELD,  
DONALD H. CUMMINS  
& ROBERT MULLER,  
JR.  
By Bryant-Curing-  
ton, Inc.

2099-1101 Loop 1  
(MoPac Boulevard)  
1398-1200 Loop 1  
1213-1209 Spyglass Drive  
901-831 Loop 1  
702-708 Columbus Drive

From Interim "A" and  
Interim "AA" Residence  
1st Height and Area  
To "O" Office, 1st Height  
and Area (Tracts 1, 7, 8 and 10)  
"GR" General Retail, 1st  
Height and Area (Tracts 3,4,5)  
"BB" REsidence, 1st Height  
and Area on Tract 9 and dele-  
tion of 2 and 6 as amended.  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "BB" Residence, 1st Height and  
Area on Tract 9; "GR" General Retail, 1st  
Height and Area on Tract 4; "O" Office,  
1st Height and Area on Tracts 1, 3, 5, 7,  
8 and 10; subject to a special permit on  
each tract at the time of subdivision and  
a maximum density of 15 units per acre on  
subject tracts.

Councilmember Trevino moved that the Council POSTPONE the zoning until November 9, 1978, at 10:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the case had been POSTPONED.

A. E. RUTLEDGE  
By Ruby Merideth  
and Grigsby  
and Company  
C14-78-169

1208-1216 East Live  
Oak

From "A" Residence  
1st Height and Area  
To "O" Office  
2nd Height and Area  
NOT Recommended by Planning Comm.

Councilmember Trevino moved that the Council POSTPONE the zoning case until November 9, 1978, at 10:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the case had been POSTPONED.

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LITTLEFIELD  
BUILDING  
By City of Austin  
C14h-78-033

East 6th Street and  
Congress Avenue

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by Planning  
Commission

After some discussion on the Littlefield Building, it was decided to postpone the discussion and decision until a full Council is present. Councilmember Goodman asked for a report on the number of downtown buildings which would qualify for "H" Historic zoning, if the Littlefield Building is granted "H," and what the tax impact would be to the City.

Councilmember Mullen moved that the Council POSTPONE the zoning case until November 2, 1978, at 10:00 a.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the zoning case had been POSTPONED.

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WOODBURN HOUSE  
By Kim Williams  
C14h-78-034

200 East 40th Street

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

Councilmember Trevino moved that the Council POSTPONE the zoning case until November 2, 1978, at 7:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

The Mayor Pro Tem announced that the zoning case had been POSTPONED.

#### PUBLIC HEARING EXTENDED

Councilmember Trevino moved that the Council extend the November 2, 1978, public hearing on Lake Long Development to 6:30 p.m. in order to provide hearing time in the evening. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

#### AUSTIN PEDESTRIANWAY PLAN PUBLIC HEARING

Mayor Pro Tem Cooke opened the public hearing, scheduled for 11:00 a.m., on the Austin Pedestrianway Plan. Mr. Joe Ternus, Director of Public Transportation, presented the report by use of slides. (Report is on file in the City Clerk's Office) He told Council that the plan should be adopted and become part of the Comprehensive Plan.

Mr. Homer Reed, Deputy City Manager, told Council that the only action suggested for Council today is "acceptance of the plan and Council's consideration of it in formulating their goals and future Capital Improvement Programs. I believe our Goals Statements you have adopted now have some more general language about pedestrianways and related transportation. This is the first time I think any City Council has had any measure of what you are talking about in terms of resources to implement such a plan. The past twelve months is the only time we've done enough sidewalks to catch up the past 20-25 years, and that was because of a one-time Federal grant we were able to get. The proposed CIP and the current expenditure of the rate of City funds would not catch up under this plan in 20-25 years, so if Council wishes to adopt this plan, and the only meaningful adoption is through the CIP, it will require substantial additional commitment." Mr. Ternus pointed out that this plan does not carry with it any commitment of implementation. What is asked of the Council is the standards and physical location adoptions so that we may use these as focal points in planning programs that are brought back to Council for their consideration as part of the Capital Improvement Program and as part of the actual implementation of these various projects in the CIP program."

Mayor Pro Tem Cooke commented that Council received the proposed plan in early June and that they appreciate the citizen input they have received.

FRED LEWIS appeared before Council and said that he does not object to the plan, but it does not address the fundamental cause of why they have to have it. He said that pedestrians are now too close to automobiles; that the plan is a good start, but is not the answer to social problems. He said he was starting a movement toward better pedestrianways, and that he would closely watch what is being done with this.

Mayor Pro Tem Cooke wanted it noted in the record that the South Austin Center Advisory Board sent a letter of a approval of the Austin Pedestrianway Plan.

Councilmember Goodman moved that the Council close the public hearing and accept the plan for the proposed Austin Pedestrianway. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Mayor McClellan, Councilmember Snell

Mr. Ternus told Council that this will be the first pedestrianway plan adopted in the United States.

#### STREET CLOSING

Council had before it a resolution to consider temporarily closing West 22nd Street from Nueces to Rio Grande from 6:00 p.m. to 2:00 a.m., October 28, 1978, (rain date October 29), as requested by MR. BRENT SANDERS, representing Nexus Co-op. (NOT RECOMMENDED)

Councilmember Himmelblau said she did not think the immediate neighbors had been informed of the proposed street closing. Mr. Ternus told Council that as Director of Urban Transportation he objects to the street closure coming at the same time as the football game and recommends the alternate date of October 29, 1978. Lt. Devane of the Austin Police Department recommended that Council should "slow down on closing of streets for parties." He pointed out that there was too much of a drain on the Police Force to keep Guadalupe quiet after a game and also keep watch on street closings.

#### Motion - Died for Lack of Second

Councilmember Himmelblau made a motion to deny the street closing. The motion died for lack of a second.

Both Councilmembers Goodman and Himmelblau commented that Lt. Devane has a good point. Councilmember Himmelblau said that the extra police duties are causing a financial strain for the City, and it is really not City business. Mr. Goodman thought that "we need some flexibility" and thought the restraints on celebration after football games had become too rigid. Councilmember Mullen said that he also thinks that there should be looser restrictions because people should be allowed to celebrate a football victory.

Motion

Councilmember Goodman moved that the Council allow the street closing to occur on their rain date, October 29, 1978. The motion was seconded by Councilmember Mullen.

Councilmember Himmelblau again asked why neighbors had not been notified, and Mr. Ternus said he had no record that it had not been done. She left the Council Chamber to look up an address and Councilmember Mullen suggested they take this opportunity to discuss whether or not the strict regulations of "The Drag" after the football games should continue to be upheld by the Police Department and the Council. Lt. Devane responded to questioning about the dangers on the Drag, and Mr. Homer Reed informed Council that he had received a report from Chief of Police Dyson stating the amount of money it takes to expend 500 man-hours for protection of the University neighborhood after a football game. Lt. Devane told them that they used 30-35 policemen, plus cadets.

At this point, MR. NEAL HERR, who was listed on the application as the person responsible at the scene of the party, asked to be heard re the closing. He said the neighborhood in question consisted of 3 co-op houses and one apartment and that all of those people attend the party. There was discussion of whether or not the residents of 2212 Nueces had been informed, and whether or not there would be alley access to the residence. Mr. Herr pointed out that this was going to be a Halloween party with the performance of an original musical play. He said it would not be a wild celebration after the game, and judging on past parties they had held, there would be no need for police supervision. He was asked if he is agreeable to a 1 a.m. closing rather than 2:00 a.m. and he said, yes.

Motion Withdrawn

Councilmember Goodman withdrew his motion and Councilmember Mullen withdrew his second.

Motion

Councilmember Mullen moved that the Council adopt a resolution to temporarily close West 22nd Street from Nueces to Rio Grande from 6:00 p.m. to 1:00 a.m., October 28, 1978, as requested by Mr. Brent Sanders, representing Nexus Co-op, and that the party sponsors should follow suggestions for holding a street party, numbers 2-13, as drawn up by Save the University Neighborhood Association. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

Councilmember Goodman stated that from now on there should not be as many street parties as there have been in the past; Mayor Pro Tem Cooke referred to the recommendations for street parties as outlined by S.U.N. and Mr. Ternus

said that all conditions are approved by staff with the exception of Number 1, which stipulates party givers should pay the City \$20.00 per hour.

Councilmember Mullen called for some guidelines to be set up for street party action and asked staff to report on an analysis of S.U.N. conditions as they may pertain to a permanent policy for the City.

Councilmember Himmelblau said she wanted to see applications for street closures on the agenda at least one week before they are to happen so that problems, if there are any, can be ironed well in advance. Councilmember Goodman thought that policy should be 2-3 weeks in advance.

Chief Dyson, who had heard the discussion on his car radio, appeared in the Council Chamber. He addressed Mayor Pro Tem Cooke's questions concerning the number of officers used, the cost of control and whether or not the regulations were too tight on "The Drag." Chief Dyson told Council that they were probably more stringent last week than they have been in the past, but last year the celebration got out of control and caused danger to drivers and pedestrians. He said that if the Police Department eases up, then the problems could become more severe, and that unless Council directs otherwise, he would like to continue the rigid restrictions to curtail celebrants after a football game. Councilmember Goodman pointed out that last year there had been no direction from Council and things had gotten out of hand. But, he felt that the celebrants should be allowed more leeway at the beginning of the celebration after each game because the clamping down on them was causing later eruptions when the police were not around. Mr. Reed pointed out that a year ago, the situation was really serious.

Mayor Pro Tem Cooke concluded the discussion by saying he felt the prerogative of control should rest with Chief Dyson.

#### CETA TITLE III (YETP) - POSTPONED

Council had before it a resolution to negotiate CETA Title III (YETP) in the amount of \$162,140 for the period October 1978 to September 1979. Council had some discussion concerning this, thought there were several problems but wanted to get people before them to explain the program to them.

By unanimous consent, it was decided to postpone decision on this resolution until November 2, 1978.

#### ENERGY CONSERVATION COORDINATOR'S OFFICE

Council had before it for consideration a resolution to submit a grant application for matching funds to be used for the establishment of an Energy Conservation Coordinator's Office. (Recommended by the Energy Conservation Commission.)

Councilmember Himmelblau questioned what this would cost the City and whether the budget would have to be amended if Council approves. Mr. R. L. Hancock, Electric Utility Director, stated: "The documentation the Council has received includes a request for a budget amendment to increase the budget \$9,980.00. That is premature. We really shouldn't make that application until we find out whether the grant is accepted by the State. If it is accepted by the State, it would require \$9,980.00 on the City's part as a budget amendment and that would be brought back at the time of acceptance by the State. This would be Austin's portion for a new position and a new employee, plus Austin's portion of some consulting services associated with that activity."

Mayor Pro Tem Cooke pointed out that amount is in the current budget for energy conservation and said, "We have two options, either to use the entire amount of money we had allocated for energy conservation, be it for mailers or whatever; or we amend the budget for \$9,000.00 for this kind of a program. ... What would be the impact if we didn't use any money that's currently in the budget for energy conservation measures for other programs we might have utilized in the past, and we took the whole budget and use it for that program?" Mr. Hancock replied that this would mean a major re-shaping of the plans of energy conservation. He told them that the present budget cut the funding for both the Energy Conservation Commission and the Electric Utility Commission significantly. There are adequate funds available to continue their activity at a little bit above their activity level last year, but if this came out of it, they would have inadequate funds to even continue at last year's level. Councilmember Himmelblau asked if this would be a permanent position....and commented she is not very happy about adding people now. Mr. Hancock surmised it would evolve into a permanent position, not in the Electric Department, but probably in one of the general government activities. Mr. Reed told Council that it is Dr. Straiton's (Chairman of the Energy Conservation Commission) recommendation that this position should not be a part of the Electric Department since it will be concerned with gas as well as electricity. Mr. Hancock said that the new energy bill will have funds available for governmental conservation type activities and he expects that this position would dedicate a good amount of time to making sure that Austin got what was available in that area.....conservation use in public facilities.

Councilmember Goodman thought they should submit the grant application and then make a determination after, if and when they receive the grant. Councilmember Himmelblau said that is how Council bounced along with the Caswell House and kept putting money in. She said she could not rationalize adding more personnel to a budget which she personally wanted to cut more than they did. Councilmember Goodman said he understood, but in the area of energy conservation he thinks the City stands to gain a lot. She concurred re energy conservation.

Dr. Straiton addressed Council by saying, "This position might have a possibility of paying for itself in grants it might bring in. I believe that over the long run it would bring in a lot more money than it would cost the City. He said he did not think they should go into the one year proposal with the thought that at the end of the year they would drop it. "I believe we are going to have to bring conservation out from under the various areas that now exist in gas and electrical support, and bring together in a central place where the people of the City may be able to find information on conservation and be able to get help in their own conservation efforts. I realize there is a strong need to not add any new positions, but I do feel this is one where we are having alternatives to more power plants, we have an alternative to other methods of energy production and I think the citizens would stand to have considerable benefit from such position."



Motion

Councilmember Goodman moved that the Council adopt a resolution to submit a grant application for matching funds to be used for the establishment of an Energy Conservation Coordinator's Office. (Recommended by Energy Conservation Commission.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: Councilmember Himmelblau

Absent: Councilmember Snell, Mayor McClellan

At the time of roll call, Councilmember Himmelblau said, "I think it's a good effort, but it's against my philosophy to increase the staff at this time, so I have to vote no."

## CREATIVE RAPID LEARNING CENTER

Council had before it an ordinance to consider amending the 1978-79 budget to grant the Creative Rapid Learning Center \$3,215 from Hotel Occupancy Tax Revenues which was introduced by Councilmember Goodman. He reminded the Council that last week they had attempted to "transfer excess money that had accumulated in the allocation that we gave the Mexican-American Chamber of Commerce for the Creative Rapid Learning Center. We were advised by staff at that time that we couldn't do it because that was bed tax money. It is my belief that was an incorrect ruling because this is an artistic enterprise or endeavor.....we could use the excess money so there will not be any impact on the budget overall or upon the ending balance we can use the money that resulted as excess in the Mexican-American Chamber of Commerce budget to fund this program at \$3,215. It was funded last year and was inadvertently left out of this year's fund, I believe." Councilmember Himmelblau said there were also some others left out that she feels badly about. She asked if the Mexican-American request would be cut to cover the \$3,215. Councilmember Goodman answered no, they have accumulated about \$7,000 in excess funds. Councilmember Trevino also said that the budget would not be amended. Councilmember Goodman stated, "On the assumption the \$6,600 excess is still in the Mexican-American Chamber of Commerce hands, we will reduce their request this year \$3,215 to allocate to the Creative Rapid Learning Center." Mr. Reed told Council, "For the record, Mr. Liro has re-checked his statement of last week and what Mr. Goodman says is correct."

Motion

Mayor Pro Tem Cooke introduced the following ordinance:

Councilmember Mullen moved that the Council waive the requirement for three readings and finally pass an amendment to the 1978-79 budget to grant the Creative Rapid Learning Center \$3,215 from Hotel Occupancy Tax Revenues; if \$6,600 excess is still in the Mexican-American Chamber of Commerce funds, their budget request will be reduced by \$3,215 to allocate to the Creative Rapid Learning Center. (The ending balance of the budget will not be amended.) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell, Mayor McClellan

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

#### TRAFFIC REDUCTION IN NEIGHBORHOOD

Mayor Pro Tem Cooke introduced an item to Council to consider creating a separate CIP (Capital Improvement Program) item for "Traffic Reduction in Neighborhood."

#### Motion

Councilmember Goodman moved that the Council endorse the creation of a separate CIP item for "Traffic Reduction in Neighborhood." It was seconded by Councilmember Trevino.

Councilmember Goodman pointed out that it will be important "as each year goes by to channel the traffic into arterial streets and keep it out of the neighborhood. This is a problem other cities have just begun to face and by taking preventative action we will never allow this to develop to a severe state in Austin."

Mr. Ternus, Director of Transportation, commented that they do endorse the idea and the use of CIP funds for traffic diverse. He said they do not recommend the creation of a separate project. He said they have been criticized for having too many miscellaneous type projects in CIP. This will add an additional administrative requirement that will reduce the flexibility that's needed for both of the projects. The project you are amending, he continued, should already carry the description, and I understand it does not, that you are asking for. This project is used for bus turn-outs, left and right turn lanes, curb modifications, traffic diverters...all of these items can be used out of this fund. One year you may need a large amount of funds for one thing and the next year funds are needed for another thing. Mr. Ternus said they feel the Council has a great deal more flexibility if this is kept in one project rather than separated into two projects. The items will be coming back to you in forms

of recommendations from the Transportation Commission and how the money is spent. That is not an issue at all, but it will give you more flexibility as one project.

Councilmember Goodman disagreed and thought they should have a separate category. Councilmember Himmelblau thought it would be good to look at it in the CIP separately. That way, she said, it will not get lost in the volume. Mr. Ternus said that it would effect the implementation of a particular project.

Roll Call on Motion

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

Noes: None

Absent: Mayor McClellan, Councilmember Snell

ADJOURNMENT

The Council adjourned its Meeting at 12:35 p.m.

APPROVED

*Carole Lee McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk