

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 24, 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, Lebermann, Linn, Trevino

Absent: None

The Invocation was given by Reverend John Ellwanger, Hope Lutheran Church.

AUSTIN SALESMEN'S MONTH

Mayor Friedman read a proclamation designating the month of February, 1977, as Austin Salesmen's Month, recognizing that salesmen and marketing executives of Austin have contributed much to the City's economy through the employment of thousands of people in multi-phases of distribution. People in sales management and sales have established objectives intent on maintaining and improving the American standard of living. Bob Mayfield thanked the Mayor for the proclamation and accepted on behalf of Austin's salesmen.

SIGHT CONSERVATION WEEK AND WHITE CANE DAYS

The first week of March, 1977, was proclaimed Sight Conservation Week and White Cane Days, in a proclamation read by Mayor Friedman and accepted by Willie Kocurek. The week has been designated to recognize the Lions Club sight conservation activity; virtually a world-wide humanitarian endeavor, that has earned distinction through law enactment proclaimed each year by the President of the United States of America. Willie Kocurek thanked the Mayor for the proclamation. Other Lion's Club members on hand to accept were William H. Raschke, Frank Kirbo, L. M. Fertsch and Dan Pittsford.

EXECUTIVE SESSION

Mayor Friedman announced that the Council had met earlier that morning in Executive Session to discuss appointments to boards and commissions.

Arts Commission

Councilmember Himmelblau moved that the Council appoint Richard Orton to the Instrumental Music section of the Arts Commission for an unexpired term ending August 14, 1978; and Nat Williams to the Ethnic Culture section of the Arts Commission for a term ending August 14, 1978. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Mayor Friedman said there was discussion during the Executive Session regarding the letter from the MH-MR Board of Directors concerning an interim appointment from April 1, 1977, to October 1, 1977. It was the consensus of the Council that they had agreed not to make any interim appointments and that any appointment that expires April 1, 1977, will be appointed for full two-year term as has been done in the past.

Councilmember Himmelblau moved that the Council authorize the Mayor to write a letter to the Mental Health-Mental Retardation Board of Directors asking them to stop and desist. The motion, seconded by Councilmember Linn, carried by the following vote:

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

APPROVAL OF MINUTES

Councilmember Trevino moved that the Council approve the minutes for the Council meeting held February 17, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

STUDENTS RECOGNIZED

Mayor Friedman recognized the students from the Joslin Sixth Grade Center who were attending the Council meeting.

ZONING HEARINGS

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

TEXAS EMPLOYMENT COMMISSION By Henry Rothell C14-77-002	401-407 East 12th Street also bounded by Trinity Street	From "B" Residence 2nd Height and Area To "C" Commercial 3rd Height and Area RECOMMENDED by the Planning Commission
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Mr. Dick Lillie, Planning Department Director, said that this application fell within the Brackenridge Urban Renewal Project at the southeast corner of 12th and Trinity, and that it is in conformance with the planned zoning. The Planning Commission has reviewed a further amendment to the Brackenridge Plan that would permit buildings to go to a total of 200 feet as all other parcels are in this particular project. This building will be about 105 feet to 115 feet. The zoning is in conformance with the plan.

Councilmember Linn asked if we were going to lose the sight of our Capital by permitting heights like this. Mr. Lillie said that the plan by itself includes two-thirds or three-quarters of the land within the plan to go to 200-foot buildings. The Council might like to look at the plan and maybe revise some of those height limits, he said. Councilmember Linn wondered if the Planning Commission should look into the matter. Mr. Lillie said that he would see that it was put on the Commission's agenda. Applicant present.

Councilmember Linn moved that the Council grant "C" Commercial, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

J. W. SMITH By John Noell C14-77-007	4613-4717 McCarty Lane also bounded by One Oak Road	From "BB" Residence (Tract 1) "AA" Residence and "BB" Residence (Tract 2) 1st Height and Area To "A" Residence (Tract 1) and "O" Office (Tract 2) 1st Height and Area RECOMMENDED as amended by the Planning Commission
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This area falls southwest of the City in the Western Oaks subdivision, according to Mr. Lillie. The Council in 1975, he said, approved Local Retail on the corner and "BB" Residence zoning on the strip of land. It has been recommended to roll back zoning. It is zoning that was intended to be done the first time through. The field notes did not reflect the zoning as it was intended to be requested, so this is kind of a correction. Mayor Friedman asked what the strip was for, since a 50-foot strip could not be put to much use. He was told it was primarily to keep buildings from being so close to the "A" Residence; it can be used for parking and the "O" Office corridor to the street will permit the driveway. Applicant present.

Councilmember Linn moved that the Council grant the change to "A" Residence 1st Height and Area District on Tract 1; "O" Office, 1st Height and Area District, Tract 2; as recommended as amended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District on Tract 1, and "O" Office, 1st Height and Area District on Tract 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

UNIVERSITY
CHRISTIAN CHURCH
By Roy Snodgrass III
C14-76-115

2000-2004 University
Avenue, also bounded by
West 20th Street

From "B" Residence
2nd Height and Area
To "GR" General Retail
2nd Height and Area
RECOMMENDED by the Planning
Commission, subject to a
restrictive covenant limiting
the use of the "GR" to contract
parking in addition to the uses
permitted in "B" Residence
zoning, and limiting the site
design to a City plan to be
reviewed by the Planning
Commission.

The application applies to three lots, two of which are being used for parking at this time, with an older building on the corner. The Landmark Commission has reviewed the older building and has determined that it should not be zoned "H" Historic. The site plan was submitted to the Planning Commission for review. Applicant agrees with conditions submitted, and was present.

Mayor Pro Tem Snell moved that the Council grant "GR" General Retail, 2nd Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 2nd Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE L. DILL
C14-77-001

10721-10743 Research
Boulevard

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
(Tract 1) and "DL" Light
Industrial (Tract 2)
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a
written agreement to bring the
driveways into compliance with
the driveway ordinance at such
time as underground storm
sewerage facilities are installed
along the frontage of the
property.

Mr. Lillie said the application was located on U. S. 183, northwest of the City and was annexed by the Council last July. Dill Furniture and some warehouses are already on the tract. The applicant has agreed to the recommendations, and was present.

Councilmember Linn moved that the Council grant "GR" General Retail, 1st Height and Area District on Tract 1, and "DL" Light Industrial, 1st Height and Area District on Tract 2, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tract 1, and "DL" Light Industrial, 1st Height and Area District on Tract 2, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

THE VILLAGE
SHOPPING CENTER
By Mike O'Dell
C14-77-006

2700 West Anderson
Lane

From "GR" General Retail
1st Height and Area
To "C-2" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a
restrictive covenant limiting
the use to a melodrama theatre

The applicant was present.

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

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

Noes: None

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

CITY OF AUSTIN
By Planning
Department
C14-77-008

Numerous properties
with an area in the
vicinity of 10400-
11000 North Lamar
Boulevard

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial and
"O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission "DL" Light Industrial
except for the residentially
developed properties along North
Meadows Drive, for which "O"
Office is recommended, subject
to dedication of 5 feet of
street right-of-way along the
south side of Kramer Lane.

Mr. Lillie said that in 1969 the Planning Commission recommended and Council agreed that an area north of Lamar Boulevard be designated in the comprehensive plan for Light Industrial uses. At that time the area was outside the City limits and there was no zoning authority. The area was annexed last year. All of the residents in the area were notified by the Planning Commission regarding the proposed zoning. The area now contains storage yards, small office buildings, and the land use which has occurred during the past 6 or 7 years has supported the action the Council took in 1969. One small area on North Meadows Drive does have some duplexes and four-plexes. Recommendation for this street was "O" Office. Signs were placed on the property and there was no written opposition nor did anyone appear at the Planning Commission meeting in opposition to this. Mayor Friedman asked why it was zoned "O" Office when there was already residential use on it; why not just exempt it from inclusion in the district?

Mr. Lillie said that was one option but that since some of the buildings could be easily converted to offices, the Planning Commission recommended "O" Office.

Mr. Lillie also said that the area with four-plexes on them could be zoned "B" Residence. Mayor Pro Tem Snell asked if we were getting into spot zoning if something like this were approved. Mr. Lillie said the Planning Commission's Plan was to not do that but the developer chose to mix the uses. Councilmember Linn asked if the duplexes could be zoned "A" and the four-plexes "B" Residence. Mayor Friedman said there were six postcards in opposition to the recommended zoning.

ROY SEEKATZ appeared before the Council to discuss property in the area owned by his sister. He said it was a mobile home park off Kzamer Lane, and that they wanted to keep the property as a mobile home park. Mr. Seekatz also explained that they got a permit from the City for ten trailers to be put on the land whenever City sewerage came in.

Mr. Lillie said the existing development there was annexed that way and is non-conforming and can continue as long as the owners want it. He said that it could be zoned "MH" rather than Light Industrial in order to permit the mobile home park to continue. Applicant was present.

Councilmember Linn moved that the Council grant the change to "MH" Mobile Home on the mobile home area, "A" Residence for residences and duplexes, "B" Residence for four-plexes and "DL" Light Industrial, 1st Height and Area District, on all the rest subject to conditions. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the change had been granted to "MH" Mobile Home on the mobile home area, "A" Residence for residences and duplexes, "B" Residence for four-plexes and "DL" Light Industrial, 1st Height and Area District on all the rest subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES CROW
C14-76-003

922-932 East 56-1/2
Street at Bennett
Avenue

From "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT Recommended by the
~~RECOMMENDED~~ by the Planning
Commission "O" Office, 1st
Height and Area District, ex-
cluding the southern 15 feet
along East 56-1/2 Street

The application, according to Mr. Lillie, is located west of I.H. 35 and south of Reinli. He said it was filed for Local Retail, and the owner also owns the land to the north of the tract which fronts on Reinli. This particular tract

is separate and fronts only on a small and unpaved residential street. He said that the problem that the staff had, if this site were to be developed with access only to the residential street, they would be impacted by the traffic. The Commission's recommendation would prohibit any commercial driveways entering onto 56-1/2 Street, and would require that the development of this tract would have to be developed with the tract adjoining which is under the same ownership. He said that the owner does not agree with the recommendation of the Planning Commission.

JAMES CROW, owner of the property, said he applied for re-zoning of the property in order to be able to develop it commensurate with its cost and expense of owning it. The adjoining property which he owns is zoned "C-2" and is partially developed with office buildings. He said "O" Office zoning was all right with him, but the denial of access was in question. He said that Bennett, a 30-foot paved street that depends into the property, would be the access that would be depended on. He said his reason for wanting Bennett was for ease of access into the property because the development of the interchange on I.H. 35 and 290 created a problem and he wanted a "back door" to the property, a way to get out of it, and into it in some cases. He thought the amount of traffic he would create would not adversely effect the property in the area. He said other developments in the area had access to streets similar to what he was asking for. Mayor Friedman asked why he could not use Reinli Street, as it was not going to be one-way. Mr. Crow said that getting to Reinli would be one-way. He said if he had the "back door", he would get to the property without having to make the big interchange.

ADELE HUTTON, a property owner one block down from Mr. Crow's proposed revision of the property on Bennett, appeared before the Council. She said she was speaking for her neighbors when she indicated her agreement with the Planning Commission. Her concern was that the traffic conditions on Bennett Avenue would be catastrophic. The applicant was present.

Councilmember Linn moved that the Council grant "O" Office, 1st Height and Area, excluding the southern 15 feet along East 56-1/2 Street, as recommended by the Planning Commission, with conditions set to refuse access to East 56-1/2 Street as well as Bennett Avenue. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Linn said she really wanted to be sure that they had the condition of the access.

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area, excluding the southern 15 feet along East 56-1/2 Street, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

HERSHFELD HOMES
Texas A & M
Development
Foundation, owner
C14h-74-019

303-305 West 9th
Street

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

Councilmember Himmelblau moved that the Council grant "C-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

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

Councilmember Linn said she would like to compliment the people who worked on this project.

THE HAMLETS CORP.
By Randell Livingston
Livingston, Jr.
C14-77-001

3900 Duval, also
bounded by East 39th
Street, East 40th
Street and Avenue H

From "R" Residence
1st Height and Area
To a 24-unit single-family
residential planned unit
development called "Towne Park"
RECOMMENDED by the Planning
Commission, subject to condi-
tions as listed.

Mr. Lillie said the area in question was a square block with nothing on it. He said the area is within the Hyde Park area and is 2.5 acres. The proposed plan calls for about 9.5 dwelling units per acre. Coverage of the land is about 40%, which is about the same as a single-family development. A landscaping plan which would mitigate the high density has been submitted and reviewed by the Planning Commission, Mr. Lillie said. It has been recommended. There was further discussion concerning the driveways and landscaping. He said a public hearing was held on this application on February 1, 1977, and the Planning Commission recommended the plan subject to a list of ordinance requirements and departmental recommendations with the exception of (1) that the Urban Transportation requirement for internal driveways for 22 feet be reduced to 20 feet. The Urban Transportation Department agreed with that reduction; (2) change the name from driveways to approaches; (3) the site plan be tied to the landscape plan; (4) the developer meet all necessary utility requirements to reduce any possible negative impact on the surrounding area.

MR. VAN WINKLE, Leon-Chandler Architects, explained the concepts that are going to be used. He said single-family usage for the area is not feasible due to the high land values. Townhomes would be compatible with the existing neighborhood pattern, he said. He showed plans for the homes and for the landscaping. Mr. Van Winkle delved into the question of water and gas service in the area. There is a low pressure water problem in existing homes. He said this was due to the poor condition of 35-year-old cast iron pipes from the water main to

the homes and would not create a problem in newly constructed homes. He went on to explain that the Southern Union Gas Company has assured them there will be no problem with gas lines as they plan to upgrade the system. Councilmember Hofmann had some concern over the approaches, but Mr. Van Winkle explained that they did not want access on Duval because of the traffic, and 39th Street has a curve which would make access difficult.

MRS. WALTER RICHTER spoke for the Hyde Park Neighborhood Association. She said their association had been included in the developer's discussions, and they agreed that the townhouse development was a good solution to a problem lot.

Councilmember Linn suggested that Urban Transportation make a study of the speed limit on Duval and the feasibility of installing a traffic light at the intersection of 39th and Avenue H. The applicant was present.

Councilmember Linn moved that the Council grant the change to a 24-unit single-family residential Planned Unit Development, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to a 24-unit Planned Unit Development, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ACTION ON PENDING ZONING CASES

W. L. MAYFIELD,
ET AL
C14-69-190

3625-3919 Cima
Serena

From Interim "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission subject to 5 feet
of right-of-way on Cima Serena
Drive and a restrictive cove-
nant providing for a density
of 6 units per acre as indicated
in the Westover Hills Master
Plan by the applicant.

Councilmember Linn moved that the Council dismiss Zoning Case No. C14-69-190. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the case had been dismissed.

VICTOR FREIDRICHS,
ET UX
By Clyde Smith
C14-70-100

1027-1111 East Riverside
Drive

From "A" Residence
1st Height and Area
To "O" Office
2nd Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st
Height and Area, subject to
10 feet of right-of-way on
Riverside Drive and also
recommended the City Council
consider purchasing the
necessary right-of-way for
Riverside Drive at this time.

Councilmember Linn moved that Zoning Case No. C14-70-100 be dismissed.
The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the zoning case had been dismissed.

RUNDBERG LANE
PROPERTIES
By Hale &
Associates
C14-71-231

Rear of 502-602 Rundberg
Lane

From "B" Residence
1st Height and Area (Tracts 1
and 2)
"BB" Residence
1st Height and Area (Tracts 3
and 4)
To "O" Office
1st Height and Area (Tracts 1
and 4)
"GR" General Retail
1st Height and Area (Tract 2)
"B" Residence
1st Height and Area (Tract 3)
RECOMMENDED by the Planning
Commission, subject to a record-
ed subdivision, except on
Tract 1 with property to the
east. Applicant present.

Councilmember Linn moved that the Council delete the subdivision, and
allow to proceed to ordinance. The motion, seconded by Councilmember Himmelblau,
carried by the following vote:

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

The Mayor announced that the City Attorney would be instructed to draw
the necessary ordinance to cover.

WILLIAM JOE GAGE,
SR.
C14-71-272

Rear of 1411 Morgan
Lane

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a modified special site plan of Case C14p-69-049, a short form subdivision tying the subject tract to the existing mobile home park tract and any restrictions on the existing mobile home tract.

Councilmember Linn moved that the Council dismiss Zoning Case No. C14-71-272. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the zoning case had been dismissed.

BEE CAVE APARTMENTS

Mayor Friedman opened the public hearing scheduled for 10:00 a.m. on an appeal from Joe Riddell on the decision of the Planning Commission granting a Special Permit for the Bee Cave, a 134-unit Apartment Project. Mr. Riddell was not present.

Councilmember Himmelblau moved that the Council close the public hearing and dismiss the appeal. 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, Lebermann

Noes: Councilmember Linn

AUSTIN CITY CODE AMENDMENT HEARING

Councilmember Trevino moved that the Council set a public hearing for March 17, 1977, at 8:30 p.m. to consider amending Sections 45-32(f), 45-16.1(i)(2), 45-30(c)(4), 45-40(g) and 45-40(1) of the Austin City Code. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

RELEASE OF EASEMENTS

Councilmember Linn moved that the Council adopt a resolution to release the following easement:

A portion of Wastewater and Public Utilities Easement being out of and a part of J. S. Smith's Western Oaks I-D, a subdivision in Travis County, Texas. (Requested by Mr. John Noell representing Jeryl Hart & Associates, Agents for Woodside Development Company, Inc., owners of J. W. Smith's Western Oaks I-D)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution to release the following easement:

The north five and one-half (5.50) feet of the south ten (10.00) feet drainage easement in Lot 8, Block H, Santa Monica Park Section Two, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. Jack F. Peevey, owner of Lot 8, Block H)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Councilmember Linn moved that the Council adopt a resolution to release the following easement:

A portion of a Drainage Easement and portions of Public Utilities Easements below the 504.9 contour in Lot 8, and part of the Reserve Area in Lakeview Gardens. (Requested by Pauline Stark, owner of a portion of Lot 8, and reserve Area in Lakeview Gardens)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

SIGN ENCROACHMENT PERMITTED

Councilmember Linn moved that the Council adopt a resolution authorizing a License Agreement permitting encroachment by a sign in the north right-of-way of East 7th Street, adjoining Lot 16, Paul Simms Addition. (Requested by Stacy E. Oliver, owner of the business in Lot 16, Paul Simms Addition) The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

CONTRACT AWARDS

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- Capital Improvement Program, Woodward Street, Street and Drainage Improvements from South Congress Avenue to West Frontage Road of I.H. 35 - \$242,907.84.

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

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

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

DITCH WITCH OF CENTRAL TEXAS
9800 Gray Boulevard
Austin, Texas

- Two Wheel Mounted Trencher, Vehicle and Equipment Services Department
Item 6; 2 ea. @ \$7,200.00 -
Total \$14,400.00

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

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

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

INDUSTRIAL LAMINATES
CORPORATION
1806 East 4th Street
Austin, Texas

- Three Fabricated Sheet Metal Buildings, Water and Wastewater Department
Items 1-3 - \$11,635.00

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

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

TEMPORARY CLOSING OF STREET

The item to consider temporarily closing the 2400 to 2500 block of Pearl Street from 12:00 noon to 5:00 p.m., March 5, 1977 as requested by Mr. Darrell R. Roan of Kappa Sigma Fraternity, was withdrawn.

REVISED CONSORTIUM AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution authorizing entrance into a revised Consortium Agreement for the Capital Area Manpower Consortium to include the phrase "By a simple majority" on Page 1, Section 1, Paragraph A, Line 9. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

ELECTRIC RATE CONSULTANT CHOSEN

Councilmember Linn moved that the Council adopt a resolution to select the firm of TOUCHERBOSS as consultant for the purpose of developing certain electric rate studies and information. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Mayor Friedman stated that the consultant will work with the Mayor's Commission on Electric rates, as well as the electric utility department. Homer Reed, Assistant City Manager, added that the consultants will need a number of key policy decisions relating to what type of industry we want to attract.

MAPPING COMPANY CHOSEN

Councilmember Himmelblau moved that the Council select the firm of International Aerial Mapping Company, San Antonio, for the Engineering Department's Aerial Survey, Planimetric and Topographic Mapping Program. The motion, seconded by Councilmember Linn, carried by the following vote:

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

DISPOSITION OF LAND

Mayor Pro Tem Snell moved that the Council adopt a resolution approving the disposition of Parcel I-39 to Huston-Tillotson College, Blackshear Project, Tex A-11-2. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Mayor Pro Tem Snell moved that the Council adopt a resolution approving the disposition of Parcel I-43 to Huston-Tillotson College, Blackshear Project, Tex A-11-2. The motion, seconded by Councilmember Linn, carried by the following vote:

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

RECOMMENDATIONS FROM THE BUILDING STANDARDS COMMISSION

Councilmember Linn made a motion that the Law Department take proper legal disposition of the following substandard structures which have not, on the recommendation of the Building Standards Commission, been repaired or demolished within the required time:

a. 1104 East 12th Street (Units G & H)	- Charles E. Schroeder
b. 1106 East 12th Street (Building 2)	- Charles E. Schroeder
c. 2305 East 9th Street (front)	- J. W. Whiteaker
d. 206 Dunlap	- John J. Sebesta
e. 3100 Prado Street	- Ruth Gonzales Rios
f. 1117 (C) Berger	- Weldon Brewer
g. 1131 (C) Berger	- Paul Saucedo
h. 3129 East 12th Street (Unit B, C & D)	- John Gould

Mayor Pro Tem Snell inquired whether all of the people had been notified. Mr. Lonnie Davis said that all of the people had been talked to within the past week. He said that Mr. John Gould was going to appeal the recommendation concerning his property on East 12th.

JOHN GOULD explained that he received his deed to the property on East 12th Street in July of last year. Before he signed contract on the property, he went to the Building Inspection Department to see if he could get a permit to rebuild the structures on the property. He was told he could. He went on to say that after he had received his deed, he received a letter from the Building Standards Commission telling him that he had to remove the structures. He said he did get permission to rebuild one structure on 12th Street. It was re-built according to standards required. Mayor Pro Tem Snell asked if the houses in question were ones that had been burned. Mr. Gould said, "Yes" and he would tear down two of them, but Unit C could be restored, and he was asking

for an extension to re-build Unit C. Mayor Pro Tem Snell said he did not think any of the structures should have an extension. Mr. Gould said that if the Building Standards Commission had given him a permit to rebuild them all he would have done so, but he was given a permit to only work on them one at a time.

Mayor Friedman asked Mr. Gould, "If you were given an extension on Unit C, how soon would you get started on repair?" Mr. Gould said he would go and get a permit immediately. After some discussion concerning the length of time it would take to repair the structure and the degree of the substandard quality of the structure, Councilmember Hofmann asked what he would do to the structure to make it livable. Mr. Gould explained how he would do it.

Second to the Motion

Mayor Pro Tem Snell seconded Councilmember Linn's motion.

Friendly Amendment

Councilmember Trevino moved that the Council defer action on item g. for one week. Councilmember Linn and Mayor Pro Tem Snell accepted the friendly amendment.

Councilmember Himmelblau asked Mr. Davis if he thought Unit C under item h. was worth saving. Davis replied that that was a hard question to answer, but that Mr. Gould did do what he said he was going to in repairing the first structure and that Unit C was probably in better condition to begin with.

Friendly Amendment

Councilmember Hofmann moved that demolishing of Unit C in h. be postponed for 30 days to see what repairs had been made. Councilmember Linn and Mayor Pro Tem Snell did not accept the friendly amendment.

Substitute Motion

Councilmember Hofmann moved that the Council uphold the recommendations for a. through f., postpone g. for one week, and uphold recommendations received for Unit B & D of h., and postpone for 30 days any action on Unit C of h. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Friedman instructed Mr. Gould to bring a report from himself to Mr. Davis concerning progress. He said that if significant work had not taken place to improve the structure, it would have to be torn down. This report will be due on March 31, 1977.

Ord. 770224-B

2nd year HCD - Caption goes here.

G.3

CITY CODE AMENDMENT

Councilmember Himmelblau moved that the Council postpone amending Chapter 31, Article II, construction and repair of sidewalks, curbs, gutters driveways and setbacks, of the Austin City Code, until the City Manager comes back with a fiscal note and a simplified procedure. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Councilmember Himmelblau said she asked for the postponement because she has problems with the ordinance as it will add to the costs and red tape for the City, as well as construction costs that will be passed on to the homeowners. Councilmember Lebermann said he would like a little more time to mull it as well.

WEBBERVILLE ROAD PAVING

Mayor Friedman introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WEBBERVILLE ROAD IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY TERRY EDWARDS CONSTRUCTION COMPANY 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.

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

The Mayor announced that the ordinance had been finally passed.

SECOND YEAR HOUSING AND COMMUNITY DEVELOPMENT FUNDS

Mayor Friedman introduced the following ordinance:

6.3.77
770224 R

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 Lebermann, carried by the following vote: (As approved last week)

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

FUNDS FOR INCREASED SERVICE IN HEALTH DEPARTMENT ANIMAL CONTROL

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

AN ORDINANCE AMENDING ORDINANCE NO. 760927-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR BEGINNING OCTOBER 1, 1976, AND TERMINATING SEPTEMBER 30, 1977, BY APPROPRIATING \$51,083 FOR THE AUSTIN-TRAVIS COUNTY ANIMAL CONTROL PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Linn moved that the ordinance be ~~passed to its second reading~~. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn

Noes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell

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

OFF-PEAK PRICING FOR ELECTRICITY

Councilmember Himmelblau asked the staff to prepare a report on off-peak pricing for electricity for residential customers. The City Manager will come back with a report.

ZONING CHANGE

On a request to reconsider denial of zoning change, Councilmember Linn moved that the Council refer back through the Planning Commission for consideration the following zoning denied by the Council on January 27, 1977:

JIMMY D. FOSTER 3201 Manchaca Road
C14-76-116

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

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

Noes: Mayor Friedman

BRACKENRIDGE HOSPITAL PARKING STUDY

Mr. Joe Ternus, Urban Transportation Department, said that they are suggesting, as a result of a survey they made of parking conditions around Brackenridge, that no request be submitted for utilization of Red River. He said that the parking that exists in the residential areas should be controlled closer through traffic control regulations, and the idea of coordinating parking facilities be coordinated through the current study that is in progress with the State, the University and the City.

HUMAN RELATIONS COMMISSION

Councilmember Trevino moved that the Council authorize submission of a grant application in the amount of \$6,575.00 to the Texas Committee for the Humanities and Public Policy. The motion, seconded by Councilmember Linn, carried by the following vote:

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

RECOMMENDATION ON DRIVEWAY ORDINANCE

Mayor Friedman explained that the recommendation on Driveway Ordinance will be included when the Ordinance comes back before the Council.

The Council Meeting was recessed at 12:00 noon, until 2 p.m.

Mayor Friedman called the meeting back to order at 2:00 p.m. He noted that Councilmember Lebermann had called to say he had been detained and would be a few minutes late.

PETITION TO REQUEST THAT COUNCIL RESCIND PREVIOUS DECISION TO CLOSE
HANCOCK FIRE STATION NO. 12, 2109 HANCOCK DRIVE

Mayor Friedman opened the proceeding by stating that Mr. Kermit Voelkel of the Allandale Neighborhood Association and Mr. Milton A. Morse, Jr., of the Rosedale Neighborhood Association had requested to appear before the Council concerning the Hancock Fire Station No. 12.

MR. VOELKEL, Chairman of the Safety Committee of the Allandale Neighborhood Association, stated that he had been asked by the Association to gather information on the closing of the Hancock Fire Station No. 12 and to determine if the people effected supported or opposed its closing. The area effected by the station is from 38th Street, north to Twin Oaks, and from Lamar Boulevard west to MoPac. He pointed out that a new contract to build a station at Rundberg Lane would automatically close down the Hancock Fire Station. He stated that at their monthly meeting on December 6th, 1976, Mr. Dick Lillie of the Planning Department told the Association that it was not too late for the area residents to voice opposition to the closing of the station in a public hearing. Mr.

Voelkel commented that he has heard many comments from the area residents and that the most frequent and important one was that Hancock Fire Station No. 12 should remain at its present location, 2109 Hancock Drive. He stated that the 4,106 signers of the petition to Council requested that the Council reconsider its position on the matter. He stated that he would turn the petition over to City Clerk Grace Monroe after his remarks. He cited the following groups as being in support of the effort:

1. Rosedale Neighborhood Association
2. North Austin Betterment Association
3. The Austin Neighborhood Council and its members
4. The Fire Fighters Local #975

He stated that Fire Chief Kirkham and Mr. Lillie indicated that the station was being closed for the following reasons:

1. The station was too costly to remain open.
2. Overlapping territory with other fire stations.
3. Any point in station 12's territory can be reached in 3 minutes from outlying stations.

He also stated that there were four objectives used in establishing and maintaining a fire station at any location, based on the 1975 fire protection plan which was prepared jointly by the Fire Department and the Planning Department. The four objectives are as follows:

1. To minimize the loss of life.
2. To minimize the loss of property, without jeopardizing life or property.
3. To minimize insurance payments.
4. To minimize operating and capital assets.

He stated that the fourth objective was the main reason behind the elimination of the Hancock Fire Station. He stated that there were many objections to the closing of the station and that the Council was not fully advised of all the facts concerning the closing of the station. He pointed out that they were concerned over the loss of life that could occur because the area would be without adequate fire protection. He cited the following as coming under fire protection from the Hancock station:

1. 5 apartment complexes nearby that are served by the station.
2. 200 blind students at the Texas School for the Blind on 45th Street.

3. 300 mentally retarded persons in the Texas School Annex on Bull Creek Road.
4. 270 students in the Rosedale Elementary School.
5. 300 students in the Community night school.
6. 218 residents at Westminster Manor, a retirement home on Jackson Street.
7. The patients and staff at Seton Hospital.
8. 90 offices in Medical Park Tower.

He said that the estimated total of persons effected by the station is from 4,000 to 5,000 persons. He stated that there are many old homes in the area that have old heating systems and original house wiring. He also stated that there are many gas stations and restaurants located in the area. He commented that an excerpt taken from the Insurance Services Office in 1975 indicated that the majority of fires occur in and around the older portions of most cities and that there should be no general elimination of stations in these cities.

He stated that the response time of the Hyde Park and Balcones Stations was not good and that it was, generally, from 4 to 6 minutes. He stated that fire experts have indicated that even 30 seconds can be critical in fire time. He added that times taken on individual calls would be submitted at the end of his remarks. He indicated that the 4 to 6 minute response times were applicable to the hours between 1:00 a.m. and 6:00 a.m. in the morning when traffic was light and that a fire occurring during the peak hours could not be responded to within a 3-minute time factor.

As to insurance, he stated that insurance rates are calculated by a "key rate" which is determined by the response time of the local fire stations to a fire. He stated that the City of Austin lost \$780,000 in destroyed property in the first quarter of the City's fiscal year of 1977, which reflected an 86% higher property loss than the \$420,000 of property destroyed in the same period one year earlier. In the first two weeks of January, 1977, fires caused another \$417,000 worth of property loss which will further inflate statistics. He stated that figures released by the State Insurance Board indicate that loss due to fire over the last four months have already exceeded the total amount of property loss due to fire in 1975.

He stated that according to the State Board of Insurance, the City should have at least 462 firemen, proportional to its size but the City only has 384, 78 short of requirement. He stated that when one area of the City is effected, the entire City is effected because if the station in one area is on a call, a fire occurring simultaneously in that same area would have to be responded to by units from other areas. He stated that relocation of the Hancock station would result in several response gaps in the area. In conclusion, he requested that the Council rescind its vote of October 7, 1976, to relocate the station and vote to retain the station in its present location and restore funds needed to operate the station from the City budget.

Councilmember Linn asked Mr. Voelkel what State facilities were effected by the Hancock Station (see second page of report). She stated that the City provided protection to these agencies even though they did not pay tax on the land sites that they occupied. She recommended that the City speak with the State as to acquiring additional revenue to operate the station.

MR. MILTON A. MORSE, JR., President of the Rosedale Neighborhood Association, spoke before the Council. He stated that his organization was in opposition to the closing of the Hancock station. He stated that in 10 days they had secured 1,000 names on a petition which he said he would make available to the City Clerk. Mr. Morse was in agreement with the facts and figures presented by the Allandale Neighborhood Association. He stated that the citizens of the Rosedale area, as tax payers, felt they had a right to adequate fire protection. He said that there have been more fires in the area in the last 5 years than in the previous 20 that he has lived. He requested that the Council take action on the matter that day and that it vote to keep the Hancock station in operation.

MR. OTIS L. ALLEY spoke in behalf of Ms. Ruth Alley, operator of a day nursery in the area. He stated that the availability of the Hancock station was the decisive factor that saved the life of a young child at the nursery. He recommended that the station remain in operation.

MR. EARL PODOLNICK, President of Trans-Texas Theatres, spoke before the Council. Mr. Podolnick stated that the Americana Theatre which he operates has had two fires, which he claimed were minimized by the efforts of the Hancock Fire Station which is located directly across the street from the theatre. He stated that fire is of the utmost concern to him and requested that the Council overturn its decision to relocate the station.

MR. ART BROWN, President of the Austin Neighborhood Council, spoke before the Council. He stated that the ANC wished to go on record as supporting the effort to keep Station No. 12 at the Hancock location. He stated that the area was very old and in need of a fire station.

MS. MAUREEN MORSE voiced her support to keep the station at the Hancock Street location.

MR. RAY BANKS stated that several years ago the home next door to his caught fire and if it had not been for the Hancock Fire Station, his home probably would have caught fire also. He urged the Council to rescind its vote to relocate the station.

MRS. WALTER RICHTER spoke before the Council asking that the fire station be kept on Hancock Street. She felt that people who paid taxes should receive adequate fire and police protection. She stated that all neighborhoods had a right to fire protection and suggested that when the budget and master plans are looked at, the City take a closer look at what the neighborhoods need.

MR. MIKE SAMPSON stated that if the Hancock station is removed, the overlapping protection from the Balcones and Hyde Park Stations would be marginal fire protection at best. He urged that the station be kept at the Hancock location.

Mayor Friedman commented that the station would remain open to at least August when the new station is supposed to open. He stated that decisions for the following year would have to be made in conjunction with next year's operating budget. He said that this Council could not bind what was going to be spent in that budget. He said that the current Council had little latitude in making a decision one way or the other. The question would have to be brought up again before the new Council. He recommended that the City Manager report back to Council as to what can be done to assure that the station will stay open until a determination for next year's budget can be made by the new Council. He suggested that interested parties make plans now to come up with an interim idea that could be submitted to the new Council.

SHELTER FOR BATTERED WOMEN

MRS. MARTHA BOETHEL, representing Austin Women's Center, appeared before the Council to request permission to lease a building located at 1201 Enfield for \$1.00 a year, for a period of one year as a shelter for battered women and their children. She said that with the assistance of the property management department of the City of Austin they had been able to select the Enfield site. She said they were requesting being allowed to rent the building subject to a special permit for the shelter. Mrs. Boethel discussed funding, stating that they have County funds totaling \$18,000.00 contingent upon getting matching funds from another source. AWC had received unofficial information from the Hogg Foundation that they would receive funds in the amount of \$14,731.00. This, plus the use of the City-owned property, which could be used as an in-kind contribution in the amount of the rent the City ordinarily receives from its renter, would total the \$18,000.00 for the matching fund. She said that if the City offered the lease to AWC, it would free them some of the County funds which otherwise would have to be used for rent. Mrs. Boethel pointed out that their operating budget for the year would be \$33,000.00.

Mr. Davidson, City Manager, said that as requested by the City Council, they had been working with the group in an effort to locate a building for their shelter. He went on to say that in this case they were talking about property that is currently leased for over \$5,000.00 of revenue to the City each year. He explained that this is a very tight budget year, and he did not feel they could recommend losing the revenue and asking the current tenants of the property to move. He said they would be happy to continue working with the group to find property that would not represent a change in the City's operating budget. Councilmember Himmelblau asked if this would take a permit, because the property was either in an "A" Residence or "B" Residence neighborhood. Mr. Davidson said that it was his understanding that it would.

Ms. Boethel pointed out that their goal was to open the shelter by approximately the first of May. She commented that the City now pays about \$90.00 a month in utilities on the property and this subtracted from the rent money received amounts to about \$4,100.00 in City revenue. Even so, said Mr. Davidson, this is a mid-year request, and the Council has consistently told all groups to bring in their requests at one time so that priorities can be balanced.

After further discussion on the request, with questions from the Council concerning budgeting for the project, and the understanding that AWC would pay the utilities, and that the lease would be for one year, a motion was made.

Motion

Councilmember Linn moved that the Council approve the request from the Austin Women's Center for permission to lease the building located at 1201 Enfield Road for \$1.00 ~~per year~~ for a period of one year as a shelter for battered women and their children with the condition that a special permit can be obtained for running the shelter in this location. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

SOUTH AUSTIN LIGHT RAIL TRANSIT DEMONSTRATION LINE

Mr. Lyndon Henry, Executive Director, Texas Association for Public Transportation, appeared before the Council to present a plan for a South Austin Light Rail Transit Demonstration Line. He said that after four years of exhaustive study they were ready to take the first step in presenting a plan that combines light rail transit with a bus system. The plan calls for 60 miles per hour rapid transit trains, four minutes apart during the peak hours, to serve an area of South Austin with about 74,000 residents. He explained that the project they are proposing at the cost of \$43,665,000.00 would provide almost ten miles of route.

Mayor Friedman asked where Austin would get the money for the project. Mr. Henry replied that this was a heavy capital cost but that it was a one time lump expenditure. He showed slides depicting the proposed rapid transit system. The south end of the line would be at Slaughter Lane and the north end at 21st and Guadalupe with little impact of land usage in the transportation corridor. He said in order to get into the core area of Austin the line would use a surface transportation in the corridors of City streets. This would be a median strip.

Councilmember Lebermann asked if the presentation had been made to MoPac or the Urban Transportation Commission. Mr. Henry said that he had not, but had plans to present the study to the Urban Transportation Commission, the Austin Transportation Study, and probably the Austin Goals Ongoing Committee.

Mayor Friedman questioned Mr. Henry concerning his statement that there would be Federal and State funds to bring up the total of \$43,000,000.00. Mr. Henry said there would be matching funds available. Mayor Friedman replied that this was not feasible, that the Federal funds for these projects have been isolated and have spent over their budget up through 1980. He said he spoke as Vice-Chairperson of the Transportation Committee for the U. S. Conference of Mayors. He said they had been fighting long and hard to stop the allocations so that they can get an overall program. He reiterated that there is no money available through the fiscal year of 1980 from the Federal government. He said that any money that will be freed in additional projects will not be

destined for cities in the southwest or the sun-belt areas specifically. He told Mr. Henry that his wishes and hopes were very good, but unfortunately there would be no matching dollars at this time. Mr. Henry said that his information was different. Mayor Friedman said that he wanted it in the record that the implementation of the program would not be very quick, and the chances of a City like Austin having \$43,000,000.00 over the next five years to do this kind of program in addition to the minimum things we are going to have to do does not exist. Mayor Friedman said that he was telling Mr. Henry exactly what Secretary of Transportation Brock Adams has stated. Mr. Henry replied that he felt there was hope for Austin.

Councilmember Lebermann moved that the Council send the plan of the Texas Association for Public Transportation to the Urban Transportation Commission and to the Austin Transportation Study, for their review and comment. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

MRS. BURMAH HUNT

Mrs. Burmah Hunt appeared before the Council to discuss money owed her from land condemnations. Mrs. Hunt claimed that the City owes her \$750.00 for a shortage on payment for condemned land, plus interest that could have accrued on the money for 3 years and 11 months, for a total of \$1,043.75. Mrs. Hunt also discussed other issues effective her, including the high water bill she had received when she uses only the minimum amount of water. Mrs. Hunt also expressed dismay over the high cost of electricity and read a verse she had written epitomizing her feelings:

"When the electric rates went too high
We shut off our burglar alarm
And thus far we have suffered no physical harm,
But if we are robbed, we'll not be surprised,
For we've decided it's cheaper to be burglarized!"

After more discussion and questions it was decided that the staff will set up a meeting with Mrs. Hunt and delve into her problems.

PARADE PERMIT APPROVED

Councilmember Linn moved that the Council approve the request for a Parade Permit from Wendell Hall for The Interfraternity Council of the University of Texas for Saturday, April 2, 1977, 12:30 P.M. to 2:00 P.M., beginning at the intersection of 1st and Congress, proceeding up Congress toward the Capitol, ending at that intersection. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

BOAT RACES ON TOWN LAKE

MR. PAUL HERNANDEZ requested to appear before the City Council to request reconsideration on the decision to allow the boat races on Town Lake. Mr. Hernandez asked that the Council listen to other persons effected by the boat races. He stated that statements had been made that only a handful of people were involved with the issue but said that it was actually an entire neighborhood. He then cited some of the persons who wished to speak to the issue.

MS. MARGARET LOERA, representing the Mexican-American Business and Professional of Austin, spoke before the Council. She stated that the Council had overlooked all the noise, pollution, litter and cars driving into yards that are caused by the boat races. She said that she lives in south Austin but that she can hear the races from where she lives. She stated that she knew persons in south Austin who belonged to various community organizations that were concerned about the races but didn't want to actually get involved for fear that the issue would turn into a racial matter. She suggested that the revenues that are generated by the races at least be used in that part of town. She said that streets in the area were in need of paving and many of the houses also needed upgrading.

MR. LEO HERNANDEZ, Chairman of the East Austin Civic Association, spoke before the Council. He stated that when other neighborhood groups have come before the Council, the Council has responded with 7 to 0 votes in favor of the groups. But he indicated that he has not seen that kind of unanimity when east Austin groups come before the Council. He said that during the summer time the area is used a lot by children in the area. He said that the Parks and Recreation Department has threatened to discontinue progress in the area, however, because it would interfere with the boat races. He felt that their children should not be sacrificed for the boat races. He said that he feared major confrontations which the Council could avoid if they moved the races out of east Austin.

MS. JO ANN SILAS of the Brown Berets asked Mayor Pro Tem Snell why he changed his vote to keep the races in east Austin. She stated that Mr. Snell had changed his vote because he did not like certain people involved with stopping the races and said that they would make sure that he was not re-elected again. Mayor Pro Tem Snell stated that he would attempt to answer all the questions asked of him.

MR. M. E. MCFARLAND asked the Council how they would like it if he revved his car motor up and down in front of their homes. He thought that the boat race decision was the worst one that the Council had ever made. He stated that they were not being given equal rights in east Austin.

MR. HECTOR FABELLA of the Navigation Board spoke before the Council. He stated that the races were brought up as an emergency issue because of the Austin Boat Club was in fear of losing the National boat races. He indicated that the Aqua Festival was in existence before the boat races were ever held and that the Festival survived without them. He stated that there was a fear of losing revenue generated by the races if they were moved, but that the City would still receive revenue from them no matter where they were located. He stated that it has become a question between pressure groups and interest groups. He said that when the Council decided to move the races to Lake Austin, it was understood that Austin could possibly lose the races if the Southern Drag Boat

Association did not approve of the new site. However, he stated that there has been no word of this happening as of yet and that there was actually no emergency which indicated a reason for moving the races from that site. He said that there were other locations such as Lake Austin and Lake Long where the races could be held. He indicated that the Committee that he was on did a study of Lake Long and found that there were areas there that were placid enough for the boat races to take place. He said that there was a fear of having to spend money on the boat races but commented that if over \$200,000 could be spent on the bus stops on 11th Street and Congress Avenue, money could also be found to help the Boat Club. He suggested that the races on Town Lake be removed this year. He pointed out that in front of Austin High School across from Zilker Park there was a boat ramp and an area to race. He questioned why they must be in a highly congested neighborhood. He closed by saying that he hoped the races would be moved from Town Lake.

MR. DAN McCASKILL spoke before the Council stating that in 1975, when the present Council granted racing permits for the 1976 races to the Boat Club, it was clearly stated that those permits were the last ones that would be granted to them for the use of Town Lake. They also directed the racing organization to start looking for another place to hold the races. He said that as of recently, the proponents of the boat races have engineered an emergency vote which brought the races back to Town Lake again. He urged that the Council grant just one weekend of racing to the Boat Club and that the opponents of the races had agreed to this solution. He recommended also as an alternative, that the Council go back to the legal vote taken previously which was to locate the races at Lake Austin, or simply deny permit to hold any races at all.

MS. BORA LATOA stated that she has lived on Holly Street for about 25 years and on Haskell Street for about a year, both streets being very close to the site of the boat races. She stated that she has had to live with the noise, the trash left in the streets and the rudeness of the people who come to the event. She said that Austin doesn't need the national recognition brought about by the boat races. She said that she did not have air conditioning in her home and that she has to put up with the noise whenever there is a race. She said that the people involved with the event have a great time but that the persons who live on the east side do not.

FATHER JOE ZNOTAS, Chairman of the Human Relations Commission, spoke before the Council. He suggested that a study be done to determine another location for the races. He said that with all the water in Travis County, there had to be another place where the races could be held. He recommended bringing in consultants who knew boat racing to study the issue. He said that money may be necessary to move the boat races to another location, but that there should be a way to work out a compromise. He stated that there would be no way to achieve unity unless both sides gave something.

MS. MINNIE ALANDES stated that for years she has had trouble with the parking situation on her street. She felt that it was time the boat races be moved from Town Lake to somewhere else. She said that it was time that the City do something for east Austin.

MR. RUEL E. SNOW stated that he has been speaking against the boat races for a long time. He was doubtful that the vote to keep the races in east Austin would be overturned. He stated that the three organizations that were pushing the boat races were the Boat Club, the Aqua Festival staff and the Chamber of Commerce. He said that they have not done as Council previously directed and have not sought a new location for the races. He said that, instead, they came up with a biased report from the Chamber of Commerce comparing the Town Lake location to other locations. He stated that there were vital financial reasons why the Boat Club wanted extra races held during the year such as the loss of overhead due to bad weather. However, he questioned why these financial reasons were never brought to bear on the issue by the Boat Club. He also stated that a reduction in the races would cause a proportional reduction in Aqua Festival events and staff. These reasons were, also, never brought to bear on the issue. He recommended that Aqua Festival should be required to make a full financial report available to the public. He stated that the Chamber of Commerce had a financial stake in the races in that many of the local restaurants and hotels would lose money from the multitude of people that would not be attending the races. He said that this fact was questionable. He also pointed out that the Chamber of Commerce would receive \$36,000 from the Aqua Festival for their own operating budget. He said that this was reimbursement money that the Chamber had loaned out to the Aqua Festival and was probably the main reason behind the Chamber of Commerce making an emergency request to keep the races on Town Lake.

MR. ZEKE LUVIA, representing Centro Chicano, spoke before the Council. He stated that the majority of the community in east Austin had lost hope in the Council. He said that if the Council did not help them with something significant, they would never have a chance to exercise their rights.

MR. PHILLIPE GONZALES asked that the Council not treat him like a little kid. He expressed concern over the safety for children in the area because of all the traffic brought about by the races. He stated that the noise and pollution were hazardous to the people in the area, especially the elderly.

MR. CRUZ stated because of the power plant on Holly Street, he cannot sleep and that all of the people are bothered by the noise. He said that the community has been discriminated against. He stated that the races caused much pollution in the area. He said that they were also a waste of energy because of the fuel that the boats used. He pointed out that there was a lot of womanizing that occurs in the area. He said that there is much trash that is left in the area after the races. He said that he has been late for work several times because of the inconvenience caused by the races.

Mr. Hernandez closed by asking the Council to remove the races from Town Lake this year.

Mayor Pro Tem Snell stated that he changed his vote because he felt that that was what the people wanted. He proposed that the staff bring back an ordinance to prohibit boat races on Town Lake so as to prevent further problems with the issue. Councilmember Linn stated that the Council had voted in 1975 that that would be the last year for holding the races on Town Lake and she did not see why the Council should change its mind. Councilmember Trevino stated that he wondered if the Council would make the same commitment to spend several million dollars in east Austin on noise buffers as was done for the MoPac expressway in west Austin.

MR. BRUCE ZACK stated that he wanted the boat races and thanked the Council for changing the vote.

MR. BILLY CROSBY stated that the boats were run on Nitrous Oxide for a very minimal time. He did not see how something which only takes place three times out of the year, could be compared to MoPac, which was used constantly.

Councilmember Hofmann commented that there was a lot of mess left behind after the races and asked if some arrangements could be made to clean up the area after the races. City Manager Davidson stated that there were some assigned responsibilities for that but said that needed to be checked to see what areas had not been handled properly. Ms. Hofmann said that she would like to see that done. She also asked if a shuttle bus service could be started to cut down on the amount of traffic into the area. Mr. Davidson said that this was one of the options that was studied before without resolution but felt that something could be worked out along those lines. Ms. Hofmann stated that she would also like to see this done. Mr. Hernandez asked Ms. Hofmann if there was a chance of changing her vote and she replied that she felt the boat races should be held on Town Lake as voted upon before. Councilmember Trevino stated that all of the problems have been around for 10 years and nothing has ever been done about them. Councilmember Linn stated that the problem was with the Boat Club because they were told to find another place to hold the races and they did not.

Councilmember Trevino moved that the Council uphold the decision made several weeks ago to return the boats to the Lake Austin location. The motion, seconded by Councilmember Linn, failed to carry by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman

Noes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann

MASSAGE PARLOR ORDINANCE REQUEST

Harold O'Chester, Pastor, Allandale Baptist Church, appeared before the City Council to request consideration and adoption of an ordinance similar to that enacted by the municipal government of San Antonio with regard to massage parlors. He said that he did not appear representing his church, but felt he appeared for a silent majority of concerned citizens in Austin. He explained that the people that he felt he represented are concerned with him that the tide of moral filth and illicit sexual activity somewhere, somehow, must be stemmed in its flow. He continued that he and the over 20 other ministers there in the Council Chamber were not trying to stop prostitution, nor accept their bias regarding religion. What he said they were concerned about was the kind of city we are living in. What he was requesting specifically was for all nude and topless massages outlawed and all masseuses required by law to take courses in anatomy and physiology. He would also recommend that they wear a white uniform (either a dress or white pants, white top and white shoes.)

Mayor Friedman instructed Jerry Harris, City Attorney, to gather several massage parlor ordinances from around the country as well as Dallas and San Antonio. He said they should work together to draw up a suggested massage parlor ordinance for Austin and then return for a public hearing before the City Council.

DISCUSSION ON GIVENS PARK

Mr. Carl Turner spoke before the Council in behalf of the Givens Recreation Center Project. He stated that a year ago the Council had approved funds to construct the Givens Center. He said that as of last week, all the bids received for construction of the Center exceeded the amount appropriated by the Council. Mr. Turner requested that the Council appropriate the additional funds needed to complete the project. He stated that all the plans were approved by the Parks and Recreation Department, the Parks Board, Construction Management and by the Council. The lowest bid that came in was \$258,000 above the amount allotted. Councilmember Linn asked Mr. Turner how long the bidding had been going on, and he stated that it has been going on for one year and four months since the Council approved the Center.

Mayor Friedman asked City Manager Dan Davidson what was put into the design for the Center to incur a \$258,000 cost overrun. He stated that his staff had continuously cautioned the design consultants of the limitations of the project from a financial standpoint. He stated that some of the staff had pointed out that the project was being over-designed. He said they have requested that the architects go back and redesign the project so that it will come within the dollar allocation originally provided by the Council. Mayor Pro Tem Snell asked if this would mean elimination of some of the features. Mr. Davidson stated that it would not.

MR. BENNY L. HAWKINS, of the City Construction Management Department, stated that the changes included such things as changing the tile roof to composition shingle, simplifying the bridge, changing the fold back and changing the truss from pipe to standard T. He stated, however, that if the project is redesigned, there was no guarantee that the cost would come within the amount allocated by the Council. He suggested that some of the money, such as that for the parking lot, could come out of the Capital Improvements Project. He stated that the project could be postponed, but since there was already \$1,039,000 allocated for it, there was no reason to make the citizens wait any longer. He suggested that the Council simply approve the additional money needed and go ahead with construction as approved by the proper authorities. Mayor Friedman asked what was the total figure on the bid for construction. Mr. Hawkins stated that they had planned to spend about \$780,000 on construction. He stated that the remainder of the money would go towards architectural fees, staff charges and parking lot and drainage improvements. Mr. Davidson asked Mr. Hawkins what architectural changes could be made to make the project come closer to the amount budgeted. He stated that the architect would have to change to overall appearance of the building because the proposed tile roof would have to be changed which would change the roof from a sloped profile to a flat profile. He also stated that the trussing would have to be changed. Mayor Friedman asked if changes would effect the square footage available to the Center. Mr. Hawkins stated that the area of space was fairly minimal now but that structural changes would not effect the footage of the building.

Mr. Hawkins also said that there would be some internal changes in the structure. Councilmember Himmelblau asked why the architects designed such an expensive structure if they knew what the financial limitations were. He indicated that the architects felt that it would only be a few thousand dollars over the allocation and that they did not worry about this since there was a certain amount of contingency money that was included in the allocation.

Mayor Friedman asked Mr. Hawkins how long it would take to redesign the structure and then get a bid back on the cost of construction. Mr. Turner stated that much of the cost was for creek improvements and sewerage and that these things could be dealt with through the C.I.P. or other City departments. Mayor Friedman stated, however, that there was no available funds that could be taken from the C.I.P. He stated that money could not be taken from next year's budget or from HCD funds and that all that could be done was to go ahead and construct just the building without any of the other additional features.

MS. BERTHA MEANS stated that the parking lot in Givens Park has never been repaired even though money had been allocated for repairs. She stated that when she served on the Parks and Recreation Board, there were plans to do something about the parking lot. She stated that the bridge in the area was also in need of upgrading. She said that there have been many past items in the C.I.P. which pertained to Givens Park that never came about. She said that comparisons of the Givens Center to the South Austin Center were unfair because the Givens Center was designed from suggestions by the community and it should be more than a shell. She also stated that there seemed to be some confusion between the Parks and Recreation Department and the architects, and that the citizens were caught in the middle.

Mayor Friedman stated that the architects had come in and designed a Center that the community wanted and that this was commendable. But, he said, that the City now had two options, one of which was to go ahead and build just the Center without the additional features or to somehow come up with the additional \$258,000 needed to complete the Center as stipulated in the design. The Mayor asked Mr. Hawkins how long it would take to get a bid back on an altered design for the Center and he stated that it would take at least five to six months. Mr. Davidson suggested that the staff get together with the architects and then return to the Council the following week with a detailed report on what the changes in the design for the Center would entail and also some funding options available to the Council if it was decided to go ahead and approve the additional funding.

MR. HECTOR FABELLA of the Parks Board and the Montopolis Advisory Board spoke before the Council. He pointed out there were other options that were open. He suggested reducing the amount of tile on the roof of the Center but still maintain the pitch on the roof by using composition shingles. He felt that the parking could be worked around at this point. He stated that it was important to open the Center to the public. He said that even if the project was resubmitted for bidding, there was no guarantee that the new bid would come within the funding limits. He hoped that the Council would go ahead with the design that has been proposed with the exception of substituting materials where possible while maintaining the integrity of the building.

Mayor Pro Tem Snell said that he felt the citizens would like to see the gym completed before the Council election. Councilmember Linn stated that she would like to take the presently available funds and build the Center according to the design right now. Mr. Davidson stated that there was not enough funds available right now to complete the project. Mayor Friedman suggested going back to the C.I.P. and reviewing some projects that might be curtailed in order to acquire the additional money.

Mayor Pro Tem Snell moved that the Council place the Givens Recreation Center matter on the agenda again for Thursday, March 3, 1977, at 11:00 a.m. at which time the City Manager would report to the Council on the available options previously discussed. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers
Himmelblau, Lebermann

EAST 26TH/DANCY STREETS TRAFFIC FLOW

Mayor Friedman informed the Council that there would be a presentation of the East 26th/Dancy Street traffic flow study, but that no decision would be made. Mr. Bulloch, Urban Transportation, said there had been an additional traffic count made on these streets since the last time the traffic situation had been discussed in Council. Based upon the data compiled, the section of Dancy, south of 26th Street, north of Manor Road, has had a traffic volume increase of about 560 vehicles per day. He said that about 200 of the vehicles are using East 26th Street, the others are traveling further to the north to the 32nd Street area. A resident from the disputed area questioned Mr. Bulloch concerning his figures. He said that 75% of the people living in the area want East 26th Street closed.

MR. HENRY UMSCHIED spoke in favor of keeping the street open. He said he had no problem getting in or out from his house due to heavy traffic, that the street was there for the people to use and it should remain open.

MR. BUSTER FARROW, 2706 Dancy, appeared to present a petition of 74 names of area residents protesting the closing of East 26th Street from Dancy Street west to Robinson.

MR. LEWIS T. ALLER, 2316 Dancy Street, said he lived on a corner and had traffic passing on all sides of his house. His opinion was that if the streets were to remain open and the traffic allowed to flow, just like free running water, it will take care of itself and nobody will be hurt. Mr. Aller pointed out that there had been no accidents of any kind on the street since it had been opened and he would appreciate it remaining open.

Mayor Friedman asked Mr. Bulloch to report back with further studies on his figures in two weeks. There had been a malfunction in one of the traffic counting machines during the study, but the machine was repaired.

ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

February 24, 1977

APPROVED

Mayor

ATTEST:

Grace Monroe

City Clerk