

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 30, 1978  
9:00 A.M.

Council Chambers  
301 West Second Street

Mayor McClellan called the meeting to order.

Roll Call:

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

Absent: None

INVOCATION

The Invocation was given by Reverend James Obey of the David Chapel  
Missionary Baptist Church.

RESOLUTION TO CITY OF SAN FRANCISCO

Mayor McClellan read a resolution, adopted and signed by all Councilmembers, for the citizens of the great city of San Francisco, who have suffered a double tragedy resulting from the assassination of two elected officials, Mayor George Moscone and Supervisor Harvey Milk. By adoption of the resolution, the City Council of Austin extends their hand in friendship and condolences to the citizens of San Francisco and mourn with them and their families the loss of their elected public servants; and call on all citizens of Austin, Texas, to join them in this hour of bereavement.

## HONORARY CITIZENS

Mayor McClellan presented Certificates of Honorary Citizenship to MR. RAY MARTINEZ and MR. PETER GARTELLOS, who are in Austin filming a defensive driving movie this week. She said that Texas is close to graduating the 1,000,000th student from the defensive driving program out of almost 10,000,000 nation-wide. Mr. Ray Martinez is with the Defensive Driving Program of the National Safety Council that is headquartered in Chicago, Illinois. He has taught over 17,000 defensive driving course instructors, in all 51 states and numerous foreign countries. Mr. Gartellos is the director of the defensive driving film. He is from St. Louis, Missouri, where he is producer-director of commercials and educational and industrial films for television.

The Mayor also asked Mr. Jack Porter, Traffic Safety Program Director, Texas Safety Association, who is assisting in the film work to join Mr. Martinez and Mr. Gartellos at the podium. Mr. Martinez thanked the Mayor for the certificate and said that the film will be shown all over the United States. Mr. Gartellos also expressed his appreciation for the honorary citizenship.

## NCOA MARATHON RUN DAY FOR THE SPECIAL OLYMPICS

Mayor McClellan read a proclamation designating December 2, 1978, as NCOA Marathon Run Day for the Special Olympics. MR. WILLIS LASURE and MR. DENNIS POULOS accepted the proclamation with their appreciation.

## CIVIL AIR PATROL WEEK

Civil Air Patrol Week will be observed beginning December 1, 1978, according to a proclamation read by Mayor McClellan and accepted by MAJOR T. S. ROBERTSON, JR., SM JIM RICE and 1ST LIEUT. JOYCE DOMANSKY. Major Robertson thanked the Mayor on behalf of all members of the Civil Air Patrol in Austin.

## MINUTES APPROVED

Councilmember Goodman moved that the Council approve the Minutes for the Regular Meeting of November 9, 1978 and Special Meetings of November 9, 1978, and November 21, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

Councilmember Goodman moved that the Council approve the Minutes for the Regular Meeting of November 16, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Mullen, Snell, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

Abstain: Councilmember Himmelblau

## BOARDS AND COMMISSIONS

Councilmember Snell moved that the Council appoint the following as members of the Medical Assistance Advisory Council:

Bill E. Miller - consumer  
Janice Ozias - service provider  
LaBarbara Fly - service provider  
Dr. Mary Ann Micka - service provider  
Mary Elaine McDade - citizen-at-large  
Marian Austin - citizen-at-large  
Bonnie Young - citizen-at-large

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

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan

Noes: None

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

Mayor McClellan announced that two more members are needed for the Medical Assistance Advisory Council. Applications are requested from clinic card to fill the two vacancies.

Appointments to be Made

Appointments to be made to boards and commissions on December 7, 1978, are as follows:

Building Standards Commission - 3  
Vending Commission - 2  
Community Development Commission - 1  
Dental Health Advisory Committee 2  
Mental Health/Mental Retardation - 1  
Wrecker Standards Commission - 7  
Medical Assistance Advisory Council - 2  
Construction Advisory Committee - 4  
On-Going of Goals Committee - 6  
Electrical Board - 6 (to be reconstituted)  
Human Relations Commission - 7  
Building Code Board of Appeals - 1  
Elizabeth Ney Museum - 1  
Commission on the Status of Women - 1

## STREET RIGHT-OF-WAY ACQUISITION

Councilmember Mullen moved that the Council adopt a resolution to consider authorizing acquisition of certain street right-of-way, a five-foot electric easement and a temporary storage area CAPITAL IMPROVEMENTS PROGRAM No. 72/62-23.

0.25 of one acre of land out of Lot 2, Balcones West, Section 3.  
(Carl W. Burnette, Trustee)

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

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

#### DEDICATION OF CITY-OWNED LAND

Councilmember Mullen moved that the Council adopt a resolution to consider authorizing dedication by the City of Austin of certain City-owned land for Street Right of Way. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### CITY-OWNED LAND FOR WATER EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution authorizing dedication by the City of Austin of certain City-owned land for Water Easements. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### LEASE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to consider authorizing renewal of a Lease Agreement with the Austin Civic Ballet. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### EASEMENT RELEASE

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

A portion of an existing Sanitary Sewer Easement out of Lot 1 of the T. L. Subdivision No. 1, recorded in Volume 3922, Page 1598, Travis County Deed Records. (Requested by James Grant, representing Mr. Doug Fike, owner)

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

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

#### LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to consider entering into a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing a 42-inch wastewater main beneath said Railroad's right-of-way at Mile Post 184-05, Engineer's Chainage Station 9828+78 Travis County, Texas, at Austin. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### CONTRACTS

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

THE FOXBORO COMPANY  
4949 Everhart Road  
Corpus Christi, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
7 Magnetic Flow Measuring Devices,  
Wastewater Treatment Division.  
Item 1 - \$51,399.00  
C.I.P. No. 73/59-03

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

DELTA MACHINE COMPANY  
409 West 14th Street  
Brownsville, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
One 4000 GPM Pump and Motor,  
Wastewater Treatment Division.  
Item 1 - \$15,240  
C.I.P. No. 75/59-04

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

GENERAL ELECTRIC SUPPLY COMPANY  
7521 North Lamar Boulevard  
Austin, Texas

- Galvanized Steel Guy Wire  
Central Stores Division  
Item 1 - \$24,600.00

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

Bid Award:

- Medical and Scientific Books  
Austin Public Libraries - \$18,000.00

MAJORS SCIENTIFIC BOOKS, INC.  
8911 Directors Row  
Dallas, Texas

- (by draw)

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

LONGHORN STONE COMPANY  
7511-A Hart Lane  
Austin, Texas

- Crushed Granite Aggregate, Parks  
and Recreation Department.  
Item 1 @ \$7.00/ton  
Total \$7,000.00

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

SIEMENS-ALLIS, INC.  
10120 Northwest Freeway  
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
5 Oil Circuit Breakers, Electric  
Department.  
Item 1, 5 ea. @ \$49,987.00  
Total \$249,935.00  
C.I.P. No. 77/35-05

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

DIAMOND POWER SPECIALTY COMPANY 600 Rockmead Drive Kingwood, Texas	- Spare Parts for Soot Blower System, Electric Department. Items 1 through 85 - \$7,628.79
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

LEHIGH STRUCTURAL STEEL 1 Allen Street Allentown, Pennsylvania	- CAPITAL IMPROVEMENTS PROGRAM - Change Order for Additional Structural Steel, Electric Department. \$12,295.00 C.I.P. No. 77/15-03
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

A. B. CHANCE COMPANY 12317 Almeda Road Houston, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Change Order for Additional Structural Steel, Electric Department - \$8,836.00 C.I.P. No. 77/15-03
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

MAKO COMPRESSORS, INC. 1634 S.W. 17th Street Ocala, Florida	- 5000 PSI Air Compressor, Fire Department. Item 1, 1 ea. - \$12,636.75
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The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

MOTOROLA, INC.  
7719 Wood Hollow Drive  
Austin, Texas

- Radio Communication Equipment,  
Vehicle & Equipment Services Department  
Items 1 through 6 - \$15,363.90

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

CAPITOL AMBULANCE SUPPLY COMPANY  
11309 Tedford  
Austin, Texas

- Modular Van Ambulance, Vehicle &  
Equipment Services Department.  
Item 1, 2 ea. @ \$25,217.00  
\$50,434.00

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

CENTRAL TEXAS EQUIPMENT COMPANY  
116 Riverside Drive  
Austin, Texas

- One 175 CFM Air Cooled Air  
Compressor, Vehicle & Equipment  
Services Department  
Item 1, 1 ea. - \$7,850.00

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:



AUSTIN KAWASAKI  
6801 North Lamar  
Austin, Texas

- Eleven Two Wheel Motorcycles,  
Vehicle & Equipment Services  
Department.  
Item 1, 11 ea. @ \$3,575.90  
Total \$39,334.90

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

U.E.C. EQUIPMENT COMPANY  
3004 Navigation Boulevard  
Houston, Texas

- Overhaul and Transfer of Truck-Mounted  
Aerial Towers, Vehicle & Equipment  
Services Department.  
Item Sheet OVHL - 6 ea. - \$84,199.42

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

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

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

Bid Award:

- Retread and Section Repair of Tires,  
Vehicle and Equipment Services and  
various other City departments.

PERRY ROSE FIRESTONE  
Truck/Tire Center  
2201 Airport Boulevard  
Austin, Texas

- Items Nos. 21-32 - \$5,267.00

TIRE MILEAGE OF AUSTIN  
3902 Woodbury  
Austin, Texas

- Items Nos. 1-20 and 33 - \$9,445.24

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

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

## GRANT APPLICATION

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of a grant application to the Department of Energy for Electric Vehicle Demonstration Grant (total project \$396,704: \$74,035 City; \$25,000 State; \$297,669 Federal). The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## AUSTIN COMMUNITY TELEVISION

Councilmember Mullen moved that the Council adopt a resolution to consider authorization to enter into FY 78-79 Human Services purchase of services contract with Austin Community Television for \$20,500. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## CETA TITLE VI FUND

Councilmember Mullen moved that the Council postpone until December 7, 1978, consideration of authorization to fund eighteen (18) CETA Title VI Public Service Projects at a cost not to exceed \$1,135,146.00. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## SKILLS TRAINING IMPROVEMENT PROGRAM

Councilmember Mullen moved that the Council postpone until December 7, 1978, authorization to contract for \$92,028 with Austin Community College for the CETA Title III Skills Training Improvement Program (STIP) for period beginning December 1, 1978 through April 30, 1980. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## CREATIVE RAPID LEARNING CENTER

Councilmember Mullen moved that the Council adopt a resolution to consider authorization to contract with the Creative Rapid Learning Center for FY 1978-79 in the amount of \$3,215.00. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Mullen questioned whether this had been before Council before, in form of an Ordinance. City Attorney Jerry Harris checked on this and said that it had not.

## SPECIAL TRAFFIC OPERATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780921-A; DESIGNATING THE DIRECTIONS IN WHICH TRAFFIC SHALL MOVE IN THE VICINITY OF MEMORIAL STADIUM ON SAN JACINTO BOULEVARD, RED RIVER STREET AND MANOR ROAD, ON DECEMBER 1, 1978, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed. (For University of Texas game with Texas A & M rescheduled for December 1, 1978.)

## TRANSMISSION AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution to authorize a transmission agreement between LCRA and the City of Austin. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## PUBLIC HEARING SET

Councilmember Mullen moved that the Council adopt a resolution setting a public hearing for December 14, 1978 at 10:00 A.M. to consider annexation of the following:

127.87 acres of land in the Shinoak Valley Area (Case No. C7a-78-006)

96.00 acres of land in the Western Hills Area (Case No. C7a-78-007)

45.86 acres of land in the Gracywoods Section 4 Area (Case No. C7a-78-008)

72.09 acres of land out of Beecave Woods, Sections 1 and 2 Area (Case No. C7a-78-009)

14.127 acres of land in the Meadows Mountain Planned Unit Development Area (Case No. C7a-78-010)

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

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

Noes: None

## MEDICAL ASSISTANCE PROGRAM

Councilmember Mullen moved that the Council adopt a resolution approving an affiliation agreement between the City of Austin and the University of Texas at Houston, Medical Branch, for the purpose of providing OB/GYN Services to the Medical Assistance Program Recipients and private no-preference patients. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

## SELECTION OF CONTRACTOR FOR PHARMACEUTICAL SERVICES

Councilmember Mullen moved that the Council postpone until December 7, 1978, at 9:30 A.M., selection of a contractor for Pharmaceutical Services for the Medical Assistance program and authorizing contract. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Discussion followed on this issue. Councilmember Snell did not like the idea of the postponement and Mr. O. C. Houston wanted to know just why the delay was necessary. Mayor McClellan answered his question by reading a memo sent to

Council from the City Manager. It read as follows, "The City Attorney has been advised by the District Attorney's office that its review of certain allegations concerning the above referenced matter will not be complete for today, however, the District Attorney's office indicated that its review would be completed prior to next Thursday's meeting. Based on this information, I'm requesting this matter be postponed one week so that the conclusion of the D.A.'s office can be received prior to the time the City Council takes action."

Mr. Houston asked just what this meant, and City Attorney Jerry Harris answered, saying, "All we know is that the D.A.'s office has been given certain information and they feel an obligation to review that and we feel an obligation to let that review be completed so we can know the nature of these allegations and the District Attorney's conclusion before we take action."

Mr. Houston then wanted to know if the D.A.'s report would be made public, and the City Attorney assured him that he was sure the conclusion of the report would be made public but he was not sure that the details would be, and if so how much. Mayor McClellan said that whatever information Council got would be passed on to the public.

MRS. WILHELMINA DELCO spoke next, expressing her views, saying she favors the consortium of four pharmacists who have submitted a bid because she thinks that is in keeping with the commitment to award it to minority contractors in a minority community that basically will serve minority people. Mrs. Delco expressed a great deal of concern over all the delays on this matter. Mr. Jerry Harris explained again that this is in the hands of the D.A. and there is nothing Council can do until such time as the Council themselves are informed.

#### TARIFF SET

Councilmember Mullen moved that the Council adopt a resolution to authorize execution of an agreement with the Missouri-Kansas-Texas Railroad Company to set the tariff for the transportation of coal from Decker, Montana, to Halsted, Texas. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### PUBLIC HEARING SET

Councilmember Mullen moved that the Council set a public hearing on the South Texas Nuclear Project at 7:00 P.M., December 12, 1978, in the City Auditorium. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## NATIONAL LEAGUE OF CITIES ASSESSMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE TRANSFERRING \$7,860 FROM THE GENERAL FUND BALANCE TO THE BUDGET ACCOUNT "SPECIAL SERVICES/CITY REQUIREMENTS" AND APPROPRIATING \$7,860 FROM THE BUDGET ACCOUNT "SPECIAL SERVICES/CITY REQUIREMENTS" FOR THE PURPOSE OF PAYING THE SPECIAL BUILDING ASSESSMENT LEVIED BY THE NATIONAL LEAGUE OF CITIES; 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 Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Snell, Trevino, Mayor McClellan, Councilmember Goodman

Noes: Councilmember Mullen, Mayor Pro Tem Cooke

The Mayor announced that the ordinance had been finally passed.

## RECONSTITUTING THE ELECTRICAL BOARD

Councilmember Trevino moved that the Council postpone until December 7, 1978, decision on an ordinance to reconstitute the Electrical Board. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

## ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

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

LOT 1, THE SOUTH 23 FEET OF LOT 2, AND 23 FEET OF THE EAST 60 FEET OF LOT 2, BLOCK 69, ORIGINAL CITY; LOCALLY KNOWN AS EAST 6TH AND CONGRESS (LITTLEFIELD BUILDING, 104 EAST 6TH); FROM "C-2" COMMERCIAL, FOURTH HEIGHT AND AREA DISTRICT TO "C-2-H" COMMERCIAL-HISTORIC, FOURTH HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Littlefield Building, C14h-78-033)

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 Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

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

LOTS 13-16, BLOCK 31, HYDE PARK I, LOCALLY KNOWN AS 200 EAST 40TH STREET (WOODBURN HOUSE); FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Woodburn House, C14h-78-034)

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 Snell, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### CASWELL HOUSE BIDS

Council had before them a resolution to consider bids received for the sale of the Caswell House.

MR. RICHARD DOUGLAS CRAM addressed the Council on this issue. He stated that the bid price of \$503,117.35 will be paid in cash. All necessary paper work handled by Mr. Joseph Morahan, Director of Property Management Department for the City, is either complete or in the final stages. In addition to the above, he said that he personally would renovate the Caswell House to its original state, or as close as possible. Mr. Cram went on to say that his intention, after renovation is complete, is to open the Caswell House for public tours thirty days a year so that the citizens of Austin and others may tour this historic site on a donation basis, the donations to be given each year to a worthy charity or church. In addition to the above, and to Council's requirements, he would also keep the outside of the home restored, as this would be his permanent home. Mr. Cram gave to Council and City Attorney an envelope which he stated enclosed bidders bonds, city proposals, the insurance bid bond application, and the insurance bid bond itself. The Council referred these to Mr. Morahan for verification.

Further discussion was postponed till later in the day, at which time Mr. Morahan was asked to speak. He informed Council of the valid bids which had been submitted. He said that at the time the bids were open, three bids were submitted, and they were Austin Junior Forum Inc., Mr. Richard Douglas Cram, and Graeber, Simmons and Cowan. A very strict interpretation of bid requirements make Graeber, Simmons and Cowan the only ones who submitted an exact amount and the proper deposit in the proper form with the bid. The Austin Junior Forum did not initially submit the proper bid required, but did so later and before the deadline. The information which Mr. Cram furnished earlier in the day was examined and the forms submitted were not in order. Mr. Morahan added that he recommended to Council that they reject all bids, Mr. Cram's bid not being properly submitted, and the Austin Junior Forum bid and the Graeber, Simmons and Cowan bid being too low. Mr. Morahan was then asked to elaborate on the amount of money the City of Austin has expended from all sources in the purchase of this property primarily for the crosstown freeway, and the ultimate restoration of this property through all sources so Council could have that prospective before them. Mr. Morahan said that the acquisition cost of the property back in 1967 for the crosstown expressway was \$74,330. In addition to that there were City local matching funds of \$51,500. There are Housing and Community Development Block funds of \$50,000 and a total of \$101,000 has been obtained in grants from the Texas Historical Commission, which makes for a total expenditure of \$276,830. The market value of the property after restoration has been appraised at \$250,000.

Mr. Cram was called upon to speak again at which time he asked Council to grant him an extension of 15 to 30 days in which to arrange his final papers and monies. Council insisted on a good faith deposit.

#### Motion

Councilmember Goodman moved that the Council accept Mr. Cram's bid, if Mr. Cram comes up with \$503,117.35 in 10 days, if not that the Council award the bid to Austin Junior Forum.

On Councilmember Trevino's request, the motion was separated.

#### Motion

Councilmember Goodman moved that the Council accept the bid of Richard Cram if he comes up with the \$503,117.35 in cash by December 14. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Councilmembers Goodman, Himmelblau

Noes: Councilmember Snell, Mayor Pro Tem Cooke

Abstain: Councilmember Trevino



Motion

Councilmember Mullen moved that the Council, in the event that Mr. Cram does not come through with the money by December 14, 1978, award the bid to Austin Junior Forum for \$125,830, and adopt a resolution that the property be conveyed to the Austin Junior Forum. The motion was seconded by Councilmember Goodman.

Substitute Motion - Died for Lack of Second

Mayor Pro Tem Cooke moved that all bids be rejected and rebid. The motion died for lack of a second.

MRS. MARGARET KELLY, the President of the Austin Junior Forum, addressed the Council. She explained to Council the function of the 88 ladies who constitute the Forum. She stated that they are a local service organization who have tried through many endeavors to help the community. At the present they are working with the senior citizens through the Parks and Recreation Department of the City of Austin. They are also working on a program called Volunteers for Vision, Reading is Fundamental program, a pre-op tour for children at Seton Hospital, the restoration of the Paramount Theatre, and Girls Town, and for many years they were involved with the Texas Youth Ranch. She added that she appreciated very much what Council has done in retaining the Caswell House as a Historical part of the city. She went on to say that they would like, with Council's permission, to use it for the City and the citizens of Austin, and not to have it go for someone's office or home. Councilmember Himmelblau asked Mrs. Kelly if the building would be open to the public and Mrs. Kelly answered, yes, that it could be used for wedding receptions, group meetings, etc., and that it would be open for tours and also possibly for classes for gifted children.

A discussion about the zoning of the house followed, with Councilmember Mullen asking if the City could get the property back should the Austin Junior Forum ever decide they no longer want it. It was decided that the property would remain zoned "O" with a restrictive covenant on it limiting it to "A" uses.

MRS. JERRY HUNT spoke next. Mrs. Hunt is the President of the Forum's Alumni group "The Sustainers." She answered Mr. Mullen's question about the zoning and possible selling of the property by the Forum, by saying that the Texas Historical Society contributed a \$45,000 grant to the Forum for the acquisition of the property, and the property would have to be offered to the State first, in the event it was ever up for sale. After a lot more discussion by Council, this proved to be satisfactory to everyone.

Roll Call on Original Motion

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

Later, Councilmember Trevino questioned, "If we did allocate \$50,000.00 out of HCD for the renovation of Caswell House back in 1974-75, I would hope that if as Council instructed, if Mr. Cram's bid is not forthcoming and we do

sell it to this other group, than the \$50,000 should be recycled to be used under the guidelines of HCD." Councilmember Himmelblau stated, "I don't know, we had money from the operating budget that went into it and I'm more anxious to see that money come back."

Councilmember Trevino said, "I'm just wondering if we have any legal questions if we use HCD money for this and then we are able to sell, that money should come back to the City and be used for what the Federal government intended."

City Attorney Harris told Council, "I don't know if that is a requirement. I think Mr. Morahan has discussed with us some of those problems. I don't have the answer right now, but if that is a requirement, we'll find out and we will do that. We will bring back a report concerning any disposition of funds concerning the Caswell House."

#### PUBLIC HEARING POSTPONED

Councilmember Trevino moved that the Council postpone continuation of a public hearing and consider passage of an Ordinance in connection with paving assessments to be levied on Riverside Drive, until January 25, 1979, at 9:30 A.M. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

MR. RON COLEMAN, representing the merchants on Riverside Drive addressed the Council, saying that a petition had been drawn up that they would like to present to the Council, and get Council's reaction and comments on it. He read "We the undersigned merchants and residents of Riverside Drive, in an area concerned for our safety and livelihood do hereby demand a full and complete account of contract details, cost overruns, penalty clause enforcement, completion date projections, and reasons for unacceptable delays in the completion of East Riverside Drive, between I.H. 35 and Pleasant Valley Road. If the demands are not satisfactorily answered by November 30, 1978, we insist on a full investigation of the entire matter to state and applicable federal agencies." He then asked if there is actually any federal money in this project. City Manager Dan Davidson then asked Mr. John German, Director of the Public Works Department, to speak.

Mr. German said that the Riverside Drive project has no federal money in it; it is all City money or property owners' money, depending on the assessments. He went on to say that yesterday paving had begun on the south side of that roadway to provide paving between Summit and Burton, which is the main area of commercial service. The paving is to be completed today and it can be in use by tomorrow. The other half of the roadway in that same section will be paved in three weeks according to the contractor. The total project will not be finished until March of 1979.

Mr. Davidson at this time brought out the point that of course this time projection would depend greatly on weather conditions.

Mr. Coleman asked if Mr. German is the man in charge of this project to which City Manager Davidson replied, yes. Mr. Coleman then asked who is over-seeing the cost overruns, as it is his understanding that cost overruns are now at \$1,000,000. Mr. German said that to his knowledge there are no cost overruns. The Council authorized the contract for about \$1,400,000 to Austin Road Company to do this project. There was an additional authorization of \$220,000 for claims that the contractor raised about delays in getting the project started. Mr. Davidson asked if there are any so called cost overruns to be submitted as a recommended change order to this project, and Mr. German said that there is one other change order that Mr. Graves of the City of Austin Engineering Department, is working on right now in relation to drainage improvements on the east end. This is a normal change order that would come back to Council for consideration. Mr. Coleman asked if the total amount would be made public at the finish of this project, and he was assured by both Mr. Davidson and Mayor McClellan that it would be. Mr. Davidson suggested that Mr. Coleman and Mr. German go into a conference room together and go over all the information that Mr. German has and answer all questions Mr. Coleman had.

MR. GARRET GOLDWATER, one of the owners of Rivertown Mall on East Riverside Drive, asked that Council investigate the matters of the delays, mainly because he has spoken with Mr. German and the contractors in the past and there seems to be some discrepancies in terms of why the delays happen, the kind of costs that were incurred and the validity of those costs. The contractor says that the delays are the fault of the City and the City maintains that it is the contractor's fault. The City Manager invited Mr. Garret to visit with him or staff for any questions at any time and assured him that Council had nothing to hide.

#### COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. for the purpose of receiving a status report and inviting public comment on the City's Community Development Block Grant Program.

Mr. Monty Goff, Supervisor of Planning, Human Resources Department, gave the following report:

"Good morning, Mayor, members of the Council and those of you who have come to participate in this public hearing. This public hearing is being conducted to advise you of past accomplishments in Austin's Housing and Community Development program, and to hear your comments regarding past performance. However, for the benefit of those of you who are not totally familiar with the Community Development Program in Austin, it is a relatively new program, legislated in 1974, and which has made available to Austin \$23,000,000 in the past 3 years, and we just recently received an additional \$6,000,000. These funds have been available to do projects in low and moderate income areas, including such things as streets and sidewalks, drainage system, park facilities, health services and housing assistance, just to name a few of the major categories.

"These past funded projects are the subject of this public hearing. On March 1, 1978, the department of Housing and Urban Development issued revised regulations governing our program. One of the new changes in this program

required that recipients hold at least one public hearing, 30 to 60 days prior to the beginning of our next year's planning process. The City Council set such a public hearing for this morning. In preparation for this hearing, City staff undertook the preparation of several aids to assist citizens, the Council and City staff in understanding the accomplishments of the program. Published and distributed during the past few days was a report entitled, 'The Community Development Block Grant Program report on progress and performance.' Also for your convenience a slide program has been prepared which will provide an overview of the program. You will see the slide program in just a moment.

"In preparation for this public hearing, in early October, City staff began reviewing the status of all projects programmed in low and moderate income areas. In doing so we hope to provide neighborhoods with sufficient information to be knowledgeable about the status of their projects and in a position to indicate their concerns here today.

"The practice of beginning the new program year's planning with a review of past performance is not new to Austin. In the process of preparing the Second and subsequent years applications, preceding years' activity has always been reviewed. Today's public hearing will be recorded, summaries will be included in the City's annual grantee performance report, the special report we have to prepare for the Federal government,...it will be included as well in our next 1979-80 Community Development Block Grant application to HUD.

"To summarize some of the major accomplishments of the program briefly... as I mentioned before Austin has received 4 years' worth of funding, totaling \$29.3 million. 41% of these funds have been directed to Housing Services; 29% to Health and Social Services; 32% to Neighborhood Physical Improvements; and 9% to other program areas, such as Minority Economic Development, Historic Preservation, Administration, Planning and Management. Of the \$7,976,000 received for each of the first and second years of the program, 92% and 59% respectively, has been spent. Of the \$7,338,000 received in the 3rd year, 26% has been utilized thus far. As I mentioned earlier, \$6,039,000 received for the 4th year has only recently been made available to Austin, and little performance can really be demonstrated at this time. Major projects have been funded with these funds, and are having a concentrated impact, and these major projects seem to be the place where a majority of the funds are being targeted in order to complete some programs. Some of these are the Model Cities Program that was begun many years back; completion of the paving and sidewalks and continuation of the delivery of health services in that area. This principally impacts the East 1st and Montopolis Neighborhood areas.

"Clarksville has begun and in perhaps 1980, complete redevelopment will be completed there; and with this funding we have also undertaken and are near completion of the urban renewal project in the Blackshear, Glen Oaks, and Brackenridge areas.

"As I mentioned before, we have a slide program, that is about 9 minutes long. I would like for you to view that now, and then we would like to invite any comments you may have after that."

MR. WOODROW SLEDGE, speaking as a private citizen, appeared before Council and said that everyone appreciates the many good things of life, but that money for the Community Development Block Program comes from the Federal government and this causes rubber check deficit financing. He told Council and members of the

Council Chamber audience that they all share in the responsibility for the horrendous inflation of our land. Inflation, he said, starts in Washington, D. C., "and you continue it."

Mayor Pro Tem Cooke stated that the job incentive needs to be upgraded for the people.

Councilmember Trevino moved that the Council close the public hearing. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

### ZONING HEARINGS

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

CLYDE TROUTMAN & 9606-9623 North I.H.  
FOREST TROUTMAN 35  
By Chris Crow  
C14-78-174

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

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ALLIED DEVELOPMENT 13780 U.S. Highway 183  
COMPANY 10300 Lakecreek  
By Thomas Cummins Parkway  
C14-78-180

From "GR" General Retail  
1st Height and Area  
To "GR" General Retail  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

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LEON & BARBARA  
SCHMIDT FAMILY  
TRUST, SCHMIDT &  
SIMON CHILDREN'S  
TRUST & LEON A.  
SCHMIDT CHILDREN'S  
TRUST C14-78-181

Great Hills Trail and  
Old and New Highway 183

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

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DR. AND MRS. JOHN  
C. BUCKLEY  
C14-78-184

1502 West Avenue, also  
bounded on the south by  
15th Street and on the  
East by West Avenue

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover. (See 14h-77-041 - next)

DR. AND MRS. JOHN  
C. BUCKLEY  
C14h-77-041

1502 West Avenue, also  
bounded on the south by  
West 15th Street and on  
the East by West Avenue

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

Councilmember Trevino moved that the Council accept the finding of fact on a, b, c, f, h, i, k, l, m, and grant "O-H" Office-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

Mayor McClellan commented that the Buckley's request for "H" zoning in order to preserve and protect the house is greatly appreciated.

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CITY OF AUSTIN  
By Property  
Management  
Department  
C14-78-185

808 Koenig Lane

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

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P. M. BRYANT  
By Charles Betts  
C14-78-186

11693 Research Boulevard

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

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JAMES D. WOOD  
C14-78-187

12687 Research Boulevard

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

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CITY OF AUSTIN  
By Austin-Travis  
County Health  
Department  
C14-78-196

203-217 Comal  
1601-1611 East 3rd  
Street

From "B" Residence and "C"  
Commercial  
2nd Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell



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

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THE HANSEN TRUST  
By Donald Moes  
C14-78-195

12138-12148 North  
Interregional Highway 35

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

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

Mayor McClellan introduced the following ordinance as an emergency measure:

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

A 0.63 ACRE TRACT OF LAND, LOCALLY KNOWN AS 12138-12148 NORTH INTERREGIONAL HIGHWAY 35; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (The Hansen Trust, C14-78-195)

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 Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

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JOHN BUSHMAN  
By Donald Bird  
C14-78-183

6000 East Ben White  
Boulevard

From Interim "A" Residence  
1st Height and Area  
To "DL" Light Industrial  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission "DL" Light Industrial,  
2nd Height and Area, save and except for  
a 100 foot perimeter of subject tract to  
be zoned "DL" Light Industrial, 1st Height  
and Area District, and subject to a  
restrictive covenant that a Planned  
Development Area be filed when "DL" uses  
are sought for the property and until that  
time only "C" Commercial uses be allowed.

Councilmember Goodman moved that the Council grant "DL" Light Industrial, 2nd Height and Area, as recommended by the Planning Commission, save and except for a 100-foot perimeter of subject tract to be zoned "DL" Light Industrial, 1st Height and Area District, and subject to a restrictive covenant that a Planned Development Area be filed when "DL" uses are sought for the property and until that time only "C" Commercial uses be allowed. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "DL" Light Industrial, 2nd Height and Area District, save and except for a 100-foot perimeter of subject tract to be zoned "DL" Light Industrial, 1st Height and Area District, and subject to a restrictive covenant that a Planned Development Area be filed when "DL" uses are sought for the property and until that time only "C" Commercial uses be allowed; and the City Attorney was instructed to draw the necessary ordinance to cover.

MR. AND MRS. H. B.  
SIMONS, FERNANDO A.  
CANTU, JR., GEORGIA  
B. LUCAS ET AL  
By Jack T. Hill  
C14-78-193

806, 810, 813, 815 and  
817 Ken Street  
10012 and 10100 North  
Lamar

From Interim "AA" Residence  
and "A" Residence  
1st Height and Area  
To "GR" General Retail, "C"  
Commercial, "O" Office and  
"A" Residence  
1st Height and Area

RECOMMENDED by the Planning  
Commission "GR" General Retail, 1st Height  
and Area on Tracts 1 and 2; "O", 1st Height  
and Area on Tracts 4 and 3; "A" 1st Height  
and Area on Tract 5; and "C" Commercial,  
1st Height and Area on Tract 6 including  
up to 14 feet of right-of-way for Ken  
Street.

Councilmember Goodman moved that the Council grant as recommended by the Planning Commission, "GR" General Retail, 1st Height and Area District on Tracts 1 and 2; "O" Office, 1st Height and Area District on Tracts 4 and 3; "A" Residence, 1st Height and Area District on Tract 5; and "C" Commercial, 1st Height and Area District on Tract 6, including up to 14 feet of right-of-way for Ken Street. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tracts 1 and 2; "O" Office, 1st Height and Area District on Tracts 4 and 3; "A" Residence, 1st Height and Area District on Tract 5; and "C" Commercial, 1st Height and Area District on Tract 6, including up to 14 feet of right-of-way for Ken Street; and the City Attorney was instructed to draw the necessary ordinance to cover.

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HILL'S CAFE OF  
AUSTIN, INC.  
By Jim Woodmansee  
C14-78-198

5604 South Congress  
Avenue

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission "C" Commercial, 1st  
Height and Area, subject to  
the inclusion of a "NO RIGHT  
TURN" sign at access to Sandra  
Street.

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

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

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

## PUBLIC HEARING ON PROPOSED TRINITY STREET BRIDGE

Mayor McClellan opened the public hearing, scheduled for 10:00 a.m., to consider changing the Austin Development Plan of 1961, as amended, to eliminate the Trinity Street Bridge. This was requested to be heard in conjunction with zoning case C14-78-189.

Mr. Richard Lillie, Director of Planning, told Council that a comprehensive plan developed by a consultant in the late 1950's resulted in a recommendation to the City Council in 1961 on a major street plan. Part of that plan included bridges across Town Lake that would connect Lavaca-Guadalupe on the west downtown area across the lake, which is now the 1st Street Bridge, and a second bridge which would connect Trinity and San Jacinto on the east side of the downtown area, to the south shore. That bridge has remained in the comprehensive plan and was reaffirmed by Council in 1969 as a necessary part of the major street system. Since then the bridge has not been included in any Capital Improvements Program; it is not part of any state or federal system, and at this point it is still a local project. During that period of time the City has received requests to use property on the south shore in which the bridge and right-of-way were required to be retained because the plan was still to build the bridge. We felt at this time, because we have another major project for that tract, and because the preliminary plan for the new expressway major arterial street does not include the bridge, and that the state is upgrading the IH 35 bridges and the City is upgrading, with the State, the Congress Avenue Bridge, that the need becomes less and less for the Trinity Street structure. So, we asked the Planning Commission if they would review the need and to make a recommendation to Council on the retention of the bridge in the expressway--major arterial plan. Our recommendation to them along with the Urban Transportation Department, was that the bridge be deleted from the plan and that is the Commission's recommendation.

Motion

Councilmember Trevino moved that the Council eliminate the Trinity Street Bridge from the Austin Development Plan of 1961.

Councilmember Himmelblau asked, "Didn't this come up in 1974 when the hotel was planned so it was the assumption at that time that the bridge would be deleted but it was never acted upon. Mr. Lillie told her that is correct. He said that the project which will be discussed under zoning today does not have any structures in the area that might be reserved for the right-of-way. There are parking applications for that area, but no structures. Councilmember Trevino said he thought that in 1975 the Council had somehow indicated the bridge should be deleted. Mr. Lillie answered that they wanted to make sure there was no conflict so it was brought to Council today to resolve it in conjunction with Zoning Case C14-78-189. (Hearing on this case follows.)

JIM EICHELBERGER appeared before Council and said he does not agree with the proposal to delete the Trinity Street Bridge. He felt that traffic congestion must be relieved with another bridge and it will also aid in the revitalization of the inner City. He asked Council to please reconsider the abandonment of bridge plans.

Mayor Pro Tem Cooke asked Mr. Ternus to clarify this. Mr. Ternus, Director of Urban Transportation, said there have been some changes since the plans for the bridge were suggested; it was originally designed to be part of a cross-town expressway. Now, the Congress Avenue Bridge will add a fifth lane when it is rebuilt and there will be two frontage road bridges along I.H. 35 which will double the capacity of that bridge. Mr. Ternus also pointed out that the building of Trinity Street Bridge will destroy part of the Travis Heights neighborhood.

M. H. CROCKETT appeared before Council and said he concurs that the bridge is not needed and that the traffic that would go across the bridge would go nowhere.

MS. MARY WALKER, representing the Senior Citizens of Lakeside Apartments, told Council that they are protesting the bridge. The traffic, noise and congestion would disturb the residents of the Lakeside Apartments and said she wants it on record that they do not want the bridge.

Motion Seconded and Roll Call

Councilmember Goodman seconded Councilmember Trevino's motion, and roll call showed the following vote:

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

ZONING HEARINGS CONTINUED

ALLIED BANK OF  
TEXAS  
By John Byram  
C14-78-189  
(See above about  
Trinity Street  
Bridge)

Colorado River and  
Miller Street

From "L" Lake and "D"  
Industrial, 2nd Height and  
Area

To "C" Commercial  
2nd Height and Area

RECOMMENDED by the Planning  
Commission "C" Commercial, 2nd Height and  
Area, noting that the Planning Commission  
has approved the basic site plan, and  
applicant has volunteered to submit a  
landscape plan for comment by the Planning  
Commission; subject to the plan and large  
building being limited to three stories,  
the office structure to be a maximum of  
2nd Height and Area and the entire project  
to be set back along Town Lake at a  
minimum of 50 feet.

Mr. Lillie, Director of Planning, reviewed the application and stated that the American-Statesman wants to build new facilities at this site. He said that the applicant is present in the Council Chamber with a site plan and that the Planning Commission is in favor of the plan. Councilmember Himmelblau questioned under the recommendations, "submit a landscape plan for comment." She wondered what it meant. Mr. Lillie told her that this means there is no language within the ordinance that requires the approval of a landscape plan. He said that they do have a site plan which has been volunteered and the applicant has agreed to bring a site plan back to the Planning Commission and the Parks and Recreation Board and Environmental Board, to take a look at that site plan prior to their initiation of the building.

MR. WILL GARWOOD, representing the applicant, appeared before Council and requested that Council pass the ordinance through two readings, and then pass it on third reading next week, when the property has been closed. He showed Council the site plan for the American-Statesman offices and facilities and said they will file the plan with restrictions which have been worked out with the City Attorney's office. He said that the landscape plan will be submitted to the Planning Commission for their comment, not their approval or disapproval, but their views will be taken into good faith account. He asked Council's permission to include the three points of a restrictive covenant as granted. (See below.) Mr. Garwood pointed out that the neighborhood associations are not against the covenants.

MR. SAM PERRY appeared before Council. He said he represents Mr. John Byram who is one of the 6 families involved in the transaction, and that a one-acre tract will be used as a park.

Mr. Crockett appeared before Council and said he supports the zoning request.

Mr. Garwood returned to state that the applicant will also dedicate a hike and bike trail on the property, to the City, at applicant's cost.

JEAN MATHER, neighborhood association representative, told Council that they are agreeable to the proposed zoning and site plans.

BARBARA CILLEY told Council that she appreciates the efforts of the paper in the their planning, and that she is in favor of the zoning.

Mayor McClellan commented that it makes the Council's job easier when the neighborhood and the applicant get together before they come before Council, and reach an agreement.

Councilmember Mullen moved that the Council grant "C" Commercial, 2nd Height and Area District, as requested by the applicant, with a restrictive covenant (1) two story building can, in the future, be expanded to three stories without returning to Council with a site plan, (2) office building will have foundation for five stories, three will be built immediately, but will not have to return to Council for permission to add two more, (3) paper warehouse may be slightly expanded to the west if necessary at a future date without returning for Council permission with a revised site plan. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

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

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

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

TRACT 1: A 13.084 ACRE TRACT OF LAND, FROM "L" LAKE DISTRICT, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND,  
TRACT 2: A 0.896 ACRE TRACT OF LAND, FROM "D" INDUSTRIAL, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS COLORADO RIVER AND MILLER STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Allied Bank of Texas, C14-78-189)

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

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

Noes: None

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

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

Noes: None

The Mayor announced that the ordinance had been passed through first and second readings only.

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JOHN GARY JOHNSON  
By Gary F. Brown  
C14-78-201

13548-13552 U.S. 183

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission "GR" General Retail,  
1st Height and Area save and  
except for a 10-foot strip on  
the westernmost boundary to be  
zoned "A" Residence, 1st  
Height and Area

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

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

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

BILL MILBURN, INC.  
By John S. Avery  
C14-78-191

2619-2633 Western Trails  
Boulevard  
4612-4618 Sagebrush

From "BB" Residence  
1st Height and Area  
To "O" Office  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission "O" Office, 1st Height and  
Area save and except for a 15-foot strip  
of "A" Residence, 1st Height and Area  
on the southernmost boundary and a  
density limitation of 15 units to the  
acre.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, save and except for a 15-foot strip of "A" Residence, 1st Height and Area on the southernmost boundary and a density limitation of 15 units to the acre, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino



The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, save and except for a 15-foot strip of "A" Residence, 1st Height and Area District on the southernmost boundary and a density limitation of 15 units to the acre, and the City Attorney was instructed to draw the necessary ordinance to cover.

MRS. EARNEST PRUETT  
By Martin Gonzalez  
C14-78-192

10101-10129 North IH 35  
10100-10114 East 3rd  
Street

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area

RECOMMENDED by the Planning  
Commission "C" Commercial, save and except  
for 120 feet of "O" Office at the north-  
easternmost boundary of subject tract  
up to the southern boundary of the "A"  
Residence lots on the east side of Middle  
Fiskville Road and 10 feet of right-of-way  
along Middle Fiskville Road

Mr. Lillie reviewed the application for Council. MARTIN GONZALEZ, representing the applicant, appeared and stated they felt the Planning Commission's recommendation was influenced by the zoning across the street from the site. He asked instead that Council grant 35 feet of "O" Office on Middle Fiskville Road for 178 feet in line with "A" Residence across the street, plus landscaping and a privacy fence. Councilmember Himmelblau asked what type of landscaping would be used. Mr. Gonzalez said that he did not have a plan to submit to Council but that the prospective property buyer is in the landscape business and he is certain that the landscaping will be kept as an advertisement for his work. MS. DOROTHY RICHTER, 3901 Avenue G, asked why no one from the neighborhood was present to defend themselves. Mr. Lillie, Mayor McClellan, Mayor Pro Tem Cooke and Councilmember Mullen all informed her that everyone concerned had been notified and they did not choose to attend either the Planning Commission meeting or today's hearing.

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District as requested by the applicant, with 35 feet of "O" Office on Middle Fiskville Road for 178 feet in line with "A" Residence across the street, plus landscaping and privacy fence. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, with 35 feet of "O" Office on Middle Fiskville Road for 178 feet in line with "A" Residence across the street, plus landscaping and privacy fence, and the City Attorney was instructed to draw the necessary ordinance to cover.

U.S. 183 AREA STUDY  
By City of Austin  
C14-78-062

11700, 11722-11906,  
11719-11801, 11901,  
11903, 12007-12201 and  
12104-12200 Bell Avenue  
12100-12202 and 12101-  
12203 Conrad Road  
12100-12106 & 12101-12109  
Tweed Court  
5900-5906 & 5901-5905  
Burlington Court  
12202-12204 & 12201-12207  
Howlett Court  
5801-5913 Arabian Trail  
11800-11910 & 11801-11911  
Arabian Trail  
11800-11910 & 11801-11911  
Highland Oaks Trail  
11900-11902 & 11901-11905  
Hamrich Court  
11706-11816 & 11707-11815  
Three Oaks Trail  
6600-6606 & 6601-6607  
Three Oaks Drive  
11708-11810 & 11709-11811  
Broad Oaks Drive  
11708-11808 & 11709-11809  
Oak Knoll Drive  
6600-6606 & 6601-6607  
Wild Oak Drive  
6506-6800 Woodcrest Drive  
11713 Jollyville Road  
11714 Jollyville Road  
11763 Jollyville Road

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

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

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

Noes: None

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

MRS. JUDY WALKER appeared and asked Council to set a date for the remainder of the land as the residents in the area are being denied the right of petition until the remainder of the land is zoned. Mr. Lillie stated they could not recommend a date because the Planning Commission wants the Planning Department to do a market study, and they cannot do this at this time.

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FORISTER-SCUDDER  
By Trigg Forister  
C814-78-007

Pinehurst Drive

From outside city, no zoning  
To a residential Planned Unit  
Development consisting of 38  
zero lot line lots called  
"LEGENDS LANE AT ONION CREEK"  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant a Planned Unit Development, consisting of 38 zero lot line lots, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

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

810 East 13th Street

From "B" Residence  
2nd Height and Area  
To "B-H" Residence-Historic  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Goodman moved that the Council accept the finding of fact a, c, f, h, i, k, l, m, and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

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

PAGE-GILBERT  
HOUSE  
By Dorothy Richter  
C14h-78-040

3913 Avenue G

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

Councilmember Goodman moved that the Council accept the finding of fact a, d, f, h, i, k, l, m and grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

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

M. M. SHIPE HOME                      3816 Avenue G  
By Robert E. Hill  
C14h-78-043

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

Councilmember Goodman moved that the Council accept the finding of fact a, c, e, f, g, h, i, k, l, m and grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Noes: None

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

#### ZONING HEARINGS POSTPONED

GEORGE W. ALLEN  
By Jeryl Hart  
C14-78-197

5800 Block of Balcones  
Drive

From Interim "A" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area (Tract 2)  
"O" Office  
1st Height and Area (Tract 1)  
Not Recommended

RECOMMENDED by the Planning  
Commission "O" Office, 1st Height and Area to a depth of  
200 feet with a 25-foot strip of "A" Residence buffer on  
the northern and western boundary of Tract 1, the balance  
of Tract 1 be included in Tract 2, and that Tract 2 be  
zoned "AA" Residence, 1st Height and Area

Councilmember Goodman moved that the Council postpone the zoning hearing until January 4, 1979, at 10:00 a.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning hearing had been POSTPONED.

CRAIG A.  
WASHINGTON  
By Geneva Johnson  
C14-78-182

713 Carolyn, also  
bounded by Woodrow  
Street

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

Mr. Lillie gave a brief presentation of the application. He said that there is a valid petition on file from 64% of the residents. MR. CRAIG WASHINGTON appeared and said he does not understand Austin zoning procedures and said it probably would be best for him to withdraw his request. The property in question has a duplex on it and a garage apartment which has been torn down. He wants to rebuild it for his residence when he is in Austin on legislative matters. He said he does not want a zoning change but spot variance; and that he does not want to encroach on the aesthetic quality of the neighborhood. There was some discussion among Council as to whether Mr. Washington could get a variance and it was concluded that there is no way he can get what he wants without "B" zoning.

#### Motion

Councilmember Goodman moved that the Council allow the applicant to withdraw and the Legal Department check for any other possibilities exclusive of "B" Residence zoning to allow this use to be sure Council is giving him correct and accurate information. Councilmember Snell seconded the motion.

Mr. Meinrath, Assistant City Attorney, respectfully requested that the motion be to postpone, because withdrawal would mean the zoning case could not come back to Council for 12 months.

#### Motion Withdrawn

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

#### Motion

Councilmember Goodman moved that the Council postpone this zoning case for 60 days, until January 25, 1978, at 10:00 a.m. The motion was seconded by Councilmember Snell.

MS. DOROTHY RICHTER appeared to say Mr. Washington has presented a problem that they are going to face in many neighborhoods. She said that what he is proposing is reasonable, but under the present ordinances it is not allowable. For some time, she continued, she has advocated that there be some zoning from "A" Residence to "BB" Residence that would allow for triplexes or fourplexes...something that would be low density, but not open the neighborhood to a high density use. She said she wondered if the Legal Department could look into this.

Mayor Pro Tem Cooke asked Mr. Lillie, "In some discussion Council has conveyed to the Planning Department and Planning Commission about, in the whole zoning concept of mixed use zoning from the point of view of the property and also of height where one level may have commercial and another level may have residential. It was my impression that the Planning Department was examining that as it deals with the whole central city effort. Could you speak to that and how this may provide some relief for Mr. Washington's concerns and what may become more apparent in more neighborhoods."

Mr. Lillie stated, "If we can keep the central city zoned residentially and not convert it to "BB" apartments or "B" apartments, or "O" office or something more permissive, we will stand a better chance of preserving the neighborhood than we did through a whole series of zoning applications which were approved in Hyde Park back in the 60's. We have a number of areas in the center city that did have garage apartments built and with the passage of the zoning ordinance made a third unit in a non-conforming use and the inability to build a garage apartment without getting apartment zoning. It is something we will look into in a new zoning ordinance. We need to provide you with some alternatives that will allow some of these small changes to take place without changing the character of the neighborhood."

MR. LARRY SCHAFF, 717 Harris Avenue, thanked Mr. Washington, on behalf of the neighborhood, for withdrawing the zoning change. This has been a major concern of the neighborhood because they want to keep the area residential. He said that most of the neighbors will not support the idea of building a third unit.

#### Roll Call on Motion

Roll call on Councilmember Goodman's motion, Councilmember Snell's second to postpone the zoning hearing until January 25, 1978, at 10:00 a.m., showed the following vote:

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

The Mayor announced that the case had been POSTPONED.

## ZONING HEARING CONTINUED

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

1208-1216 East Live Oak

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

Mr. Lillie told Council that there is a valid petition to deny the zoning request.

Motion to Deny

Councilmember Goodman moved that the Council deny the zoning request. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

MS. BARBARA SCILLY appeared before Council to express approval of the denial.

Later in the day, MR. LES PROCTOR, representing the applicant, appeared before Council and said the action had been taken during the noon hour when he was not in attendance in the Chamber. He had been there all morning and someone had told him that Council would adjourn during the noon hour so he left. He asked Council to reconsider their decision so that he could ask for a postponement or that he can withdraw the case.

Motion to Reconsider

Councilmember Goodman moved that the Council reconsider Zoning Case C14-78-169. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Motion

Councilmember Goodman moved that the Council continue the public hearing on Zoning Case C14-78-169 until December 7, 1978. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

## ZONING SENT BACK TO PLANNING COMMISSION

HURT HOUSE  
By City of Austin  
C14h-78-039

2210 San Gabriel

From "B" Residence  
2nd Height and Area  
To "B-H" Residence-Historic  
2nd Height and Area  
NOT Recommended by the  
Planning Commission

Mayor McClellan stated that this has not been recommended by the Planning Commission because there was a 3-3 tie vote and no finding of fact forwarded to the City Council.

Motion

Councilmember Goodman moved that the Council deny the zoning request.

Councilmember Himmelblau said she wanted to send this back to the Planning Commission as she is tired of tie votes..this is the second time in two months. Mr. Lillie said that there is finding of fact from the Landmark Commission, so he said Council has the choice of accepting the Landmark Commission's finding, or to refer it back to the Planning Commission and ask them for finding of fact.

ROXANNE WILLIAMSON, the applicant, appeared before Council and said she refused to waive the finding of fact. She feels the case is essential to the understanding of the Historic Zoning Ordinance and that the Planning Commission needs to provide Council with finding of fact.

MR. CLARKE HEIDRICK, representing the owner, DR. WILLIAM GAMEL, who opposes the zoning request and does not want this to go back to the Planning Commission because he has already been through three hearings and he does not want to have to go through two more. If necessary, he said, they are willing to waive the finding of fact.

Motion Restated

Councilmember Goodman restated his motion to uphold the Planning Commission vote, which was not recommended. Councilmember Snell seconded the motion.

Councilmember Goodman said he did not think it would serve any purpose to send it back to the Planning Commission. He said he recognizes the issue involved and is taking into account the personal element that will be asked of Dr. Gamel in this case. "This is not the time to prove our point," he continued. "If we have a problem with our Planning Commission not making a full and proper recommendation to us then we need to handle that in some other form of communication and not make Dr. Gamel sit through 10 to 20 hours of meetings." Councilmember Mullen said he has a distaste for people wanting to walk in and zone "H" Historic other people's property over the owner's objection. Mayor Pro Tem Cooke said the more difficult cases they deal with, the more the Council is realizing the Historic zoning ordinance should be reviewed. The strength of the criteria and its flexibility, and also dealing with the fact that the owners' desires in historic zoning should be considered, are two factors that should be dealt with.



Councilmember Himmelblau said, "I don't consider Dr. Williamson just anybody, she helped draft the ordinance and has served on the Landmark Commission and I want that read into the records."

Councilmember Mullen replied, "I don't care who it is. If it's not an owner, it's still just anybody in off the street. If anybody can do it, is my point, not speaking to this lady in particular. I'm saying that anybody can walk in, we've seen it happen four times in the last five months."

Dr. Williamson returned to the podium and reviewed her qualifications by stating that she is an architectural historian and an assistant professor at the School of Architecture, University of Texas. She said she was a member of the Ad Hoc committee to draw up the historic zoning ordinance and was a member of the Planning Commission for several years. She said that the Hurt House qualifies within the ordinance through finding of fact a, c, f, g, k, l, and m. When she found out last summer that the owner also owns the adjacent property and was negotiating to add a third piece of property to this package and was willing to pay proportionately more for the small house than he had for either of the houses that he already owns..she said she has absolutely no proof that Dr. Gamel has any intention of demolition; however, suddenly Hurt House no longer seemed so secure to her and therefore, she asked to have it considered for "H" zoning. She then outlined why Dr. Gamel feels that his rights as a property owner have been challenged.

Clarke Heidrick returned to state that Dr. Gamel is a medical doctor, a member of the National Trust for Historic Preservation and is a member of the Austin Heritage Society. He said that Dr. Gamel bought the property in 1975 and has since then completely renovated it with a new roof, repainting and refinishing the outside of the property and redoing the inside of the property. He pointed out that there is no indication that Dr. Gamel intends to demolish the property. He stated in the fall this house was submitted for consideration of "H" zoning, without the owner's knowledge and without his being notified. He noted 50% of the people in the neighborhood opposed the zoning. He felt the landowner had been abused. The Mayor commented that she believes the house meets the historic criteria.

Dr. Gamel appeared before Council and stated that he does not have a plan to buy up property in the area and demolish it. He said he bought two pieces of property at the same time and does not intend to demolish them, but has fixed up both houses. Dr. Gamel said he feels very strongly about property rights, thinks the action to zone his property "H" Historic is confiscatory and resents the innuendos of what he intends to do with his property.

#### Motion Withdrawn

Councilmember Goodman withdrew his motion, and Councilmember Snell withdrew his second.

Mr. Lillie told Council, "Our purpose in reviewing structures that come to our attention from the Commission or from owners is to try and research the property and try to review the research against the criteria that's in the ordinance. Our submission to the Landmark Commission dealt with our judgement as to how our research met the ordinance requirements. The Landmark Commission

then takes our research and makes its own decision about which criteria it meets." The Mayor asked what the research showed on this property. Ms. Betty Baker, a member of the Planning Department, stated, "The staff determined that this structure met items a, c, d, f, h, k, l, m. The Landmark Commission did not include a. as the criteria being met. However, on the finding of fact in which there was a tie vote by the Planning Commission, a. was added. The difference is the inclusion of g. by Mrs. Williamson."

Councilmember Himmelblau said she thought Dr. Gamel has good faith and wondered if his property could be handled the same way the American Legion House was, which Mr. Meinrath clarified that they must notify the City Council 120 days before their structure is sold or demolished.

Mayor Pro Tem Cooke said the reason today's case is before Council is because the applicant feels the property is going to be destroyed. He said he does not feel that is Dr. Gamel's intent.

#### Motion - Died for Lack of Second

Mayor Pro Tem Cooke moved that the Council ask the property owner to notify the City 120 days before planning to sell or demolish the property at 2210 San Gabriel. There was no second.

Mr. Heidrick told Council his client is not in favor of this because he feels the covenant might inhibit any future sale of the property. There was some discussion among Council concerning the motion.

BETTY PHILLIPS, Save the University Neighborhood Association, appeared and said that the neighborhood is interested in the zoning, but assumed this would be sent back to the Planning Commission.

Dr. Williamson returned to say that as the applicant "I was misled in the belief that my request for a finding of fact would be honored by the City Council and therefore, I had told a number of people who had been calling me, including Mrs. Phillips, that the Council would be honoring my request to send this back to the Planning Commission. ...This is why you have no people here supporting the "H" zoning today."

Mr. Heidrick returned to say that they had been told they could waive findings of fact by the City Attorney's office.

#### Motion

Councilmember Cooke moved that the Council send Zoning Case C14h-78-039 back to the Planning Commission for a definitive ruling with finding of fact. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

At the time of Roll Call the following statements were made:

Councilmember Himmelblau: "I'm going to vote yes, but if anything like this comes up again, I think it is the courtesy of our staff or the applicant to notify the owner and not let him be notified in the manner that Dr. Gamel was notified. That's the one problem I have with this case, but my vote is yes."

Councilmember Mullen: "Can we make sure the Planning Commission understands why they are receiving this back? Make sure the Planning Commission understands that it's not to try to get any votes changed, but it is specifically and exactly what this is for. I think sometimes...one case I remember, the case went back and four or five votes were changed completely and I think the Commission felt like we did not like what they did the first time so they changed it." Mayor McClellan concurred, "We're not sending it back for persuasion." Mayor Pro Tem Cooke said, "I think what we're hoping for is that more members will be present and we'll get a definitive decision and a finding of fact, if there is one."

#### ZONING DENIED

JOE LUNDELL &  
DON DEARING  
By Forest Cooke  
C14-78-160

7202 Bennett

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning case had been denied.

#### RECESS

The meeting of the Council was recessed at 1:10 p.m. and resumed at 2:55 p.m.

## POLLING PLACES

Mayor Pro Tem Cooke moved that the Council grant the request of MS. DORIS SHROPSHIRE, County Clerk, requesting permission to use the following City facilities as polling places for a Bond Election, Saturday, December 9, 1978:

Doris Miller Auditorium, 2300 Rosewood  
City Communications Building, 2610 Robinson (renamed Youngquist Drive)  
Ullrich Water Treatment Plant, 1000 Forestview Drive  
Austin Recreation Center, 1213 Shoal Creek Boulevard  
City of Austin Fire Station, 506 W. Martin Luther King, Jr., Blvd.  
City of Austin Fire Station, 100 East 43rd Street  
Pan American Recreation Center, 2100 East 3rd Street

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

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

Noes: None

## PHARMACEUTICAL GOODS FOR INDIGENT CITIZENS

MR. CLYDE McQUEEN and MR. BERTRAND ADAMS, representing Austin Cen-Tex Chapter National Business League appeared before Council to discuss initial staff recommendation of the City Health Department concerning the award of City contract to dispense pharmaceutical goods to indigent citizens. Mr. McQueen made the following statement: "After carefully evaluating, talking to, and communicating with the bidders for the contract to dispense pharmaceuticals to indigent citizens under the Medical Assistance Program, as well as to the citizens of the East Austin and Southeast Austin communities, it is our position that we cannot accept the present recommendations of the City staff in selecting Tarrytown Pharmacies, Inc., to be the contractor for this project, Proposal No. 9-0019-DH. Instead, we of the National Business League request this contract be awarded to Professional Services, Inc., a conglomerate formed by Mr. O. C. Houston, Mr. Lee Mendez, Mr. Alan Wheelis, and Mr. Jose Gutierrez. This position has been taken because of the utilization of criteria which are procedurally suspect, as well as being incompatible economically and sociologically with the needs of the east and southeast Austin communities."

Mr. McQueen went on to say that they take exception to staff, based on their positive evaluations awarded to Tarrytown on their proposed location, quality control and safety aspects of their proposals as compared with the proposed provision detailed by Professional Services, Inc. He said that Tarrytown does not have a site ready, but proposed to operate in an abandoned washateria which is not close to being operational. Mr. McQueen went on to say that delivery service is not available through Tarrytown Pharmacy but it is through Professional Services, Inc. Also, Professional Services has four locations in operation at this time, which are strategically located. "We cannot understand," he said, "how the City staff could make recommendations which urge an action that subsidizes majority businesses to compete with existing minority businesses in their immediate location, utilizing federal funds which have been mandated nationally to try to incorporate more minority business participation."

Mr. McQueen concluded his remarks by stating, "It is not our intent to request that Professional Services, Inc., be awarded this contract, because they are multi-ethnic, but because after questions, public hearings, and careful study, they surface a group that can best service the community and simultaneously have a positive economic impact."

Mr. Adams told Council that as President of the National Business League, he subscribes to free enterprise and the parameters should be fair and equitable.

#### CITIZEN COMMUNICATION

T. PAUL ROBBINS requested to appear before Council and the Mayor granted his request. He was not listed on the agenda under Citizen Communications. He discussed the water crisis in Texas as related to electrical needs.

#### PARADE PERMIT

Councilmember Mullen moved that the Council grant the request for a Parade Permit for Baile Folklorico de Atzlan for Sunday, December 3, 1978, beginning from Juarez-Lincoln Building (East First and IH 35) to the Municipal Auditorium. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

#### CENTRAL BUSINESS DISTRICT PARKING ORDINANCE

The Mayor opened the public hearing scheduled for 2:00 p.m. to consider amendment to Central Business District Parking Ordinance and passage of Ordinance.

Mr. Joe Ternus said that several weeks ago when a similar item was before Council, they had asked the Planning Commission to look at the possible expansion of the area, and extension of the percentage exemption. The Planning Commission did review this and their recommendation is that the boundary be extended to pick up the area between 13th and 14th east of Lavaca and that the parking percent exemption shall not be extended. Mr. Ternus said that staff recommends this for Council consideration.

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-30 OF CHAPTER 45 OF THE AUSTIN CITY CODE AND ORDINANCE NO. 781005-E, ESTABLISHING FOUR (4) AREAS WITHIN THE CITY WHICH WILL BE PARTIALLY EXEMPT FROM THE OFF-STREET PARKING REQUIREMENTS AND IN WHICH REMAINING OFF-STREET PARKING REQUIREMENTS MAY BE SATISFIED BY EITHER OFF-STREET SPACES OR BY CONTRIBUTION TO A SPECIAL CENTRAL BUSINESS DISTRICT PARKING FUND; EXEMPTING ALL HISTORIC ZONED SITES AND ALL BUILDINGS OF LESS THAN FOUR THOUSAND (4,000) SQUARE FEET OF GROSS FLOOR AREA FROM ALL OFF-STREET PARKING REQUIREMENTS; AUTHORIZING THE PLANNING COMMISSION TO ESTABLISH OFF-STREET PARKING STANDARDS FOR JOINT/MIXED USES, CARPOOLING/TRANSIT PASS PROGRAMS AND BICYCLE/MOTORCYCLE USES; AND REQUIRING THAT OFF-STREET PARKING SPACES BE LOCATED WITHIN EIGHT HUNDRED (800) FEET OF THE PREMISES THEY ARE TO SERVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### PUBLIC HEARING ON STREET VACATION

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. on vacating the following and passage of ordinance:

A portion of Doonesbury Drive and Carshalton Drive in Gracywoods Section 3. (Requested by Alan Abbe, Consulting Engineer.)

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF DOONESBURY DRIVE AND CARSHALTON DRIVE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

## CHRISTMAS LIGHTING

The Mayor stated that a recommendation of the Energy Conservation Commission suggested that Christmas lighting on Congress Avenue and Sixth Street should be turned off nightly at 10:00 p.m. rather than midnight. Council discussed this issue, decided the savings would be negligible, compared to the pleasure the lights bring to the citizens.

Councilmember Goodman moved that the Council not accept the recommendation of the Energy Conservation Commission and Christmas lights on Congress Avenue and Sixth Street shall remain on nightly until midnight. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

(At this point Councilmember Goodman left the Council Chamber)

## DESIGN OF MOPAC BOULEVARD

Councilmember Mullen moved that the Council adopt a resolution to approve the design of MoPac Boulevard between RM 2244 and Loop 360. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## THOROUGHbred ESTATES SUBDIVISION

Council had before it for consideration a resolution to set a public hearing on an appeal from MR. LEROY LANGE of the decision of the Planning Commission to disapprove the preliminary plan of their Thoroughbred Estates Subdivision.

Councilmember Himmelblau asked for a legal opinion. She said she thought preliminaries were the autonomous consideration of the business of the Planning Commission and was only appealable through the Courts. City Attorney Harris answered, "That's always been our opinion, Councilwoman Himmelblau. The attorney for this particular applicant has said applicant has said he still contends City Council has the authority to hear this as an appellate matter. We advised otherwise. I suppose another option is to set a time for the person to address whatever the problem is because an avenue that is open to the Council is to amend subdivision ordinance requirements so that it could be accepted by the Planning Commission in case this particular applicant points out anything you think ought to be amended. But we do not believe it's lawful for you to overturn any decision on the Planning Commission in any matter involving subdivision matters."

It was unanimously decided that the City Manager invite the representative from Nelson Puett and Associates who has made this request to appear under Citizen Communications to explain to Council. Mr. Davidson said he would follow through with this.

#### LITTLEFIELD BUILDING PARKING GARAGE

Council had before it for consideration the authorizing of Lease Agreements for downtown parking spaces:

1. City of Austin lease 501 parking spaces in the Littlefield Building Parking Garage from BWC Associates, a partnership comprised of Carl W. Burnette, John P. Watson and J. Burton Casey
2. BWC Associates sublease of 501 parking spaces in the Littlefield Building Parking Garage from the City of Austin.

Councilmember Trevino said he has no problem with the pending agreement but thinks Council should hear from the City Manager as to future and similar situations as to whether we can and will initiate some sort of set guidelines for criteria so that anyone who is interested can submit a proposal as they do with various other operations.

Mr. Davidson, City Manager, said, "That is a valid question. It is pretty obvious to anyone who does look at this proposal that it does happen to be at the critical location to serve East 6th Street, the Driskill Hotel, certain businesses fronting on Congress Avenue, as well as the renovated Littlefield Building. But a part of our economic development effort and a part of the planning that's being done by the Urban Transportation Department and the Commission will be to locate in specific detail the need for additional parking facilities, some of which may have to be provided by the City of Austin. I think that any additional proposal of this type that may be submitted to the City we would immediately measure against the public need for parking in the central section of Austin. If it would not constitute a public need for parking, we would not be able to recommend such an agreement to the Council. If the location were such that it would solve a part of the parking problems that exist now or in the future, we would come to Council and ask that the same kind of arrangement be considered with that particular applicant. The Council will recall that in the past 7-8 years we have lost in excess of 4200 off-street parking places in the downtown area. That is a critical problem because more parking spaces are going to be lost to various developments, so I think this question is perceptive and I hope this is an indication of how we would approach a similar proposal."

Councilmember Mullen asked how much at risk are the people who are starting this garage and how will we look at the risk factor for others. If they did it privately, they would have to come up with a certain percentage down and the rest financed. I'm curious as to what their risk is on this compared to the total project; and then look at other projects with the same scrutiny.

CARL BURNETTE appeared before Council and stated, "We'll have about 10% in the construction, plus the land, which is 20%."



Councilmember Mullen said he wanted written into the contract that the insurance is reviewed every five years and make sure it is still relevant to the economy.

Mayor Pro Tem Cooke said he would be excited about other potential participants in a similar type project. He said he thinks Councilmember Trevino's point is well taken for developments that are a public need. This, he said, would negate capital expenditures for the City of Austin.

Councilmember Mullen asked if the City would take the building over if they default. Mr. Harris, City Attorney, replied, "We have a lease-hold interest in the building. Someone else may assume to the structure itself. This means that possibly they could be taken out of the picture and someone else could be the new owner and the City would still have a lease-hold interest." Councilmember Mullen asked, "What if they default on the lease?" Mr. Harris replied, we would still have a lease on a parking garage we can then operate ourselves. Councilmember Mullen stated, "Then we would take the income from that point forward, and their 20% is down the drain from that point forward, so we do have something to risk here. I want it made clear that other people who come in here understand it."

Mayor Pro Tem Cooke said that this is risk-shared, and we're not assuming the risk, and neither are the citizens of Austin with this particular partnership having a carte blanche situation. They are assuming part of the risk, so for future ventures we want it known that there needs to be some risk sharing on the part of the private sector. The Mayor agreed.

Councilmember Mullen stated, "We all agree, I just want to get that in the minutes that it is clear, that they are taking a risk, too, and it's not all just a gimme type situation. And if it doesn't fly they lose quite a bit. And the City picks up an income producer."

Mayor Pro Tem Cooke moved that the Council adopt a resolution to authorize Lease Agreements providing for downtown parking spaces, as listed above. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

#### AUSTIN TRANSIT SYSTEM

Council had before it for consideration an adjustment to the fare structure of the Austin Transit System. The Mayor said she has been asked whether in the process of budget cuts an intern position has been eliminated from the Urban Transportation Department. Mr. Ternus told her that an intern position has been deleted out of his departmental budget. She asked if this is in any way connected with the fare structure. Mr. Ternus answered that "Other than that when the dollars that were reduced in our total budget was our total department and transit services together. ....Although we are deleting

that position from our budget, it would be a possibility depending on what kind of other financial assistance programs that might be coming through the Personnel Department we might be able to pick up another intern in lieu of that one." Mayor McClellan asked to be kept posted on any possibilities of doing so. She then asked Mr. Ternus about the fare structure.

"We'd recommend it to you. This particular fare increases the peak fare only 5 cents, from 30 cents to 35 cents; and places the Saturday and Sunday service more on a paying basis. ...The cost for passes are not changed in this recommendation and this is in order to give a greater differential between fares individually paid and monthly passes."

Councilmember Himmelblau asked Mr. Ternus to explain about the senior citizens. Mr. Ternus replied, "There is a provision for the elderly or handicapped. The elderly is defined as anyone 65 years of age or older. They can ride buses during the weekend for 15 cents. They will continue to be able to ride during off-peak periods for 15 cents. We do not recommend the reduced fares during peak periods because one of the purposes for shifting the differential in fares between peak and off-peak is to move people who could go in the off-peak in that period."

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

AN ORDINANCE REPEALING ORDINANCES NO. 740314-A, NO. 740314-I, NO. 741114-I, AND NO. 760708-B ESTABLISHING THE RATES TO BE CHARGED FOR USING THE AUSTIN TRANSIT SYSTEM; PROVIDING FOR NO CHARGE FOR ZONE CHANGES; PROVIDING FOR TRANSFERS; ESTABLISHING CHARTER SERVICE FEES; ESTABLISHING CONTRACT SERVICES FEES; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

#### FAYETTE PROJECT GENERATING UNIT NAMED

Mayor Pro Tem Cooke moved that the Council approve a proposal by LCRA Board of Directors to name the Fayette Project Generating Unit #1 for MR. SAM K. SEYMOUR, JR. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

It was requested that the statements on the next page be included in the Minutes.

"I am Margaret Williams, Executive Assistant to the General Manager of the Lower Colorado River Authority. The General Manager, Charles Herring, had planned to appear before you, but it was necessary for him to be in New York in connection with a bond offering for the Fayette Power Project. In his absence, he asked that I appear and present to you a brief statement in support of the beloved man whose name has been advanced as a possible name for the generating station at the Fayette Power Project--Sam K. Seymour, Jr., of Columbus.

"It is a rare occasion when we are privileged to know an individual who stands out above the crowd for his love of his fellowman and his constructive contributions to society. Sam K. Seymour is such a man.

"A long-time resident of Columbus, he is well-known for his many philanthropies, not only in his own church but other denominations in the area, and he has befriended many a person financially who was turned away elsewhere.

"His success in the business world is prefaced on practicing the Golden Rule. He founded the Colorado County Federal Savings and Loan Association some 40 years ago with total assets of \$4,200.00; at the end of 1977, these assets were in excess of \$102,000,000, with dividends during the period totaling more than \$39 million--a remarkable record in a community of 3,800.

"His business successes also include lumber and hardware interests. Columbus has honored him as their outstanding citizen; he served as President of the Chamber of Commerce; he is a Deacon in the Baptist Church; and something of which he is particularly proud, he represented the State of Texas as a Director of the Federal Home Loan Bank Board of Little Rock for four years.

"A patriotic American in every sense of the word, Mr. Seymour served in combat for two years with the Rainbow Division during World War I and since that time he has maintained his affiliation with the American Legion in the interest of veterans of all conflicts.

"The area in which we at the Authority know him best is his service on the LCRA Board, dating back to 1945 when he was appointed by then Governor Coke Stevenson, and successively reappointed by Governor Allan Shivers, Governor Price Daniel, Governor John Connally, and Governor Dolph Briscoe--certainly an outstanding recommendation to have six governors over a period of 30 years put politics aside and consider only the merits of the appointee. During all these years, he has fulfilled his responsibilities prudently, promptly and proudly. His encouragement and active participation have been felt in all segments of the operations of the LCRA, and he has had a special interest in the development of the Colorado River. Of particular significance was his foresight and good judgment in the decision to enter into the construction of the Fayette Power Project at a time when this utility, along with others, was experiencing an enormous energy crisis. His assessment of the situation and his support of management were invaluable in the planning stages.

"I am sure Mr. Sam would be deeply honored to have his name on the generating station at Fayette Power Project, and the station would then bear a widely recognized and distinguished name--that of a man who has made every day of his life count--who at age 83 is still looking to the future with optimism. With the energy and zest for living of a man half his age, Sam K. Seymour, Jr., in a way personifies what the Fayette Power Project is all about--taking care of the needs of the people of Central Texas. It would indeed be a fitting tribute to so honor this fine and distinguished gentleman."

**TWO NAMED TO SUBDIVISION PROCESSING TASK FORCE**

Councilmember Trevino moved that the Council appoint Ms. Jean Pringle and Mr. Ron Spencer to the Subdivision Processing Task Force. The motion, seconded by Councilmember Snell, carried by the following vote:

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

**CITY MANAGER REPORTS RECEIVED**

Council received the following reports from the City Manager:

1. 24th and Lamar Intersection Improvements. Councilmember Himmelblau asked if anything is planned for this intersection. Mr. Ternus said, not at this point.
2. B. R. Reynolds and West 1st Street.
3. Report on the Approved 1978-79 Annual Operating Budget.

**REPORT POSTPONED**

Presentation of the City Manager's report on Reagan Terrace Driveways was postponed until December 7, 1978.

**WORK SESSION ANNOUNCED**

Mayor McClellan announced that there would be a work session on Municipal Utility Districts in the Council Chamber at 4:00 p.m., December 4, 1978.

**RECESS**

Council recessed its meeting at 4:45 p.m. and was scheduled to resume at 7:00 p.m.

## ZONING HEARING

Mayor McClellan called the recessed meeting to order, noting that Councilmember Goodman was absent. The Mayor then announced that the Council would hear the following zoning case scheduled for 7:00 p.m. Pursuant to published notice thereof, the following zoning case was publicly heard:

TOM W. BRADFIELD	2099-1101 Loop 1	From Interim "A" Residence and
DONALD H. CUMMINS	(MoPac Boulevard)	Interim "AA" Residence
& ROBERT MUELLER, JR.	1398-1200 Loop 1	1st Height and Area
By Bryant-Curington,	1213-1209 Spyglass Drive	To "O" Office, 1st Height and
Inc.	901-831 Loop 1	Area (Tracts 1, 7, 8 and 10)
C14-78-105	702-708 Columbus Drive	"GR" General Retail, 1st
		Height and Area (Tracts 3, 4,
		and 5)
		"BB" Residence, 1st Height
		(Tract 9)
		and deletion of Tracts 2 and
		6 as amended
		NOT Recommended
		RECOMMENDED by the Planning
		Commission "BB" Residence on Tract 9,
		"GR" General Retail on Tract 4, "O" Office
		on Tracts 1, 3, 5, 7, 8 and 10, all tracts
		1st Height and Area subject to a Special
		Permit on each tract at the time of
		subdivision and a maximum density of 15
		units per acre on subject tracts.

Mayor McClellan stated that Councilmember Goodman had to be absent from the City tonight and had requested that a decision on the zoning case be delayed until next week. After a brief discussion, Councilmember Mullen moved that the Council delay a decision on the zoning case until next week. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

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

Mr. Dick Lillie, Director of Planning, reviewed the application by use of a map indicating the ten tracts under consideration, consisting of approximately 108 acres. The original application was as follows:

Tract 1 - about 3.5 acres - "O" Office zoning - 120 feet high permitted  
Tract 2 - about 2.75 acres - "GR" zoning - 60 feet high permitted  
Tract 3 - about 17 acres - "GR" zoning - 200 feet high permitted  
Tract 4 - about 20 acres - "GR" zoning - 60 feet high permitted  
Tract 5 - about 6.5 acres - "GR" zoning - 120 feet high permitted  
Tract 6 - about 1 acre - "GR" zoning - 35 feet high permitted  
Tract 7 - about 11 acres - "O" Office zoning - 200 feet high permitted  
Tract 8 - about 3 acres - "O" Office zoning - 60 feet high permitted  
Tract 9 - about 38 acres - "B" zoning for apartments with 30 units  
per acre density and 35 foot height limits  
Tract 10 - about 5.75 acres - "O" Office zoning - 35 feet high permitted

After staff review of traffic, utilities and the Barton Creek issue, the Planning Commission voted to support an amended application as shown above.

Mr. Lillie stated that, if approved as recommended by the Planning Commission, strip commercial development would have been averted. Only one tract was proposed for General Retail zoning (Tract 4). By restricting any tract used for multi-family purposes to 15 units per acre, the density was only 3 to 5 units per acre higher than "A" Residential zoning, which permitted 10 to 12 units per acre. Requiring a Special Permit on each tract sign, driveway, building, parking, drainage and buffering could be dealt with more effectively.

In response to Councilmember Himmelblau's question, Mr. Lillie stated that the staff's recommendations differed only from the Planning Commission's recommendations in that Tracts 3 and 5 at the future intersection of Barton Skyway and MoPac be zoned "GR" and that Tract 4 be zoned "O" Office. Tracts 1, 7 and 9 would not now have access to an existing road.

In response to Mayor Pro Tem Cooke's question, Mr. Lillie stated that all of the tracts except Tract 4 would drain toward Barton Creek, which would drain toward Dry Creek.

In response to Councilmember Himmelblau's question, Mr. Lillie stated that no buffering was suggested for Tract 4 by either the staff or the Planning Commission. An aerial photograph had been prepared which showed the boundaries for Tract 4 and where the tree stands were with 50 foot increments of setback from the east property line of Tract 4 that would include tree stands for buffering.

#### Proponents

MR. TOM BRADFIELD, speaking for the applicants, introduced his associates, DON SUMMINS and ROBERT MUELLER, JR. Mr. Bradfield stated that he was a lifelong resident of Austin, a graduate of The University of Texas along with his associates, and then named some of the subdivisions which they had built.

Mr. Bradfield felt that plans for the 108 acres must have been rational since the Planning Department had approved the plans and recommended them to the Planning Commission, which had made slight amendments and then recommended the project to the Council. He then pointed out the following considerations which went into the planning of the project:

1. Suitability of terrain
2. Prominence of location
3. Effect on single-family neighborhoods in the distance
4. Effect on Barton Creek park
5. Effect on Barton Springs
6. Effect on Zilker Park

Mr. Bradfield and his associates had examined each of the proposed parcels and had concluded that none of the zoning requests being presented would be other than harmonious and nondisruptive to any other facilities in the area, while at the same time would accommodate the inevitable boulevard development in the near future.

Mr. Bradfield pointed out that Tract 4 was the only tract in the area that drained away from Barton Springs. He felt that the tract was a natural for "GR" General Retail development. He also noted that the other tracts would be of a density no more than the single-family neighborhoods across the Creek.

JOHN WHITAKER, an engineer with Bryant Curington, used a map to show how the drainage problem on Tract 4 would be handled. Sand-gravel filtering systems would be used on all tracts to keep pollutants from draining into Barton Creek. Specific design data would be presented during the Special Permit and subdivision phases.

Referring to the same map, Mr. Bradfield pointed out the distances from part of Tract 4 to the nearest single-family residence across the Creek, the distance to Zilker Park and the distance by street to the nearest single-family residence in Barton Hills. Concluding his remarks, Mr. Bradfield emphasized that his philosophy had been to invest in Austin rather than speculate.

JIM EICHELBERGER, 6001 Spancreek Circle, spoke in support of the zoning requests. A builder himself, Mr. Eichelberger stated that the applicants had built some of the most beautiful homesites in Austin. He felt that the entire City had benefited from their contributions.

LEE BLOCKER, 123 Sailfish, stated that he had not been asked by either side to appear. He favored granting the zoning change after studying the issues. He felt that the opponents were in error and were overlooking what was the best use for the property when considered from the standpoint of the entire City. He thought the land was perfectly located for the uses requested.

EDWIN GOLDMAN, 6209 Highland Hills Drive, stated that he lived in a home built by Bradfield-Cummins. He supported the requested zoning change and thought the applicants were a credit to the City.

#### Opponents

MARILYN SIMPSON, Coordinator, Austin Neighborhoods Council and member, Citizens for the Protection of Zilker Park and Barton Springs, felt that shopping center zoning was inappropriate next to a City park and greenbelt, a Girl Scout cabin and Barton Creek. She felt that apartment zoning for Tract 9 would create another "apartment city." Precedents would be set in this case for zoning along MoPac. She did not feel that the City could have both parks and shopping centers.

DON LEWIS, 4700 Avenue H, presented a petition with 920 signatures to the City Clerk. He then asked everyone in the Chambers who opposed the zoning to stand. He then read the following petition:

#### CITIZENS FOR THE PROTECTION OF ZILKER PARK AND BARTON SPRINGS PETITION:

"We the undersigned residents and property owners of Travis County oppose the designation of Tracts 4 and 9 as "GR" (general retail) and "BB" (apartments) respectively in the zoning change case C14-78-105.

Reasons for opposition include:

1. Environmentally objectionable water quality run-off into Barton Creek.
2. High density traffic flow into the already over crowded Zilker Park area as well as the MoPac thoroughfare.
3. The commercial degradation of the scenic beauty surrounding Zilker Park.
4. The establishment of apartment complexes in an already overcrowded area."

Mr. Lewis then read the following list of organizations which opposed the zoning change.

1. The Travis Audubon Society
2. We Care Austin
3. Sierra Club
4. Eanes Civic Association
5. West Austin Democrats
6. West Austin Neighborhood Group
7. Yellow Rosevelo Sport
8. South Austin Democrats
9. Lone Star Girl Scout Council
10. Austin Neighborhood Council
11. Texas State Council Knights of Columbus
12. Barton Hills-Horseshoe Bend Neighborhood Association
13. Lake Austin-Hill Country Neighborhood Association
14. League of Women Voters of Austin
15. Travis County Democratic Women Committee
16. Whispering Oaks-Cherry Creek Area Neighborhood Association
17. Lone Star Frisbee Club.

DR. NORMAN BROWN, 2607 Barton Skyway, President, Barton Hills-Horseshoe Bend Neighborhood Association, read a statement expressing the Association's opposition to zoning changes on Tracts 9 and 4.

PHILLIP BLACKERBY, 1712 Kenwood, showed and discussed a series of slides of the area of proposed zoning changes. Regarding Tract 4, he estimated that there would be 80% impervious cover if the developers' plans were carried out, excluding driveways, loading areas and sidewalks. If those areas were included, he felt that impervious cover would exceed 95%.

There was discussing regarding buffering along the back of Tract 4 on Barton Creek. Councilmember Himmelblau stated that she would think of a setback of "A" to preserve certain trees on the tract.

GWEN PAPPAS LEWIS, 4700 Avenue H, expressed concern over the incompleteness of the Barton Creek Watershed Study in regard to the requested zoning and what the filtration requirements would be for run-off from the tracts under consideration.



DICK SHOCKET, representing the Citizens Board of Natural Resources and Environmental Quality, stated that the Board unanimously recommended "O" Office zoning for Tract 4 and that Tract 9 remain Interim "A" Residence until completion of the Barton Creek Watershed Study. The Board had no opposition to the other zoning requests, but did express concern over traffic flow into the tracts.

Councilmember Trevino stated that he had requested the City Manager's office to ask that a representative from the Highway Department be present and have the official position of the Austin Transportation Study committee before any action was taken by the Council.

DAN DABNEY, 2800 Swisher, Apt. #222, asked the Council to delay action on the zoning for one month for further study. He favored planned, sensible, environmentally conscious growth, rather than no growth.

STEVE HANSON, representing the Sierra Club, showed a geological map of the Austin area and stated that even though no pollution had occurred in the aquifer did not mean that it could not occur. If that pollution occurred, then Barton Springs could be polluted. The Sierra Club had the following suggestions:

1. Extend the Lake Austin Development Interim Standards to the Barton Creek drainage within the City's ETJ.
2. Examine strengthening standards for Barton Creek.
3. Develop alternative standards for curbing and guttering to minimize storm run-off.
4. Develop plans for Barton Creek area and other surface contacts with the Edwards aquifer.
5. Accelerate completion of the Barton Creek Study.
6. Develop highway impact overlay zone standards for MoPac.
7. Reject the requested zoning for the more intense developments in the subject tracts.

BARBARA NOBLES, President-elect, League of Women Voters, urged the Council to keep the majority of Tract 4 "A" Residence and leave Tract 9 zoned "A" Residence. She also hoped the Council would follow the Urban Transportation Department's recommendations for access to MoPac only at Wallingford and Barton Skyway.

JACKIE MYERS, representing the Lone Star Girl Scouts Council, spoke in opposition to the zoning change of Tract 4. She was primarily concerned about security for the log cabin used by the Girl Scouts.

SUSAN RICHARDSON, representing We Care Austin, expressed concern over the impact of the proposed "GR" General Retail zoning on the watershed, Zilker Park road system and tracts farther south along MoPac.

RICHARD PERDUE, 1818 Ashby, commented on the quality of Austin's parks.

RICK PEARSON, 1201 Tinnin Ford Road, Apt. #150, said that the issue was thousands of citizens versus a handful of developers. He noted the Council would keep that fact in mind when voting on the matter.

NANCY McCANDLESS, 3711 Garden Villa Lane, suggested that the applicant deed some of the land to the City for parkland.

NANCY BOULET, 710 West 21st Street, did not appear to be heard.

MARSHA JELONEK, 1304 South 5th Street, recommended that the land in question remain unused.

ALLEN ANDERSON, 3501 Lake Austin Boulevard, read a letter from MARK KREGER, who opposed the zoning change.

ANDREW BELL, 1901 Vista Lane, spoke against the zoning change for Tract 4.

R. H. WEINER, 2806 Bridle Path, did not appear to be heard.

CAROLINE JENKINS, 1720 Barton Cliff, stated that it was a mistake to assume that a majority of the people present were not native Austinites. Both she and her husband were Austin natives.

ROBERT JENKINS, 1720 Barton Cliff, stated that Tract 9 was buffered from Skunk Hollow from existing apartments. He felt that the rest of the area east of Barton Creek should be designated for single-family residences.

LARRY M. DEUSER, 11800 Mustang Chase, felt that Barton Springs was not a renewable resource. He felt that the zoning changes were premature except for Tract 4. He thought that it was amazing that Tract 4 had been recommended in its present form by the Planning Department and the Planning Commission by just one dissenting vote.

HENRIETTA JACOBSEN, representing the Lake Austin Hill Country Neighborhood Association, urged the Council to vote against the zoning change. She felt that areas of special interest in Austin should be protected by low-density zoning around them. She felt that investors should be encouraged to invest their money downtown in support of the Council's downtown revitalization program. To protect MoPac from visual deterioration and multiple driveway entrances, no retail uses should be permitted anywhere along MoPac.

ELISE RAGLAND, 2413 Quarry Road, a former resident of Eugene, Oregon, wanted to see Austin stay with the purity of the land that was still possible.

JODY ZEMEL, 4207 Avenue G, spoke in support of protecting Barton Springs.

S.A.A. ZAIDI, 1112 Castle Ridge Road, stated that about 350,000 people paid to use Barton Springs during the last fiscal year, a figure which compared favorably with Austin's total population. He also expressed concern about possible pollution of Barton Springs.

PAUL LOGAN, 602 Kinney, stated that what the Council did with the proposed zoning would determine whether Barton Creek stayed alive.

PATRICIA MORALES, 1700 Briar Street, did not appear to be heard.

EVAN MERCER, 503 Terrace, did not appear to be heard.

LARRY WISE, 2413 Quarry Road, raised the question as to how much Bryant-Curington would make if the requested zoning was granted.

JULIE ROQUES, 1216 Lake Austin Boulevard, spoke in support of preserving Barton Springs.

AGNES EDWARDS, 4309 Avenue G, asked if the City was monitoring the water in Barton Springs and checking into the effects of heavy run-off. Dr. Maureen McReynolds stated that there was a monitoring program on Barton Creek at present. Several years of monitoring would be necessary to establish a trend to distinguish if there had been a change. Several years ago the Texas Water Quality Board conducted an extensive stream sampling throughout Barton Creek and concluded that the quality of the stream was still very high. The samples were not storm run-off samples.

DOROTHY RICHTER, 3901 Avenue G, asked if the City had considered buying Tract 4. City Attorney Harris said that legal problems could result if the zoning case became an acquisition case. He felt that concentration should be on zoning and that acquisition could be pursued separately.

ANNIE MANN, 3011 Niagara, spoke in support of protecting Barton Springs.

ABE BLANK, 3011 Niagara, thanked the Council for its patience in listening to the speakers.

AISHA RADLE, 6111 South Congress, Apt. #10, did not appear to be heard.

RUTH EPSTEIN, representing Travis County Democratic Women's Committee, said that they supported "O" Office zoning for Tract 4 and "A" Residence zoning for Tract 9. She asked why the developer did not comply voluntarily with some of the rules governing the Lake Austin watershed.

CHRISTY DREW, 1117 Bluebonnet, did not appear to be heard.

DICK STANFORD, 405 Skyline, stated that action taken on this zoning case would be the guide for future actions taken along the undeveloped portions of MoPac.

DANIEL MATTHEWS, 2500 Nueces, did not appear to be heard.

PAUL MAY, 1909 Nueces, did not appear to be heard.

CLAUDIA RIVERS, 1806 West 8th Street, did not feel that there was a need for more commercial development in the area under consideration.

MARK CLOVAY, 200 Pearl, did not appear to be heard.

JANET STOCKARD, 2148 Barton Hills, stated that the Council either had to approve more money for parkland acquisition near Zilker Park or protect the area through zoning.

ANN McAFEE, stated that seven generations of her family had enjoyed Barton Springs and Zilker Park. She suggested that the land under consideration be bought for additional park land.

C. HERNDON WILLIAMS, JR., 1800 Cresthaven Drive, thought that there was a potential for pollution that was considerably more complex than could be handled by the solution proposed by the developer. Regarding Tract 4, he suggested that the Council inspect the site before making a decision.

JAMES J. CLARK, questioned the need for rushing into the zoning change.

FRED SEBO, an American Indian, stated that Austin was a beautiful place and he wanted to see it kept that way. He felt that destroying Austin's parks would destroy the City.

KENT ANSCHUTZ, a law student, felt that the City should try to buy at least part of the land under consideration and that a fund be started for that purpose.

MARK BLUMENTHAL, a resident of Westlake Hills, felt that the Council should protect the Capitol City of Texas by using prudent land use management techniques and principles to preserve the quality of life in Austin as an example for others.

BETH SEBESTA urged people to join neighborhood associations and get involved. She pointed out that the City staff had not recommended "GR" General Retail zoning for Tract 4 and that the City was not trying to put something over on anyone.

CARL HICKERSON BULL commented on Austin's parks and open space and asked that it be preserved.

KERRY JONES, President, West Austin Neighborhood Group, stated that his group unanimously opposed the proposed zoning changes.

DR. KATHLEEN GAIDO, a University of Texas faculty member, felt that the Council should do what was best for the City to preserve Zilker Park and Barton Springs.

BRAD YOUNG did not believe that a developer had a right to degrade the beauty of Barton Springs and Zilker Park.

MARK CLANCY asked the Council to remember the mandate of Andrew Zilker to preserve the wilderness surrounding Zilker Park.

JIM BANNEROT, 2301 Forest Bend, reviewed some of the environmental problems affecting Barton Creek and stated that he did not think that the City could afford to come back in two years and say that a lot was learned from the project being proposed.

CAROLE JAKOBEIT thought that the citizens did not want the proposed shopping center, that a cross-section of people opposed the zoning change and not just a particular group.

FRED LEWIS did not believe that the developer had made a good case of establishing the need for the zoning change. He had seen no plans showing accessibility to the proposed shopping center by walking. He thought that within ten years the automobile would be dead.

#### Rebuttal by Applicant

ROBERT MUELLER, one of the owners of the subject property, stated that if they wanted to take the risk on the development, then they would take the risk. The land had been within the City limits for only about five of the twenty years the developers had owned it. Before annexation, anything could have been built on the property, but the developers chose to try to develop the land where it would be most beneficial to the city.

Regarding pollution of Barton Springs, Mr. Mueller pointed out that the recharge zone was many miles upstream and not on the subject property. Mr. Mueller stated that he swam in Barton Springs when the old bath house was there and he shovelled mud out of the Springs in the 1935, 1936 and 1937 floods. Barton Springs was dear to him and he would certainly try to protect it. Mr. Mueller commented on Mr. Lacknerby's slides and felt that the proposed development would not effect the view from across the Creek severely. Regarding two cuts on the property, Mr. Mueller stated that about 1966 before MoPac was built the owners considered subdividing the property, and a rough street was cut through. The other cut resulted from a sewer line which crossed the property. Mr. Mueller stated that nothing would be done to degradate Zilker Park and that Barton Springs and Zilker Park were two of the City's best assets.

Mr. Mueller said that the entire 108-acre tract was submitted for zoning at one time to provide a unique opportunity to plan a large area, rather than bring it in piecemeal. When the area comes up for subdivision, special permit or creek permit, all matters involving protection of Barton Springs area would be considered.

Mayor Pro Tem Cooke moved that the Council close the public hearing. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Snell

The Council scheduled a decision on the zoning case for 11:45 a.m.,  
December 7, 1978.

November 30, 1978

ADJOURNMENT

The Council adjourned at 10:40 p.m.

APPROVED

*Charles Teeter McClellan*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk