

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting
June 29, 1978
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, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Absent: None

Father Richard E. McCabe, St. Theresa's Catholic Church, read the
Invocation.

MEXICAN-AMERICAN CHAMBER OF COMMERCE WEEK

Mayor McClellan read a resolution signed by the entire Council, designating the week of June 26-July 1, 1978, as Mexican-American Chamber of Commerce Week in the City of Austin, and called upon all citizens to recognize the important work of this organization. MS. MELDA COBRERA, President of the Mexican-American Chamber of Commerce, accepted the resolution with thanks.

MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Council Minutes for June 22, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

ANNOUNCEMENTS

Mayor McClellan announced that the Council would be going into an Executive Session at the noon hour and that the Council would postpone any announcements on Board and Commissions until after said session.

LEASE AGREEMENT

Mayor Pro Tem Mullen moved that the Council adopt a resolution to authorize execution of a Lease Agreement with Travis Properties for 5,200 square feet of space on the second floor of the Travis Building for the Data Systems Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

LAND ACQUISITION

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the acquisition of certain land for Pleasant Valley Road from Webberville Road to East 7th Street, CIP. 75/60-08:

All of Lot 1, Block 4, I. P. Jones Subdivision (Charles E. Overton, et ux.)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

EMINENT DOMAIN PROCEEDINGS

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for establishment of Litton Springs Substation, located in Caldwell County, Texas, to provide distribution and transmission of electric current from generating facilities to the City of Austin:

19.30 acres of land out of the Sampson Connell Headright League.
(Frieda H. Shirley, owner)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for establishment of Litton Springs Substation, located in Caldwell County, Texas, to provide distribution and transmission of electric current from generating facilities to the City of Austin:

12.33 acres of land out of the Sampson Connell Headright League.
(Archie A. Roberts and Idell Roberts, owners)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tracts of land for establishment of Litton Springs Substation, located in Caldwell County, Texas, to provide distribution and transmission of electric current from generating facilities to the City of Austin:

Two tracts of land containing 6.01 acres of land out of the
Sampson Connell Headright League. (Frieda Shirley, owner)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

RELEASE OF EASEMENT

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing release of the following easement:

The east five (5.00) feet of a ten (10.00) foot Public Utility Easement located adjacent to the east property line of Lot 1, Block "D," South First Addition, a subdivision in the City of Austin, Travis County, Texas, of record in Book 49 at Page 92, of the Plat Records of Travis County, Texas, locally known as 8001 South First Street.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

CONTRACTS

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Off Shelf Electric Items, Central Stores Division. Twelve Month Supply Agreement, Items 1 through 262 awarded by line item to appropriate suppliers based on 1st, 2nd and 3rd low bidder. Estimated total \$35,000.00

DEALERS ELECTRIC SUPPLY COMPANY
6714 North Lamar Boulevard
Austin, Texas

GENERAL ELECTRIC SUPPLY COMPANY
7521 North Lamar Boulevard
Austin, Texas

GRAYBAR ELECTRIC SUPPLY COMPANY
7434 North Lamar Boulevard
Austin, Texas

NUNN ELECTRIC SUPPLY COMPANY
206 East 4th Street
Austin, Texas

WESTINGHOUSE ELECTRIC SUPPLY COMPANY
9230 Research Boulevard
Austin, Texas

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

PITNEY-BOWES, INC.
104 East Huntland Drive
Austin, Texas

- Inserting and Mailing Machines, Library Department. Four month rental with option to purchase. Items 1 and 2 - Rental Total \$1,872.48; Purchase Total \$6,865.76; Grand Total \$8,738.24.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

STREET CLOSING

Mayor Pro Tem Mullen moved that the Council adopt a resolution temporarily closing Riverside Drive from Lamar to South 1st Street from 5:00 p.m. to 10:00 p.m. on July 4, 1978, as requested by Mr. R. C. Guerrero, Parks and Recreation Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

URBAN RENEWAL PLAN

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the Urban Renewal Board's recommendation for a change in the Brackenridge Urban Renewal Plan by submitting the matter to the Planning Commission for review and recommendation in compliance with Article 1269L-3, V.T.C.S. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Mullen moved that the Council set a public hearing to consider the change for July 27, 1978, at 11:30 a.m., in compliance with Articles 1269L-3, V.T.C.S. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

URBAN RENEWAL PARCEL

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the disposition of Urban Renewal Parcel R-9-1 to J. M. Richard, Blackshear Project Tex A-11-2. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

TESTING SERVICES

Mayor Pro Tem Mullen moved that the Council adopt a resolution selecting Trinity Testing Laboratories for professional soils investigation and engineering testing services during the design and construction of electric power transmission line - Circuit 3123 - South Texas Project Generation Facility to Holman Substation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

POSTPONEMENT

The Council postponed until July 6, 1978, authorizing an amendment to the contract for the "Center for Battered Women."

POLICY RESEARCH PROJECT

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing submission of a proposal to the Texas Department of Community Affairs for \$25,000 and acceptance of a grant for a day care and child development policy research project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

WEATHERIZATION PROGRAM

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Department of Community Affairs for \$9,470 and to accept the grant to continue the Weatherization Program. (September 1978 through April 1979) The motion, seconded by Councilmember Himmelblau carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Councilmember Cooke felt an infra-red audit would be helpful to the City.

"208"

Mayor Pro Tem Mullen moved that the Council adopt a resolution requesting the designation of Austin as "208" Water Quality Management Agency. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Councilmember Himmelblau suggested that the Water and Wastewater and the Engineering Departments oversee the project.

PUBLIC HEARING SET

Mayor Pro Tem Mullen moved that the Council set July 13, 1978, at 10:00 a.m., for a public hearing to consider amending Chapter 3 of the Austin City Code to provide an appeal procedure. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

PUBLIC HEARING SET

Mayor Pro Tem Mullen moved that the Council set August 3, 1978, at 10:00 a.m., for a public hearing to consider amending the Zoning Ordinance to provide a definition of an "inoperable vehicle." The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

SPECIAL COUNCIL MEETING SET

Mayor Pro Tem Mullen moved that the Council set July 26, 1978, at 7:00 p.m., for a Special Council Meeting, previously scheduled for July 6, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

COUNCIL CHAMBERS

Councilmember Himmelblau requested that the City Manager reserve the Chambers for the Council after the middle of July for work sessions meetings, public hearings on the C.I.P. and the State Legislative Program.

ANNUAL OPERATING BUDGET

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1977-1978 ANNUAL OPERATING BUDGET BY APPROPRIATING \$89,815 FROM THE GENERAL FUND ENDING BALANCE TO THE FINANCE DEPARTMENT FOR ADDITIONAL FUNDS, AUTHORIZING THE UPGRADING OF TWO CURRENT POSITIONS, AND APPROVING FIVE PERMANENT AND TWO TEMPORARY NEW POSITIONS FOR THE FINANCE DEPARTMENT REORGANIZATION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

PAVING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF METCALFE ROAD IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY TERRY EDWARDS CONSTRUCTION CO. 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. (C.I.P. No. 76/62-08)

Councilmember 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 Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WILLIAM CANNON DRIVE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY LARSON-PUGH, INC. 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. (C.I.P. No. 76/62-21)

Councilmember 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 Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

CONTRACT

PANHANDLE CONSTRUCTION COMPANY
P. O. Box 1500
Amarillo Highway
Lubbock, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Clarksville Area Improvement
Project, Phase I - \$1,435,574.05
C.I.P. Nos. 77/62-01, 77/50-20,
and 76/50-20.

Mr. Charles Graves, Director of the Engineering Department, told the Council that this contract was in the water and wastewater area and that the main problems they've been dealing with have been in street, sidewalk and intersection design. He stated that they have been working with Reverend Southerland and feel that they have resolved all of the problems. Mr. Graves stated that they are going to make the sidewalks a uniform 4 feet in width whether or not they are against the curb. He stated that this will be within the federal requirements so that they will be accessible to handicapped and elderly persons. Mr. Graves stated that the only remaining problem was the redesign of the intersection at West 12th and West Lynn. He stated that in order to proceed with the contract, they will not allow any work to be done in this area until further meetings can be held to determine safety requirements and the desire of the neighborhood. Mr. Graves stated that they will be in contact with the neighborhood group as well as the individual property owners while the work is being laid out.

Rev. Southerland told the Council that they agreed in principle to just about all of the plans of the Engineering Department. He stated that they base their decision on the fact that they cannot find the proper footage between the sidewalk and the curb to park cars. Therefore, for the sake of uniformity and safety they have decided upon the 6" curbs throughout the community with the 4-foot sidewalks. Rev. Southerland stated that they had unanimously agreed

to not widen 12th Street. He stated that they could find no sound reason for widening the street. Rev. Southerland indicated that there is perhaps one of two places where the sidewalk could be 5 feet and that adjustment can be made as they go along.

Councilmember Cooke moved that the Council approve the contract, hold West 12th Street and West Lynn improvements in abeyance until a plan is familiarized, and that a report be brought back to the Council on any alterations that are made in the project. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

WASTEWATER APPROACH MAIN

The Council had before it for consideration, authorization of the following Wastewater Approach Main:

DICK STEBBINS

Construction of a 30" wastewater approach main to serve the Hunter Oaks Subdivision. (Estimated cost by City: \$644,000.00)

Mr. Curtis Johnson, Director of the Water and Wastewater Department, told the Council that this item was listed in the Capital Improvements Program as Bull Creek Lateral A. Mr. Johnson stated that the portion of the project of Lateral A actually starts at approximately Loop 360 and Spicewood Springs Road intersection. Mr. Johnson showed diagrams of the proposed project. He stated that the City would have to make oversize payments for the Great Hills Subdivision portion of the project. Mr. Johnson indicated that the project will relieve the existing lift station presently located in the Oak Forest Subdivision. He told the Council that the 30" approach main would have the capacity to serve approximately 27,500 persons outside of the drainage area. Mr. Johnson indicated that the approach main would be an alternative to the Northwest Balcones package treatment plant. He pointed out that the overall construction cost is \$804,000. He stated that this estimate was on the high side. Mr. Johnson indicated that two weeks ago the Environmental Board approved the project by a vote of 8-0, and also that the Planning Commission approved the project by a vote of 7-1. Councilmember Himmelblau felt that the project was badly needed and hoped that the project would cut out some of the lift stations in the area. Mr. Johnson stated that the project will relieve one lift station in the area.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing a 30" wastewater approach main to serve the Hunter Oaks Subdivision. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

CONTRACT

The Council had before it for consideration, the following contract:

WESTINGHOUSE ELECTRIC CORP.
201 North St. Mary's Street
San Antonio, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Load Research Meter-Recorder
Package, Electric Department.
Items 1 thru 6 - \$72,875.00

Mr. R. L. Hancock, Director of the Electric Utility Department, told the Council that their procedure for contracting work is to make a bid award to a supplier in good performance standing with the City.

Councilmember Cooke moved that the Council adopt a resolution to approve the above contract with the Westinghouse Electric Corporation for a load research meter-recorder package. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

CONTRACT

The Council had before it for consideration, the following contract:

SCIMETRICS
P. O. Box 42204
Houston, Texas

- Automated Blood Sterility
Tester, Brackenridge Hospital -
\$12,500.00

Councilmember Cooke indicated that he wanted to hold the matter in abeyance until a recommendation is received from the Hospital Board. City Manager Dan Davidson stated that postponing the item would be no problem for his office. Mr. Robert Spurck, Director of Brackenridge Hospital, told the Council that the Hospital Board meets every third Friday in the month. Councilmember Himmelblau indicated that she wanted to approve the contract today and in the future, follow the procedure of such items being submitted to the Hospital Board prior to coming before the Council. It was brought out that this contract was processed before the Hospital Board was restructured. Councilmember Cooke told City Manager Davidson that he wanted such matters referred to the Hospital Board in the future.

Councilmember Cooke moved that the Council adopt a resolution approving a contract with Scimetrix for an automated blood sterility tester for Brackenridge Hospital. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

PUBLIC HEARING ON MULTIPURPOSE CENTER PARKING

Mayor McClellan opened the public hearing scheduled for 10:00 a.m., to consider the use of a portion of Gillis Park for area access to parking for the South Austin Multipurpose Center.

Mr. Andy Ramirez, Director of the Human Resources Department, told the Council that this item has been approved by both the Parks Board and the Planning Commission. He told the Council that the total access is approximately 150 feet. City Attorney Jerry Harris asked Mr. Ramirez if there was any reasonable alternative to using the property. Mr. Ramirez stated that there was a need for access to Durwood Street in order to let children off at the Center. He stated that there was no other alternative. Mr. Ramirez stated that the City has taken measures to minimize harm to the park land.

Councilmember Trevino made the following motion: "I move that we close the public hearing, and I further move that it be the finding of the City Council that there is no feasible nor prudent alternative to the use of this land for parking purposes, that this project include all reasonable planning to minimize harm to such land as a park, and I further move that the City Council approve this project." The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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:

HENRY S. MILLER 5813 Berkman Drive
REALTY TRUST
C14-78-071

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

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

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

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

EDWARD AND TED
WENDLANDT
By Avery Murrah
C14-78-086

9401-9423 North Lamar
500-700 West Rundberg
Lane

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

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

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

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.

LEON A SCHMIDT
CHILDREN'S TRUST
#1
By Robert Schmidt,
Trustee
C14-78-090

4504-4509 Celeta Lane
4502-4500 Celeta Lane
4501 Celeta Lane
4507 Celeta Lane
10109-10409 U.S. 183
10513-10605 U.S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area (for a
depth of 150 feet from
Highway 183) and "C"
Commercial 1st Height and
Area (balance of depth)
(as amended)
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District for a depth of 150 feet from Highway 183, and "C" Commercial, 1st Height and Area District for the balance of depth, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District for a depth of 150 feet from Highway 183, and "C" Commercial, 1st Height and Area District for the balance of depth, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

W. W. PATTERSON,
TRUSTEE
C14-78-102

829-857 Anderson Lane
901-911 Anderson Lane

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

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

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

The Mayor 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.

ROBERT T.
MAYFIELD
By Ray Wilkerson
C14-78-091

8108 Mesa Drive

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

Mr. Lillie, Director of Planning, reviewed the application by use of slides. He said that the application is in an area that has been zoned "LR" for a number of years. There is a shopping center under construction at the site where the zoning application has been filed. The site is on the south half of the block. There is an Episcopal Church being built on the north 1/3 of the block. The building proposed is for a restaurant and the applicant would like to serve alcoholic beverages in the restaurant. Councilmember Cooke asked if this falls within the 300 foot limit of the church. Mr. Lillie said the Building Inspection Department would have control of that door-to-door measurement in the issuance of a permit.

MR. WALLACE PELLERIN, President, Balcones Civic Association, appeared before Council, to state that after meeting with the applicant, the concern of the association is that the particular restaurant the applicant wants to put in there now is acceptable to the association. He said, "We are concerned about the spot zoning in the event that operation should cease to exist in this location. We were concerned that some other operation not quite as acceptable might go in that zoning. The applicant has agreed to give us a letter contract which indicates that the "GR" General Retail zoning on land, should the use change, any subsequent user, or use of that property would be subject to approval of the Civic Association. That is agreeable to us but we did want to make it a matter of the record here today and say that because of that letter we would then not oppose the application, but we wanted to get that on record since we do not have the letter in hand." Mayor McClellan said that she just checked

with Assistant Attorney Meinrath and wanted it understood, "that what you are agreeing to is between yourselves." "That's correct," said Mr. Pellerin, "and if I didn't get it on the record today....we're not even asking you to make it a condition of the zoning. I want it read into the record so we can make sure we get the letter. And the applicant has agreed to that."

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

Noes: None

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.

C. DOTSON SMITH
C14-78-068

3906 Spicewood Springs
Road

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to deed
restrictions and the site plan
as submitted by applicant.

Mayor Pro Tem 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 Trevino, carried by the following vote:

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

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.

ROBERT L. HASLER
By E. B. Nail
C14-78-092

13900 U.S. Highway 183
13100 FM 620

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a
report by Urban Transportation
Department on drive-way access
to City Council.

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

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

Later, Mr. Lillie asked Council to change the condition to subject to approval of Urban Transportation Department on driveways.

Councilmember Goodman moved that the Council grant "GR" General Retail, 1st Height and Area District, subject to approval of Urban Transportation Department on driveways. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to approval of Urban Transportation Department on driveways, and the City Attorney was instructed to draw the necessary ordinance to cover.

A. L. MOYER AND 1803 West Avenue
VINCENT MOYER
C14-78-099

From "B" Residence
2nd Height and Area
To "O" Office
2nd Height and Area
RECOMMENDED by the Planning
Commission, subject to approval
of Historic Zoning.

Mayor Pro Tem Mullen moved that the Council grant "O" Office, 2nd 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 Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

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

MORRIS LANE
PARTNERS
By Joe Thompson
C14-78-103

6403-6615 Johnny
Morris Road
6507-6615 Loyola Lane

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to 10 feet
of right-of-way on Johnny
Morris Road.

Mayor Pro Tem Mullen moved that the Council grant "LR" Local Retail, 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 Himmelblau, Mayor Pro Tem Mullen, Councilmembers
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

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

CLAUD A. MARTIN
By John Treadwell
C14-78-094

1301 Rio Grande, also
bounded by West 13th

From "O" Office
2nd Height and Area
To "LR" Local Retail
2nd Height and Area
RECOMMENDED by the Planning
Commission, subject to a
restrictive covenant to not
tear down or materially alter
structure and limit use to a
small animal clinic. For
zoning to rollback to "O" Office
if not developed as a small
animal clinic.

Mr. Lillie reviewed the application by use of slides. He said that this application is in west downtown in the residential-apartment-office area which has historically been predominantly residential with a large number of older homes that are gradually being converted over to rooming houses, apartments and offices. The purpose for the request for a change in zoning is for a veterinary clinic. The past use of the building has been for a doctor's office. The Planning Commission did recommend this zoning subject to covenants as listed above. Applicant agrees with the restrictions. Councilmember Himmelblau said that Mr. Binder, property owner in the area sent her a letter questioning the legal ramifications, wondering if the covenant would hold. Mayor McClellan said that as she understood the letter, he was asking the zoning to remain "O" Office, but allow this special use, which I don't think we can do. Mr. Lillie said they could not do that. Councilmember Goodman asked, "The effect would be exactly the same to have it "LR" Local Retail, with a rollback to "O" Office if it is not operated as a veterinary clinic?" Mr. Lillie said that is correct.

Councilmember Himmelblau asked if the Planning staff had recommended this, and Mr. Lillie said no, they felt this would be spot zoning, and lead to a precedent with much more local retail zoning in the area. Councilmember Himmelblau said she agreed, and pointed out that it was only recently that veterinarian clinics have been allowed in "LR." She asked if there is any validity to trying to move it to "O" Office with the type of clinic that is described here. Mr. Lillie said that this would be possible as the character of this kind of clinic is much different than it was. There are no outdoor runs and everything is done indoors. He said it is not much different than a normal doctor's office. Councilmember Himmelblau asked how long it would take for the Planning Commission to consider the change to allow a small animal clinic in "O" Office. She said she would rather see this than grant an "LR" Local Retail change. Mr. Lillie told Council that Dr. Treadwell does have a special permit on file with the Commission and it is on "hold" pending the zoning. He said he thought they could have something to the Commission by July 25th, and something back to Council by August, assuming no problems.

Motion - Died for Lack of a Second

Councilmember Himmelblau made a motion to table this request until Council gets something back from the Planning Commission for the change of use of "O" Office for small animal hospitals. There was no second to the motion, and it died for lack of a second.

Councilmember Cooke said, "It will be my intent from now on to not allow that kind of zoning in this part of the City and anything that will intensify business and move away from residential living I will find difficult to support." Councilmember Goodman stated, "I don't see any real difference whatsoever in granting "LR" Local Retail with a restrictive covenant. As Dick commented, it will be a doctor's office inside and there will be no perceptive change from the outside." "Except," said Councilmember Himmelblau, "you'll see a change in your zoning map." "One possible alternative, Mrs. Himmelblau," continued Councilmember Goodman, "that's a mixture of the two and somewhat a little confusing but it will help in preventing a delay on the applicant's part, and that is to go ahead and grant "LR" Local Retail with a restrictive covenant while the special permit and the revision of the "O" Office requirement proceeds. Perhaps the applicant will agree at that time to re-submit his case to have it rolled back to "O" Office so it won't be necessary to be "LR" Local Retail, and that could all be one motion. Councilmember Himmelblau said she agreed with what Mr. Cooke said and won't go for any more change of zoning.

DR. JOHN C. TREADWELL appeared before Council to state that he has agreed with the laws and requirements and would like to get underway with his plans to operate a veterinary clinic for small animals on an outpatient basis. He said that in no way does he plan to disturb the character and integrity of the neighborhood. Councilmember Goodman asked him if it would be agreeable to him if the Planning Commission comes back with a recommendation to allow veterinarians to establish themselves in "O" Office, that at that time the restrictive covenant would become null and void and Dr. Treadwell would automatically revert back to "O" Office. Dr. Treadwell answered, "Definitely, because for the character of this neighborhood I will operate this under the rules and regulations of "O" Office." He pointed out that there would only be a small, flat sign by the door. In answer to Councilmember Goodman's question concerning other residences in the block, Dr. Treadwell said the next door neighbor is Charles Blocker. Mr. Blocker then appeared before Council and stated that he owns and lives in the house next door and said he is in favor of the veterinary clinic being where proposed.

Motion

Councilmember Goodman moved that the Council grant the zoning to "LR" Local Retail, 2nd Height and Area District, but that it would revert back to "O" Office in the event Dr. Treadwell ceases to operate there as a veterinarian office, that it be restricted to a single practice with Dr. Treadwell as the veterinarian, that the structure never be materially altered, and that if the Planning Commission comes back with a recommendation to the Council, and if we pass it, to allow vets to locate in "O" Office that it then, at that point, revert back to "O" Office. The motion was seconded by Mayor Pro Tem Mullen.

Mayor McClellan said, "At the advice of the City Attorney here (John Meinrath) I need to amend your motion slightly. It needs to read...the motion is, zoned "LR" with restrictive covenants to small animal clinic with the provision for the applicant to authorize the City to initiate re-zoning if "O" Office district zoning restrictions are changed to include small animal clinics, or if there is any change in use other than proposed."

Councilmember Himmelblau said, "Mr. Lillie, don't print many zoning maps in this area." Councilmember Goodman said, "Is there any way, in the event the Planning Commission does not recommend "O" Office that that can be designated as "LR" Local Retail and for the benefit of those who may not know about all of the restrictive covenants, for it to be so noted because it is a sensitive area, that it's "LR" Local Retail only with that restrictive covenant on any zoning map that you do print?" Mr. Lillie said his department is making an effort to key or code maps with the covenants on them and that at the bottom of each of their staff report maps, the covenants are listed. Mayor McClellan stated, "Let's speed up as quickly as possible the process of including the small animal clinics in "O" Office zoning so it won't be "LR" Local Retail restrictive covenant very long, it will be "O" Office." Councilmember Himmelblau said, "With particular emphasis, if the Planning Commission cannot accept all veterinarian clinics, if they could go with the outpatient facilities because we've had 3 or 4 of them come up." Mayor Pro Tem Mullen asked if there are any other types of businesses that fit this same type of category that Council should be looking at now instead of waiting until this problem rises again. Mr. Lillie said the Planning Department will look into that, too.

Roll Call on Motion Re-stated

Roll call on Councilmember Goodman's motion, Mayor Pro Tem Mullen's second, to grant "LR" Local Retail, 2nd Height and Area District, subject to restrictive covenant to provide that the applicant authorize the City to initiate zoning proceedings to zone property "O" Office under any of the following conditions: (1) In the event the structure is materially altered or changed. (2) In the event the property is used for any use other than a small animal clinic or any use allowed in "LR" Local Retail zoning. (3) In the event the City Council approves amendment to "O" Office of the Zoning Ordinance to allow small animal clinics therein, showed the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 2nd Height and Area District, subject to restrictive covenant as stated, and the City Attorney was instructed to draw the necessary ordinance to cover.

LEON A. SCHMIDT 9201-9213 Old 183
CHILDREN'S TRUST 9398-9408 New 183
#1
C14-78-089

From Interim "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED "GR" General
Retail, 1st Height and Area
(as amended) by the Planning
Commission

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

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

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

MARTIN B. LIVELY 8411 North IH 35
By Dana Hendrix
C14-78-097

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, except 10 feet of
"A" Residence on easternmost
boundary then followed by 50
feet of "O" Office.

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, except 10 feet of "A" Residence on easternmost boundary, then followed by 50 feet of "O" Office, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, except 10 feet of "A" Residence on easternmost boundary, then followed by 50 feet of "O" Office, and the City Attorney was instructed to draw the necessary ordinance to cover.

THOMAS G. BRADFIELD 501-603 Stassney Lane
AND PAUL S.
WAKEFIELD
C14-78-098

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "LR" Local Retail
with 25 feet "A" on southern-
most boundary, 1st Height and
Area.

Councilmember Cooke moved that the Council grant "LR" Local Retail, 1st Height and Area District, with 25 feet "A" Residence, 1st Height and Area District, on southernmost boundary, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, with 25 feet of "A" Residence, 1st Height and Area District on southernmost boundary, and the City Attorney was instructed to draw the necessary ordinance to cover.

THOMAS T. SMITH
By William Terry
Bray
C14-78-057

Middle Fiskville Road

From Interim "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "A" Residence on northern
side and 135 feet of "A" Residence on
south side of proposed extension of
Childress Drive with a privacy fence, 35
feet of "A" Residence on easternmost
boundary with privacy fence and remainder
"C" Commercial, 1st Height and Area

Mr. Lillie, Director, Planning Department, reviewed the application by use of slides. He described the area and said that all of the development of business there was done while the area was still outside the City limits. He said there has been some commercial zoning granted since the area was annexed and that area is below the power station which was zoned "C" Commercial with "BB" Residence as a buffer between it and the residential neighborhood. All of the other areas are still Interim "AA" Residence and the non-conforming uses were there prior to annexation.

MR. CLARK HEIDRICH, representing the applicant, MR. TOM SMITH, appeared before Council to say that Mr. Smith purchased the property in 1971. He reviewed the history of the Planning Department and Planning Commission's

recommendations. He said they thought this tract appropriate for Commercial development and asked Council to adopt the Planning Commission's recommendation with one change and that is that the area recommended to be "A" Residence should be designated "BB" Residence. That, he said, would buffer any residences to the north and the 135-foot strip plus the privacy fence will adequately buffer the neighbors to the east.

MASON WILLIAMSON, 10000 Hampshire, appeared before Council to represent the neighborhood. He said his house is right behind the property in question. He said the community has met with the applicant and does not feel that same offered them any reasonable compromise with regard to buffering, residential set-backs, etc. He said he felt the Planning Commission recognized the community needs and recommended the compromise before Council today. In an attempt to finalize a compromise with all the details necessary to bring to Council, the neighborhood had a meeting (third one) with the opposition. At that meeting their lawyer said he was not authorized to compromise on anything except what the zoning commission had already proposed. Mr. Williamson then presented a petition to Council signed by 66 people representing some 30 plus households whose residences are within 300 feet of the property. The petition contained a drawing of what the neighborhood would like. They asked for "AA" Residence zoning on the north and south side of the Childress Drive extension because all of the homes there are now one-family dwellings and they believe that section of residential should also be the same and not give way to apartments or duplexes. Mr. Williamson said they thought a 6" uncut curb should be constructed between the "C" Commercial zone and the 35 feet of buffer zone on the east side of the subject property. He also said that the 35-foot buffer zone should be landscaped and an additional 25-foot building set-back line should be designated on the north and the east side of the "C" Commercial zone. He asked Council's favorable consideration in extending to them the modifications they are asking for in order that they might be able to live with the commercial property behind them in a reasonable and fair manner in order to stabilize the property value of their homes.

MS. JOYCE FRACK appeared before Council to state that she lives on Childress Avenue and does not want rental property introduced into the neighborhood. Council then discussed the 35-foot strip and the rest of the property until Councilmember Goodman made a motion regarding zoning.

Councilmember Goodman moved that the Council grant "A" Residence, 1st Height and Area District on northern side and 135 feet of "A" Residence on south side of proposed extension of Childress Drive, 35 feet of "A" with maintained grass on easternmost boundary and remainder "C" Commercial, 1st Height and Area District; 6-inch uncut curb and 25-foot setback on north and east side. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District on northern side and 135 feet of "A" Residence on south side of proposed extension of Childress Drive, 35 feet of "A" with maintained grass on easternmost boundary and remainder "C" Commercial, 1st Height

June 29, 1978

and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

J. MARVIN AND
JANELL BASEY
C14-78-066

8718 Leisure Drive

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

(Heard in the afternoon)

Mr. Lillie reviewed the application by use of slides. Councilmember Himmelblau pointed out that there was a split vote on the Planning Commission. The applicant, MR. MARVIN BASEY, appeared before Council and stated that about May 1, 1978, he went to take out a building permit and was told by the Building Inspection Department he should apply for a zoning change when he found out that the zoning was "AA." Before the 19th, he got a letter from the City stating that the staff had approved the recommendation for changing it to residential "A." On May 19, the Board acted on it and approved it. On May 26, he received a letter which said that due to a typographical error the case was going to be run through again to make it legal. On June 1 he received a letter from the City stating staff approval and on June 9 he found out that his zoning request had been denied. He said he presumed it was denied because there was one protester there and Mr. Basey was not because he thought the matter would be resolved as before. After further discussion, the Council voted to grant the above.

Councilmember Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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.

DENNY-HOLLIDAY
HOUSE
By A. L. Moyer
C14h-78-017

1803 West Avenue

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area
RECOMMENDED by the Planning
Commission, except for the
easternmost 30 feet.

(Heard in the afternoon)

Councilmember Cooke moved that the Council accept the finding of fact on Items a, b, c, d, e, h, i, k, l, and m of the Historic Zoning criteria, and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission, except easternmost 30 feet. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, except easternmost 30 feet, and the City Attorney was instructed to draw the necessary ordinance to cover.

PENDING ZONING APPLICATIONS

ROMAMI COMPANY
By George Butler
C14-76-110

505-519 Radam Lane

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
RECOMMENDED Extension by the
Planning Commission

(Heard in the afternoon)

Councilmember Trevino moved that the Council grant Extension on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the zoning had been EXTENDED.

WAYNE LAYMON
CONSTRUCTION CO.
By Norman Janssen
C14-76-108

12032 Research Boulevard
also bounded by Arabian
Trail

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

Councilmember Trevino moved that the Council DISMISS the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the zoning had been DISMISSED.

WALNUT HOLLOW
BUSINESS PARK
By William Montandon
C14-76-097

F.M. 969 and Johnny
Morris Road

From Interim "A" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council grant EXTENSION on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the case had been EXTENDED.

D & M BUILDERS,
INC.
C14-75-001

5908 Aurora Drive

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

Councilmember Trevino moved that the Council grant EXTENSION on the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the case had been EXTENDED.

THOMAS P. FRANCIS,
ET UX
By Phil Mockford
C14-73-048

509-517 Alpine Road
3601-3613 South 1st
Street

From "B" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED DISMISSAL by the
Planning Commission

Councilmember Trevino moved that the Council DISMISS the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the case had been DISMISSED.

DOUGLAS DUWE, ET
AL
By Floyd Hill
C14-72-181

Rear of southside of
200-500 block of San
Jose Street

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
(Tract 1) and
"BB" Residence
1st Height and Area
(Tract 2)
RECOMMENDED EXTENSION by the
Planning Commission

Councilmember Trevino moved that the Council EXTEND the above zoning case. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the zoning had been EXTENDED.

ZONINGS DENIED

SOUTHLAND CORP.
By Charles Simon
C14-78-060

1150 Hargrave, also
bounded by Rosewood
Avenue

From "GR" General Retail
1st Height and Area
To "C-1" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to
compliance with the Urban
Renewal Plan

Mr. Lillie reviewed the application by use of slides. MR. CHARLES SIMON, representing the applicant appeared before Council to say that his client is operating a place that sells barbeque, beer, and gasoline at this location. Their problem is that they have several such locations, selling beer and gas, with a distributor beer license rather than retail license. The law requires a retail license in "GR" General Retail zoning, so he is requesting "C-1" in order to comply with state regulations. His argument was that their use is really more restrictive, because as a distributor, they cannot sell beer by bottle or can but must sell a 6-pack or more. He said there has been some objection to the request for a zoning change because of their proximity to a school, but he said that there is a methadone center and a grocery store which sells beer which he feels are much more influence on schools than their outlet. MR. WOODROW SLEDGE, representing the Austin Independent School District, appeared before Council to oppose the zoning change. He distributed the zoning guidelines of AISD to Councilmembers. (Clerk did not receive a copy) He discussed how this zoning change could be a detriment in a school area and asked Council to deny the zoning change. Councilmember Snell also expressed his opposition to the change.

Councilmember Snell moved that the Council DENY the requested zoning change. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the zoning had been DENIED.

STARTEX PETROLEUM 2907 South 1st Street
CORPORATION
By Charles Simon
C14-78-061

From "LR" Local Retail
1st Height and Area
To "C-1" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission with restrictions
for uses permitted under "LR"
Local Retail zoning.

Mr. Lillie reviewed the application by use of slides. MR. CHARLES SIMON, representing the applicant appeared before Council with the same arguments as above, but said that in this case there is no school, no methadone center. Councilmember Himmelblau stated that it would still show up on the map as "C" zoning and future Councils would not know about the restrictions. Mr. Simon said this property has had this use for ten years and they are trying to bring it into compliance with state regulations.

Councilmember Himmelblau said she hated to "do this to the gentleman" but that she felt the same way about this case as she had the previous one. Councilmember Himmelblau moved that the Council DENY the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Snell
Noes: Councilmember Cooke, Mayor Pro Tem Mullen
Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been DENIED.

Councilmember Cooke asked for a report on state and City license procedures and regulations.

JULIA JOSEPH 2700 Congress Avenue
SAWYER 100 Cumberland
By Donald Grissom
C14-78-096

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

Mr. Lillie reviewed the application by use of slides. The applicant did not appear to speak.

Mayor Pro Tem Mullen moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the zoning had been DENIED.

ZONINGS POSTPONED

EL CHICO REALTY
CORPORATION
By Jack H. Brown
C14-78-087

2610 South IH 35

From "GR" General Retail
1st Height and Area
To "GR" General Retail
2nd Height and Area
RECOMMENDED by the Planning
Commission subject to restric-
tive covenant restricting
height to 45 feet.

Councilmember Goodman moved that the zoning case be postponed to July 6, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been POSTPONED.

TEXAS COMMERCE
BANK, ET AL
By Jay C. Tapp
C14-78-095

Parker Lane, East St.
Elmo Road, IH 35,
Woodward Street and
San Marino Drive

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

RECOMMENDED "O" on Tracts 1, 2 and 3 with
25 feet "A" as an environmental easement
on northern boundary of Tract 6 and to
amend Tract 6 to line up with PUD to the
north. "BB" on Tracts 4 and 6, also to
have Urban Transportation respond to off-
street parking in regard to context of
Southeast District Park and existing and
proposed use and report results to City
Council.

Councilmember Goodman moved that the Council POSTPONE the zoning case to July 6, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the zoning case had been POSTPONED.

RECESS

Council recessed its meeting at 12:15 p.m. and resumed the meeting at 2:15 p.m.

BOARDS AND COMMISSIONS

Solicitation Board

Councilmember Trevino moved that the Council appoint MRS. HERMAN BECKER to a term expiring July 1, 1979, on the Solicitation Board. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

Future Appointments

Mayor McClellan reannounced the appointments which will be made on July 13, as follows:

Building Standards
Energy Conservation Commission
Ethics Review Commission
Board of Natural Resources and Environmental Quality
Parks and Recreation Board
Commission on the Status of Women
On-Going Goals Assembly Committee
Manpower Advisory Planning Council
Airport Zoning Board
Dental Health Advisory Committee
Board of Equalization.

In some instances, she said, there is only one appointment to be made to fill a vacancy. The Mayor said that appointments to be made August 3, 1978, will be announced next week.

PUBLIC HEARING ON ADOPTING UNIFORM CODES

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. on the following:

1. Adopting the latest edition of the Uniform Fire Code, with amendments.
2. Adopting the latest edition of the Uniform Mechanical Code, Chapter 39 of the Austin City Code. (Recommended by the Heating, Air Conditioning and Refrigeration Appeals Board.)
3. Adopting the latest edition of the Uniform Plumbing Code, Chapter 42 of the Austin City Code. (Recommended by the Plumbing Advisory Board.)
4. Adopting the latest edition of the Uniform Building Code, Chapter 36 of the Austin City Code. (Recommended by the Building Code Board of Appeals.)

Mr. Lonnie Davis, Director of the Building Inspection Department, told the Council that the various codes are the standards by which the City of Austin operates. He introduced various Boards and/or Commission members who have worked on the proposed uniform codes.

MR. HENRY HOLMAN, Chairperson of the Building Code Board of Appeals, outlined some of the changes in the proposed Uniform Building Code. He stated that the Board recommends adoption of the 1976 Uniform Fire Code with changes. (A taped transcript of the Uniform Code changes is currently available in the City Clerk's Office.)

MR. JIMMY MIDDLETON, Chairperson of the Plumbing Advisory Board, told the Council that the Board recommends adoption of the new Code. He outlined some of the new provisions in the Code.

MR. KEN ZIMMERMAN, Executive Officer of the Austin Association of Builders, thanked the Building Inspection Department for its cooperation. Mr. Zimmerman encouraged the adoption of the Code changes.

Mr. Davis indicated that they would be bringing the new edition of the National Electrical Code before the Council within the next four to six weeks. Mr. Davis also cited some of the changes to the Uniform Mechanical Code, as they apply to heating, air conditioning and refrigeration.

Motion

Councilmember Cooke moved that the Council close the public hearing and adopt the amendments as presented to the Council, with the exception of the fee for the fireworks display outlined in the Uniform Fire Code. Councilmember Goodman seconded the motion.

Substitute Motion

Mayor Pro Tem Mullen moved to approve the recommendations as presented by the Committees. The motion was seconded by Councilmember Himmelblau.

Fire Chief Ed Kirkham told the Council that the fireworks fee was a way of getting parties sponsoring fireworks displays to inform the City as to the time and location of said displays. He stated that the main concern was to require these persons to obtain a permit, and that the actual cost of the fee was insignificant.

Roll Call on Substitute Motion

Roll call on Mayor Pro Tem Mullen's motion, Councilmember Himmelblau's second, to pass through first reading only, ordinances approving the recommendations as presented by the Committees, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell

Noes: Councilmembers Cooke, Goodman, Trevino

Motion to Reconsider

item. Councilmember Himmelblau moved that the Council reconsider the previous The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Motions

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1967; ADOPTING THE UNIFORM MECHANICAL CODE OF 1976 WITH CERTAIN DELETIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF AUSTIN OF 1967; ADOPTING THE 1976 EDITION OF THE UNIFORM PLUMBING CODE; AMENDING CERTAIN PROVISIONS; 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 Councilmember Himmelblau, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 36 OF THE AUSTIN CITY CODE OF 1967; ADOPTING VOLUME #1 OF THE UNIFORM BUILDING CODE OF 1976 WITH CERTAIN DELETIONS; 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 Councilmember Himmelblau, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Motion

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

AN ORDINANCE AMENDING CHAPTER 38 OF THE AUSTIN CITY CODE OF 1967, BY ADOPTING AND INCORPORATING THE UNIFORM FIRE CODE, 1976 EDITION, WITH CERTAIN DELETIONS AND CHANGES TO BECOME CHAPTER 38; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember
Snell, Mayor McClellan

Noes: Councilmembers Trevino, Cooke, Goodman

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

PUBLIC HEARING ON TAXICAB FARE INCREASES AND PASSAGE OF ORDINANCE

Mayor McClellan opened the public hearing scheduled for 11:30 a.m., on taxicab fare increases and passage of an Ordinance. Councilmember Himmelblau stated that there was mention of the City paying for a starter, and asked if this would be more than one person since hours are long at the airport. Mr. George Henry stated that this would include two starters at the airport who would work in conjunction with the Airport Police. Councilmember Himmelblau asked if there was some way this could be picked up on a pro-rata share by the cab companies rather than the City. Mr. Henry stated that it was the consensus of opinion of the Urban Transportation Commission that when starting this, it should be funded by the City and not by the franchise holder. City Manager Dan Davidson indicated that the starter question and some of the other recommendations will be forthcoming to the Council as a part of the recommended budget.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34-42 OF CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FARE INCREASES FOR TAXICABS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

SKI LIFT PROPOSED

MS. TINA TROCHTA, North American Ski Lift Corporation, appeared before Council with her associates from Munich, Germany, MR. PESCHEL and MR. SCHMIDT, to request Council's consideration of a concessionaire agreement to operate a water ski lift on Fiesta Gardens Lagoon. She showed a film of water ski lift operations in Germany. Ms. Trochta said she was looking at this for disadvantaged children and apartment dwellers who cannot afford to own their own boat and skis. She said the operation is all electric and will make no noise. When asked the cost proposed to the public, Ms. Trochta said they will charge 50 cents to \$1.00 for a half-mile run which will take one minute. Price will depend on the total construction cost.

Councilmember Cooke moved that the Council have the City Manager look at the contractual obligations of the proposal, as well as the construction criteria from a safety standpoint, and the method of traffic control which could be used in the neighborhood, with a report to be brought back to Council in 30 days. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

ARTS COMMISSION

MR. AL GOLDEN, Chairman of the Arts Commission, appeared before Council and said they have tried to change the make-up of the Commission in two major areas. One is to expand the Commission and not make the Chairman and Vice-chairman representative of an arts area. The other is to remove the permanent seats on the Commission in view of the funding requests they have had and the fact that they felt there was a built-in bias with permanent representation. He said the Commission has given up on the first idea because they could not find a feasible way to make it work. Concerning the second change, they are still very concerned that Laguna Gloria Art Museum, the Austin Symphony Orchestra Society, and the Travis County Historical Survey Committee permanent seats on the Commission be removed so there can be no question but the Commission is representative of the entire arts spectrum and not just that of the major institutions. In considering this, continued Mr. Golden, Mr. Luis Guerra also stated to the Commission that he felt it was wrong to have two seats designated as Ethnic Arts. This he felt would set aside ethnic arts, and he feels that Chicano art is as much a part of art as the Austin Symphony and that this segregation was not conducive to the best running of the Commission. The Arts Commission agrees with him and wants to avoid the problem of trying to place the burden of representing an ethnic minority on one member as opposed to a discipline where all could participate whether or not they are a part of an ethnic minority. The Commission also voted unanimously to remove the two ethnic arts representatives and requested amending the ordinance. Mr. Golden said they worked on the language and the only thing they could come up with so that there was no intimation that representation had to be nine Anglos's, one Chicano and one Black, but to assure minority representation, was the wording, "at least one Chicano, one Black and one Anglo."

Mr. Golden said the Commission proposes to eliminate the permanent seats and change the eleven representations to:

- Drama - 2 representatives
- Visual Arts - 2 representatives
- Dance - 2 representatives
- Choral Music - 1 representative
- Instrumental Music - 1 representative
- Museums - 1 representative

and to add a seat for literature as a growing art form in the Austin area and a seat for heritage and folk art which to date has not been represented on the Commission. Also, there will be no ex-officio members on the Commission.

Mr. Golden said he wanted to make one other comment, "The Arts Commission is starting its budget review of arts funding and they have 71 contract requests totaling \$700,000 plus dollars. They have started their review process a little earlier this year as a result in order to winnow through the 19 inches of applications."

Councilmember Goodman told Council that he and Councilmember Trevino have requested some information and asked if the vote on this could be postponed for ten minutes. Council agreed.

Later, when the meeting was resumed, the following motion was made:

Councilmember Himmelblau moved that the Council vote to amend Article II, Section 47-15 Composition; appointment of members of the Arts Commission, as recommended by the Arts Commission and bring back the Ordinance next week. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

AIR QUALITY PLANNING AGENCY

The Council had before it for consideration, designation of an air quality planning agency for Travis County. Councilmember Cooke asked how staff arrived at the designation for the agency. MS. SHARON BARTER, Assistant Director of the Urban Transportation Department, told the Council that the planning agency has to be representative of local governments. She stated that it was recommended in federal legislation that the lead planning agency be the Metropolitan Planning Organization. Ms. Barter stated that both Travis County and the policy advisory committee have passed resolutions recommending that the policy advisory committee be the lead planning agency. Deputy City Manager Homer Reed indicated that Austin is only marginally required to participate in the process because Austin's air quality is quite good. He stated that the main pollutant in Austin comes from the internal combustion engine. Therefore, Mr. Reed pointed out that it is logical that it be the transportation planning agency that deals with this particular problem. In response to a question from Councilmember Cooke, Ms. Barter stated that the agency could be a Council of government or a new creation. Mr. Reed stated that if at any time the City Council or the County Commissioners decide that the Metropolitan Planning Agency should be revised in any way, or that the designation should go to some other agency other than ATS, then they would recommend the designation follow the Metropolitan Planning Agency.

Councilmember Cooke moved that the Council adopt a resolution designating the Austin Transportation Study Policy Advisory Committee to be the lead planning agency for the Travis County area to provide appropriate planning data and, if necessary, prepare a transportation control plan for incorporation in revisions to the State Implementation Plan for Air Quality. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

STATION LOCATION STUDY
EMERGENCY MEDICAL SERVICE

The Council had before it for consideration, authorization to enter into the necessary agreement with the University of Texas at Austin (LBJ School of Public Affairs) to implement a Station Location Study with the Emergency Medical Service Department. (Total cost \$70,897; City share \$29,856; University of Texas share \$41,041) Councilmember Himmelblau stated that she had some problems with the wording of the proposal, in particular one which reads, "develop computer map generating capability if possible." She felt that there were too many outs all through the proposal and that the program should be initially put onto City computers rather than University of Texas computers. Mr. Bill Bulloch, Director of the EMS (Emergency Medical Service) Department, told the Council that computer time is allocated on a per hour basis. He pointed out that the cost for running the program on City computers was not shown in the outline. In response to a question from Councilmember Himmelblau, Mr. Bulloch indicated that the program could be initiated on City computers but that there would still be a certain amount of cost no matter if the program is stated on University of Texas or City computers. In regard to the section of the proposal reading, "develop computer map generating capability if possible," Mr. Bulloch indicated that the University would use a CalCom map plotter if it is deemed the maps can be drawn this way, or else have individuals in the LBJ Graphics Department do it by hand. In response to a question from Councilmember Trevino, Mr. Bulloch stated that City fire stations are located according to requirements of law, whereas EMS stations could not be situated in the same manner. Councilmember Himmelblau felt that the \$29,000 cost of the program was rather high considering the program would merely be adapted for use in Austin, from existing programs from other cities. Mr. Bulloch pointed out that the \$29,000 might be used to determine if various programs were feasible for use in Austin. Councilmember Himmelblau stated that she wanted another week to review the proposal before basing a decision.

Motion

Councilmember Himmelblau moved to postpone action on the item until July 6, 1978. The motion was seconded by Councilmember Goodman.

In response to a question from Councilmember Goodman, Mr. Bulloch told the Council that as the model computer programs are developed and altered for Austin, the City Data Systems Department can begin working with the University of Texas to make the program operational on City computers. Mr. Bulloch stated that the intent of the project is to make the U.T. programs compatible with the City computer system. Councilmember Cooke agreed that hiring a consultant to do the programming would incur a much higher cost. He stated that there were ways to make the programs compatible as far as the software end of it was concerned. Councilmember Trevino felt that the programming approach did not address itself to the political realities of the situation. City Manager Dan Davidson indicated that they did not have the personnel power to pursue the project on a manual basis. Mr. Davidson assured Councilmember Trevino that they would not base anything simply on a computer model, without due consideration being given to neighborhoods and political realities. He felt that the program would be the best way to get the job done in a hurry.

Roll Call on Motion

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

JAZZ/FOLK MUSIC PROGRAM

The Council had before it for consideration, authorizing a grant application to the National Endowment for the Arts for a Jazz/Folk Music Program in the amount of \$7,900. (City will provide matching funds of \$9,745; Grant period February 15, 1979 - July 15, 1979) Councilmember Himmelblau questioned why the Austin Independent School District was not contributing to the project since many of the performances are to be held in Austin high schools. Mr. Michael Segrest, Acting Director of the Parks and Recreation Department, told the Council that they have asked the School District contribute to the project. He stated that, to his knowledge, the School District did not have any funds allocated for this type of activity but that it was possible that they might be able to come up with something.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the grant application and directing staff to work with the Austin Independent School District on sharing in the expense of the project. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

COMMUNITY ACTION PROGRAM

The Council had before it for consideration, authorizing submission of an application to the Community Services Administration for \$432,000 to continue the Austin-Travis County Community Action Program. (Grant period: October 1, 1978 - September 30, 1979; City match of \$236,160; County match of \$51,840) Mr. Andy Ramirez, Director of the Human Resources Department, told the Council that this project was a CSA grant. He stated that the grant provides funding for the eleven neighborhood centers, both urban and rural. Mr. Ramirez stated that the City does contract with the County for the four rural centers and this provides for some of the administrative cost. He stated that this is a cash match that is required and that this is basically standard in the budget.

Councilmember Cooke moved that the Council adopt a resolution authorizing submission of the application to the Community Services Administration. The motion, seconded by Councilmember Snell, carried by the following vote:

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

VISUAL CORRIDORS TO THE CAPITOL

Mayor McClellan and Councilmember Cooke introduced an item to Council requesting staff to draft an ordinance establishing height restrictions within identified visual corridors to the Capitol. Mayor McClellan said they are requesting Legal to come back to them to tell what can be done to preserve these corridors.

Councilmember Trevino moved that the Council direct the staff to identify existing visual corridors and outline some appropriate action to preserve the corridors to the Capitol. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

LEGISLATIVE PROGRAM

The Council had before it for consideration, discussion of a legislative program for the 1979 legislative session and setting a date for a work session. Mayor McClellan indicated that she had received a letter from State Senator Lloyd Doggett requesting that the Council pick a time prior to September, to sit down with the delegation to the legislative session. She felt that the Council should hold work sessions prior to then to decide what should be presented to the delegation.

Councilmember Himmelblau moved that the Council set July 26, 1978, at 4:00 p.m., and August 2, 1978, at 4:00 p.m., for work sessions to discuss a legislative program for the 1979 legislative session. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

GOALS AND PRIORITIES

The Council considered setting a date for a work session to review the Council's goals and priorities. Councilmember Cooke felt that this item should be done prior to the work sessions for the legislative program.

Councilmember Cooke moved that the Council set July 6, 1978, at 7:00 p.m., for a work session to review the Council's goals and priorities. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

BOARD AND COMMISSION MINUTES

The Council took under discussion the policy for distribution of Minutes for Board and Commission meetings. Councilmember Goodman felt that the elimination of circulating Board and Commission Minutes would greatly reduce paper work and that Councilmembers could request such Minutes if so desired.

Councilmember Goodman moved that the Council eliminate the previous directive to send Board and Commission Minutes to Councilmembers. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

COUNCIL COMMITTEES

The Council considered establishing Council Committees to cover specific items relating to the Operating Budget. Councilmember Goodman stated that these committees would present brief reports to the rest of the Council. He felt that this method would help improve upon the current budget process. Mayor Pro Tem Mullen felt that it was a good idea and would help increase the entire Council's understanding of the budget process. Councilmember Goodman also pointed out that the project could apply to the C.I.P. as well as other items of special concern. Councilmember Cooke felt that the Council has developed a systematic approach to evaluating the City Manager, and that the subcommittee process would be useful in evaluating both the City Clerk's Office and the Municipal Court.

CITY MANAGERS BENEFITS

The Council took under consideration the City Manager's benefits. Councilmember Cooke felt that now would be a good time to look at the comprehensive benefits of the City Manager. He stated that he was interested in the Manager's merit increase and augmentation of his life insurance program.

Motion

Councilmember Cooke moved to grant the City Manager a merit increase of \$2,500 and to increase his life insurance to \$50,000. The motion was seconded by Councilmember Goodman.

Mayor Pro Tem Mullen indicated that through the group plan, the City will be able to raise the Manager's life insurance coverage to \$50,000 for a cost of \$400.80 per year.

Roll Call on Motion

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

Noes: None

City Manager Dan Davidson thanked the Council and stated that he would do his best to deserve the Council's confidence in him. Mayor Pro Tem Mullen stated in light of the City Manager's implementation of the Council's goals and objectives, he was very much in favor of the merit increase for the Manager.

SETTING A PUBLIC HEARING WRECKER ORDINANCE

Councilmember Goodman moved that the Council set a public hearing for July 20, 1978, at 6:30 p.m., to consider the Wrecker Ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CITY OF AUSTIN/A.I.S.D. JOINT USE POLICIES

The Council had before it for consideration, amendments to the 1960 "Policies to Guide the Austin Public School Administration and the City Administration in the Joint Use and Development of School and Recreation Facilities." Councilmember Himmelblau requested the City Manager to include the use of playgrounds and easements in his talks with the school administration. City Manager Dan Davidson stated that he would be glad to do this.

COST SHARING ON WATER AND WASTEWATER INSTALLATION COSTS

Mr. Curtis Johnson, Director of the Water and Wastewater Department, told the Council that the City Manager's memo and attached resolution gives a method by which small and re-subdivisions can share in the cost of the water and sewer facilities that, normally in the past, have been paid by the first person to subdivide the tract. Mr. Johnson felt that the provisions would allow the development cost to be more equitably shared between the various developers.

Councilmember Cooke moved that the Council adopt a resolution setting out policies to govern the approval of water and wastewater service for subdivisions being developed along one side of an adjacent street. The motion, seconded by Councilmember Snell, carried by the following vote:

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

ITEM WITHDRAWN

City Manager Dan Davidson indicated that he had withdrawn the Report on the Legislative Program, but stated that he would be making a recommendation to the Council before its first work session on the legislative program.

MONTHLY FINANCIAL REPORT

Mr. Monty Nitcholas, Director of the Finance Department, presented to Council the Monthly Financial Report for the period ending May 31, 1978. A copy of this report is currently on file in the City Clerk's Office.

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for Public Hearing before the City Council on July 27, 1978:

FRED W. ADAMS
By Edward Witkowski
C14-78-104

1502 Fortview Road

From "GR" General Retail
1st Height and Area
To "C-2" Commercial
1st Height and Area

TOM W. BRADFIELD,
DONALD H. CUMMINS AND
ROBERT MULLER, JR.
By Bryant-
Curington, Inc.
C14-78-105

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" Residence and
Interim "AA" Residence
1st Height and Area
To "B" Residence, "O" Office,
and "GR" General Retail, 1st
Height and Area; "GR" General
Retail, and "O" Office, 2nd
Height and Area; "O" Office,
and "GR" General Retail, 3rd
Height and Area; "O" Office and
"GR" General Retail, 4th
Height and Area; and "GR"
General Retail, 5th Height and
Area

CHARLES E. MARSH
By Robert Wilson
C14-78-106

1608 West 6th Street

From "B" Residence
2nd Height and Area
To "O" Office
2nd Height and Area

WILLIAM J. JOSEPH
By Arthur Pihlgren
C14-78-107

5520 North Lamar (rear)

From "A" Residence
2nd Height and Area
To "C" Commercial
2nd Height and Area

JUNIOUS J.
ARRANT, JR.
C14-78-108

1109-1111 East
Riverside Drive

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

CHARLES L. HANSON, ET UX By Doug Fike C14-78-109	12147-12105 Jollyville Road 12614-12582 U.S. 183	From Interim "AA" Residence 1st Height and Area To "GR" General Retail and 120 feet of "O" Office, 1st Height and Area along Jollyville Road
AMERICAN GUARANTY LIFE INSURANCE COMPANY By George Colley C14-78-110	10600 Middle Fiskville Road	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
H. C. CARTER By Terra Firma C14-78-111	6487-6537B Hart Lane	From "BB" Residence 1st Height and Area To "A" Residence 1st Height and Area
AUSTIN INDEPENDENT SCHOOL DISTRICT By Dr. James Jeffries C14-78-112	4601 Guadalupe	From "C" Commercial and "B" Residence 2nd Height and Area To "GR" General Retail 2nd Height and Area
RICHARD E. PIGOTT By David Armbrust C14-78-113	3817 Dry Creek	From Interim "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
ESTATE OF W. L. MAYFIELD By Maury Hood C14-78-114	3500 Block of Steck Avenue	From "BB" Residence 1st Height and Area To "O" Office 1st Height and Area
PINKIE BRODIE, FLOYD GOODRICH, JR. AND BENNY E. JAY C14-78-115	204-214 West Powell Lane 8200-8220 Guadalupe Street	From Interim "A" Residence and "GR" General Retail 1st Height and Area To "C" Commercial (approx- imately 265 feet) and "O" Office, 1st Height and Area balance of depth
HARRY PETERSON & FAMILY SPORTS, INC. By Phil Mockford C14-78-116	2701 William Cannon Drive	From "GR" General Retail 1st Height and Area To "C-2" Commercial 1st Height and Area
CENTRAL TEXAS SERVICE CORP. By Phil Mockford C14-78-117	8206-8008, 8006-7628 & 7624-7616 Brodie Lane 3509-3501 & 3500-3510 Eskew Drive 7713-7701 & 7712-7700 Croftwood	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area

ELIAS R. FERRIS By Richard Ferris C14-78-118	1720 Lavaca Street	From "C" Commercial 3rd Height and Area To "C-2" Commercial 3rd Height and Area
G. V. REEDY By W. B. Stringer C14-78-119	Rear of 2324 South Lamar	From "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
ROBERT J. AND BABETTE Z. ELLIS By R. Clarke Heidrick, Jr. C14-78-120	7107 Stirrup Bend	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
DONALD S. THOMAS, TRUSTEE By Tom Curtis C14-78-121	13746-13756 Highway 183 North	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
DONALD S. THOMAS By Tom Curtis C14-78-122	13819-13843 Highway 183 North	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
MICHAEL R. MACARI By Craig Cregar C14-78-123	Rear of 2005 South Lamar Boulevard	From "A" Residence 2nd Height and Area To "C" Commercial 2nd Height and Area
WOODSTONE SQUARE DEVELOPMENT CO., INC. By Larry Niemann C14-78-039	3417-3423 Pecos Street, also bounded by West 35th Street	From "C" Commercial and "A" Residence 1st Height and Area To "BB" Residence 1st Height and Area
NAOMI SIMER WELCH By Elizabeth Swenson	1710 Fort View Road	From Interim "A" Residence 1st Height and Area To "O" Office 1st Height and Area
SOUTHGATE-LEWIS HOUSE By W. H. Passon Historical Society C14h-78-024	1501 East 12th Street	From "B" Residence 2nd Height and Area To "B-H" Residence-Historic 2nd Height and Area
HAMPTON-FISCHER HOUSE By City of Austin C14h-78-025	1008 West Avenue	From "O" Office 2nd Height and Area To "O-H" Office-Historic 2nd Height and Area

June 29, 1978

LIMERICK-FRAZIER
HOUSE
By W. H. Passon
Historical Society
C14h-78-027

810 East 13th Street

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area

BREMOND AND POPE
BUILDINGS
By Pat Conway
C14h-78-028

125-139 East 6th Street

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area

CARL WOOTEN
By James Brady
C814-74-007

Westlake Drive and Lake
Austin

To: Planned Unit Development
125-unit townhouse and
1 single-family unit
called "HARBOR VILLAGE"

MEETING ADJOURNED

Council adjourned its meeting at 4:35 p.m.

APPROVED

Carole Keeton McClellan
Mayor

ATTEST:

Grace Monroe
City Clerk