

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 28, 1977
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn

Absent: Councilmembers Lebermann, Trevino

The Invocation was delivered by Reverend Raymond D. Kiser, Memorial
United Methodist Church,

APPROVAL OF MINUTES

Mayor Pro Tem Snell moved that the Council approve the Minutes of the
April 21, 1977, Council meeting. The motion, seconded by Councilmember
Himmelblau, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn

Noes: None

Absent: Councilmembers Lebermann, Trevino

NATIONAL KITE FLYING DAY

Whereas kite construction and flying is an age old hobby and sport
enjoyed by people of all ages the world over, Mayor Friedman read a proclamation
designating May 8, 1977, as National Kite Flying Day, and invited all citizens
to join in celebrating Kite Flying Day at the Zilker Kite Flying Field. Everyone
should bring their own kite. Charles Locklin thanked the Mayor for the
proclamation on behalf of the kite flyers of Austin, and he presented Mayor
Friedman with an official hat.

KIWANIS SAFEGUARD AGAINST CRIME WEEK

Mayor Pro Tem Snell read a proclamation designating May 1-7, 1977, as KIWANIS SAFEGUARD AGAINST CRIME WEEK. This is to assist the general public to realize the protective measures available through special services and to increase understanding of law, its functions and supportiveness. Johnny Anderson, Lt. Governor, Kiwanis International, accepted the proclamation on behalf of the local Kiwanis chapter.

BETTER SPEECH AND HEARING MONTH

Councilmember Himmelblau read a proclamation urging all citizens to join in commending the rehabilitative services of the members of the speech and audiology profession during Better Speech and Hearing Month, May, 1977. The educational, vocational, personal, and social function of 10% of all children and adults in the United States are effected by speech, language or hearing impairments. The communicative abilities of persons effected may be restored or improved by speech pathologists and audiologists who provide professional services to help them regain and maintain meaningful and productive lives. Dr. Patricia Cole, on behalf of the speech pathologists and audiologists of Austin, thanked the Mayor and Council for the proclamation.

LAW WEEK

The week of May 1-7, 1977, has been set aside as LAW WEEK in Austin. Mayor Friedman read a proclamation which stated our Courts of Law are one of the cornerstones of our government, and in protecting individual rights and maintaining a free society, we, as responsible citizens should become more aware of the court needs and problems and our role in support of them, and should champion legislative efforts to improve and modernize our Courts. Clyde Odom, President, Junior Bar accepted the proclamation on behalf of the Travis County Bar and the Austin Junior Bar, with his thanks.

CITY CENTER CONCERTS MONTH

City Center Concerts Month has been proclaimed as May, 1977, in a proclamation read by Mayor Jeffrey Friedman. City Center Concerts is a five-week pilot project of fifteen free lunchtime concerts which will be presented at historic and convenient downtown locations. Mayor Friedman urged everyone to attend these Tuesday, Wednesday and Thursday concerts, beginning Tuesday, May 3rd. Accepting the proclamation with their thanks were Jo Lynn Hoffman, Jerry Storm and Don Roth.

CLASS RECOGNIZED

Mayor Friedman recognized a special group in the audience. The Cooperative Vocational Academic Education Program attended with Mr. Eddie Martine. They were from Travis High School.

ANNOUNCEMENT OF EXECUTIVE SESSIONS

Mayor Friedman announced that the Council would meet in a brief executive session that afternoon prior to the 2:00 p.m. reconvening to discuss some appointments concerning the Hospital Task Force vacancies. The Council will meet Thursday, May 5, 1977, at 9:00 a.m. in Executive Session to discuss Board appointments. The list of current vacancies, as of that day, were the MHMR Board, Brackenridge Hospital, Historic Landmark Commission, Urban Transportation Commission, Arts Commission, Building Code Board of Appeals, Energy Conservation Commission, Plumbing Board, Parks Board, Human Relations Commission, Navigation Board, Planning Commission, Utility Commission, and Building Standards Commission. Mayor Friedman said he could not answer whether all vacancies would be filled at that time. He said anyone interested in the Board of Commission vacancies is urged to get their request into any member of the Council by Wednesday, May 4, 1977.

ZONING HEARINGS.

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

BUSTER T. CAPUCHINO By Hector Fabela C14-77-024	2000 East 1st Street, also bounded by Aransas Street	From "C" Commercial 1st Height and Area To "C-2" Commercial 1st Height and Area RECOMMENDED by the Planning Commission
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Mr. Lillie reviewed the location by use of slides. The applicant was present.

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Mayor Friedman

Noes: None

Absent: Councilmembers Lebermann, Trevino

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

CITY OF AUSTIN
By Planning
Department
C14-77-019

3004-3024 Gonzales
Street

From "D" Industrial
3rd Height and Area
To "A" Residence
1st Height and Area
NOT RECOMMENDED (as amended)
RECOMMENDED by the Planning
Commission "A" Residence, 1st
Height and Area on the western
one-half of Lot 2 and the front
ten (10) feet of the entire
tract, excepting the areas for
two driveways, and "DL" Light
Industrial, 1st Height and Area
on the remainder.

Mr. Lillie reviewed the location by use of slides. The applicant was present.

Councilmember Linn moved that the Council grant "A" Residential, 1st Height and Area District on the western one-half of Lot 2 and the front ten feet of the entire tract, excepting the areas for two driveways, and "DL" Light Industrial, 1st Height and Area District on the remainder, as recommended by the Planning Commission. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Mayor Friedman,
Mayor Pro Tem Snell

Noes: None

Absent: Councilmembers Lebermann, Trevino

The Mayor announced that the change had been granted to "A" Residential, 1st Height and Area District on the western one-half of Lot 2 and the front ten feet of the entire tract, excepting the areas for two driveways, and "DL" Light Industrial, 1st Height and Area District on the remainder, and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM J. JOSEPH,
ET AL
By Arthur Pihlgren
C14-77-032

5500 & 5534 North
Lamar Boulevard
800-816 Houston
Street

From "C" Commercial
1st Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "C-2" Commercial, 1st
Height and Area on the eastern-
most 150 feet of Tract 1 and the
easternmost 160 feet of Tract
2.

Mr. Lillie reviewed the location by use of slides. Councilmember Hofmann commented that the White Rabbit was right across the street and parking cars there had created a lot of opposition from the neighborhood. Mr. Lillie told her the site plan for the special permit has not been submitted and has not been reviewed by the Planning Commission, so the zoning, if granted, still has the site to be reviewed. Applicant was present.

Mayor Pro Tem Snell moved that the Council grant "C-2" Commercial, 1st Height and Area District on the easternmost 150 feet of Tract 1 and the easternmost 160 feet of Tract 2, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,
Councilmember Himmelblau

Noes: Councilmember Hofmann

Absent: Councilmembers Lebermann, Trevino

The Mayor announced that the change had been granted to "C-2" Commercial, 1st Height and Area District on the easternmost 150 feet of Tract 1 and the easternmost 160 feet of Tract 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

JLP DEVELOPMENT
By Mike Pruett
C814-77-002

3731 Steck Avenue

From "BB" Residence
1st Height and Area
To 48 single-family townhouse
units and 120 apartment units
called "SUMMERWOOD"
RECOMMENDED by the Planning
Commission

Mr. Lillie reviewed the location by use of slides. This tract, he said, is part of a larger 50-acre tract that was before the Council in 1969 and was approved by the Council for "BB" Residence at a density limitation of 12 units per acre. This total project includes 17.7 acres and the density is 10.95 units per acre which is less than the zoning would permit. The portion being viewed, he pointed out, (townhouse units) has about a 5.8 unit average and the townhouse apartments have a 15-unit per acre density average, making a total of 10.95. The Planning Commission, he said, has recommended the total PUD package.

MR. MIKE PREWITT, Jones-Like-Prewitt Company, developers of the project, appeared before Council. He told the Council their major concern in doing the 48 units of townhouses was going to be its compatibility with the surrounding units, which is Summerwood, the unit immediately next door. Their price structure will be a little bit higher, due to inflationary trends. It will have its separate homeowners association and may join other associations, or it may not, depending on how they vote. He showed a display of the immediate neighborhood which indicated those who were not opposed to the project. He also presented a petition signed by Summerwood residents who approved the project. Mr. Prewitt also said they worked with the Balcones Civic Association and that there were several residents of Summerwood present at the meeting who wanted to speak.

MR. BOB BLINDERMAN, attorney attending with co-counsel Mr. Melvin Corley, told the Council they represented an Ad Hoc committee of Summerwood homeowners. The desire of the committee is to maintain neighborhood integrity in Summerwood, and he was there to ask for a continuance on the matter because he said most of the people opposed to the development were working people, and they would like to be heard in a night meeting. Mayor Friedman asked for the opinion of the Council. Councilmember Himmelblau said she wanted to hear the people who were there that day supporting the project. There was no motion to postpone.

Mr. Blinderman referred to a letter distributed by Mr. Prewitt on March 28, 1977. As he explained the letter, Mayor Friedman informed him that the point at hand had to do with deed restrictions and that was not within the jurisdiction of the Council. He told Mr. Blinderman that was a matter to be handled through the courts. Mr. Blinderman said that when the homeowners bought into the property, they relied on good faith of the dealer and wanted the Council to hold the builder to his standards. Mayor Friedman repeated that this was not permissible under the laws of Texas. He asked again that Mr. Blinderman tell the Council whether this was good or bad development...this was all they could judge. Mr. Blinderman said they were looking upon this as an action by the builder to create an urban sprawl and on some particular provisions of this which are still before the Planning Commission, he said, they do have petitions against the action. Some of the signatures on the builders petition, he charged, were obtained by fraudulent means. Mayor Friedman said the Council cannot address the fraudulent character of something, what they can address is whether or not the additional 48 units conform with the City zoning requirements, subdivision planning, the PUD ordinances, etc., not whether or not someone has a cause of action against someone else. Mr. Blinderman said that his clients needed to be protected against a developer who was going to turn an exclusive neighborhood into a thoroughfare, an apartment district, -This will decrease the value of the land and detract from the privacy and exclusiveness which the owners were promised.

Councilmember Linn told Mr. Blinderman that the builder can erect a higher density of apartments if they don't zone it Planned Unit Development, without even coming to the Council. Mr. Blinderman said that one thing they specifically request is that the private drive connecting Summerwood I and II not be put in. The road is called Summer Breeze. Mayor Friedman answered that since it had to do with land use, they could act upon that. Mr. Blinderman said that would put the land of the present homeowners in the position of not being a thoroughfare, which is what they wanted. Councilmember Himmelblau said Mr. Lillie had just informed the Council that Summer Breeze would be a cul-de-sac, so it would not be a thoroughfare. Mr. Blinderman said he was not aware of this agreement. He said his clients wanted Summerwood to be kept a definite planned unit development by not increasing the size of the development, by not using the name "summer" so as not to confuse the public. They do not want apartments and cheaper townhouses in the area. Councilmember Linn said that could be done without the Council being able to do one thing about it because of the original zoning.

MELVIN CORLEY, an Austin attorney, spoke regarding Summer Breeze Street. He said the map on file at the City Clerk's office does not show it as a cul-de-sac, but shows it goes all the way to the property line. If the change to a cul-de-sac has been made and they are unaware of it, that is one thing, but as it is now, it is a thoroughfare, and they object to that.

W. A. CUNNINGHAM, Summerwood resident, considers it a delightful place to live and under no circumstances does he anticipate Summerwood II will in any manner depreciate the neighborhood or decrease the value of his property.

(Councilmember Trevino entered the Council Chambers at this point.)

WALTER BURKE, homeowner in Summerwood, stated he had owned several houses in the United States and feels that Summerwood is a fine development, dollar for dollar, and urges the approval of future development.

GORDON SMITH, Summerwood homeowner, says he likes the homes there so well he bought another one, next to the property in question.

CARMELLA VAN METER, Summerwood homeowner, said she had lived all over the United States. She said she wanted next door, what she already had, because it would keep the property values up.

MRS. DOT RUEMAN, Summerwood resident, appeared to say she had a similar experience in Houston and found that rather than decrease their property, in having phases, it enhanced their property.

JIM LANDRUM, Chairman of the Zoning Committee of the Balcones Civic Association, showed the master plan of his association. He indicated that the proposed project fit in very well with the planned area. He went on to say the Balcones Civic Association has approved the project and urged the Council to do likewise.

Mayor Pro Tem Snell said it was mentioned that unusual methods were used to gain signatures and asked Mr. Landrum if he knew anything about that. Mr. Landrum said he did not.

W. A. Cunningham said he was one of those who voluntarily got out and gathered some of the signatures. He said he had not heard of any unusual methods used by means of pressure.

Councilmember Linn moved that the Council approve the Planned Unit development, as recommended by the Planning Commission, with the condition that Summer Breeze Drive be terminated in a cul-de-sac and not be permitted to connect with the original Summerwood project. (Applicant was present) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the change had been granted for a Planned Unit Development with 48 single-family townhouse units and 120 apartment units, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONING POSTPONED

KINGSTIP COMMUNI-
CATION, INC.
By Donald Bird
C14-77-005

1904 Pearl Street

From "A" Residence
2nd Height and Area
To "O" Office
2nd Height and Area
NOT Recommended (as amended) by
the Planning Commission

Mr. Donald E. Bird, representing Kingstip Communication, Inc., said that a compromise had almost been reached but they needed more time.

Councilmember Linn moved that the Council postpone their decision until May 19, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmembers Lebermann, Trevino

The Mayor announced that the zoning had been POSTPONED.

PENDING ZONING CASES

The Council took action on the following pending zoning cases:

RICHARD RESENDEZ
C14-69-191

805-807 Montopolis
Drive
6300-6302 Felix Avenue

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

Councilmember Linn moved that the Council DISMISS the above zoning case. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Linn

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the zoning had been DISMISSED.

DR. LOUIS BUCK &
WHIT H. HANKS
C14-71-233

808-812 West 29th
Street

From "B" Residence
2nd Height and Area
To "GR" General Retail
2nd Height and Area
RECOMMENDED DISMISSAL by the
Planning Commission

Councilmember Linn moved that the Council DISMISS the above zoning case. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Linn

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the zoning case had been DISMISSED.

A. P. JOLLYNESSA,
LTD., ET AL
C14-72-293

9226 Jollyville Road

From Interim "A" Residence
1st Height and Area
To "BB" Residence
2nd Height and Area,
"A" Residence
1st Height and Area, and
"BB" Residence
1st Height and Area
RECOMMENDED DISMISSAL by the
Planning Commission

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the zoning case had been DISMISSED.

BILLIE J. LYNAS
C14-72-263

3504 & 3506-3510
Darby Lane and
6219-6309 Wilcab
Road

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

Councilmember Linn moved that the Council EXTEND the above zoning case, deleting the subdivision requirement and maintaining the right-of-way. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the zoning case had been extended, with conditions.

PUBLIC HEARING ON THE VACATING OF BLUE BIRD LANE AND FERTSCH DRIVE

Mayor Friedman opened the public hearing scheduled for 11:00 A.M. on consideration of the following street vacations:

FERTSCH DRIVE from Berkeley Drive northerly to the proposed south line of Cockburn Drive. (Requested by owners of all the property adjacent to Fertsch Drive; Austin Independent School District and Kash-Karry, Inc.)

BLUE BIRD LANE from Mockingbird Lane northerly to end of street as shown on a plat of Pleasant Hill Addition a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Philip Winsborough, owner of property on each side of the subject street to be vacated)

City Manager Davidson requested that if the Council considered the proposed vacation of Blue Bird Lane, the entire right-of-way be retained as a utility and drainage easement.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF FERTSCH DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR ELECTRIC UTILITY PURPOSES; ~~SUSPENDING~~ THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Motion - Blue Bird Lane

Councilmember Linn moved that the Council close the public hearing, waive the requirement for three readings and finally pass an ordinance to vacate Blue Bird Lane from Mockingbird Lane northerly to end of street. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Lebermann

D.I. 770428-B

Blue Bird Street vacation

Captain to go here

Motion to Reconsider

Later in the meeting, Councilmember Linn moved that the Council reconsider the vacating of Blue Bird Lane. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Linnmann, Linn

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Councilmember Hofmann

Councilmember Linn stated that she had received a complaint that Blue Bird Lane was being used for commercial purposes. Lonnie Davis, Director of the Building Inspection Department, assured the Council that the situation would be looked into.

MRS. LEILA ROUNTREE, a resident of Mockingbird Lane, spoke before the Council. She felt that the road should not be vacated because it afforded access to the area for the Police, Fire Department and other emergency vehicles. Mayor Friedman stated that the Council had maintained an easement to permit emergency vehicles to get into the area. Ms. Rountree presented the Council with a petition of 13 names of residents in the area who opposed the vacating of the street.

Mayor Friedman asked Mr. Reuben Rountree, Director of the Public Works Department, if the applicant had been advised as to why an easement would be maintained in the area. Mr. Rountree stated that he did inform the applicant that an easement would be maintained for drainage and utility purposes. Mayor Friedman asked if the applicant intended to fence the area off and prevent emergency vehicles from getting into the area. Mr. Rountree indicated that the letter of application he received stated that the applicant wanted to add on to a house and wanted the street vacated because the addition would be too close to the street.

Councilmember Linn felt that there should be a stipulation in the ordinance for the maintaining of a passage way for emergency vehicles. City Manager Dan Davidson stated that the Council could bring this under consideration because the applicant did not state that he wanted to close or fence off the right-of-way. Councilmember Linn asked Mr. Rountree if he felt that it would be necessary to retain an easement in the area. He stated that there would be a possibility that an easement would be needed but that the easements retained for drainage and utility purposes would provide for this.

Mayor Friedman introduced the following ordinance:

770428-B
Blue Bird

G.7- 770428-C

Senior Citizens Center
caption goes here

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance vacating Blue Bird Lane from Mockingbird Lane northerly to end of street, retaining an easement for drainage and public utilities and maintaining vehicle passage to prevent any kind of blockage to prevent emergency vehicles from using the easement. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman told Mrs. Rountree her concern about not having it fenced off to keep out the ambulance, firetrucks or police vehicles had been taken care of and the street would have to be available to them at all times.

SENIOR CITIZEN CENTER

Mayor Friedman introduced the following ordinance:

770428-6
Senior
Citizen

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the 1976-81 Capital Improvements Program to appropriate an additional \$58,000 for the Senior Citizen Center. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Himmelblau
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Tom Johnson thanked the Mayor and Council for what they did on behalf of the Older Texans in Austin.

CONTRACTS AWARDED

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

J. T. WAGNER

- Construction of Economic Development
Administration Local Public Works
Sidewalk Program Phase II -
\$509,671.00

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

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Lebermann

Councilmember Trevino moved that the Council adopt a resolution awarding the following contract:

LAWLESS & ALFORD, INC.
P. O. Box 1486
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, Senior
Citizens Activity Center - \$461,690.00

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

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Lebermann

EASEMENT RELEASES

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

A portion of a Public Utilities Easement out of the Common Area
in Quail Run Section One, A PUD, a subdivision in the City of Austin,
Texas. (Requested by Mr. Freddie E. Dippel, Jr., in behalf of the
owner, NPC Realty Company)

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman

Noes: None

Absent: Councilmember Lebermann

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

A portion of a Drainage and Public Utilities Easement out of Lot 1, Block A, Northwest Hills Mesa Oaks, Phase Four, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Verne D. J. Philips, owner of Lot 1, Block A, Northwest Hills Mesa Oaks Phase Four)

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman

Noes: None

Absent: Councilmember Lebermann

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

Public Utility Easement which traverses Block 35, Hyde Park Addition between East 39th Street and East 40th Street. Hyde Park Addition being a subdivision in the City of Austin, Travis County, Texas. (Requested by Don Cavness, Chairman, Board of Trustees of the Hyde Park Baptist Church)

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman

Noes: None

Absent: Councilmember Lebermann

APPLICATIONS TO BE SUBMITTED

Councilmember Trevino moved that the Council adopt a resolution to authorize submission of application for Section 5 funding to Urban Mass Transportation Administration in the amount of \$484,000 for Operating Assistance. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Lebermann

Councilmember Trevino moved that the Council adopt a resolution to authorize submission of application for Section 5 funding to Urban Mass Transportation Administration in the amount of \$946,376 for Capital Assistance. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

TRANSPORTATION DEMONSTRATION GRANT

Councilmember Trevino moved that the Council adopt a resolution authorizing execution of a contract with the Urban Mass Transportation Administration for a Transportation Demonstration Grant of \$125,801 under Section 6 of the Urban Mass Transportation Act of 1964. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino, Mayor
Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

TRANSIT ADVERTISING POLICIES

The Council had before it for consideration the adoption of transit advertising policies for the Austin Transit System. Mr. Ternus, Urban Transportation, reported that the policy which had been reviewed and endorsed by the Transportation Commission and the Arts Commission, would prohibit commercial advertising on the exteriors of the buses and benches, shelters and other transit facilities. It would allow public service information pamphlets to be placed on the interior of the buses, meeting certain guidelines. One of the Arts Commission's concerns was that some of the programs of interest to the public do solicit paid response in order to cover expenses. An item has been placed in the policy to allow the projects or programs to be identified in the agency contracts that are approved by the City Council. He said the transit advertising policy as proposed would continue the attractiveness of the buses and the system in Austin, and the approval is recommended.

Councilmember Trevino stated that if advertising was allowed on the exterior of buses the City could pick up revenues of \$14,000 to \$18,000. But, asked Councilmember Linn, you ask that we not do it? "Yes," replied Mr. Ternus. We appreciate the money, he continued, but we think it would do more harm than good for the transit system.

Motion

Councilmember Hofmann made a motion that the Council adopt the transit advertising policies as recommended by the Urban Transportation Department and deny advertising on buses. The motion was seconded by Mayor Friedman.

Substitute Motion

Councilmember Trevino made a substitute motion that exterior advertising be allowed on buses.

Friendly Amendment to Substitute Motion

Mayor Pro Tem Snell requested a friendly amendment to the substitute motion to have the staff look into the advertising on the inside of the buses. Councilmember Trevino accepted the friendly amendment.

City Manager Dan Davidson said the revenue that was being discussed would include inside, outside, the whole package. Councilmember Trevino said he would consider benches too, but he didn't know about the shelters. Mayor Friedman said that if the substitute motion passes, that would eliminate the recommended policy of just using non-profit civic type advertising inside of the buses and another report would have to be brought back to the Council with a contract as a result of bids sent out to advertising firms. So, he said, the action that day would be to either throw out the concept of not cluttering up the buses or approving the concept of coming in and raising a modest amount of money. Councilmember Himmelblau asked what the revenue would be for advertising just on the interior of the buses. Mr. Ternus answered \$2,000 a year. After further discussion of costs of advertising, the Mayor commented it was hard to understand how a Council who had been working so hard to avoid Burnet Road type of situation, passed the most stringent sign ordinances the City has ever had, can now want to go ahead and put clutter on buses that they have always been against. He said there just wasn't enough logic in the world to explain that. He said the money discussed was not a large amount when it comes to the environmental intrusion on the public.

Roll Call on Substitute Motion

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell
Noes: Mayor Friedman, Councilmembers Himmelblau, Hofmann
Absent: Councilmember Lebermann

The Mayor announced that the substitute motion had failed.

Roll Call on Original Motion

Ayes: Councilmember Linn, Mayor Friedman, Councilmembers
Himmelblau, Hofmann
Noes: Councilmember Trevino, Mayor Pro Tem Snell
Absent: Councilmember Lebermann

The Mayor announced that the original motion had carried, and advertising was denied on the buses.

PUBLIC HEARING TO AMEND CHAPTER 45 OF THE AUSTIN CITY CODE

Mayor Friedman opened the public hearing scheduled for 11:30 A.M. to consider the following amendment to the City Code:

Amending Chapter 45 of the Austin City Code to provide a new definition for "bar," "cocktail lounge," "night club," "restaurant," and "office;" amending "SR" District Zoning; amending requirements for off-street parking; amending requirements on temporary signs; modifying setback requirements for certain signs; and amending building height requirements.

Councilmember Linn asked Mr. Lonnie Davis, Director of the Building Inspection Department, if the amendment had been discussed with the various bar and restaurant owners. Mr. Davis replied that it had been discussed with the Restaurant Association and they were in agreement with the amendment.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-1 OF ARTICLE I OF CHAPTER 45 OF THE 1967 CODE OF THE CITY OF AUSTIN, AS AMENDED; PROVIDING A DEFINITION FOR A BAR, COCKTAIL LOUNGE AND NIGHT CLUB; PROVIDING A DEFINITION FOR A RESTAURANT; PROVIDING A DEFINITION FOR AN OFFICE; AMENDING SECTION 45-16.1 OF ARTICLE II OF CHAPTER 45 BY PROVIDING PRIVATE GARAGES AS AN ACCESSORY USE IN AN "SR" SUBURBAN RESIDENCE DISTRICT; AMENDING SUBSECTION 45-30(c)(4) OF ARTICLE III OF CHAPTER 45 BY PROVIDING THAT ONE AND ONE-TENTH OFF-STREET PARKING SPACES WILL BE PROVIDED FOR EACH BEDROOM IN A STRUCTURE FOR TRANSIENT ACCOMMODATION; AMENDING SUBSECTIONS 45-31(d) AND 45-31(f) OF ARTICLE III OF CHAPTER 45; EXTENDING THE PERIOD IN WHICH A TEMPORARY SIGN PERTAINING TO THE SALE OF AN ADDITION OR SUBDIVISION SHALL BE PERMITTED IN CERTAIN ZONING DISTRICTS; MODIFYING SETBACK REQUIREMENTS FOR CERTAIN SIGNS TO CONFORM WITH CHAPTER 3 OF THE AUSTIN CITY CODE OF 1967; AMENDING SUBSECTIONS 45-40(g) AND 45-40(1) MODIFYING THE BUILDING HEIGHTS TO CONFORM WITH SECTIONS 45-36 AND 45-35 OF ARTICLE III OF CHAPTER 45; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann,

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

NEIGHBORHOOD DEVELOPMENT PROGRAM

Councilmember Linn moved that the Council adopt a resolution authorizing Urban Renewal to submit an amended Neighborhood Development Program, No. Tex-A-11, application to HUD, extending the fourth action year to September 30, 1977, and increasing grant budget by \$159,559.00. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Linn
Noes: None
Absent: Councilmember Lebermann

JOINT USE AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing entrance into a Utility Joint Use Agreement with the State Department of Highways and Public Transportation for the location of Loop 1 (MoPac) from U.S. 183 South to North of Northland Drive (RM 2222). The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

SUMMER YOUTH RECREATION PROGRAM GRANT

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing submission on behalf of the Capital Area Manpower Consortium a modification to the Community Services Administration's Summer Youth Recreation Program Grant increasing the grant by \$65,690 to provide organized recreational activities to eligible area youth, ages 8-13 for the period June 1, 1977 to September 30, 1977. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman
Noes: None
Absent: Councilmember Lebermann

CALLING SPECIAL MEETING TO CANVASS ELECTION

Councilmember Linn moved that the Council adopt a resolution to call a Special Council Meeting for May 2, 1977, at 10:00 A.M. to canvass the result of the April 30, 1977 Municipal Run-off Election. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

DEMOLITION

Councilmember Linn moved that the Council adopt a resolution authorizing the demolition of the following structure:

Accepted Negative Bid:

2601 South 1st Street Clarence Cullen Company \$941.00

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

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Pro Tem Snell,
Councilmember Himmelblau

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Mayor Friedman

SUBSTANDARD STRUCTURES

Councilmember Linn moved that the Council approve recommendations from the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

7403 Blessing	John Brazell, owner
412 Hackberry Lane	N. A. Giblin, owner
9434 Old Jollyville Road	C. L. Reeves, owner
1310 Singleton	Missouri Patton, owner
1601 East 7th Street	Eugene B. Mays, owner
2306 East 8th Street (front)	John Gould, owner
1611 East 9th Street	Huston Tillotson College, owner
2406 East 10th Street	Delores Mendoza, owner
2004 East 11th Street	Johnnie Anderson, owner
1104 East 12th Street (Unit F)	Charles E. Schroeder, owner
1704 East 13th Street (front & rear)	Algia L. Collins

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

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Mayor Friedman

TWO PUBLIC HEARINGS SET ON PROPOSED
MASTER PLAN

Mayor Friedman moved that the Council set a public hearing on the proposed Master Plan for May 5, 1977, at 2:00 p.m. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,
Linn, Trevino, Mayor Friedman
Noes: None
Absent: Councilmember Lebermann

Councilmember Hofmann moved that the Council set a public hearing on the proposed Master Plan for May 12, 1977, at 10:30 a.m. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann
Noes: None
Absent: Councilmember Lebermann
Not in Council Chamber when roll was called: Mayor Friedman

LAND ANNEXATION

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 21.635 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,
Councilmembers Himmelblau, Hofmann, Linn
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

TRUCK ROUTE ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967; DELETING SECTION 21-37(o); ESTABLISHING A NEW SECTION 21-37.1; PROVIDING FOR THE TRAFFIC ENGINEER TO DESIGNATE CERTAIN TRUCK ROUTES; PROHIBITING TRUCKS FROM CERTAIN AREAS WITHOUT DESTINATION NECESSITY; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn 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: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers
Himmelblau, Hofmann, Linn, Trevino
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

City Manager Dan Davidson commented that this ordinance had been worked on for many months by the Urban Transportation Department, the Citizens' Traffic Safety Commission and the Urban Transportation Commission. This ordinance, he said, is in response to a number of concerns that have been brought to his attention by the City Council over the past several months. On behalf of Mr. Ternus and his staff, and his (City Manager's) entire staff, Mr. Davidson expressed appreciation to the City Council for adopting the new ordinance.

HARLEM CAB COMPANY'S FRANCHISE

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

AN ORDINANCE AMENDING SECTION 1 OF AN ORDINANCE ENTITLED "AN ORDINANCE GRANTING TO HARLEM CAB COMPANY, A TEXAS CORPORATION, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED," FINALLY PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON SEPTEMBER 20, 1951, RECORDED IN ORDINANCE BOOK "Q," AT PAGES 660-662 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AS FURTHER AMENDED BY ORDINANCE NOS. 701029-C AND 750828-B; BY AMENDING SECTION 1 THEREOF PRESCRIBING THE NUMBER OF TAXICABS AUTHORIZED TO BE OPERATED, PROVIDING FOR PUBLICATION AND THREE (3) SEPARATE READINGS.

The ordinance was read the third time, and Mayor Pro Tem Snell moved that it be finally passed, effective 60 days after final passage. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Linn, Trevino,
Mayor Friedman, Mayor Pro Tem Snell
Noes: None
Absent: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed, increasing Harlem Cab Company's taxicab permits from 38 to 48.

ENERGY EFFICIENCY RATIO ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 39-70(n) OF THE AUSTIN CITY CODE OF 1967, BY DELAYING UNTIL JANUARY 1, 1978 THE REQUIREMENT THAT CERTAIN AIR CONDITIONING UNITS MEET A 7.0 EER; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY

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

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Friedman,
Mayor Pro Tem Snell, Councilmember Hofmann

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO MINIMUM HOUSING BUDGET

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760927-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR BEGINNING OCTOBER 1, 1976, AND TERMINATING SEPTEMBER 30, 1977, BY AUTHORIZING ADDITIONAL PERSONNEL FOR ENFORCEMENT OF THE HOUSING STANDARDS ORDINANCE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES SHALL BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro
Tem Snell, Councilmember Hofmann

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

AMENDMENT TO E.M.S. BUDGET

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760927-A, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1976 AND TERMINATING SEPTEMBER 30, 1977, BY APPROPRIATING AN ADDITIONAL \$60,000 FOR THE EMERGENCY MEDICAL SERVICES CONTRACT WITH TRAVIS COUNTY, ACCOUNT NO. 61768300; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmember Hofmann

Noes: None

Absent: Councilmember Lebermann

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

CITY MANAGER'S REPORT ON MASTER PLAN

City Manager Dan Davidson told the Council and audience that the Council had received his comments concerning the Planning Commission's recommended Master Plan for the City of Austin. A few more verbal comments will be made, he said, at the scheduled public hearing May 5, 1977. In addition, Mr. Dick Lillie, Director of Planning, and Chairman, Planning Commission, Mr. Mike Guerrero, will have a presentation. Between now, he said, and the time the City Council adopts or considers adoption of the new, exciting master plan, he asked consideration of the points in his communication. The plan, he continued, is innovative and will allow for some new approaches to such things as low cost housing units. The plan will allow the administration to re-design a total approach and make do with the resources that already exist. He asked that, when the report is studied, it should be considered as a positive set of suggestions as to how an effective implementation schedule can be brought about by this Council.

Mayor Friedman said the Council would be recessed until 2:00 p.m. and because of an emergency, he would probably be delayed.

COUNCIL MEETING RECONVENED

Mayor Pro Tem Snell reconvened the Council meeting at 2:00 p.m. He announced that Mayor Friedman had left town on an emergency and would not be there in the afternoon. The Council, he said, had met in Executive Session to discuss a committee appointment at Brackenridge Hospital, but no decision was made. He then asked Councilmember Hofmann to read a proclamation which had been postponed in the morning.

BE KIND TO ANIMALS WEEK

Whereas, we have been endowed by our Creator not only with the blessings and benefits of our animal friends, who provide us clothing, food and pleasure in life, but also with a firm responsibility to protect the dumb creatures given us as a sacred trust, and to show kindness and mercy to them in all of our affairs, the week of May 1-7, 1977, has been proclaimed Be Kind to Animals Week. Councilmember Hofmann read the proclamation and presented it to Sarah Mabry, who accepted it with thanks.

TRANSIT SERVICE OPERATIONAL POLICY

The Council had before it for consideration a resolution to adopt Special Transit Service Operational Policy Modifications. Mr. Joe Ternus, Director of Urban Transportation, called attention to the proposed Operational Policy for Austin's special transit services which they had received. Councilmember Himmelblau stated she was against going out of the corporate limits of the City; otherwise, she said she was in full agreement with the proposed policy. Mr. Ternus said they were trying to identify an area of those people who live adjacent to the City. He said the City receives \$57,000 a year on federal operating assistance for this program. This money is based on an allocation formula which includes the population both in and out of the City. So, he said, he felt that the boundaries suggested in the report are reasonable. However, according to a memorandum he had prepared that morning, he submitted some options for the Council's consideration:

1. Adopt the report as is (which Mr. Ternus did not recommend because he felt the service area was too large to be effectively served.)
2. Adopt suggested boundaries which are in the report.
3. Adopt suggested boundaries, but provide a different fare structure for those individuals who live outside of the City.
4. Adopt City limits as the boundary.

Mr. Ternus recommended the acceptance of the third option. Then, next week when he returns with a fare structure, he felt this would be an equitable way to support the program financially, yet at the same time provide service to those individuals who otherwise would not have this service. Because of the federal funds the City receives, he said he felt they had an obligation to assist in this area.

Councilmember Lebermann asked Mr. Ternus how the special service would interface with the Capital Area Rural Transportation System (CARTS) proposals into which the City has had substantial input. Mr. Ternus answered, "Little or none. The only people that it will benefit are those who are clients of specific social public agencies."

Mayor Pro Tem Snell said he was in agreement with Councilmember Himmelblau's statement...that they should keep the special transit service within the City limits. He said the present service sometimes gets bogged up and we are not giving the type of service that we want to. He felt that until the City can give more desirable service, we should stay within the City. Mr. Ternus said his feelings were justified but did not know if the City would ever reach the desirable point they seek because of the rapid growth and use of the system. There are some people living just across the street from the City limit lines who have dire needs for special transportation. He said the number of people concerned with this would amount to about 10 a month. Councilmember Himmelblau said she would still prefer to keep City things for City people. Mr. Ternus answered he felt a dual fare structure would accomplish the goals she is seeking. Mayor Pro Tem Snell said he had recommended a back-up bus and wondered if any action had been taken in the event one bus broke down. He continued, that if the

service was extended without a back-up bus, it would take hours to be able to pick up the people who requested it. Mr. Ternus said the present vans are not heavy duty coaches and there is some difficulty, but the new buses will have less chance of failures.

Councilmember Linn recalled the incident of a cancer victim she had heard of who, after his treatment, had to wait several hours for a bus to take him home. When he finally did get home, it was too late to make an appointment for a bus to pick him up to take him for his treatment for the next day. So, she said, she felt they had enough problems in the City without extending the service. Mr. Ternus said the system had been expanded from handicapped who could not enter the bus on their own, to include the lower handicapped, such as the blind. He said since the lower handicapped were the ones that had caused such an increase in system users, perhaps they should limit their ability to use the buses in order to prevent long waiting periods. He went on to say that if it is the desire of the Council to limit service to the City boundary, he would like to come back when the future proposed taxi service for the handicapped is in force. At that time he feels they would have, within financial restraints, the capacity to serve the people he is talking about.

MARTHA ARBUCKLE, President of Mobility Impaired Grappling Hurdles Together, appeared before Council to speak on behalf of users of the system. Ms. Arbuckle said she agreed with Councilmember Himmelblau and Mayor Pro Tem Snell that the people within the City are not being taken care of. She cited examples of long waits and said the dispatching area of buses for the handicapped is a madhouse...she had spent a day there to see how it operates. She said many handicapped people drive, except when it rains, and then that causes an overload on the present system. She said she had some concerns with the report: the training program, the hours proposed (there are still no Saturday afternoon hours), and the long waiting period for people to get home. She said it would not be feasible to cut back on the lower handicapped's ability to use the bus because of the problems in Austin with no sidewalks, etc. Besides, she quoted Federal law which says anyone who cannot get to a regular bus will be served. She felt the answer was in obtaining more buses.

CHAREES ESKRIDGE, JR., appeared to discuss the issue at hand, but began by thanking the Council for their help with the handicapped, and their implementation of a transportation system for them. He said the transportation system was like the only game in town, they may be having some problems, but it is there. He said there was a terrible problem of delay, either in picking up people from their homes, or at their destination point. He cited himself as an example...he drives, but used to use the bus. He has discontinued using it because he has missed too many appointments. Many people, he said, are unable to get to work on time. His suggestion was some type of an additional van system other than taxis. He thought it a good idea to keep the little vans on as well as the larger buses that are coming in. He said the larger size will not necessarily mean more people will be transported to their destination on time.

Councilmember Himmelblau suggested Council postpone action on the proposed operational policy for several weeks until all the problems can be worked out. Mr. Ternus asked in what way she meant "work it out." He said they had been having discussions for two months with people individually and collectively.

A public hearing was held by the Transportation Department which was not attended by the people protesting today. He felt that all questions brought up had already been addressed. Councilmember Himmelblau reiterated her point about not going outside of the City limits. Councilmember Linn thought training procedures should be included. Mr. Ternus said the specific training program does not come before the Council...policies do. If the decision is put off, he said, it would delay the improvements which are suggested.

Mr. Dan Davidson, City Manager, observed that some of the concerns which had been brought to the Council were given to him by Mayor Pro Tem Snell two or three weeks previously. These were turned over to Mr. Ternus, who he was sure had discussed the concerns with Mr. Gibson. He continued that everyone concerned acknowledges that with every new system there are changes and adjustments. The City is making a very serious attempt on a per case basis to improve the system. He said that if the Council did delay the decision for two weeks, he wanted to formulate a special kind of report showing concerns brought out that day and ways they are being solved. He said he would welcome a two-week delay. Mayor Pro Tem Snell answered he would appreciate that.

JOANNA CORNELL, member of the Urban Transportation Commission, said she appreciated what Martha and Charles had said...they had been said many times. She reminded everyone that there were only 5 buses carrying 1,500 people a month. The thing to keep in mind, she said, was the fact that they had not service at all at the same time last year. Thanks, she said, to the Council and the departments working on it there is a transportation system for the handicapped. She said she felt the big problem was with the pick-up trips and when the taxis are in service, it will help immeasurably to solve the problem.

Councilmember Himmelblau moved that the Council postpone consideration of the Special Transit Service Operational Policy Modifications until May 12, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Trevino, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn

Noes: None

Absent: Mayor Friedman

SOUTHERN UNION GAS COMPANY COLLECTION PRACTICES

Mr. Kerry A. Grombacher appeared before the City Council to discuss collection practices of Southern Union Gas Company. He said he wanted to find out whether Southern Union Gas Company was violating its franchise. Lately, he said, there had been instances of people receiving notice that their gas was being turned off due to non-payment. When they go to pay their bill, they are told they must pay the following month's bill too. Mr. Grombacher feels this is not within the law. He asked that the City Attorney look into this practice. Mr. Grombacher cited the relevant section of the tariff: Section 19.1 "When service has been disconnected for non-payment, the company shall require that the customer pay the total amount of the account then due, plus the prescribed re-connect fee or make satisfactory arrangements for that payment before service is reinstated. In addition the company shall require that the customer shall re-establish satisfactory credit in accordance with Section 5 of this tariff. The

first time a customer requests re-establishment of this after disconnection for non-payment, the company may waive the deposit; thereafter, it shall be required in accordance with this Section and the other Sections that dictate the amount of deposit." Nowhere, he said, are there any requirements to pay a bill not yet due.

Mr. Jerry Harris, City Attorney, asked Mr. Grombacher if this issue was currently under litigation. Mr. Grombacher answered that it was currently pending in Judge Mathews District Court. Mr. Harris answered he would be glad to look into whether or not Southern Union Gas Company is violating a franchise and will bring it back to the Council on May 12, 1977.

ANNEXATIONS

Mayor Pro Tem Snell opened the public hearing scheduled for 2:00 p.m. to consider the annexation of and directing the administration to institute annexation proceedings to annex the following: (Case No. C7a-77-003)

1. 199.13 acres of land, being a 600-foot strip of land centered on the existing 200-foot right-of-way of U.S. Highway 183, from the present C.L.L. to 100 feet north of the north right-of-way line of Ranch-to-Market Road 620. (Initiated by the City of Austin)
2. 63.10 acres of land being a 200-foot strip of land, adjacent and parallel to the west right-of-way line of Old U. S. 183 between the existing C.L.L. (Initiated by the City of Austin)
3. 95.86 acres of land being a strip of land centered on the existing 100-foot right-of-way of Farm-to-Market Road 620 from 300 feet East of centerline of U. S. Highway 183 easterly 8,719.6 feet. (Initiated by the City of Austin)

Mr. Dick Lillie, Director of the Planning Department, spoke before the Council. He indicated that State statutes empowered the City to annex land without the petition of property owners. He said that there were certain requirements within the law such as how much land can be annexed within a year, service responsibilities, and outline allocations of Extraterritorial Jurisdiction. Austin's ETJ extends five miles from the City limit line (C.L.L.), and as the City annexes land, the ETJ line also expands. Even though the Austin ETJ measures 600 square miles, only subdivision development may be regulated and no zoning or building standards can be extended. The law also indicates that no utility district can take action without first contacting the City Council within whose jurisdiction the request is located.

He stated that the ETJ extension under consideration included 200 acres of land, from 300 feet of the center line on U. S. Highway 183, from the current C.L.L. to the intersection of 183 and 620; a strip of land along old Jollyville Road and from the intersection of 183 and 620, northeasterly on 620, 250 feet from the center line, approximately 9,000 feet. He indicated that if the area is annexed, zoning controls will be extended, building standards, sign controls and driveway permits and other health and safety standards. Police, fire, and refuse collection would be extended into the area. The property would go on the tax rolls in January of 1978 and the first taxes would be payable in January of 1979.

Mr. Lillie then referred to a map showing the ETJ's of Austin, Round Rock, Cedar Park and other outlying areas. The map also indicated municipal school district boundaries of the various cities. He pointed out that the City could annex Highway 183 to its intersection with 620 and also annex north of 620 without overlapping any current jurisdictions or school district lines. He indicated that property owners within the new jurisdiction would not have any increase in taxes. It would not mean that the City of Austin would annex at any time in the future. He stated that all the land south of the Travis-Williamson County line drained into the Colorado River watershed and that all the territory north of the line drained into the Brazos River watershed. He felt that this indicated who should have jurisdiction within the area with respect to utilities. The map indicated where major transportation arteries were located and also existing and planned public facilities. Mr. Lillie pointed out that subdivision development was prevalent in the area.

Mr. Lillie indicated that the staff had determined what kind of growth could be expected in the future. He stated that the center corridor of the City, extending from Koenig Lane, north in the I.H. 35 corridor and the Highway 183 corridor, is anticipated to have about 62,000 new dwelling units by the year 1995. He said that about 50,000 of these units would develop north in the direction of the Round Rock/Cedar Park areas. He pointed out that about 33,000 of these units would be extensions of the City of Austin as it grew. About 9,000 units are expected to occur in the Round Rock area, about 2,000 units in the Cedar Park area and about 6,000 units would be scattered in the rural area. He stated that with the extension of the ETJ, the line would move from its current line to a new line that would fall generally parallel and to the north of Brushy Creek and would also extend in a westerly direction, west of Cedar Park.

Mr. Lillie said that the staff had met with the City Managers of both Cedar Park and Round Rock and that the maps he had presented were discussed at the meetings. He indicated that work continued to determine what the growth in the Round Rock area will be and what land requirements must be met to accomodate that growth. He also stated that flyers notifying residents of the public hearing had been circulated in the effected area. A map was also published in the newspaper along with the legal ad. Mr. Lillie pointed out that two actions had come to their attention which make the annexation important to Austin's future. The first was the submission to the Texas Water Rights Commission for consideration of a municipal utility district which is not presently within the ETJ of any community. And secondly, the discussion of a possible incorporation by residents of Brushy Bend, a residential subdivision that is not presently within the ETJ of any city. Mr. Lillie recommended that the Council proceed with the annexation of the unregulated and unincorporated area between Cedar Park, Round Rock and Austin. He said that this would guarantee a local forum for all new proposals for subdivisions, utility districts or incorporations. He felt that a metropolitan perspective must be maintained in order to insure the future vitality of Austin and the open country surrounding the City must be retained.

MR. ELMER HOHLE spoke in opposition to the proposed annexation. Mr. Hohle felt that he should be consulted before the area in which he lived was taken into the City of Austin. He knew, however, that this would not occur.

MS. MARTHA HAWKINS spoke before the Council also expressing her opposition to the proposed annexation.

MAYOR LITTON of the City of Round Rock spoke before the Council stating that he was dismayed that the Round Rock and Austin City Councils had not gotten together to discuss the annexation prior to the public hearing. Mayor Litton indicated that the rumors about Round Rock entering into litigation with the City of Austin were false. Mayor Litton expressed a need for controlled growth in relation to municipal expansion. He stated that they needed to know exactly what Austin's annexation proposal would be so they could further expansion plans for the City of Round Rock.

MR. C. L. CHANCE, Williamson County Judge, spoke before the Council. He felt that the issue needed to be resolved once and for all and as quickly as possible. He felt that a logical boundary for development would be the waterfall line. He said that Austin was leaving behind a lot of land that needed to be solidly developed. Mr. Chance indicated that if the problem is not resolved, it will scare developers away from the area.

MR. LARRY TONN, a member of the Round Rock City Council, spoke before the Council. He felt that the land west of them was prime land and needed to have a direction. He stated that they were in the process of making Capital Improvement and bonding programs. He stressed a need to have a meeting of both City Councils to analyze the ETJ and to set up policy guidelines for the next five years.

MR. CARL LIDELL, County Commission of Precinct 1, spoke before the Council. He stated that persons living in Williamson County would not want to live in Austin and would eventually move north to get outside of the City. He felt that this would draw trade away from the City. He said that Williamson County would want to protect its regulations in the State Legislature.

MR. LES JOHNSON, a resident of the Brushy Bend area, stated that he did not want to pay taxes in Austin. He indicated that he did not want to be incorporated by Round Rock, but that he'd rather be there than in Austin. He said that he would sell his home and move to keep away from Austin.

MR. DAVE BEESON, a resident of Round Rock, stated that he was planning to sell his home in order to move to the Brushy Bend area but that was not why he was doubtful about this idea.

MS. NANCY PHILLIPS, a resident of the Brushy Bend area, stated that she wanted to remain living in the area but that she did not want to be part of Austin.

MR. CLYDE TURNER, Project Manager of the Brushy Creek subdivision, felt that Austin should take care of Austin. His taxes went up 112% one year ago and he left Austin. He said that Austin should not try to take in more territory.

MR. WENDELL LARSON, a resident of Spanish Oak Terrace, spoke before the Council. He questioned what kind of tax increase there would be if the City of Austin took over the area in which he lived. He said that in the Angus Valley area some people's taxes went up \$67 per month when the City of Austin annexed the area. He stated that it would cost about \$2,000 per home, for curbs and sewerage if the City of Austin annexed the area. He felt that he was being deprived of his right to a voice in government.

MR. CURT JEFFRY, member of the Board of Directors of the Municipal Utility District No. 1 (MUD), spoke before the Council. He told the Council that when it got to the MUD district line, to noteh it out because they had a bond utility there. He suggested leaving the MUD as it was.

MR. BEN PARM felt that Austin should take care of its own problems first. He said that Angus Valley was taken in in spite of public opposition. He estimated that it would cost \$5,000 per home for curbs and sewerage if the City of Austin annexed the proposed area.

MR. STEVE GARN, a resident of the Brushy Bend area, stated that he did not want to see Austin become another Houston. It was a good place to live. Councilmember Hofmann pointed out that the Council was not considering annexation of the Brushy Bend area.

City Manager Dan Davidson stated that the citizens of Austin do not pay property taxes for water and wastewater services and that there would be no relation between the taxes paid and who provides those particular services. He pointed out that the annexation did not represent a competitive venture of the City of Austin with the City of Round Rock. He indicated that he was still willing to discuss the ETJ line with the City of Round Rock. He recommended that the Austin City Council schedule meetings with the City Council of Round Rock so as to reach a final determination as to where the ETJ line should be established. He felt that they could have everything ready for such a meeting within the next 2 weeks to 30 days. He stated that the City of Austin had no intentions of trying to annex the City of Round Rock. Mr. Davidson recommended that because of the MUD, the annexation be approved even if adjustments had to be made after the proposed meeting with the Round Rock City Council.

Mayor Pro Tem Snell asked who would be responsible for setting up the meeting between the two City Councils. Mr. Davidson said he would be happy to do this if the Council so directed.

Mayor Litton of Round Rock stated that they could have extended their City limit line step by step but dkd not because they felt that they were in a negotiating position with the City of Austin. Mr. Davidson stated that if the City of Austin had known about the MUD, the annexation would have been proposed six months or a year ago. If there had never been a hint of a MUD or an incorporated city, they would have withheld recommendations and wouldn't have asked the Council to take any action.

Councilmember Linn asked what the primary concern was and why the rush to get the annexation through. Mr. Davidson pointed out that there was no control over the section of land between Round Rock and Cedar Park, north of Austin. The MUD can be created without any controls. He said that it could be created within 30 to 45 days, depending on the Water Development Board. He stated that the City of Austin was trying to keep from losing its options with this development. He felt that this area would become subject to substandard facilities within the next 20 to 30 years if some control measures were not taken.

Mr. Lidell pointed out that there were plans to put in the MUD before the annexation was even considered. Mr. Davidson said that all they wanted to do was to propose that some jurisdiction be able to set the standards.

Councilmember Trevino made the following statement:

"Our Councils can and must continue to work together to develop plans and to establish a common boundary between our two cities. The proposed annexation will not stop development, but will help to insure quality in those developments that do occur. For this reason, I believe that we should proceed with annexation, by giving assurance to land owners in the new Extraterritorial Jurisdiction area that we will cooperate with them as they pursue their development plans."

Motion

Councilmember Trevino moved to close the public hearing and that the annexation ordinance be prepared and placed on the agenda for Council action on May 12, 1977. He also moved that the Council acknowledge the proposals of the Municipal Utilities District to be created in a portion of the ETJ area and that the Council go on record indicating its intent to approve a district under reasonable terms and conditions. The motion was seconded by Councilmember Himmelblau.

Friendly Amendment

Mayor Pro Tem Snell made an amendment to advise the staff to set up meetings with the Round Rock Council. Councilmember Trevino accepted the amendment.

Roll Call on Motion

The motion carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino

Noes: None

Absent: Mayor Friedman

DRIVEWAY ORDINANCE

Mayor Pro Tem Snell brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING SECTIONS 31-14, 31-15, 31-16.4, 31-18(a), 31-18.3, AND 31-21.1(e) OF ARTICLE II OF CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967; EXPANDING THE PURPOSE OF THE ARTICLE; DEFINING THE WORD "TREE"; PROVIDING CERTAIN AUTHORITY TO THE DIRECTOR OF ENVIRONMENTAL RESOURCE MANAGEMENT; REGULATING THE REMOVAL OF TREES ON PUBLIC RIGHTS-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Hofmann moved that the ordinance be passed to its third reading, amending the diameter of trees to 4.78 inches. The motion was seconded by Councilmember Linn.

Mr. Charles Graves, Public Works Engineering, said the definition of the tree is the only place the size is mentioned in the proposed ordinance. He said on their plans they show four-inch trees. The ordinance, he said, makes no change in their processing except if someone wants to remove a tree in a finished and existing area of the City, a permit will have to be issued. That is, in the right-of-way. Councilmember Hofmann said that in view of the current construction of sidewalks, the ordinance requirement concerning trees in the right-of-way will encourage imaginative planning of sidewalks. Mr. Jerry Harris, City Attorney, asked for some clarification to make certain they get the ordinance right. "If," he said, "a person is just going to go out and cut down a tree on the right-of-way, not in connection with any construction project, is a permit required with this ordinance?" Mr. Graves answered he believed that is the intent of the Environmental Board.

MR. NAPIER answered that the removal of a tree would be the equivalent of any other type of construction in a right-of-way area so that a permit would be required. Councilmember Hofmann said she thought it would simplify matters if it were stated the tree diameter would apply only to new construction, and exempt homes that are established already.

MR. KEN ZIMMERMAN, Austin Association of Builders, said trees represent money and the builder will not take them out unless absolutely necessary. Real problems arise in re-development areas, commercial construction, and through what the governmental entities do. The City of Austin is the biggest offender, he said, when it comes to destroying trees. He said it might save on cost and time consumed in getting the permit if the single-family dwelling were removed from the ordinance. After more discussion by members of the Council, the following motion was made.

Substitute Motion

Councilmember Himmelblau moved that the Council table any action on the Driveway Ordinance amendments at any time. Councilmember Lebermann, seconded the motion, and it failed to carry by the following vote:

Ayes: Councilmembers Lebermann, Himmelblau
Noes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,
Councilmember Hofmann
Absent: Mayor Friedman

Roll Call on Original Motion

Roll call on the original motion to pass the ordinance through the second reading, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Pro Tem Snell
Noes: Councilmembers Himmelblau, Lebermann
Absent: Mayor Friedman

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

REAL ESTATE SALES DATA

Councilmember Linn moved that the Council accept a Memorandum of Understanding with the Austin Board of Realtors concerning real estate sales data and that the process be used by the Tax Department and future Boards of Equalization. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Pro Tem
Snell, Councilmember Hofmann

Noes: None


Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Himmelblau

ADJOURNMENT

The Council adjourned at 5:50 p.m.

APPROVED


Mayor

ATTEST:


City Clerk