

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 13, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

INVOCATION

The Invocation was given by Reverend Richard E. McCabe, St. Theresa's Catholic Church.

BUSINESS AND PROFESSIONAL WOMEN'S WEEK

A proclamation citing the 26 million women as part of the nation's working force and designating October 16-22, 1977, as Business and Professional Women's Week, was read by Mayor McClellan. Ms. Merlene Armendaiez accepted the proclamation and thanked the Mayor for proclaiming National Business Women's Week.

NAVY DAY IN AUSTIN

Mayor Pro Tem Himmelblau read the Navy Day in Austin proclamation, which urged all citizens to properly honor and recognize the Navy's many achievements, proclaiming October 13, 1977, as Navy Day. Accepting the proclamation were Navy Captain C. A. Sorenson, Commanding Officer of ROTC at the University of Texas; CDR Rex Crowder, USN, Commanding Officer of the Naval Reserve Center; and Petty Officer First Class Jack Wilson.

## HUSTON-TILLOTSON COLLEGE WEEK

Councilmember Snell read a proclamation designating October 16-22, 1977 as Huston-Tillotson College Week in celebration of Charter Day, and marking the contributions of this educational institution since its beginning in 1875. Accepting the proclamation for the College were Ms. Minnie Miles and Mr. Herman Hopson, with their thanks.

## LA SEMANA DE LA MUJER CHICANA

La Semana de la Mujer Chicana (Mexican-American Women's Week) has been proclaimed for October 17-21, 1977, according to a proclamation read by Councilmember Trevino which urged all citizens to join in recognition of the outstanding contributions made by women of Mexican-American descent. Accepting the proclamation was Ms. Amalia Mendoza, with the thanks of the Mexican-American women.

## AUSTIN APARTMENT ASSOCIATION DAY

Mayor McClellan proclaimed October 19, 1977, as Austin Apartment Association Day, cited multiple family dwellings as an efficient use of valuable property, and presented the proclamation to Ken Schunn, Executive Director of the Austin Apartment Association, H. A. Guerrero, and George A. Walker, who accepted it with their thanks.

## MINUTES APPROVED

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes of September 29, 1977, as corrected to record vote on page 11; and the Minutes of October 6, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

## ANNOUNCEMENTS

Mayor McClellan announced the Council will break right at 12:00 noon to attend a funeral and will convene at 2:30 p.m.

## BOARDS AND COMMISSIONS

Mayor McClellan said the Council had met earlier in the day and had made nominations for appointments to the Construction Advisory Committee.

Construction Advisory Committee

Councilmember Trevino moved that the Council reappoint the following to the construction Advisory Committee for terms expiring October 1, 1979: (The motion was originally made for three years and later amended to two years)

Ira Cofford - Labor  
James R. Wise - Labor  
Royce Faulkner - Construction

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

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

Appointments to be made October 20, 1977

Plumbing Advisory Board 8  
(The Mayor said they had been announcing three vacancies on the Plumbing Advisory Board, which is a new Board by Council action. It had formerly been the Plumbing Board of Appeals. There will be instead 8 appointments to be made.)

Human Relations Commission 9  
Joint Legislative Council 2  
Parks and Recreation 1  
Arts Commission 2

## CLASS RECOGNIZED

Mayor McClellan recognized two fourth grade classes from Hill Elementary School, Mrs. Linn's class and Mrs. Shackelford's class. The classes stood up and were recognized by the Council and audience in the Council Chamber.

## DISPOSAL OF CITY REFUSE

Mr. Hank Ulbricht, who had requested to appear before Council to discuss disposal of City refuse, was not present in the Council Chamber and therefore, did not speak.

## POLLING PLACE

Councilmember Goodman moved that the Council approve the request of Ms. Doris Shropshire, County Clerk, for permission to use the following City facility as a polling place, Tuesday, November 8, 1977:

Fire Station, 100 East 43rd Street

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

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

#### AUSTIN TRANSIT SYSTEM

City Manager Dan Davidson announced that Ms. Florence Parks and others had requested to appear before Council to discuss the Austin Transit System, but the item had been pulled down. He said Austin Transit has been working with the people that were on this communication item and some reports are being distributed to the City Council on the subject. Councilmember Snell said he wanted to express his appreciation to the Austin Transit for their work with the people concerned.

#### RIVERSIDE DRIVE PROPERTY OWNERS -- PAVING

MR. DONALD L. DUMAS, attorney-at-law, representing Riverside Drive Property Owners, appeared before Council to present the equities for relief of street improvements assessment against clients' property. He said the improvements were noted under Paving Projects Unit 77-66, Riverside Drive-PW-14, 16.43 acres out of the Santiago Del Valle grant. He stated owners of the property are:

R. F. Siddons, Jr. - Siddons Company  
Walter Kassuba - Walter Kassuba Realty Company  
Mrs. Elsie L. McMillan

He gave a brief history that included the inequities and the reason for today's appearance. Mr. Kassuba executed a deed to the City in January, 1966, (as the only title holder to the property in question) which was conditional, for 3.99 acres of land to be purchased by the City any time within 10 years, at the owner's cost. The deed was executed by Mr. Kassuba, relying upon representation by the City of Austin that this Riverside right-of-way was going to be used as an expressway, and as such there would be no assessments to the property owners. The City paid for the 3.99 acres in January, 1976. Mr. Frank Montgomery managed the property until his death in 1971. In going through his records, Mr. Dumas said they could find nothing in writing to support the statement he was about to make, but it is his recollection and the recollection of the others concerned that Mr. Montgomery made these deals with the City, relying on the City's representation that:

1. Riverside Drive would be an expressway.
2. As such there would be no assessment for the paving against the property owners.

Mr. Dumas continued that he felt this is a basis for relief against the property owners who have received notice from the City that they are going to be assessed some \$58,000, and if they wanted to pay it by October 17, 1977, they could receive a 20% discount and pay about \$43,000. The property owners had commented that if they had received \$2.00 a square foot for this land, the assessment wouldn't bother them a bit, because the total consideration for the rest of this land, without commitment to the City on good faith understanding that there would be no assessment, would have been about a half million dollars

worth of property which the City acquired for \$40,902.50. Mr. Dumas had discussed this case with Mr. Jeffery Singleton, Property Management, who had pointed out to him that perhaps he should not make this presentation to the Council because the consideration whether or not an assessment was made against property was how much that improvements of paving enhanced the value of the property. If the City had assessed it on the \$40,902.50 price, there would be an equitable situation. Mr. Dumas said he was not there that day to argue the law but to present the facts and ask for some kind of relief. To further complicate matters, Mr. Dumas pointed out that Mr. Kassuba is in Chapter 11 under the Federal Bankruptcy Statute. So, he said, there would be no immediate contribution forthcoming from him. The other owners have already made arrangements with the City to pay the 75% (with discount) for their proportionate shares. Mr. Dumas called the attention of the Council to the 1969 Major Arterial Expressway and Plan, page 4, Table 1, which says the facility, River Expressway from IH 35 to Pleasant Valley Road shall be a type 2-C, with frontage roads to be constructed initially and three-way lanes as required. Mr. Dumas stated his clients were asking the Council for relief from the assessment as made, which is about \$58,000. He said his clients feel the fairest assessment would be none at all, or if that is not possible, then assess something less than 100%.

Mayor McClellan stated she thought the most appropriate thing for Mr. Dumas to do would be to work through the City Attorney's office and when they are ready with a full report, then they will contact Mr. Dumas when they can act on the matter. Mr. Dumas reminded her of the October 27, 1977, deadline for the 25% discount. Mr. Jerry Harris pointed out that he did not think that deadline date could be extended and could only advise that in order to protect their rights, and the City's protection of its rights, the deadline must be met with the understanding from him, with the consent of the Council, that if something can be worked out after absorption of the details, it will be. But, continued Mr. Harris, he thought there would be a lot of problems if they tried to change the rules at this time before they had all assessed the matter. Mr. Dumas said that as he understands the assessment now, it needs to be paid by the 17th in order to get the 25% discount; but under the present regulations, if one pays the discount amount, the right to complain is lost at the hearing on the values as to whether or not the assessment enhances the property, at least to the extent or some portion thereof. Mr. Harris said that they would not lose their right to complain if the whole assessment is wrong, based on the particular facts. He continued that the Council can grant relief at any time. After discussion, Mr. Harris said, they can bring the results back to Council. Mr. Dumas commented he had heard from the appraisers that the tax hearing will not take place until after the first of the year. Mr. Harris replied that if they want to take advantage of the discount, they should pay by October 17, 1977, proceed with study and then come back to get a Council decision. He pointed out that since this case has a history going back to 1965, Mr. Dumas should make appointments with all departments concerned and then meet with him to decide where they are.

Mayor McClellan directed the City Attorney's office to work with Mr. Dumas and come back to the Council with a full report. This item was introduced to the Council today as an Emergency Item.

## FIREMAN'S RELIEF &amp; RETIREMENT FUND

Mr. Tom Pinckney, Vice Chairperson, Austin Local State Fireman's Relief and Retirement Fund, requested permission to address the City Council. This item was introduced as an Emergency Item since Mr. Pinckney will be unavailable to attend the meeting on October 20, 1977.

Mr. Pinckney, a district chief in the Austin Fire Department, first of all commended the Mayor, Council and City Manager for the fine job they are doing. He said he has been on the Pension Board for 30 years and has worked hard and long on something which is sacred to the 435 fire fighters in the system. He said his purpose there today was to ask the help of the Council to keep the pension system in the great shape that it is in today, and that he knew the Legal Department of the City has not yet had time to have a legal opinion on the questions he will bring up. He said that, according to state law, "The City shall contribute and appropriate each month to a fund, an amount equal to 11.85% of the payroll excluding overtime pay and any temporary pay and higher classification of the Fire Department of the City." Four years ago, he said, the City asked for this amendment to the state law.

Under the new proposal, there will be a direct effect on every firefighter when computing his pension. His request, he said, is not a raise in salary but that raises up to \$16,500 be implemented on the firefighter's base. The firefighter would then pay 11.85% contribution on the raise and the City would match the amount. The firefighter would be getting less take-home pay, and they are willing to do so in order to keep within the spirit of their pension law. He said this money is not allocated in the present budget, but on calculation it would amount to about \$4,000.00 a month for the City to pay... \$48,000 a year, or less. Mr. Pinckney told the Council his reason for being here today was to appeal the situation...he wasn't asking for any decision. He did ask that the Council study it for the next 60 days or so and see what impact there would be on the firefighter's pension.

Mayor McClellan pointed out that the salary adjustment in the 1977-78 budget does put more money into the employees pocket but does not add on greatly to the retirement system. She said she wanted the City Attorney to get back with the legal issue, "but I think the intent of the Council was to do precisely for the firefighters what we did for other City employees...no more and no less, and I sure want for us to get a detailed legal opinion on whether we are in compliance with the state law."

After further discussion, the Mayor instructed the City Attorney to report back to the Council concerning the legalities and the effect on the pension of the firefighters.

City Manager Davidson stated that he thought the City Council had adopted a good plan. In talking with City employees, he said there were two factors they needed to keep in mind:

1. If he were Mr. Pinckney, he would really be concerned if this represented the third year in a row that the Council granted some form of increase that did not take into consideration the pension.
2. The City has a long history of granting an equitable cost of living increase raise to all City employees every year since 1969. All increases, in previous years, have been applied on a percentage basis to pension funds.

Mr. Davidson said City employees, as well as the firefighters, are concerned whether or not this will become a trend for the future. He said that he thought the intention of the Council was to make a one-time proposal designed to put more take-home pay in the pockets of City employees. Equities, he continued, will be examined when they bring a report back to the City Council.

#### LOWERING OF LAKE AUSTIN

MR. CONRAD FATH, Chairperson, Navigation Board, stated they had received a report from the Electric Department regarding the proper time, in their estimation, for the lowering of Lake Austin. He said at that time there had been no request from anyone to lower the lake. Mr. Davidson, City Manager, commented that his office has received requests from citizens to lower the lake, and would have been pleased to have provided the Navigation Board with lists of citizens' names who have called. Councilmember Cooke said he had before him a letter recommending the lowering of Lake Austin from November 1-28, 1977, and asked if Mr. Fath were presenting a minority report. Mr. Fath said the majority of the board had voted 4-2 to lower the lake because of further algae in the lake, creating a danger to swimmers and boaters. Mayor McClellan said there were further assets to lowering the lake such as cleaning up bottles from the lake bottom and repairing docks. Mr. Fath said this would be drastic and the estimated cost to lower the lake in terms of energy loss, according to the Electric Department, would be from \$5,000 to \$70,000.

He continued that when the lake is lowered 12 feet, 16,000 surface acres of water are drained into the Gulf of Mexico, which amounts to 251,344,000 gallons of water that the City of Austin could sell. In this time of drought, he said he could not see wasting that much water. If the lowering of the lake would do any good at this time to alleviate the algae, he said he would be for it. Mr. Fath said the lowering of the lake during a freeze or really hot weather, would retard the growth of algae.

MR. BILL NALLE, Navigation Board member, stated that the lowering of the lake to rid it of weeds would benefit the landowners, the water skiers, and boaters. He said the weeds hold the trash and that ridding the lake of weeds is a safety factor as well as an improvement to the looks of the beaches.

MRS. FOWLER appeared before Council to state she is interested in the welfare of Lake Austin and is in favor of lowering the lake. Mayor McClellan asked how the homeowners participate to help the situation and wanted to know the best time to lower the lake. She commented that there needed to be publicity so that everyone would do their part. Mrs. Fowler said that if homeowners rake up the weeds, the drying out of the drained area does the most good. Mr. Jack Robinson, Director of Parks and Recreation said the most effective time for lowering the lake is during the growing cycle.

Mr. R. L. Hancock, Director of the Electric Utility Department, stated the lowering of the lake would cause a loss in electric energy in January and February but that the lowering in November would be good because the lakes are already low.

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to accept the recommendation of the Navigation Board to lower Lake Austin during November from the 1st to the 28th, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Mayor McClellan added that the Public Information Department should publicize what is happening so they can maximize the time when the lake is lowered.

#### RECESS

The Council recessed its meeting at 12:05 p.m. and resumed the meeting at 2:45 p.m.

#### CENTER FOR COMMUNITY ALTERNATIVES SPECIAL PERMIT

Mayor McClellan opened the public hearing, scheduled for 10:30 a.m., on an appeal of a Special Permit granted to the Center for Community Alternatives, requested by Mrs. Betty J. Price, President, Alpha Delta Pi Building Corporation. (File No. C14p-77-039)

Mr. Dick Lillie, Director of Planning, appeared to state the City received an application for a Special Permit to allow a non-profit 24-hour residential child care facility at 2706 Salado Street, also bounded by San Pedro. This facility, he said, would be for a maximum of 20 children between the ages of 13 and 16 who have a history of difficulty in school and at home. The application request was submitted to the City departments and to the Texas Department of Public Welfare which also reviews these applications. Mr. Lillie pointed out to the Council that they have received the staff reports and the Planning Commission's minutes. He told the Council that he wanted to apologize for the fact that the Commission's minutes reflected no written comments in opposition to this request. He said he has submitted to the Council copies of letters from individuals who did write letters in objection, plus a site plan for the property. The Planning Commission recommended approval of the Special Permit, subject to the departmental requirements and recommendations, and also subject to a recommendation from the Save the University Neighborhood Association that a neighborhood advisory board be established, made up of neighbors who are opposed to the application, with representation from the Association, one client and one staff member, at least; that the outside of the house be maintained in a neat and attractive condition; that the noise level be monitored; individual clients be supervised; and there be no disruption in the neighborhood. If the Council were to approve the application today, continued Mr. Lillie, all of the departmental conditions and requirements would have to be met prior to the release of the permit and we would also have to have the Department of Public Welfare release the Special Permit for licensing prior to the beginning of the operation.



BILL POWER, Director of the Center for Community Alternatives, appeared to describe the proposed project and to state that the particular house was chosen because of its location close to Pease Park, Shoal Creek Park, YMCA, hospitals and medical services, and U.T. students in field practices which have always been used in their program. There is an absence of negative peer groups for the children and the neighborhood is densely populated and active, which he said would make the children feel more comfortable rather than being in a quiet neighborhood, where they would be more obvious. He went on to say the house had been a fraternity and was suitably planned to take care of several children. He felt the house would always be kept in good appearance. In answer to Mayor McClellan's questions concerning the number they would serve, Mr. Power replied that they would start with 12 and that there is no requirement of numbers in the license permit. The Mayor asked if there would be four staff members residing in the house. Mr. Power answered there would be, that they would be part-time, and probably University students. There would also be a staff of full-time people who would work a shift pattern.

BETTY PHILLIPS, President, Save the University Neighborhood Association, appeared to speak in favor of the project. She stated the project would not create a danger for the neighborhood and that the disadvantaged children would be well supervised.

J. R. WILCOX also appeared in favor of the project and asked that the Council grant the permit.

JOHN ALBACH, member of the board of the Center for Community Alternatives, appeared to say he thought the site was appropriate and that they wanted the children in an educational environment. He said he is also Director of the Council on Crime and Delinquency, and in that capacity he goes all over the state and nation to evaluate group homes, and is familiar with the type of house needed, the staff, and procedures to follow. He said this site offers unique possibilities to help with the educational aspect of the program. There is also adequate room for the staff required. He said the neighbors had been talked to, to tell them of their plans because in a community setting the residents have a fear of the unknown. In many cases the neighbors become supportive of a project after it has been in existence.

Mayor Pro Tem Himmelblau asked if the children were too disturbed to be in a public school. Mr. Albach said some of the children would have a special program outside of the school setting. Hopefully, the children can be re-integrated back into the traditional school setting, he said. In answer to Councilmember Mullen's question, he said that the children are referred from various sources, and they are not necessarily Austin children. Many communities do not allow help programs such as this in their neighborhoods.

Councilmember Cooke questioned a regulation that does not allow children to be cared for on the second floor of a building. Mr. Lillie said that referred only to day care centers for small children and would not apply to children of the age proposed for the project. Councilmember Cooke asked Mr. Lillie to re-state the conditions. Mr. Lillie said the Urban Transportation Department indicated a need for employee parking designated on the plan and paved on the site. Building Inspection Department indicated a need to determine whether a subdivision was required and any signs applicable to this permit, plus approval by the Department of Public Welfare, and a copy of the State Charter as a non-profit organization. The Fire Prevention Department requires fire extinguishers when ready for occupancy. Urban Transportation recommended

a circle driveway on Salado for off-street loading and unloading. Water and Wastewater have routine requirements and the Department of Public Welfare said recommendations and comments must be reserved until the facility is ready for occupancy as a child care institution. Mr. Lillie said that if the Council chooses to approve this, it will be subject to the above requirements.

Councilmember Goodman asked if recreational facilities and programs are planned. Mr. Albach answered affirmatively.

MRS. BETTY R. PRICE, President, Building Corporation, Alpha Delta Pi, across from the proposed project, appeared to state her opposition. She felt the residence would be unsuitably located in an area of heavy traffic and congested living and that it would be an encroachment into the neighborhood. She said the Council members had received copies of letters from neighbors of the proposed site stating their objections. All the people own their homes or businesses and pay taxes on their property. Mrs. Price discussed the points considered by the writers of the letters. Some felt the children would be adversely effected in the University neighborhood because of accessibility to drugs and alcohol, the late parties, lifestyle, noise and pollution. Business owners are concerned with possible break-ins, pilfering and other temptations. She said the neighborhood already has several rehabilitation centers for people with various problems and to allow another residence to open in the neighborhood would bring to six the total of institutional type homes within less than a mile radius. The neighborhood is not unsympathetic to the needs of the children who need help but feel that the encroachment will adversely effect the use and value of their property. She stated that the board of the Alpha Delta Pi sorority is responsible for creating a safe home for sorority members. They represent about 200 Austin alumnae and operate on a non-profit basis. There are other sororities and fraternities in the neighborhood and due to the odd hours and sometimes closing of the house for special holidays, they are all forced to pay for additional security because of break-ins and vandalism by non-University people. She thought the young men proposed as residents for the project might add to the crime rate in the neighborhood. She said the boys do run away, and at times are allowed to go into the neighborhood without supervision. Mrs. Price said she was aware of the fact that there generally is not sympathy for sorority girls, but the girls do need to be protected and their needs brought to the awareness of others. Mrs. Price said she taught for 28 years in Austin at the Junior High level and is well-acquainted with the learning problems of all children ages 13 through 16. She has sympathy for their needs, but she has also witnessed dangerous and violent behavior on the part of some students in the classroom, halls and playground. She said the young men who would live in the residence would be unpredictable, so they had basis for concern about the project. The neighbors questioned how well the boys will be supervised, how well they will be taught, and how much will actually be accomplished. She said it should be carefully determined whether or not the money spent on the project will be money well spent. Mrs. Price concluded her statements by thanking the Council for the opportunity to be heard.

MR. B. N. HOLMAN, owner of a 16-unit apartment at 2704 San Pedro and also owner of property across the street from the property in question, appeared to state he has concern for the safety of the girls in the Alpha Delta Pi house. He said they live only 50 feet behind the fence from the subject property. Mr. Holman said he is in favor of the project but does not feel it belongs on the proposed site. Mr. Holman said the residents in his apartment building are also

expressing their concern about the project and he is concerned about the "sanctity" of zoning. He said property should be kept as a sound investment with the proper zoning. Mayor McClellan stated she understood the proposed project is not inconsistent with the present zoning and it is not a zoning change, but that some types of activities require special permits. Mr. Holman answered, "Is it not true that there is a zoning that would cover this application without any changes or special permits?" City Attorney Jerry Harris said this was true, but in "B" Residence zoning and in less restrictive zoning, these institutions are permissible with the special condition of obtaining the Special Permit. So, Mr. Harris stated, this type of institution is permissible in the present zoning.

Mayor McClellan said her concern is that if the alternative center cannot be at the proposed site, she did not know where it could be. She said she realizes the problems of the area and wants to do everything possible to protect the neighborhood, but has a problem in being able to turn down the opportunity for 12 to 16 boys being able to reside in the area with supervision. Mr. Holman pleaded with the Mayor to not approve of the damaging of the neighborhood's financial structure, or the property of the homeowners. She answered that something far more damaging could enter the neighborhood if this was denied.

MR. CREEKMORE FATH appeared before the Council to object to the proposed project. He said he owns property in the area and has mixed emotions. He wants to do everything he can to help the boys but feels the crowded congestion and the noise level between midnight and 5 a.m. is unbelievable. Mr. Fath said there is no recreation area other than a 20 by 20 foot spot which is planted with 8 trees. Pease Park, he said, is 12-14 blocks away. He repeated that he was in a quandry. He wanted to help the boys, but he also wanted to protect himself. The parking situation is incredible, and at present there are no children in the area. He feels putting them in peer pressure which is on an adult level may be more harmful than peer pressure at their age level. Mr. Fath asked that the conditions be included in the permit, and that the property owners be given the opportunity, if the project does not work, to come back and voice their complaints to the Council.

MS. DOROTHY RICHTER appeared to state they have TYC boys in their neighborhood and had fears at first, but find the project to be an asset to the neighborhood.

Councilmember Mullen moved that the Council close the public hearing, deny the appeal and grant the special permit, with conditions as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## PUBLIC HEARING ON STREET AND ALLEY VACATION

The Mayor opened the public hearing scheduled for 10:45 a.m., on vacating the following and passage of the Ordinance:

A street forty (40.00) feet in width and an alley twenty (20.00) feet in width and containing a total of 27,099 square feet of land and being out of the White and Wolf Subdivision. (Requested by Mr. Jeryl D. Hart, Jr., Registered Public Surveyor, representing the Austin Corporation.)

Mr. John German, Director of Public Works, said the White and Wolf subdivision was originally filed for record in 1890. The area, he said, is located on the northwest side of the mouth of Dry Creek with primary access from RM 2222. (City Clerk did not receive a map of the area, which was passed out.) Mr. German said the streets and alleys of the subdivision have basically never been developed. The owner of the property surrounding the streets is the Austin Corporation represented by David Barrow, Jr. Originally, the request was received in June, reviewed by the Planning Commission in July, and they recommended approval. Mr. German stated a check is in hand for the amount of the property that will be vacated, \$6,632.00. The property owner, he said, has requested that the Council waive the requirement for payment. Mr. German stated that the property is in the City limits.

MR. DAVID BARROW, JR., appeared before the Council to say that they had owned the property since 1950 and had never made any use of it, nor do they have any plans for the balance of the property. Last February, he said, Mr. Charles Sandahl asked to buy a lot from them on Lake Austin, at the north end of the property, for a single family residence. There are already several homes in the vicinity that have been there for years. Mr. Barrow said that neither he nor his father knew that the old subdivision existed. Mr. Hart, in the process of research, discovered it, and that, Mr. Barrow said, is why he is appearing before Council. Some part of some of the streets of the old subdivision, he stated, actually goes underneath some of the present homes, which he does not believe they are aware. One of the reasons he is asking for waiver of payment is that if they are charged, then will the City also charge the owners of the homes that have existed for a long, long time.

MR. JERYL D. HART, representing the Austin Corporation formally, and some of the other property owners informally. When he submitted a plat to the City, he called attention to the fact that the streets and alleys were of record. The main concern at that time was the fact that the dedicated street needed to be vacated in order to have a clear title to it. They applied for vacation and received a reply that they needed to supply a check for \$6,632.00. At that point they felt the Council should consider the problem and come to an equitable solution to it. In order to bring it to the Planning Commission, he said it was necessary to put up the money. Today, he said, the Council is considering only the original application. He assumed that a subsequent request to vacate everything north of Dry Creek will be considered separately. Mr. Hart said he had given a copy of the petition signed by a number of the residents proposing that in consideration for the vacation of the streets and alleys, that the property owners grant drainage easement where needed to convey the water that might accumulate on Tortuga Trail down to the lake.

MR. CHARLES SANDAHL, who wants to build a home at the site in question, appeared before the Council. He said he wanted the property because it has close access to the City of Austin, with easily traversed roads. The flood plain, he said, is higher than any others up the lake and some of the lots on the 1890 subdivision map are under the lake now. There is a stagnant lagoon in the area which he said would be cleared and improved if he develops the land as a homesite.

MR. JOE RIDDELL appeared before the Council to say that the piece of property they are being asked to vacate does permit public access to Lake Austin. He said he is opposed to just giving away the access because there are very few places where the public can reach the lake. He said if someone wants to live there, there would be ample room by combining lots of the old subdivision, but leave the access open for public usage. He thought the \$6,632 figure for vacation was far too low for lake front acreage and thought instead of raising the price, the vacation should be disallowed. He suggested the Environmental Board and Navigation Boards should be consulted to see what they think about the vacation.

BETTY CLELLAN, member of Save our Lake neighborhood association, appeared to state she lives on the bluff overlooking the property under discussion. She stated that if the Council decides to vacate the property, it would open the door to development along the shores of Lake Austin, not far from Mt. Bonnell at a time when the Lake Austin Growth Management Plan has not been enacted into law, and in an area where development pressures are building rapidly. She said it is not fair to handle these vacations one street or one alley at a time... but that they need a comprehensive plan on which to plan investments. Ms. Clellan also expressed concern over the closing of public access to the lake.

WILLIAM R. BRIGHT appeared before Council to say there is access to the lake at the end of Enfield Road. He said he lives on Tortuga Trail and his house is on part of the road in question. It is an effort to try to reach the lake from the road in question and he thought the vacation should be granted.

Mayor Pro Tem Himmelblau asked if the City owns 200 feet of shore line at the point in question. Mr. German said the only shore line they would have is the 40 foot width of the street.

#### Motion

Mayor Pro Tem Himmelblau moved that the Council close the public hearing and waive the requirement for three readings to finally grant the ordinance to vacate a street forty (40.00) feet in width and an alley twenty (20.00) feet in width and containing a total of 27,099 square feet of land being out of the White and Wolf Subdivision, and not waive the payment. The motion was seconded by Councilmember Goodman.

Mr. Hart returned to say he wanted to request that the Council put the waiving of the payment in the same category as they will when they consider a broader request. He said they have made a request that the additional streets which are impeding the title to other properties in the area be vacated. He said there are about six homes which occupy the streets. Mr. Hart said there would be a request before Council in the future pertaining to the tracts of land from Dry Creek north to the end of the subdivision.

Councilmember Mullen commented that if they charged today, then they will have to charge everybody. He said he thought it would be difficult to say to people, "Pay up or move out of your house."

Roll Call on Motion - Failed

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

Motion - Failed Lack of a Second

Councilmember Mullen moved that the Council vacate without payment. The motion failed for lack of a second.

Motion to Reconsider

Councilmember Mullen moved that the Council reconsider the question. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Motion - Failed

Mayor Pro Tem Himmelblau moved that the Council close the public hearing, and waive the requirement for three readings to finally grant the ordinance to vacate a street forty (40.00) feet in width and an alley twenty (20.00) feet in width and containing a total of 27,099 square feet of land being out of the White and Wolf Subdivision, and not waive the payment. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

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

The Mayor announced that the ordinance had not been passed and the vacation had not been granted.

**PUBLIC HEARING ON REPEAL OF TRUTH IN SELLING ORDINANCE**

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. to consider repealing Ordinance No. 770113-C, the Truth in Selling Ordinance.

Lonnie Davis, Director, Building Inspection Department, reviewed the history of the ordinance. There existed a total potential of between 100,000 and 110,000 requests for verification of zoning each year, which had to be current within ten days. When the ordinance was first implemented, the Building Inspection Department was inundated with requests for verification which required more personnel. One new employee was acquired using CETA funds. Up to budget time this year, cost to the City had been \$7,979. \$11,775 was budgeted for Fiscal Year 1977-1978, with an additional \$1,000 for printing costs and \$9,000

through the Planning Department for a drafter. Since the implementation of the ordinance and the initial surge of requests, there had been a steady decline in requests for verification.

In response to Councilmember Cooke's question, Mr. Davis said that if the responsibility for enforcing the ordinance were removed from his department, the budgeted money for the additional position would not be spent, nor would an employee (the CETA employee) be out of a job.

Mayor McClellan stated that the intent of the ordinance was to require the professional real estate agent to make the disclosure regarding zoning. As written, the ordinance could be enforced only against the homeowner who was selling his home or against a real estate agent who was selling his home. City Attorney Jerry Harris agreed with the Mayor's interpretation of the ordinance. Mayor McClellan questioned whether or not the Council wanted to enforce the ordinance as written.

RUTH EPSTEIN, representing Travis County Democratic Women, spoke in support of a Truth in Selling ordinance. She felt that disclosure should be the responsibility of the seller. She then read a statement. She also felt that provisions of the flood plain ordinance should be included in a Truth in Selling ordinance. The City Manager should also be required to report to the Council as to how well the ordinance was working.

BETTY PHILLIPS, representing Save University Neighborhood Association, asked that the ordinance be kept on the books, but that it be rewritten to take into account some of the items discussed today. She thought the brochure was a good idea and that liability be retained for both realtor and/or seller. She asked that it be extended to the purchase of "B" Residence property.

MO TERRELL, President, Austin Board of Realtors, felt that the ordinance was unworkable. He asked that the ordinance be rescinded and that if it needed further study, to start over again.

MRS. DOROTHY RICHTER felt that the ordinance should be studied further through the committee process.

#### Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REPEALING ORDINANCE NO. 770113-C; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read ~~the first time~~ and Councilmember Cooke moved that the Council close the public hearing and pass the ordinance to its second reading, repealing ordinance No. 770113-C, and directing the City Attorney to bring back an ordinance providing potential home buyers with consumer protection information relating to zoning in the area of purchase. The motion was seconded by Mayor Pro Tem Himmelblau.

#### Friendly Amendment - Not Accepted

Councilmember Goodman offered a friendly amendment that repeal of the ordinance not be effective for 45 days. Councilmember Cooke did not accept the amendment.

Substitute Motion - Failed

Councilmember Goodman offered a substitute motion which was the same as Councilmember Cooke's motion with the addition that the ordinance not be effective until after 45 days. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

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

Roll Call on Original Motion

Roll Call on Councilmember Cooke's motion, Mayor Pro Tem Himmelblau's second showed the following vote:

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

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

The Council agreed to place the item on the agenda for second and third readings on October 27, 1977.

## STREET VACATIONS

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

CONCHO STREET from the north line of Gregory Street to the south line of Rosewood Avenue. (Requested by Mr. Leon M. Lurie, Executive Director, Urban Renewal Agency)

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF CONCHO STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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 Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.



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

A ten (10.00) foot strip of land in the west right-of-way of NUECES STREET extending from the north line of West 8th Street to the south line of West 8th Street Alley. (Requested by Carolyn Knappe Martin, owner of property adjacent to the right-of-way)

JOHN GERMAN, Public Works Director, stated that at Mayor Pro Tem Himmelblau's request, value of the subject land was placed at \$7.50 per square foot. A total of 1,280 square feet was involved, which was worth \$9,600. Mr. German had also checked into a precedent case wherein only land under a house and garage were vacated but deeded back to the City. In the Martin case, 350 square feet of land were under the house and garage, and was worth \$2,625. Mr. German recommended that the City vacate the 350 square feet for \$2,625 and accept the deed back.

PAUL McCLAIN, a realtor representing the applicant, requested that the Council follow the original recommendation that the property be vacated and deeded back with no exchange of money. However, the staff recommendation would be considered.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF NUECES STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE 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, vacating 350 square feet of land beneath the house and garage of the subject property, with payment of \$2,625 to the City and deeded back to the City. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

## EASEMENT RELEASE

Councilmember Trevino moved that the Council adopt a resolution to release the following Easement:

A portion of a 10.00 foot Public Utilities Easement out of Lot 1, William S. Drake, Jr., Subdivision in the City of Austin, Travis County, Texas. (Requested by owner's agent, Mr. B. F. Priest)

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

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

Noes: None

## LAND CONVEYANCE

Councilmember Trevino moved that the Council adopt a resolution to authorize the conveyance of certain land to N.P.C. Realty Company in exchange for the dedication of certain streets and easement. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

## WASTEWATER LINE EASEMENT

Councilmember Trevino moved that the Council adopt a resolution authorizing eminent domain proceeding to acquire a fifteen (15.00) foot wide wastewater line easement in the Oak Forest Subdivision between U.S. 183 and Jollyville Road. (Larmon L. Cox, et ux, owner) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

ACQUISITION OF LAND  
EMINENT DOMAIN

Councilmember Trevino moved that the Council adopt a resolution authorizing eminent domain proceedings to acquire the following tract of land for the Walnut Creek Project:

32,000 square feet of land out of the William Cannon League.  
(Lumberman's Investment Corporation, owner)

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

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

Noes: None

## CONTRACTS APPROVED

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

Bid Award:	- Elevator Maintenance Services, Various City Departments.
DOVER ELEVATOR COMPANY 1906 Miriam Austin, Texas	- Items Nos. 1.0 thru 4.0 and 6.0 - \$59,995.00
ASSOCIATED ELEVATOR COMPANY 6901 North Lamar Boulevard Austin, Texas	- Items Nos. 5.0 and 11.0 - \$6,336.00
BAXTER & SONS ELEVATOR COMPANY 2000 Burton Drive Austin, Texas	- Items Nos. 7.0 thru 10.0 and 12.0 - \$30,180.00

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

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

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

MONARCH PAPER COMPANY 1905 East 6th Street Austin, Texas	- Paper for Printing Services Division. Six month supply agreement with option for additional six month extension. Items 1 thru 5 - \$21,248.72
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

GENERAL ELECTRIC SUPPLY COMPANY P. O. Box 15003 Austin, Texas	- Horizontal Post Insulator, Electric Department. Item 1 - \$18,019.80
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The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

- Bid Award:
- Ready-Mix Concrete, Various City Departments
- CENTEX MATERIALS (Travis Division)  
2525 Wallingwood Avenue  
(Timberline Office Park #5)  
Austin, Texas
- First Low Bidder:
    - Item 1 @ \$26.00/c.y.
    - Item 2 @ \$34.50/c.y.
    - Item 3 @ \$26.00/c.y.
- TEXAS INDUSTRIES, INC.  
825 Ed Bluestein Boulevard  
Austin, Texas
- Second Low Bidder
    - Item 1 @ \$26.50/c.y.
    - Item 2 @ \$36.50/c.y.
    - Item 3 @ \$26.50/c.y.
- CAPITOL AGGREGATES  
Bolm Road  
Austin, Texas
- Third Low Bidder
    - Item 1 @ \$29.00/c.y.
    - Item 2 @ \$39.00/c.y.
    - Item 3 @ \$31.50/c.y.

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

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

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

- ENVIRONMENTAL SALES & SERVICE  
1511 Industrial Court  
Arlington, Texas
- Sweeper and Gutter Broom Refills, Vehicle and Equipment Services Department. Twelve (12) month supply agreement with option to extend for additional twelve (12) months.  
Items 1.0 thru 2.5 - \$7,961.00

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

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

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

- Bid Award:
- Leather Goods for Police Department. Twelve (12) Months supply agreement with option for three (3) months extension.
- T. R. ELLIS  
4810 Woodview  
Austin, Texas
- Item 1 - \$500.00

BAILEYS HOUSE OF GUNS  
Route 3, Box 327-A  
Houston, Texas

- Items 2 thru 8 - \$6,033.60

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

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

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

VAN LEEUWEN PIPE & TUBE CORP.  
One Allen Center, Suite 680  
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM,  
EBERHART PUMP STATION - Steel Pipe and  
Flanges, Water and Wastewater  
Department.  
Items 1-4 - \$5,828.20 (CIP 540865)

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

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

#### LICENSE AGREEMENT - RAILROAD

Councilmember Trevino moved that the Council adopt a resolution to enter into a License Agreement with the Southern Pacific Transportation Company for the purpose of installing a 12-inch sanitary sewer main beneath said Railroad's Right-of-Way at Mile Post 108.41, Engineer's Station 2724+00. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

#### CHANGE ORDER - BRACKENRIDGE HOSPITAL

Councilmember Trevino moved that the Council adopt a resolution to approve reduction of contract with R. P. Kinchloe Company in the amount of \$21,361.00 and authorizing change order to Robert E. McKee Company in the amount of \$21,361.00 (CIP No. 74/84-01) CAPITAL IMPROVEMENTS PROGRAM, PHASE 2B EXPANSION, BRACKENRIDGE HOSPITAL. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## MULTIPLE USE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to execute a multiple use agreement with the State Department of Highways and Public Transportation for the construction of a public park road, boat ramp and parking facility on highway right-of-way under Interstate Highway 35 main lane bridge at Town Lake. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

MONITORING AND TEST EQUIPMENT AGREEMENT  
DECKER POWER PLANT UNIT #1

Councilmember Trevino moved that the Council adopt a resolution to enter into a Monitoring and Test Equipment Agreement with the Radian Corporation to install monitoring and test equipment at Decker Power Plant Unit #1 for experimental purposes. (No cost to the City) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## SENIOR LUNCHEON PROJECT

Councilmember Trevino moved that the Council adopt a resolution to change the base price of each meal for Senior Luncheon Project from \$1.14 each to \$1.19 each for the remainder of the Contract and any extension periods as may be exercised. (Estimated increase of \$1,260.00 during initial 12 months of contract) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## EMERGENCY MEDICAL SERVICE

Councilmember Trevino moved that the Council adopt a resolution to authorize continuing the contract with the Central Texas Medical Foundation for Medical Direction of the Emergency Medical Service Department for one year. (\$43,848) The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## PARKING METER ZONES

Councilmember Trevino moved that the Council adopt a resolution to authorize the following Parking Meter Zones:

	<u>METER ZONE</u>	<u>STREET</u>	<u>LIMITS</u>		<u>SIDE OF STREET</u>
			<u>From</u>	<u>To</u>	
DELETE	30/60/90/120	Brazos Street	800	800	East
INSTALL	30/60/90/120	Brazos Street	800	800	East and West

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

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

AGREEMENT WITH TRAVIS COUNTY  
ELECTIONS

Councilmember Trevino moved that the Council adopt a resolution to authorize an agreement with Travis County for the utilization of County voting devices for City elections and the utilization of the City's computer for County elections. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## DEVELOPMENT ASSISTANCE FOR REHABILITATION

Councilmember Trevino moved that the Council adopt a resolution to authorize implementation of Criminal Justice Division Grant entitled "Development Assistance for Rehabilitation" (DAR). The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## POVERTY ALCOHOLISM COUNCIL PROJECT

Councilmember Trevino moved that the Council adopt a resolution to authorize an application for a Poverty Alcoholism Council Project. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

## TAX APPEAL PUBLIC HEARING SET

Councilmember Trevino moved that the Council set a public hearing for October 20, 1977 at 8:00 p.m. on the following Tax Appeal:

NAMEPARCEL IDENTIFICATION

James L. Bowman, D.D.S.

B-36230

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

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

Noes: None

## PAVING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (South First Street)

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

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

Noes: None

The Mayor announced tht the ordinance had been finally passed.



Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF ATKINSON ROAD AND SUNDRY OTHER STREETS, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY AUSTIN ROAD COMPANY; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Atkinson Road and sundry other streets)

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

The Mayor announced that the ordinance had been finally passed.

#### AMENDMENTS TO BOARDS AND COMMISSIONS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART ONE OF ORDINANCE NO. 761216-C OF THE AUSTIN CITY CODE; PROVIDING FOR THE ESTABLISHMENT OF THE DENTAL HEALTH ADVISORY COMMITTEE, AND FOR ONE-YEAR TERMS EXPIRING MARCH 1 OF EACH YEAR; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 47 OF THE CITY CODE OF AUSTIN OF 1967, PROVIDING FOR TWO-YEAR STAGGERED TERMS EXPIRING MARCH 1 FOR MEMBERS OF THE COMMUNITY DEVELOPMENT COMMISSION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART ONE OF ORDINANCE NO. 770721-G AND CHAPTER 42-A OF THE AUSTIN CITY CODE, PROVIDING FOR A PLUMBING ADVISORY BOARD WITH TWO-YEAR STAGGERED TERMS EXPIRING JULY 1; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART ONE OF ORDINANCE NO. 760401-A OF THE AUSTIN CITY CODE, CREATING A CONSTRUCTION ADVISORY COMMITTEE WITH TWO (2) YEAR STAGGERED TERMS EXPIRING ON OCTOBER 1; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 2-10 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING FOR FIFTEEN COMMISSIONERS ON THE CITY OF AUSTIN HUMAN RELATIONS COMMISSION WITH TWO-YEAR STAGGERED TERMS EXPIRING NOVEMBER 1; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 24 OF THE AUSTIN CITY CODE OF 1967, PROVIDING FOR TWO-YEAR STAGGERED TERMS EXPIRING JUNE 1 FOR MEMBERS OF THE PARKS AND RECREATION BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 47 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING FOR TWO-YEAR STAGGERED TERMS EXPIRING AUGUST 1 FOR MEMBERS OF THE ARTS COMMISSION; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE - THIRD READING

Mayor McClellan brought up the following ordinance for final passage:

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:

- (1) LOTS 1 AND 2, BROCKBRENT SUBDIVISION NO. 3, LOCALLY KNOWN AS 4612-4620 BURLESON ROAD; FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA; AND,
- (2) LOT 2 OF THE RESUBDIVISION OF TRACT A OF THE BROCKBRENT SUBDIVISION NO. 2, LOCALLY KNOWN AS 4604-4610 BURLESON ROAD; FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA; AND,
- (3) LOT 1-B, BROCKBRENT SUBDIVISION NO. 1, LOCALLY KNOWN AS 4702 BURLESON ROAD; FROM INTERIM "AA" RESIDENCE, FIRST HEIGHT AND AREA TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA; 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. (David C. Woodland, Jr. and W. Patrick McLean, C14-77-018)

The ordinance was read the third time, and Councilmember Mullen moved that it be finally passed. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

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:

- (1) LOT 1, PANNEL AND GAFFIELD SUBDIVISION, LOCALLY KNOWN AS 11573 JOLLYVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) A 6.058 ACRE TRACT OF LAND, SAVE AND EXCEPT A 4.5 ACRE TRACT OF LAND (1.584 ACRES TOTAL), LOCALLY KNOWN AS 6313-6415 BALCONES DRIVE AND ALSO BOUNDED BY MOPAC BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
- (3) A 4.261-ACRE TRACT OF LAND, LOCALLY KNOWN AS 13668-13790 AND 13806-13818 U. S. HIGHWAY 183 AND ALSO BOUNDED BY LAKE CREEK PARKWAY, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (4) EAST 64 FEET OF LOTS 16, 17 AND 18, BLOCK 1, OUTLOT 73, DIVISION D, FRUTH ADDITION, LOCALLY KNOWN AS 500-504 WEST 29TH STREET AND 2900-2904 FRUTH STREET, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT (WEST HALF) AND "O" OFFICE DISTRICT (EAST HALF); AND,
- (5) A 9.858-ACRE TRACT OF LAND, LOCALLY KNOWN AS 8321-8605 MOPAC BOULEVARD, FROM "GR" GENERAL RETAIL DISTRICT TO "DL" LIGHT INDUSTRIAL DISTRICT; AND,
- (6) LOTS A AND B, TOWN AND COUNTRY VILLAGE SUBDIVISION, SECTION ONE, LOCALLY KNOWN AS 12829-12883 U.S. HIGHWAY 183 AND 12840 JOLLYVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (7) A 7.8641 ACRE TRACT OF LAND (SAVE AND EXCEPT A 25 FOOT STRIP OF "A" RESIDENCE ALONG THE WEST PROPERTY LINE BEGINNING AT THE NORTH PROPERTY LINE AND EXTENDING SOUTH FOR A DISTANCE OF 550 FEET, WHICH IS HEREBY ZONED FROM "GR" GENERAL RETAIL DISTRICT TO "A" RESIDENCE DISTRICT), LOCALLY KNOWN AS 9904-10114 NORTH I. H. 35, FROM "GR" GENERAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; AND,
- (8) LOTS 1 THROUGH 6, SAVE AND EXCEPT A 2,500 SQUARE FOOT TRACT OF LAND, AND LOTS 14 THROUGH 19, AND THE NORTH ONE-HALF OF LOT 20, BLOCK 17, GLEN RIDGE ADDITION, LOCALLY KNOWN AS 1508 WEST 38TH STREET (CUT-OFF), 3404 CRAWFORD AVENUE AND 1509 OLD WEST 38TH STREET, FROM "O" OFFICE DISTRICT AND "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,
- (9) A 14,674.76-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 2710-2712 SOUTH LAMAR BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
- (10) TRACT 1: LOT 1, SAVE AND EXCEPT THE WESTERNMOST 120 FEET, OBENHAUS-MATZ SUBDIVISION, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: THE WESTERNMOST 120 FEET OF LOT 1, OBENHAUS-MATZ SUBDIVISION, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT;  
LOCALLY KNOWN AS 12530 U. S. HIGHWAY 183, ALSO BOUNDED BY JOLLYVILLE ROAD; AND,  
(11) 48' x 124' (PART OF BLOCK 5) OUTLOT 3, DIVISION Z, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 1403 WEST 9TH STREET (BEN PILLOW HOUSE), FROM "A" RESIDENCE DISTRICT TO "A-H" RESIDENCE-HISTORIC DISTRICT; AND,  
(12) LOT 10, BLOCK 63, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 706-708 EAST 6TH STREET, FROM "C-2" COMMERCIAL DISTRICT TO "C-2-H" COMMERCIAL-HISTORIC DISTRICT;  
ALL OF 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. ( 1-Meri Rannikko, C14-77-081; 2-City National Bank of Austin, C14-77-096; 3-Anderson Mill Joint Venture, C14-77-103; 4-Synod of Red River Presbyterian Church in the United States, C14-77-104; 5-Robert W. Norris, Trustee, C14-77-105; 6-John P. Nieman, C14-77-109; 7-John Joseph, C14-77-110; 8-R. H. Johnson, D. S. Thomas & Newton O. Wilds, Jr., C14-77-111; 9-Alice Colonna, C14-77-113; 10-R. A. Obenhaus, C14-77-101; 11-Ben Pillow House, C14h-77-030; 12-Walton-Joseph Building, C14h-77-032)

Councilmember Mullen moved that the Council waive the requirement for three readings and finally passed an Ordinance amending Chapter 45 of the Austin City Code of 1967 (Zoning Ordinance) to cover the above changes. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

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:

- (1) A ONE-ACRE TRACT OF LAND, SAVE AND EXCEPT THE WEST 150 FEET, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT;
- (2) THE WEST 150 FEET, SAVE AND EXCEPT A 1,656-SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (3) A 1,656-SQUARE FOOT TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 10623 U. S. HIGHWAY 183; 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. (Leon Schmidt, C14-77-082)

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

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

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 18, BLOCK 1, OUTLOTS 31 AND 32, DIVISION O, M.K. AND T. ADDITION, LOCALLY KNOWN AS 806 WILLOW STREET AND ALSO BOUNDED BY INTERSTATE HIGHWAY 35, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Mrs. Raymond Matocha, C14-77-106)

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

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

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

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:  
A 10,221-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 1004-1006 WEST 31ST STREET, FROM "A" RESIDENCE, FIFTH HEIGHT AND AREA DISTRICT TO "O" OFFICE, 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. (Mrs. Alice Emmons, C14-77-094)

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

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

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATION ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 22.56 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES HOWLETT SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT

TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.  
(Case No. C7a-77-008)

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 325.20 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES RODGERS SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.  
(Case No. C7a-76-010)

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

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

The Mayor announced that the ordinance had been finally passed.

#### CONCRETE TESTING SERVICES

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select Austin Testing Engineers for Concrete Testing Services for subdivision street development and various Capital Improvements Projects for fiscal year 1977-78. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

## SOILS INVESTIGATION SERVICES

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select Frank G. Bryant & Associates for Soils Investigation Services for subdivision street development and various Capital Improvements Projects for fiscal year 1977-78. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## BITUMINOUS MATERIALS TESTING SERVICES

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select Trinity Engineering Testing Corporation for Bituminous Materials Testing Services for subdivision development and various Capital Improvements Projects for fiscal year 1977-78. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## BASE COURSE AND SUBGRADE DENSITY TESTING

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select Trintiy Testing Labs, Inc. for Base Course and Subgrade Density Testing Services for Subdvision street development and various Capital Improvements Projects for fiscal year 1977-78. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## TENNIS FACILITIES

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select S. A. Garza Engineers, Inc., for professional engineering services for design of tennis facilities at five sites for the Parks and Recreation Department. (EDA Grant) (C.I.P. No. 78/86-24) CAPITAL IMPROVEMENTS PROGRAM, TENNIS FACILITY EXPANSION AND IMPROVEMENTS. The motion, seconded by Councilmember Trevino, carried by the following vote:

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



## DORIS MILLER ROOM ADDITION

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to select Architects International for architectural services for a physical fitness room addition. (EDA Grant) (CIP No. 78/86-25) CAPITAL IMPROVEMENTS PROGRAM, PHYSICAL FITNESS ROOM ADDITION, DORIS MILLER AUDITORIUM AND OPEN GYMNASIUM, METZ PARK. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Trevino

## PUBLIC POUND SERVICES

Councilmember Mullen moved that the Council adopt a resolution to authorize execution of an agreement for Public Pound Services between the City of Austin and the Humane Society of Austin and Travis County. (Period - October 1, 1977 to September 30, 1978) The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: None

## CREATION OF WILLIAMSON COUNTY MUD #2

The Council had before it consideration of a resolution consenting to the creation of Williamson County Municipal Utility District #2.

FRANK BOOTH, representing the petitioners, stated that they supported the staff recommendation and asked the Council to adopt the resolution. City Manager Davidson stated that City staff had examined the proposal as compared to what they felt should be the standards and how creation of the District would effect either the City of Austin or whatever entity ended up developing adjacent to the area. He believed that adequate restrictions had been placed on the proposal and that it would be advantageous to all parties for it to be authorized. The format was identical to the one for Williamson County MUD #1, with the exception that the development did not connect with Austin's water system.

JOE RIDDELL spoke in opposition to the proposed creation of the Municipal Utility District. He indicated five reasons for his opposition.

Councilmember Goodman moved that the Council adopt a resolution consenting to the creation of Williamson County MUD #2. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

## PUBLIC HEARING SET

Councilmember Cooke moved that the Council set a public hearing for November 3, 1977, at 2:30 p.m. to amend Chapter 29 of the Austin City Code providing procedures for the removal and impoundment of structurally unsound watercraft from City Lakes; providing for regulations concerning marine sanitation and the lighting of houseboats; prohibiting the use of multiple air-filled displacement flotation units; providing for the registration of houseboats; and prohibiting overnight operation on Town Lake. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

## HOTEL/MOTEL TAX REVENUE

Motion

Mayor Pro Tem Himmelblau moved that the Council appropriate funds from the Hotel/Motel Tax Revenue as follows:

1% Chamber of Commerce  
1/2% Arts  
2-1/2% City of Austin with \$50,000 set aside for the  
\$35,000 set aside for Mexican-American Chamber of Commerce

The motion was seconded by Councilmember Cooke

There was discussion among Councilmember Trevino, Mayor Pro Tem Himmelblau, Councilmember Mullen, Mayor McClellan, Mr. Rush Evans of the Chamber of Commerce and Marcel Rocha of the Mexican-American Chamber of Commerce, concerning the source of the money for the Mexican Chamber of Commerce (whether from Chamber of Commerce's 1% or from the City of Austin's 2-1/2%) as well as whether the amount should be \$35,000 or \$50,000. It was decided that there should be monitoring of both Chambers of Commerce to determine how much business in the way of conventions, etc., they actually bring to the City of Austin.

Original Motion Withdrawn

At this point Mayor Pro Tem Himmelblau withdrew her motion, and Councilmember Cooke withdrew his second.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FROM THE HOTEL/MOTEL TAX REVENUE; PROVIDING FOR THE APPORTIONMENT OF THE REVENUE FROM THE FOUR PERCENT (4%) HOTEL/MOTEL OCCUPANCY TAX AS FOLLOWS: ONE PERCENT (1%) TO THE AUSTIN CHAMBER OF COMMERCE, ONE-HALF PERCENT (1/2 %) TO THE ARTS, TWO-AND-ONE-HALF PERCENT (2 1/2 %) TO THE CITY OF AUSTIN WITH \$50,000 SET ASIDE TO THE MEXICAN-AMERICAN CHAMBER OF COMMERCE OF AUSTIN; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Councilmember Cooke asked that the Mexican-American Chamber of Commerce conduct a public relations program with brochures inviting organizations to use the facilities of Austin.

#### ETHICS REVIEW COMMISSION

The Council had before it for consideration an ordinance amending Chapter 2, Article VII, Section 2-41(b) of the Austin City Code entitled Ethics Review Commission, to provide for Council appointment of a Certified Public Accountant to the Ethics Review Commission, and to provide that the attorney member of the Commission be a member of the State Bar of Texas and amending the provisions of the Ethics and Financial Disclosure Ordinance dealing with the acceptance and reporting items of value.

MR. COLIN CARL, Chairman, Ethics Review Commission, said they were proposing a change in the Ethics Review Commission in order to have four members appointed by the Council, eliminating the one appointed by the accountants because it has been four months since that vacancy occurred. He also said he thought they should eliminate the appointment to be made by the State Bar of Texas because they have been either unable or unwilling to fill the vacancy. He suggested the Council take over the appointments and appoint one CPA and one member of the State Bar of Texas. Mr. Carl discussed the regulation on the approved dollar value of gifts the Council could accept without reporting the items and said it is the Commission's recommendation that the limit be set at \$25.00. He pointed out that if the Council members did not want to report their gifts, then they should make them a gift to the City to avoid the paperwork.

Councilmember Cooke asked a question concerning itemization and value and Mr. Carl said if that was a burden (reporting the amount) then he thought reporting the source would be sufficient.

Councilmember Trevino brought up the question of a spouse of a City official accepting something. Mr. Jerry Harris, City Attorney, answered that "if we want to prohibit a spouse from accepting anything because of her relationship to a City official, then we can write it in the ordinance in plain English."

Mr. Carl said that gifts accepted by City officials on behalf of the City should be turned over to the City right away and not at the termination of an individual's service. It will then be inventoried and would not have to be reported to the City Clerk's office. Mayor Pro Tem Himmelblau questioned how the reporting would be handled. Mr. Carl replied that gifts up to \$25.00 would be reported with the annual disclosure. Mayor Pro Tem Himmelblau said such a reporting would read like an itinerary. Mayor McClellan suggested they report each item to the City Clerk's office as it happens.

Councilmember Goodman suggested they have a \$10.00 limit with no reporting and that would avoid some of the pitfalls that Councilmembers at this point were discussing. Mayor Pro Tem Himmelblau said she did not mind reporting the visible things but thought it was difficult to have to report a cup of coffee and two cookies. Mr. Harris stated she and the Ethics Committee agreed that if a City official is on a speaking engagement in an official capacity and it is a meal-type thing, then one does not need to report it.

#### Motion

Councilmember Cooke moved that the Council allow City officials to accept any gift as long as its value is \$10.00 or less, and not receive more than three such items from any one source over a 12-month period, with no reporting requirements. Any amount over that up to \$100.00 would have to be reported and anything accepted on behalf of the City, regardless of value, would be turned over immediately to the City Manager to inventory, regardless of value. The motion was seconded by Councilmember Goodman.

Mayor McClellan stated she knew the Ethics Commission was working on this ordinance when she brought up the question of the goodwill trip to London and wanted that point clarified to answer any questions people may have.

#### Friendly Amendment

Councilmember Mullen offered a friendly amendment that each time a City official takes over \$10.00 it is reportable, even though it is given at the rate of \$10.00, three times in a year from the same source. Councilmember Cooke accepted the friendly amendment.

#### Vote on Motion with Friendly Amendment

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

Noes: Councilmember Mullen, Mayor McClellan, Councilmember Goodman

#### Motion Reconsidered

Mayor Pro Tem Himmelblau moved that the Council reconsider the question to direct the City Attorney to draw up an ordinance to bring back to Council rather than passing an ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Snell

Motion

Councilmember Cooke moved that the Council direct the City Attorney to draft an ordinance and bring it back in final form for Council approval. The motion was seconded by Mayor Pro Tem Himmelblau.

Friendly Amendment - Failed

Councilmember Mullen offered a friendly amendment that any type of speech or meals do not need to be reported, but anything of intrinsic value under \$10.00 should be reported. The friendly amendment was seconded by Mayor Pro Tem Himmelblau, and failed to carry by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmember Mullen

Noes: Councilmember Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Snell

Not in Council Chamber when roll was called: Councilmember Snell

Roll Call on Motion

Roll call on Councilmember Cooke's motion, Mayor Pro Tem Himmelblau's second, to direct the City Attorney to draft an ordinance and bring it back in final form for Council approval, carried by the following vote:

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

Noes: Mayor McClellan, Councilmember Mullen

Not in Council Chamber when roll was called: Councilmember Snell

Mayor McClellan commented she voted no because she thought everything should be reported.

ADJOURNMENT

The Council meeting was adjourned at 7:30 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk