

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 1, 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, Councilmembers Cooke, Goodman,
Mayor Pro Tem Himmelblau, Councilmembers Mullen,
Snell, Trevino

Absent: None

The Invocation was given by Rabbi I. Borovitz, B'nai B'rith Hillel Foundation.

HISTORY APPRECIATION WEEK

Mayor Pro Tem Himmelblau read a proclamation designating the week of December 4-10, 1977, as History Appreciation Week in Austin, since Governor Dolph Briscoe has designated the same week as History Appreciation Week in Travis County. All citizens are urged to participate in activities. Accepting the proclamation with their appreciation, were Mr. Killian Fehr and Mr. Mulrey Owens. Mr. Fehr read the Governor's resolution, and then introduced members of the Historical Society who were in attendance.

WHERE'S WILLIE DAY

Mayor McClellan, because of a current movie entitled, "Where's Willie," which is a movie for all audiences providing entertainment without the garnishment of sex, violence and vulgarity, proclaimed December 1, 1977, as Where's Willie Day, and urged that parents support those movies which offer fun and entertainment to children and adults alike. Accepting the proclamation, with his thanks, was Mr. Louis Kubecka, who introduced theatre managers Kurt Garnen and Marcus Sterling.

CIVIL AIR PATROL WEEK

Mayor Pro Tem Himmelblau read a proclamation declaring the week beginning December 1, 1977, as Civil Air Patrol Week, citing the men and women of the Civil Air Patrol, civilian auxiliary of the United States Air Force, for their devoted work in the cause of aviation since its inception. Ms. Sandra Hedayatnia accepted the proclamation with appreciation, on behalf of the local members of the Civil Air Patrol.

AUSTIN ALL STAR DAY

According to a proclamation read by Mayor McClellan, Austin has for decades benefited from the many talented musicians who produce vastly diverse sound styles, including rock, country and western, pop, funk, and easy listening in this community, and has therefore declared December 7, 1977, as Austin All Star Day. Accepting the proclamation were Ernie Gammage, Bobby Smith, Tom Van Zandt and Jim Phelan. They presented each of the members of the Council and the Mayor with an album of their recordings.

ANNOUNCEMENTS - BOARDS AND COMMISSIONS

Mayor McClellan announced that the Council would not make any board or commission appointments this morning, but at the next called Council Meeting, Thursday, December 8, 1977, the following appointments will be made:

Plumbing Advisory Board - 2

(1 vacancy for air conditioning and 1 vacancy for an architect)

On December 15, 1977, appointments will be made to the:

Arts Commission - 2

Energy Conservation Commission - 3

Ethics Review Commission - 1

Ongoing Goals Assembly Committee - 4

Commission on the Status of Women - 1

Citizen's Traffic Safety Commission - 1

Planning Commission - 1

Community Development Commission - 1

Human Relations Commission - 1

Building Standards Commission - 1

Solicitation Board - 1

Navigation Board - 3

Mayor McClellan continued, saying appointments to be made on January 5, 1978, will be:

Board of Adjustment - 2 (terms expiring 1-1-80)

Citizens Traffic Safety Commission - 1 (term expiring 1-1-79)

Community Development Commission - 1 (term expiring 3-1-78)

Energy Conservation Commission - 5 (terms expiring 2-1-80) and
4 (terms expiring 2-1-79)

Library Commission - 15 (8 terms expiring 1-1-80 and 7 terms
expiring 1-1-79)
Solicitation Board - 2 (terms expiring 7-1-80)
Urban Transportation Commission 4 (terms expiring 1-1-80)
Vending Commission - 1 (term expiring 6-1-79)
Citizen's Board of Natural Resources and Environmental Quality - 4
(terms expiring 7-1-79)

MINUTES APPROVED

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes for Special Meetings of November 9, 1977, and November 14, 1977, and Regular Meeting of November 17, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

CLASSES RECOGNIZED

Mayor McClellan called attention to some special visitors in the Council Chamber, two fifth grade classes from Pecan Springs Elementary School, whose teachers are Ms. Bessie Finley and Ms. Bockhorn. The student teacher for the classes, Brooks Fitzpatrick, made the arrangements for the classes to attend today's Council Meeting.

PUBLIC HEARING SET

Councilmember Goodman moved that the Council set a public hearing for December 15, 1977, at 8:30 p.m. on the repeal of Ordinance No. 760325-D, relating to the Capital Increment Fee. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Councilmember Goodman asked the City Manager to continue working on the information the Council will need in order to consider the above.

ZONING ITEMS DEFERRED

Mayor McClellan told the Council there had been a request to defer certain zoning hearings scheduled that morning on the agenda. Councilmember Snell moved that the Council postpone the following items until December 29, 1977, at 10:00 a.m.:

THOMAS C. WRIGHT
By J. E. Hayes
C14-77-141

13188-13298 U.S. 183
bounded by Balcones
Club Drive

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED

J. HAYES BUILDERS,
INC.
By J. E. Hayes
C14-77-142

13414-13470 U.S. 183,
also bounded by Anderson
Mill Road

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

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

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

ZONING HEARINGS

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

COVENANT BUILDERS,
INC.
By James Scivally,
Jr.
C14-77-140

13219 U.S. 183,
also bounded by
Boardwalk Drive

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

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

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

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

STALONG COMPANY,
INC.
By Ford Smith and
Vance Youens
C14-77-143

11541-11571 U.S. 183
11500-11538 Angus
Valley Road

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

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

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

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

JOE S. HILL AND
ALAN M. HILL
C14-77-144

10500 Jollyville Road

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

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

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

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

AUSTIN NORTHWEST
DEVELOPMENT CO.
By Phil Mockford
C14-77-146

3107 Steck Avenue, also
bounded by Shoal Creek
Boulevard

From "O" Office
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED (amended area) by
the Planning Commission

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

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

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

MISSOURI IMPROVEMENT 3834 Promontory Point
COMPANY Drive
C14-77-155

From "D" Industrial
1st Height and Area
To "C-2" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

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

FRANK T. SMITH 619 West 37th Street
C14-76-092 also bounded by King
Street and Maiden Lane

Request to eliminate restric-
tive covenant limiting the
number of residential units to
four (4) until King Street is
widened. (zoned "B" Residence)
RECOMMENDED by the Planning
Commission

Mr. Dick Lillie, Director of the Planning Department, reviewed the application by use of slides. He said that since the restrictive covenant was voted by Council on this property in 1976, the zoning on the west side of King Street has been approved by Council requiring the right-of-way, but no similar covenant was required by Council to hold the development on the west side of the street until King Street was widened. There was simply a requirement to dedicate the right-of-way. Mr. Lillie said the owner would like to proceed with development on the tract without waiting for King Street to be widened since the right-of-way has been provided through other zoning cases. Mayor Pro Tem Himmelblau said, "We still have the same condition though as when the restriction was put there. We have the right-of-way but we do not have the street widened yet." Mr. Lillie said the total right-of-way in this block is now 50 feet, which is what was requested by the Commission and the Council. Mayor Pro Tem Himmelblau said the size of the lot was of concern to her because it's 1st Height and because of the number of units. Mr. Lillie stated, "It's 8400 square feet and under "B" Residence, you could probably put a unit per 1,000 feet for a maximum of eight units."

Mayor Pro Tem Himmelblau said she was sorry they did not tie the covenant to the land across the street also because she thinks there will be a problem on King Street until they have the right-of-way required from all land on the street. Mr. Lillie stated he did not think it would be too long until they do. Mayor Pro Tem Himmelblau said she thinks the Council erred in their decision concerning the property across the street from subject tract and that they needed to be more careful in their future decisions.

Mayor Pro Tem Himmelblau moved that the Council grant the request to eliminate restrictive covenant limiting the number of residential units to four (4) until King Street is widened, as recommended by the Planning Commission.

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

The Mayor announced that the restrictive covenant had been eliminated.

TRUMAN H.	11508-11632 U.S. 183	From Interim "AA" Residence
MONTANDON	11363-11505 Jollyville	1st Height and Area
By Darrell	Road	To "GR" General Retail and
Faubion		"O" Office
CL4-77-149		1st Height and Area
		RECOMMENDED as amended by the
		Planning Commission

Mr. Lillie reviewed the application by use of slides. Mayor Pro Tem Himmelblau asked if there were any way they could limit curb cuts because Highway 183 is becoming a nightmare. Mr. Lillie stated that on other cases on which there was long frontage the Commission recommended driveways no closer than 300 feet. He said the City's driveway ordinance does apply in this area because it is inside the City and the Urban Transportation Department will be reviewing driveway opening with the Highway Department as the project is designed. Mayor Pro Tem Himmelblau asked what the limitations would be concerning driveways if this zoning is passed today, as recommended. Mr. Lillie suggested that, since he does not know what the limitations will be, the zoning should be acted upon by the Council today with the request that Urban Transportation come back with a report on it, and the passage of the ordinance could be held until that report has been made.

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail and "O" Office, 1st Height and Area District, as amended, as recommended by the Planning Commission. 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 Mullen
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and "O" Office, 1st Height and Area District, as amended, and the ordinance would be held back until the Urban Transportation Department comes back with a recommendation on curb cuts.

P & H ENTERPRISES,
INC.
By Edgar Jones
C14-77-151

11700-11726 Angus Road
5217-5325 West Duval
Road
5220-5304 Thunder Creek
Road

From Interim "AA" Residence
1st Height and Area
To "A" Residence on the
nursing home site and "BB"
Residence on the remainder
1st Height and Area
RECOMMENDED as amended by the
Planning Commission

Mr. Lillie reviewed the application with use of slides. Mayor Pro Tem Himmelblau asked if the staff of the Planning Department thought an "A" strip was needed with "BB" Residence zoning. He answered that their main concern was that the tract across the street was still "A" Residence and the access to the apartments would have to come south to Thunder Creek. "I think that is an important factor," he said, "to try to retain the block of land as 'AA'". Mayor Pro Tem Himmelblau said she felt if they do not protect the interior neighborhood to the east, they will be jeopardized in the future. She asked if it would suffice to say no curb cuts on that side instead of putting a strip of "A"? Mr. Lillie answered, "The 'A' strip really takes care of it much better. MR. EDGAR JAMES, representing the owner of the property, said the only objection they have is to the "A" zoning along Angus Road. They have only one entrance on Angus Road and the Planning Commission agreed they would go along with the concept they have for the site with one entrance. Mr. James said there are several entrances going to the nursing home across from the property. He said the prime entrance to the apartments they propose is on Thunder Road. Mayor Pro Tem Himmelblau asked if Mr. James would be willing to tie the zoning as recommended by the Planning Commission to a site plan with one entrance on Angus. Mr. James agreed.

Mayor Pro Tem Himmelblau moved that the Council grant "A" Residence on the nursing home site and "BB" Residence on the remainder, 1st Height and Area District, as amended, and tie the zoning, as recommended by the Planning Commission, to a site plan with one driveway on Angus. 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

The Mayor announced that the change had been granted to "A" Residence on the nursing home site and "BB" Residence on the remainder, 1st Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES A. MARTINDALE
By James Mabry
C14-77-153

600 West 9th Street,
also bounded by Nueces
Street

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

Mr. Lillie reviewed the application with use of slides. MR. JACK DEMPSEY, the owner's architect and representative, told the Council that the existing structure will be used, with modifications for an office complex. MRS. MILDRED WEBB, 602 West 9th Street, appeared to protest the zoning. She pleaded with the Council to refrain from granting any more "O" Office zoning in her area and encourage some residential areas in the downtown region. Mrs. Webb said the parking situation for residents is atrocious. There was some discussion with Mr. Lillie, Mr. Dempsey, and Mrs. Webb concerning how many offices and how many parking places would occupy the site under discussion. Mayor Pro Tem Himmelblau asked if there are two-hour parking zones in the 9th Street and Nueces. She said she felt this would be a solution to the parking problem in the area, and asked Mr. Davidson if the Council could have a report back from Urban Transportation about the possibility of having two-hour enforced parking on 9th Street and Nueces, and probably carry it through to the adjoining streets. Mr. Davidson said he would have a report back to the Council by December 29, 1977. Mayor McClellan asked that Mrs. Webb be informed of the information in the report.

Councilmember Trevino moved that the Council grant "O" Office, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

L. SCOTT SOUSARES 8500 Beech Drive
AND TED M.
SOUSARES
C14-77-152

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to restric-
tive covenant providing for a
privacy fence or hedge on the
north, east and south and
prohibiting vehicular access
to Beech Drive.

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

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

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

COMMUNITY SAVINGS
AND LOAN
ASSOCIATION
By James Woodworth
and Donald Bird
CL4-77-075

1000-2206 Ed Bluestein
Boulevard
6302-6516 Bolm Road

From Interim "A" Residence
1st Height and Area
To "DL" Light Industrial
1st and 5th Height and Area
RECOMMENDED as amended by the
Planning Commission, subject
to a restrictive covenant
providing for a site plan
prior to development and
dedication of five (5) feet of
right-of-way on Bolm Road.

Mr. Lillie reviewed the application with slides. He said it covers 60 acres of land, located in east Austin between Ed Bluestein and Johnston High School and a residential neighborhood. Councilmember Snell asked if anyone has discussed with the neighborhood exactly what will happen to the area if this tract of land is changed to "DL" Light Industrial. He also asked if there are any other areas in the City where "DL" is adjacent to the community and a school. Mr. Snell also pointed out that this zoning request was brought up previously in September and said it had been sent back to the Planning Commission. He said he could see no difference in today's request from the earlier submission. MR. DONALD BIRD, representing Community Savings, said the major concern of the Planning Commission was with what was going on the property. Mr. Bird said he told them they would come back with a site plan before any development was begun. Mr. Bird continued that three ladies from the neighborhood appeared at the Commission meeting in opposition and he attempted to talk to all three of them. He said their main concern also was what was going to be built on the site, and there also was a considerable misunderstanding as to what "DL" Light Industrial, is. They had visions of smokestacks, etc. Councilmember Snell wanted to know if there had been any feedback from faculty at Johnston High, and also was concerned with the possibility that people in the area may move away if the "DL" Light Industrial zoning was granted, causing the eventual closing of Johnston High. Mr. Bird pointed out that 90% of the property under discussion is in the flood plain and the compatible use area designated by Bergstrom. As a result, residential zoning will probably not be recommended because of the noise level, and the possibility of flooding. However, in his opinion, there would be no effect on the high school and current residential area. Councilmember Trevino stated he understands Councilmember Snell's concern with encroachment and is familiar with the area, but he concurs it is not conducive to residential zoning because of the noise from Bergstrom and the possible flooding from Boggy Creek.

Councilmember Trevino moved that the Council grant "DL" Light Industrial, 1st and 5th Height and Area, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Mullen, 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 change had been granted to "DL" Light Industrial, 1st and 5th Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JET BARTLETT,
ET AL
By Ralph Tippit
CL4-77-147

3207 Manor Road

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED as amended by the
Planning Commission subject
to a restrictive covenant
providing for a site plan
prior to development

Mr. Lillie reviewed the application by use of slides. MR. TERRY STEPHENS, appeared to say he was not speaking in opposition to the zoning, but that his family had lived in the same place for five generations and he wanted clarification concerning what would be developed on the site in question. He wanted to know who reviews the site plan and whether or not his family, owners of the adjacent property, will be allowed to see the site plan. His mother's bedroom is 20 feet from the project and he wanted to know what visual barriers will be provided. Mr. Lillie explained that the owner would have to submit his site plan as the development proceeds, to the Planning Department, which will submit it to the Planning Commission. Without the covenant, he explained, there is no requirement for a site plan. Mr. Lillie told Mr. Stephens that they can notify adjoining property owners so they are privy to the site plan and can review it prior to going to Planning Commission. Mr. Stephens requested site plan be reviewed by the Council before going to the Planning Commission. The Mayor said it would be done.

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as amended, as recommended by the Planning Commission, subject to conditions, and the site plan to be brought to Council for approval. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, as amended, subject to conditions and with the site plan to be brought to Council for approval, and the City Attorney was instructed to draw the necessary ordinance to cover.

HARRY E. MONTANDON
By Ralph Tippit
C14-77-148

500 West Oltorf Street
also bounded by Durwood
Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to dedica-
tion of ten (10) feet of
right-of-way on Oltorf Street.

Mr. Lillie reviewed the application with use of slides. Mayor Pro Tem Himmelblau wondered if it were a legal sized lot. Mr. Lillie assured her it was and MR. RALPH TIPPIT appeared before Council to say the reason for zoning was for the building of a small insurance office and that the size of the lot is sufficient for his purpose.

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

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

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

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

JACK H. BARTLES
By Martin Nassour
C14-77-154

3412 East 4th Street

From "D" Industrial
3rd Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application with slides. This application is not recommended by the Planning Commission, he said, and it will take four votes of the Council to overturn their decision ("C-2" Commercial zoning would permit, by special permit, a tavern, bar, or lounge in this area.) Mayor Pro Tem Himmelblau asked where the nearest school is located and was told Brooks School is two blocks away. She could not understand why, with the other zoning in the neighborhood, the Planning Commission voted to deny.

Motion

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission, and deny the zoning.

Mayor Pro Tem Himmelblau asked how there could be a request for a special permit if the zoning is pending. Mr. Lillie answered that the special permit has to be filed and they run them concurrently. If the zoning is denied, the permit is dead.

Substitute Motion

Councilmember Mullen moved that the Council grant "C-2" Commercial, 1st Height and Area District, as recommended by the Planning staff. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: Councilmembers Goodman, Snell

Not in Council Chamber when roll was called: Mayor McClellan

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

THOMPSON HOME
Zeta Phi Beta
Sorority, Inc.
owner
C14h-77-034

1171 San Bernard Street

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

Mr. Lillie asked Councilmember Goodman to include in his motion the factors recommended by the Planning Commission, as the Planning Commission is tightening up its procedure. The recommended criteria met with this granting of historic zoning are:

- (a) Character, interest or value as part of the development.
- (c) Embodiment of distinguishing characteristics of an architectural type of specimen.
- (g) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.
- (h) Archeological value in that it has produced or is expected to produce data effecting theories of historic or prehistoric interests.
- (i) Exemplification of the cultural, economic, social, ethnic or historical heritage of the City, State or the United States.
- (l) A building or structure that because of its location has become of value to a neighborhood, community area, or the city.
- (m) Value as an aspect of community sentiment or public pride.

Councilmember Goodman moved that the Council grant "O-H" Office-Historic, 1st Height and Area District, as recommended by the Planning Commission, as it meets the criteria under (a), (c), (g), (h), (i), (l), (m). The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the change had been granted to "O-H" Office-Historic, 1st Height and Area District, as it meets the criteria under (a), (c), (g), (h), (i), (l), (m), and the City Attorney was instructed to draw the necessary ordinance to cover.

PENDING ZONING APPLICATIONS

The Council took action on the following pending zoning applications.

DUNNING CHARLES	9312-9318 Cameron Road	From "A" Residence
BRIGHT AND ROSE-	1417-1427 Rundberg Lane	1st Height and Area
MARY DEE BRIGHT		To "GR" General Retail
HANOVER		1st Height and Area District
By Tom Curtis		RECOMMENDED Extension by the
C14-75-021		Planning Commission

Councilmember Goodman moved that the Council grant extension of the zoning case, as recommended by the Planning Commission. 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

The Mayor announced that the case had been extended.

LAND EQUITIES, INC.	4825-5009 East River-	From Interim "A" Residence
By Doren Eskew	side Drive, also	1st Height and Area
C14-75-022	bounded by Kirksey	To "LR" Local Retail (Tract 1)
	Drive and Kenneth	"B" Residence (Tract 2)
	Avenue	1st Height and Area
		RECOMMENDED Extension by the
		Planning Commission

Councilmember Goodman moved that the Council extend the pending zoning case, as recommended by the Planning Commission. 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

The Mayor announced that the zoning case had been extended.

ERNEST
RUTHERFORD, JR.
C14-75-080

2002 Koenig Lane

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

Councilmember Goodman moved that the Council extend the pending zoning case, as recommended by the Planning Commission. 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

The Mayor announced that the zoning case had been extended.

JO CLAIRE
HAMILTON
C14-75-009

1109 Edgewood Avenue

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

Councilmember Goodman moved that the Council dismiss the pending zoning case, as recommended by the Planning Commission. 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

The Mayor announced that the zoning case had been dismissed.

CONTRACTUAL AGREEMENT

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to approve a Modification of Contractual Agreement for Right of Way Procurement with the State Department of Highways and Public Transportation:

U.S. 183: At Intersection of Springdale Road and U.S. Highway 183.

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

CAPITAL IMPROVEMENTS PROGRAM

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize the acquisition of a one-fourth (1/4) undivided interest in the open playground areas of Houston and Cunningham Elementary School. CAPITAL IMPROVEMENTS PROGRAM No. 75/86-14. 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

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize acquisition of certain land for Pecos Street bridge and street widening: CAPITAL IMPROVEMENTS PROGRAM No. 75/65-04

1,731 square feet of land out of Lots 1 through 4, Block 2, S. V. Wilson Subdivision (Woodstone Square Development Co., Inc.)

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

CONTRACT AWARD RESCHEDULED

Mayor Pro Tem Himmelblau asked that consideration of the following contract be postponed until the December 15, 1977, meeting of the Council. She said she has had a note from the Chairman of the Construction Advisory Committee stating he is out of town and asking for the deferment of this proposed resolution.

Mayor Pro Tem Himmelblau moved that the Council postpone approving the following contract until December 15, 1977:

GIRARD MACHINERY COMPANY
3428 Roosevelt
San Antonio, Texas

- One Used Hydraulic Excavator with
Boom Extension, Vehicle and Equipment
Services Department.
Item 1 - \$63,958.27

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

AREA AGENCY ON AGING

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to enter into a renewal of a contractual agreement with the Area Agency on Aging - Capital Area Planning Council in the amount of \$16,000 in Title III, Older American Act Funds, to operate the Transportation for the Elderly Program. 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

STREET CLOSING

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to temporarily close Angelina between Rosewood and Hackberry from 3:00 p.m. to 6:00 p.m. on December 4, 1977, for dedication ceremonies at Carver Branch Library as requested by Mr. David Earl Holt, Director of Austin Public Library. 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

PUBLIC HEARINGS SET

Mayor Pro Tem Himmelblau moved that the Council set a public hearing on January 12, 1978, at 2:30 p.m. on the amendment of Chapter 32 of the Austin City Code providing a new Article VIII, providing for the exemption of historic landmarks from ad valorem taxation; and providing for certification and applications therefor. 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

Mayor Pro Tem Himmelblau moved that the Council set a public hearing on December 29, 1977, at 3:00 p.m. on an appeal of the decision of the Planning Commission granting a sign variance located at 6500 Manor Road, Kennie Sneed, owner. (File No. C14p-77-045) Appeal by Richard and Shirley Marquis. 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

ANNEXATION

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 25.03 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THOMAS ANDERSON LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Noes: None

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:

LOTS A AND B, ACME BRICK ADDITION, LOCATED ON THE NORTHEAST CORNER OF BURNET ROAD AND RESEARCH BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (City of Austin Area Study, C14-73-253)

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

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

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 CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 7,250-SQAURE FOOT TRACT OF LAND, SAVE AND EXCEPT TWO STRIPS OF LAND WHICH IS THE NORTHERNMOST 9 FEET AND THE SOUTHERNMOST 9 FEET, LOCALLY KNOWN AS 4109 TANNEHILL LANE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE 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. (Austin "45" LTD., C14-74-177)

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE - FIRST READING

Mayor McClellan introduced the following ordinance:

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

A 2.9-ACRE TRACT OF LAND, SAVE AND EXCEPT A FIVE-FOOT STRIP OF LAND ALONG WOOD-LEIGH STREET AND BRAESWOOD ROAD, WHICH SHALL REMAIN ZONED "B" RESIDENCE DISTRICT, LOCALLY KNOWN AS 123-129 WOODWARD STREET, 3402-3414 WOODLEIGH STREET, AND 201-203 BRAESWOOD ROAD, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Richard L. Matz & Adon Sitra, C14-77-112)

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

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

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

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Cooke moved that the Council adopt a resolution to authorize acquisition of certain land for East 26th Street to Manor Road Project, CAPITAL IMPROVEMENTS PROJECT NO. 73/62-33: The

1,195 square feet of land out of Lot 3, Block 1, Forest Hills
Subdivision (Cleburne Price, Jr., et al)

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

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

Mr. Joseph Morahan, Director of Property Management, said the acquisition of this land will come from a parking lot at this location. Councilmember Cooke asked what will happen to the parking situation. Mr. Morahan said the owner of the property will be compensated by the City for his loss for an appraised value of damages to the remainder. As far as his physically replacing the property, the owner would have the alternative of acquiring adjoining property. Councilmember Cooke said he did not think it right to place the burden on the owner to find a way to be in compliance with the ordinance designating the amount of parking places an apartment owner must have for his tenants. Mr. Jerry Harris commented that legally the owner will not have to replace the parking spaces. Councilmember Cooke asked if the City is acting legally by creating a non-conforming situation for the owner by acquiring his property. Mr. Harris answered that we certainly are legal in that aspect; it is unfortunate that the City does create this type of situation and put property owners in a non-conforming status. Councilmember Cooke wanted to know if the City's action would cause the Planning Department to proceed with changes, declaring the land, in a situation such as this, non-conforming. Mr. Harris answered, "The City automatically creates a non-conforming use, but no formal action is taken. If someone called our attention to the fact that a non-conforming situation has happened, then we would refer to our records and say, 'Oh, yes, this is what happened on that we acquired for a public roadway in 1977, and left him in a non-conforming status at that time.'"

CONTRACTS APPROVED

Councilmember Cooke moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Cast Iron Pipe, Water and Wastewater Department. Twelve months supply Agreement
CLOW CORPORATION 1600 National Street Birmingham, Alabama	- Items 1.2 through 1.4 - \$4,994.82
U.S. PIPE & FOUNDRY COMPANY 2401-A Vinson Street Dallas, Texas	- Items 2.1 through 2.8 - \$128,901.96

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

At the request of the Council, Mr. Solon Bennett, Director of Purchases and Stores, gave a report on the purchase of cast iron pipe from the U. S. Pipe

& Foundry Company. He said it is a supply agreement. The City orders only the actual amounts needed during a 12-month period. Councilmember Cooke asked what the pipe will be used for and Mr. Bennett replied it will be needed for the normal uses the City has for replacing pipe in paving projects and general maintenance of the City.

RECESS

The Council recessed its meeting at 12:00 noon and resumed at 2:05 p.m.

AUSTIN COMMUNITY FOUNDATION

MR. JACK TAYLOR, representing the Austin Community Foundation, appeared before Council to request City participation in his organization. He explained that the Foundation is a non-profit organization established in 1977 to receive gifts, bequests and donations which will benefit the people of Austin and Travis County. Mr. Taylor introduced members of the Board of Directors of the Foundation who were present in the Council Chamber: Mr. Richard S. Donoghue, Mrs. Herman (Bess) Green, Mr. William C. Milstead, Mr. R. L. (Bob) Phinney, Mrs. Joseph (Arthuree) Quander, and Mr. Robert L. Ragsdale. Mr. Taylor told the Council that they were asking the City Council to endorse the Austin Community Foundation and become a co-sponsor of their program. Mayor McClellan thanked Mr. Taylor for the Foundation's worthwhile efforts.

Councilmember Cooke moved that the Council endorse and become co-sponsors of the Austin Community Foundation. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

ITEM WITHDRAWN

MRS. STANLEY DEPWE, Travis County Historical Commission, did not appear before the City Council as requested by her. The reading of the County History Appreciation Week proclamation had already been covered on today's agenda.

ZONING ROLLBACK REQUESTED

MRS. HAROLD (JUDY) WALKER appeared before Council to request a rollback of zoning for C14-77-048 passed by Council in July, 1977. She said she was speaking on behalf of her neighborhood association and Mr. Robert L. Williams. Mrs. Walker said they were of the opinion an error has been made for the zoning dated July 14, 1977 regarding C14-77-048. She said that Dr. McElhenney had requested the zoning change and represented himself as the owner of the six lots included in the zoning ordinance. She said false information was given in the application. Mr. Robert L. Williams, Warrington, Pennsylvania, is the sole owner of Lot C, Block B. His purchase of the lot in 1970 is, according to Mrs. Walker, duly recorded through the Dallas Title Company. A request for a zoning change to allow duplex units on these lots was submitted to the Planning Commission. Opposition was submitted in the form of a petition, and residents spoke requesting the Planning Commission to deny duplexes among the

existing single family residences. The motion came without recommendation from the Commission; however, the Council voted to grant the zoning change with deed restrictions. Again the neighborhood protested. Mrs. Walker said, "The City Planning staff did not bother to read the City tax records which were sent to them and clearly identifies Mr. Williams' ownership of one of the lots." Mrs. Walker stated she thought the application for zonings should be a notarized statement which would allow recourse action by the City. She said she had met with Mr. Lillie and Mr. Harris, the City Attorney, who advised that an ordinance passed by Council is valid even though granted on false information.

Mrs. Walker said, "You, the Council can correct this mistake that has occurred and we have taken other steps, through the Planning Department and Mr. Lillie to initiate this procedure. We feel if one part of the ordinance is wrong, the entire proceeding is invalid. Also, newly annexed areas, such as we are do not have the right of petition since we are zoned on an interim basis. Therefore, after a reasonable length of time, six months to a year, all newly annexed areas of this City should be zoned permanently so that all people would have the right of petition in appearing before the Council." She also said the case was zoned "A" for duplex units, and now the Planning staff is using this zoning as a precedent for justification of zoning of more duplexes on another case presently pending. "I hereby request," she said, "that the Council's ordinance pertaining to this zoning be overturned by the Council petitioning for single family residence."

Mayor McClellan asked the City Attorney to tell the Council what their responsibilities are. Mr. Harris said, "It does appear evident Dr. McElhenney signed an application for the re-zoning of six lots when the fact is he only owned five of those lots. And of course, that did institute the zoning hearing before the Planning Commission and ultimately before the City Council. In considering the case, the zoning was granted by the City Council. The legal issue is whether or not the mere fact that the owner's signature was not on the application for the re-zoning as pertains to the one lot the man from Pennsylvania owns..whether that would effect the validity of the ordinance. We do not think it does. We zone property from time to time, particularly historic zoned property, and there are no signature applications on those applications, just because the owner does not request that zoning. And so we cannot say that zoning is invalid merely because it does not have an owner's signature on the application because then the historic zoning ordinances would be invalid also. The truth of the matter is, the City can zone without an owner's signature on the application as long as they follow all the procedures set forth in the zoning statutes. So we think this zoning ordinance is valid and the property is zoned. If the City Council feels that one of the lots was not actually owned by Dr. McElhenney and that's important, then I think the proper procedure for Council to take would be to instruct the Planning Department to reinstitute a zoning application on one or more of those lots. The City Council could have the hearing before the Planning Commission and back before the City Council and they could do what they care to about leaving the zoning as it is or rolling it back to "A" Residence zoning. Of course, I think the thing the Council needs to consider is whether or not the mere fact that one of the lots was not owned by Dr. McElhenney makes a difference to the City Council as to what that zoning ought to be on those particular parcels."

Mayor McClellan said she thought it would be helpful if Council could have a staff report on this. Mr. Davidson, City Manager, said they would be happy to come back with a report as to the options, the time table in case the Council would like to send it back through the Planning Commission, and also "I think we ought to speak to one thing. I can appreciate the concern expressed," he said, "by Mrs. Walker concerning the fact we had erroneous information. But sometimes this does occur due to an oversight on the part of the City employee. Many times it occurs when we are not aware that property is re-sold and it is not reflected on the tax rolls. I'd like to relate some information on that when we come back to the City Council with our report. Further, adding to what Mr. Harris said, there are instances when the Planning Commission asks that entire sections of the City be zoned without having application from any of the property owners. In the meantime we can also provide the City Council with more information on exactly who owns these properties, when the one lot was sold and why we had the oversight in this case. All of this will be brought back in a report in about a week."

Councilmember Snell stated that if there was any other pending property re-zoning in the area, he would like to hold it up until this problem has been settled.

Councilmember Cooke said he is interested in knowing what the current use of the land is and whether the influence of something the Council did, either inadvertently or by an act of misinformation, may have caused the process of the utilization of the land based on the zoning we acted on. "If that kind of thing is taking place, I think the Council should have that information also," said Councilmember Cooke.

Councilmember Goodman asked if the staff report would also reflect the feasibility of doing away with the interim status after six months to a year. Mr. Davidson said they could include that information, however, he thought that question should be sent to the Planning Commission for their recommendation.

Mr. Harris added that there is one obvious problem. "The real reason most annexed property does not assume a permanent status within a certain period of time is that it can only assume a permanent status if the Council goes through a zoning hearing. Because of the annexation of property it would be a heavy load, but maybe that can be worked out on some sort of a time schedule. In order for all of these properties to get permanently zoned, they would have to have an application filed by either the City or the land owner and go before the Planning Commission and brought before the City Council."

Mrs. Walker said they had asked Mr. Lillie about a study of their area and had been told there is such a backlog that it would be two years before such a study can be made. Mayor McClellan stated she thought it would be appropriate to get a "report going through the Planning Commission on that, on Interim 'AA', and what sort of time schedule and what sort of options we have left, too."

Councilmember Cooke said he thought it is wrong to be able to annex property and then not give the people the right to petition within one year. Mr. Harris said the Legislature has jurisdiction of that since they are the ones who wrote the petition rights.

Mayor McClellan stated, "If you can advise us what we legally now can do, also what we need to look at, you know, if it is some legislative efforts too. But anyway, come back to us with a report on what our options are. And we will add to that request that the information be shared with Mrs. Walker when the Council gets that information."

POLLING PLACES

Councilmember Cooke moved that the Council approve the request of Mrs. Doris Shropshire, County Clerk, to use the following City facilities for polling places for a run-off election in the State Representative District 37B, Saturday, December 10, 1977:

<u>Precinct</u>	<u>Location</u>	<u>Address</u>
322	Ullrich Water Treatment Plant	1000 Forestview Drive
331	Austin Recreation Center	1213 Shoal Creek Boulevard
335	City of Austin Fire Station	506 West Martin Luther King, Jr., Boulevard
346	City of Austin Fire Station	100 East 43rd Street

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

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

Noes: None

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

OPENING PRAYER AT COUNCIL MEETINGS

MR. DANIEL JOHNSTON appeared before the Council concerning objections to opening Council meetings with prayer. He said that if the majority of the Councilmembers so decide, nothing prohibits this Council from opening their meetings with a prayer.

CONSTITUTION AND INVOCATION

MRS. ROBERT C. KYLAND appeared before Council to speak on the Constitution and invocation. She said she agrees wholeheartedly with the previous speaker, Mr. Johnston, and said that the Constitution says no one can forbid anyone to pray.

ESSENTIAL DOCTRINES

MR. ALLEN BUSSLER appeared before Council to inform the Council and citizens of the essential doctrines of the Supreme Court's majority opinion in the matter of Murray vs. Board of Education. Mr. Bussler feels that no one should use the Constitution to manipulate people. He commended Mayor McClellan for the manner in which she "held her own" at recent interruptions during the Invocation presented at the City Council Meetings.

AUSTIN HEALTH SYSTEM - WITHDRAWN

MS. JACQUELYN DINGLEY, representing Public Health Staff Nurses Association who had requested to appear before Council to discuss the Austin Health System Program and to voice PHSNA's concerns regarding the current proposal, withdrew her appearance today.

REINSTATEMENT OF ZONING - POSTPONED

Because MR. DALE O. JOHNSON, representing Forest M. Cruse, Sr., of 1325 South Congress, who had requested to appear before City Council, had to be out of town today, the discussion concerning reinstatement of Zoning Case C14-73-107 has been postponed until December 8, 1977.

PENDING ZONING CASE - HEARING SET

MR. DALE HILL, Hilco Development Company, requested to appear before the Council to discuss the pending zoning case of Trinity Homes-Jollyville Road. He presented his case to the Council and asked that they be heard as soon as possible, preferably by December 15, 1977. MRS. HAROLD WALKER, representing the neighborhood, appeared and said that would be a bad time since many of the neighborhood residents will be out of town. Since her area is the one that was spoken to earlier today, she again brought out the point that they have been recently annexed and cannot present a petition. She said they wanted to see a site plan which will not be ready until the end of December and also wanted as many residents of the neighborhood as possible to attend the meeting. Discussion among Councilmembers, the Mayor and Mr. Lillie ensued.

Councilmember Goodman moved that the Council set a hearing on the pending zoning case, Trinity Homes-Jolleyville Road, for January 5, 1978, at 11:00 a.m. The motion, seconded by Councilmember Snell, carried by the following vote:

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

HYATT MEDICAL CORPORATION
EMERGENCY ITEM

MR. JOHN ROGERS requested to appear before the City Council to speak in regard to Hyatt Medical Corporation. This item was included in the agenda as an emergency because Mr. Rogers will not be in town to attend any Council Meetings in the near future. He requested that the Hyatt Medical Corporation be allowed to visit Brackenridge, at no cost to the taxpayers, so they may be able to make a presentation to the City, should it decide not to keep the hospital on a City-managed status.

Councilmember Goodman moved that the Council grant permission for the Hyatt Medical Corporation to observe Brackenridge Hospital operation and instruct the hospital staff to extend the same courtesy to other medical corporations. 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

PUBLIC HEARING ON CONCRETE WEIGHT LIMITS

Mayor McClellan opened the public hearing scheduled for 2:00 p.m. on concrete weight limits. Mr. Dan Davidson, City Manager, recommended that the item not be acted upon until next month. He indicated that staff had prepared a two-part presentation on the item. One part was given by Mr. Charles Graves, Director of the Engineering Department, and the other by Mr. Joe Ternus, Director of the Urban Transportation Department.

Mr. Graves said that State legislation provided higher load limits but that cities could enact lower limits if local streets are not adequate for heavier loads. He indicated that the staff concludes that increases in the concrete weight limits are not appropriate in Austin because of the negative impact on street performance and neighborhoods. Mr. Graves then pointed out some of the factors that go into determining the type of street that is constructed over a particular location. He stated that with increased loads transversing the city streets, damage to the streets is inevitable and repair costs to the City will be incurred. Accurate estimates of the amount of damage and subsequent repair cost outlay are difficult to obtain due to insufficient statistical data.

Mr. Ternus indicated that heavy truck loads also pose traffic problems, especially in neighborhoods where the vehicles operate. He stated that since trucks require more braking distance than passenger cars, the stopping ability of trucks is of concern in areas where pedestrian and vehicular traffic is heavy. Mr. Ternus cited acceleration and stability loss as two physical problems inherent in increased weight limits. He pointed out that a truck has 25 times the kinetic energy (energy in motion) of the average passenger car and as such presented a safety hazard. Mr. Ternus recommended that the current concrete weight limits be retained because of the destruction of street pavement and the undesirable neighborhood effects which heavier loads will create.

MR. ART BROWN, Coordinator for the Austin Neighborhood Council, indicated that his organization supports the current concrete weight limits due to the fact that the estimated repair cost incurred from allowing heavier vehicles on City streets is \$1.75 million.

MR. BILL REULAND, Executive Director of the Austin Associated General Contractors, introduced DR. JOHN EPPS, who presented the results of study made for the construction industry on the effects of the proposed ordinance. Dr. Epps showed slides pertaining to load distribution and cost analysis. He pointed out that the cost for concrete would increase if weight limits are reduced. Mr. Reuland stated that lowering weight limits would increase construction costs and would not conserve energy. He stated that it would discourage builders from building in Austin. This would have the effect of lowering job opportunities in Austin.

MR. BUDDY McGRAW, Vice-President/General Manager of Centex Materials, stated that he has not been shown that his company has caused the street damage referenced by Mr. Graves and Mr. Ternus. He requested that the concrete weight limits be increased.

DR. CLYDE LEE, a member of the Traffic Safety Commission, told the Council that the taxpayers of Austin would wind up paying for the damages to streets caused by increased weight limits.

MR. IRA CROFFORD, Vice-Chairperson of the Construction Advisory Committee, said his Committee could not make a recommendation to the Council because the Committee was not asked to study the problem. Mr. Davidson stated that it is not the purpose of the Committee to study the proposal but said that information will be provided to the Committee if it chooses to do so.

MR. KEN ZIMMERMAN, representing the Austin Association of Builders, told the Council that increased construction costs which will result from decreased weight limits will cause urban sprawl. He said that the taxpayers that will be driven to residing outside of the City will be more costly than the street repairs referred to by Mr. Ternus and Mr. Graves. Mr. Zimmerman indicated that there needs to be a trade-off between acceptable weight limits for the City and the construction trade.

MR. F. N. BOLDING, JR., President of the Austin Association of Builders, told the Council that reducing the weight limits and thereby increasing the cost of construction will drive up the average cost of a home by some \$400.

MR. WAYNE ALDRIDGE, President of the Austin Building Trades, went on record as opposing the weight limit reduction from 10 cubic yards down to 6 cubic yards.

Mayor McClellan directed the City Manager to refer the proposal back to the appropriate boards and/or commissions after which it will return to the Council for a continuation of the public hearing.

STREET NAME CHANGE

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. on assigning the name "East Anderson Lane" to that part of U.S. 183 between Georgian Drive and U. S. Highway 290 East and passage of the ordinance. Mr. Charles Graves, Director of the Engineering Department, told the Council that the predominant consensus of residents in the area prefer that the street name be changed to East Anderson Lane. Mr. Graves recommended that the Council adopt East Anderson Lane as the name for the subject street.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ASSIGNING THE NAME OF EAST ANDERSON LANE TO THAT PART OF U. S. HIGHWAY 183 BETWEEN GEORGIAN DRIVE AND U. S. HIGHWAY 290 EAST; 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 Cooke, carried by the following vote:

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

Noes: Councilmember Goodman

Not in Council Chamber when roll was called: Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

FIRE ZONES

Mayor Pro Tem Himmelblau opened the public hearing scheduled for 3:30 p.m., on an amendment to the Fire Code to provide for Fire Zones. MR. LELAND PRIEST, Deputy Fire Chief, told the Council that the Fire Zone study was conducted at the request of the Council. He said they made a survey of some 14 Texas cities and 13 of those cities currently have Fire Zones. Mr. Priest stated that an ordinance was drafted and then circulated among the community for input. One of the changes is to place the amendment under the current Fire Code rather than the Traffic Code. This would allow for appellate procedures. The second change is that private security guards be allowed to write tickets. Mr. Priest read a copy of recommendations made by MS. JANET REED, Manager of Northcross Mall, regarding Fire Zones:

1. Section 38-37.2/"Designation, Location and Maintenance of Fire Zones: Official Records" - Explicit mention should be made of areas with dual designation. One for Fire Zone, but the other as loading zone where parking would be permitted for up to 30 minutes for loading or unloading. Reason: All shopping centers having loading zone areas should also be designated as Fire Zones. Although this dual designation may be implicit in this section, it should be made as a positive statement.

2. Section 38-37.8/"Contents of Summons, Persons Authorized to Issue, Issuance" - Change the last sentence to read: "Any private security guard employed by an agency operating under either a license or a letter of authority issued by the Texas Board of Private Investigators and Private Security Agencies, and who is employed." Reason: A security officer commission is required only if the officer carries a gun. Most shopping center security guards do not carry a gun so they are not commissioned by the T.P.I. & P.S.A. I feel that it is important that there is some regulatory control over the persons authorized to issue tickets under this ordinance. With this change there would be. And shopping center guards could work with City and Fire officials on enforcing the ordinance.

Mr. Davidson indicated that these same two points were brought to the City's attention by the managers of Highland Mall. Fire Chief Ed Kirkham indicated that there was no need to change Section 38-37.2 pertaining to the dual designations for a Fire Zone and a loading zone. He stated that this could be worked out by the fire inspector and the particular store owner. He did recommend adoption of the change to Section 38-37.8.

Motion

Mayor Pro Tem Himmelblau moved to close the public hearing and adopt the ordinance as amended for Sections 38-37.2 and 38-37.8. The motion was seconded by Councilmember Trevino.

Amended Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING A NEW ARTICLE 37 TO THE UNIFORM FIRE CODE WHICH PROVIDES FOR THE DESIGNATION AND DECLARATION OF FIRE ZONES APPURTENANT TO BUILDINGS AND THEATERS; PROVIDING FOR THE REVIEW OF PLOT PLANS OF PROPOSED COMMERCIAL DEVELOPMENTS BY THE FIRE CHIEF TO ASCERTAIN THE ADEQUACY OF FIRE ZONES PROVIDED THEREFOR; PROVIDING FOR SIGNS AND IDENTIFICATION MARKERS TO DESIGNATE THE FIRE ZONES; PROVIDING THAT PARKING, STANDING, OR STOPPING IN FIRE ZONES IS UNLAWFUL; PROVIDING THAT ALTERATION OR DEFACING OF FIRE ZONE SIGNS IS UNLAWFUL; PROVIDING FOR THE ISSUANCE OF A SUMMONS FOR A VIOLATION OF THIS ARTICLE; PROVIDING FOR THE IMPOUNDMENT OF VEHICLES FOUND TO BE IN VIOLATION OF THIS ARTICLE; PROVIDING FOR THE IMPOSITION OF WRECKER AND STORAGE FEES; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending Section 38/Fire Codes of the City Code of 1967 to provide for Fire Zones and amending Section 38-37.8 of the amendment. 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

The Mayor announced that the ordinance had been finally passed.

TRUTH IN SELLING ORDINANCE

Mayor McClellan opened the public hearing scheduled for 4:30 p.m. on the Truth in Selling Ordinance.

Councilmember Goodman recommends that the ordinance be amended to include mailing information to that which is given by phone. He said that the fiscal impact of this would be \$575 per year. Councilmember Cooke stated that he is awaiting a fiscal note on the cost of hiring a person to inform citizens who call into the City on the status of zoning for particular areas.

MR. WALTER ARIANO, President of the Southwest Austin Neighborhood Association and member of the Austin Neighborhoods Council, told the Council that the ANC has unanimously voted to request the Council to pass an ordinance that will compel a seller or his agent to give specific zoning information to home buyers. Mr. Ariano indicated that a seller will probably have to have certain zoning information anyway and that this information should be shared with the buyer. Mr. Ariano stated that the ANC is also opposed to distributing information to the public by mail because they feel that the information may become delayed and never even reach the buyer. He stated that the information should be supplied by the seller to the home buyer. Councilmember Cooke stated, however, that the City would be in a better position to furnish such information because the City would tend to be more impartial than would be a home seller.

MS. RUTH EPSTEIN recommends that a clause be included in the ordinance to stipulate that zoning information must be given to a home buyer, by the seller, within a certain period of time prior to the final closing of the transaction.

Mayor Pro Tem Himmelblau asked MR. MOE TERRELL, President of the Austin Board of Realtors, if there would be any difficulty in including a listing of recent zoning changes in the multi-listings service published by the Board of Realtors. Mr. Terrell indicated that this probably could be done. It was brought out, however, that many realtors who do not subscribe to the listings would not be informed of any zoning changes included therein. Mr. Terrell indicated that there has been only 2% of the home sales in Austin where zoning has been a problem. He stated that most home buyers naturally assume what the zoning of an area is before moving into a new home.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE REQUIRING THE DISTRIBUTION OF A LEAFLET TO PROSPECTIVE HOME BUYERS; REPEALING ORDINANCE NO. 770113-C; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Goodman moved that it be passed to its second reading. The motion was seconded by Councilmember Cooke.

Mr. Lonnie Davis, Director, Building Inspection Department, Mayor McClellan and members of the Council, discussed how much it would cost to enforce the ordinance, hours the department would stay open on weekends, and

whether or not the weekend employee could be funded through CETA. Mr. Davis commented that he had hoped the pamphlet would inspire people to say, "We'll wait until Monday."

MR. CHARLES WADE, a surveyor, recommended a sale type of procedure that would require homeowners to contact the City to receive zoning information.

MR. MARK HANNA, attorney representing Austin Board of Realtors, told Council that realtors already provide a good many services to their customers, among which zoning status is addressed.

Mayor Pro Tem Himmelblau inquired as to when the brochure would be given to the buyer. The City Attorney advised the ordinance says for it to be provided prior to time of contract of sale execution. She stated, "That could mean someone could go to one real estate office, look at several houses, get a brochure, go across, answer an ad, get another brochure..we're going to find ourselves printing the things by the thousands." Councilmember Mullen said fiscal responsibility is not spelled out except to say it is the City's expense. Mayor McClellan said she had some hesitancy about the weekend staff.

Roll Call on Motion

Ayes: Councilmembers Cooke, Goodman, Snell; Trevino

Noes: Mayor McClellan; Mayor Pro Tem Himmelblau, Councilmember Mullen*

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

Councilmember Mullen made the following statement regarding his vote: "I think this is probably the most interesting situation we've had because when we talk of openness and listening to the public, and we've all sat here through all of these meetings, and I can't remember one person saying that they were for this ordinance. Not one single person! Not one person has spoken in favor of this ordinance. And I still believe that the buyer should be aware and have information on zoning available and some method, I don't know what it is, should be made available to them for this information. And I also want to say that I believe that every knowledgeable person knows that the old ordinance was not working and that it wasn't proper. It wasn't getting the job done. I am really amazed that we sit here and listen to citizens, and not one citizen has spoken in favor of this ordinance, not the neighborhood groups, not the real estate people...I vote No."

Mayor McClellan said: "We all have different reasons for why we are voting. I believe in having a brochure printed up to hand out to the people, but I think we've talked about a lot of things, and I think we're talking about a lot of extra dollars that we have not considered before today, and because of some of the stipulations that are put on there, particularly like the weekend staff, I'm going to vote No."

Councilmember Snell made the following statement concerning his vote: "I certainly hope that some changes can be made and I voted yes, but I'm not in favor of this, especially the weekends. And I certainly hope that we can do

something. Now I certainly hope that some changes can be made in this ordinance that we intend to have going on the books. And I certainly hope that we can get with the real estate people and the citizens and try and come up...I was satisfied with the one we had before and it looks like we haven't done any better than what we had before."

Councilmember Goodman requested that the ordinance be brought back on December 15, 1977, for second reading. Mayor McClellan requested that the Council be submitted a draft of the brochure prior to the meeting of the 15th. Deputy City Manager Homer Reed indicated that the Council can be provided a draft by that time. Mayor Pro Tem Himmelblau asked that there be clarification in the ordinance as to when the brochure is to be handed out and signed for.

Mayor Pro Tem Himmelblau made the following statement in regard to her vote: "Somewhere in the ordinance would you have clarification on when a brochure is to be handed out and when to sign for it?"

CONTRACTS AWARDED

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Walnut Creek Wastewater Treatment
Plant, Paving Improvements -
\$466,342.70, CIP 73/59-01.

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

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

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

JACK A. MILLER
P. O. Box 9776
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Construction of Economic Development
Administration, Local Public Works,
Round II, Tennis Facility Improve-
ments - \$269,234 CIP 78/86-24.

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

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

Councilmember Snell asked if the contractor for this project was aware of the 10% minority sub-contractor requirement stipulated in City contracts. City Manager Davidson indicated that this could be brought to the contractor's

attention when completing the contract. Councilmember Snell stated that he had understood that the contractor was not willing to hire minority sub-contractors. Mr. Charles Graves, Director of the Engineering Department, indicated that this had not been reported to him. Councilmember Snell also asked if the change in the project's scope and cost reductions necessitated the contract being resubmitted to the contractors for rebidding. Mr. Davidson indicated that resubmission of the contract to the contractors was not required as the basis of the project itself has not changed. He stated that this was not a requirement of Federal guidelines. Councilmember Snell stated that it appears that the scope of the project has changed and that he wanted the other contractors to have a chance to bid on the project again. Mr. Davidson indicated he would look into this.

EMERGENCY MEDICAL TECHNICIAN TRAINING

Mayor Pro Tem Himmelblau moved that the Council adopt a resolution to authorize entrance into an agreement with the State Health Department to provide regional Emergency Medical Technician training in the amount of \$49,900. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Mr. Bill Bulloch, Acting Director of the Emergency Medical Services (EMS) told the Council that the funds for the program are coming from HEW money that is being administered by the State Health Department. The City of Austin is contributing no in-kind match money for the program. There is a match, however, that is being provided by the State Health Department. Mr. Bulloch stated that the program will train volunteer firemen within the County to provide basic life support aid in emergency situations, prior to EMS arriving at the scene. Councilmember Goodman, however, was not in support of this idea and compared it to sending armed, volunteer policemen to the scene of a burglary.

CONTRACT RENEWAL

Councilmember Cooke moved that the Council adopt a resolution authorizing renewal of a contract with the Equal Employment Opportunity Commission for the period December 1, 1977, through October 31, 1978, in the amount of \$43,038. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Councilmember Cooke asked how the \$43,038.00 figure was arrived at. Mr. Bill Stewart, Director of the Human Relations Department, stated that it was the same funding as last year but that it was only for a 10-month period. This level of funding is determined by the number of contracts the City agrees to handle for EEOC.

LIABILITY INSURANCE

Councilmember Cooke moved that the Council adopt a resolution authorizing a contract between Brackenridge Hospital and the Austin Ophthalmological Society in the amount of \$20,000 to help defray the cost of professional liability insurance related to the Society's volunteer ophthalmological services at Brackenridge Hospital. (October 1, 1977 through September 30, 1978) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

STATION LOCATION STUDY

Mayor Pro Tem Himmelblau moved that the Council postpone action until December 15, 1977, in a resolution to consider authorizing entrance into an agreement with the University of Texas to implement a Station Location Study for the Emergency Medical Service Department in the amount of \$14,250, at which time the possibility of Federal agency assistance could be looked into. The motion, seconded by Councilmember Snell's second, carried by the following vote:

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

Noes: Councilmember Cooke

Not in Council Chamber when roll was called: Councilmember Goodman

Mr. Bill Bulloch, Acting Director of EMS, told the Council that the project would be a joint undertaking of the University of Texas and the EMS Quality Assurance Team. Mayor Pro Tem Himmelblau indicated that she wanted to look into the possibility of receiving financial help for the project from Federal agencies.

GOODWILL TRIPS
AMENDMENT TO CODE CHAPTER 2

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING STANDARDS OF CONDUCT; PROVIDING FOR FINANCIAL DISCLOSURE BY CERTAIN CITY OFFICIALS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, to provide that the Mayor and members of the City Council may accept offers of goodwill trips provided that such an acceptance is disclosed on the annual financial disclosure statement. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

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

Noes: Councilmembers Cooke, Mullen

The Mayor announced that the ordinance had been finally passed.

Councilmember Cooke asked how many Councilmembers had been on what they termed "goodwill" trips since their term of office began. Councilmember Trevino replied that many educational trips taken by Councilmembers could also be regarded as goodwill trips.

RETIREMENT AND PENSIONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 4, OF ARTICLE IX, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTIONS; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE AND DECLARING AN EMERGENCY," AS PASSED BY THE CITY COUNCIL ON OCTOBER 10, 1940, AND AS AMENDED FROM TIME TO TIME THEREAFTER, BY CHANGING THOSE PARTS OF AFORESAID ORDINANCE TO EFFECTUATE THE FOLLOWING; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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 Cooke, 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.

Mr. Jimmie Flakes, Director of the Personnel Department, indicated that under the current ordinance, if an employee dies, their beneficiary would receive whatever their contributions are in the retirement system plus the larger of either \$2,000 or matching contributions from the system.

911 SYSTEM REPORT

Fire Chief Ed Kirkham, who is currently serving as Chairperson of the staff reviewing the proposed 911 system, spoke before the Council. He stated that the committee first made an effort to determine what interest, if any, existed in the system by other agencies within the general area. Chief Kirkham stated that they believed there were other parties interested in the system but that they had received no letter of intent or resolution from any of the interested parties. With information obtained from the telephone company and by utilizing telephone survey, the committee ascertained the existence of three basic operating systems. They are as follows:

1. Direct Dispatch - This would be the utilization of one center to receive and dispatch all emergency service units within the city. Outside areas would have their emergency calls switched to them.
2. Transfer Method - There is an answering center which switches emergency calls to the proper dispatchers maintained within each department.
3. Relay Method - Calls are taken and then another conversation has to take place.

Chief Kirkham indicated that the Committee would be reporting back to the Council with more specific information which would permit the Council to decide on the existing alternatives.

Councilmember Cooke asked if the National Sheriff's Association was opposed to the 911 system. Police Chief Frank Dyson indicated that there are Sheriff's Departments around the United States where the 911 is being used. He stated that the use or non-use of the 911 system is a matter of personal preference and is not indicative of a nation-wide trend. City Manager Dan Davidson stated that they would be bringing the next 911 report back to the Council in February for adoption. He stated that the Council will be asked in May to approve some participation agreements. Mr. Davidson stated that hopefully by next summer, an order can be issued to Southwestern Bell Telephone directing them to proceed with the installation of the system. He stated that fiscal concerns would be addressed in the February report to the Council.

MRS. SHIRLEY CAMPBELL asked if the Governor's Criminal Justice Committee has been contacted as a possible funding source for the project. Chief Dyson indicated that once it is decided what the operational concept of the system is to be, this will be pursued as a funding source.

UNIVERSITY OF TEXAS POLICE JURISDICTION

City Manager Davidson suggested that the City Police Department be authorized to enter into an agreement with the University of Texas Police after which time he could come back to the Council to report on the arrangement.

Mayor Pro Tem Himmelblau moved that the Council authorize the entrance into an agreement between the City of Austin Police Department and the University of Texas Police Department. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

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

TRUST AND ENDOWMENTS OFFICE

The Council received the City Manager's report on the Trust and Endowments Office.

RECESS

The Council then recessed at 7:00 p.m.

PUBLIC HEARING ON LAKE AUSTIN
GROWTH MANAGEMENT PLAN

Mayor McClellan opened the public hearing scheduled for 8:00 p.m. to consider amending Chapter 41 of the Austin City Code to provide standards for development of land located within the watershed of Lake Austin as described by the resource maps of the Lake Austin Plan.

Dick Lillie, Director of Planning, stated that the proposed ordinance effected only persons who intended to subdivide or resubdivide their property. It was not a piece of land-use legislation. It effected all land within the City's extraterritorial jurisdiction (ETJ) that fell within the Colorado River watershed from Mansfield Dam on the upstream side to Tom Miller Dam on the downstream side, totalling about 92 square miles. The main purpose of the ordinance was to protect the City's water supply.

Mr. Lillie then reviewed the following suggested amendments to the ordinance under consideration by the Council:

Section 41-11.1(d)(1)

(1) The land area calculated in acres for each slope class within the subdivision as delineated on the slope map. If the subdivision is separated into two or more distinct sections, separated either by date of application or by spatial detachment, then land areas of each slope classification shall be determined independently for each section.

Section 41-35.3(a) Roadways (2)

(2) Pre-construction clearing for roadways. Clearing for road construction shall not be permitted before final plat approval. Minimal clearing for the purposes of surveying and testing may be permitted, however, provided natural ground cover is not removed.

Section 41-35.3(a) Cut and Fill, grading and building sites (1)

(1) Roadways. Cut and fill sections for roadways shall not exceed allowable roadway clearing widths and shall not obstruct waterways. Roadway locations shall be based on the need to preserve topographic features and to minimize to the maximum extent feasible the construction of roadway cuts and fills as well as a professional engineering analysis of generally accepted geometric standards for vehicular and pedestrian safety.

Section 41-35.3 (a) Cut and fill, grading and building sites (3),(4),(5)

(3) Driveways. Every lot shall be reasonably accessible by vehicle from the roadway to the probable building site. For a minimum travel distance of twenty-five (25) feet from the roadway edge the driveway may exceed fourteen (14) percent only with specific approval of surface and geometric design proposals by the director of the engineering department or his designee.

(4) Erosion control. Final plans shall be accompanied by a proposed construction sequence to demonstrate an acceptable plan for erosion control during the construction period and shall be subject to the approval of the Engineering Department and Office of Environmental Management.

(5) Restoration. All cuts and fills shall be restored to blend with the natural character of the land. Restoration plans shall be approved by the Engineering Department and Office of Environmental Resource Management. Project shall not be considered complete until restoration has been made and approved by the Engineering Department.

Section 41-35.3(e)

(e) Alternative Methods. Alternative methods to the criteria set out in the provisions of Sections 41-11.1, 41-13(n), and 41-35.3 shall be approved by the Planning Commission if said commission determines that the alternative will not materially alter the scope or average density of the development as it would be permitted if the development were pursuant to the specific criteria set out in the provisions of this section or

(1) will, in accordance with criteria and standards set forth in the Department of Engineering's Austin Drainage Criteria Manual, not exceed the run-off rate levels predictable under the specific criteria the alternative methods are to replace; and

(2) will not result in predictable lowering of the water quality (in terms of fecal coliform, lead, total organic carbon, total nitrogen, total phosphorous, hydrocarbons - hexane extract, and suspended solids) of the subject tract runoff from the quality level expected under the specific criteria the alternate methods are to replace.

Any alternate proposals for controlling quality and rate of runoff must be capable of being legally enforced. The developer or applicant shall have the burden of proof in establishing the merits of any proposed alternative methods. The proposal shall be certified by a registered professional engineer with expertise in the area of concern.

Section 41-35.3(f)(2)

(2) Variances will not be granted on the basis of hardship where such hardship was created as a result of the method by which a developer voluntarily subdivides land after the effective date of this interim ordinance.

Section 41-35.3(b)

(b) Creation of impervious cover

Minimum standards. Roads, parking areas, buildings and other impermeable construction covering the natural land surface shall be considered as impervious cover. No subdivision of land shall be allowed to create impervious cover in excess of thirty-seven percent (37%) on slopes under fifteen percent (15%) grade, or in excess of twenty percent (20%) on slopes greater than or equal to fifteen percent grade. For the purposes of calculating allowable impervious cover, all lands with slopes greater than thirty-five percent (35%) shall be allowed zero percent (0%) impervious cover.

In response to Mayor Pro Tem Himmelblau's question, Mr. Lillie said that the Lake Austin Growth Management Plan included the Dry Creek watershed which came down to about Mount Bonnell. It did not extend south to Tom Miller Dam because 90% to 95% of the land on the east side of the lake between Mount Bonnell and Tom Miller Dam was already developed. However, there were several large undeveloped tracts in that area. Mr. Lillie felt that the area not covered in the study could be included without an additional public hearing.

Mayor Pro Tem Himmelblau asked if under the proposed ordinance would there be any land left to build on if streets were up to City standards across some lots. Mr. Lillie replied that in a hill country area the impervious cover for streets would be much lower per acre than on a plateau. The ordinance primarily addressed the hill country area.

Councilmember Cooke asked Mr. Lillie if he could differentiate among the three zones of the 92-square-mile area as to the size of each zone. Mr. Lillie said that the three zones could be divided approximately into thirds (each zone approximately the same size.)

Mayor McClellan then opened the hearing to discussion from the audience.

NANCY BENE, 4904 Timberline Drive, President, League of Women Voters, urged the Council to adopt the ordinance without further amendments or delay, and to extend control to other forms of development. She did not object to Mayor Pro Tem Himmelblau's proposal to extend control to the east side of the lake.

HOYLE OSBORNE, 824 West 10th Street, a planning consultant, felt that water quality in Lake Austin was an important, but not over-riding issue. In regard to impervious cover, he felt that regulations should focus on the development of private land that streets be regarded as a separate entity. He proposed that the monitoring procedure include people other than City staff.

PAUL JONES, 800 West Avenue, an attorney representing a developer who owned land in the area of the proposed extension on the east side of the lake from Mount Bonnell to Tom Miller Dam, reviewed some of the problems which developers in that area would incur if the ordinance were extended to include that area. Councilmember Goodman stated that he doubted Mr. Jones' situation would be effected by the ordinance. Councilmember Mullen did not think that this applied to Mr. Jones' area.

MARY GIBSON, representing Now or Never, supported the ordinance as recommended by the Environmental Board and the Planning Commission. She wanted the ordinance to apply to all, even those already begun.

ADON SITRA, 3705 Hillbrook, asked the Council to consider excluding from the Plan any property which was within the City limits.

DON WALDEN, 6810 Lexington, asked that the preamble be included in the ordinance. Through a series of slides he showed how erosion can effect water quality.

Mayor Pro Tem Himmelblau asked if proper site preparation would diminish erosion. Mr. Walden replied affirmatively, but that a lot of land would be opened up when making street and driveway cuts in the area. He hoped that the ordinance would have the controls to prevent such erosion.

CORWIN JOHNSON, a member of Save Our Lake Association, said they supported the ordinance and extending its scope down to the dam.

GENERAL JAMES M. ROSE, 600 West 10th Street, stated that zeroing in on subdivisions would not prevent pollution in the lake. The City should be concerned about any ordinance or action which could lead to confiscation of private property. He hoped that the ordinance would be written so that the City could rely on the technology and expertise available. He hoped that latitude would be available in the ordinance for innovative ideas. He questioned the portion of the ordinance which prohibited any direct discharge of wastewater effluent into Lake Austin and its tributaries and pointed out that in areas of the State water of drinking water quality was being discharged from treatment plants. He wondered what the reaction would be if the State of Texas revoked the discharge permits held by the City to discharge effluent into the Colorado River.

DICK STANFORD, a member of the Westlake Hills City Council and President of the Eanes Civic Association, agreed with Mayor Pro Tem Himmelblau's suggestion to expand the geographical coverage of the ordinance and Councilmember Cooke's recommendation to expand the subject coverage of the ordinance. He supported passage of the ordinance now with the following recommendations:

1. Don't weaken impervious coverage requirements.
2. No direct discharge of effluent into Lake Austin.
3. Don't enlarge potential loopholes of alternative methods section.

SALLY WITTLIFF, 1301 Kent Lane, representing We Care Austin, asked Mr. Lillie if his proposed amendments to the ordinance had a transfer element in the impervious cover section. Mr. Lillie replied, "No." She asked that the recommendations of the consultants be followed and that the ordinance be passed without further weakening.

RICHARD TIMS, 1503 Ridgecrest, representing the Lake Austin Hill Country Neighborhood Association, supported immediate passage of the ordinance without further weakening of it.

JIM WEBB, 10813 Decker Lane, agreed with the 37% impervious cover provision. He questioned the qualifications of the staff of the Office of Environmental Resource Management to have a veto vote in matters covered by the ordinance. He recommended inclusion of the following language in the ordinance:

"There shall be no direct discharge of wastewater effluent into Lake Austin or its tributaries unless in full compliance with the Texas Water Resources requirement, thus maintaining the quality of the water in Lake Austin."

DON CALLAWAY, 1102 Village Green Drive, Chairman, Citizens Board of Natural Resources and Environmental Quality, defended the standards set forth in the proposed ordinance. He agreed that the ordinance was an experiment, and that the variables had to be controlled. He urged that the ordinance which was presented at the last public hearing be passed now.

MAURY HOOD, 7520 Stonecliff, urged that the alternatives section of the ordinance be strengthened to provide incentives for innovative design. He supported the amendments proposed by Mr. Lillie and Mr. Graves. He recommended that the impervious cover section be revised not to exceed the consultant's recommendation. He asked that the restoration section take into account that the builder will make some substantial restoration with the completion of a home. Waiting for the developer to make all restoration on a lot would waste money. He also requested that preliminary plats which had been approved be exempted. Councilmember Goodman asked Mr. Hood why he favored the 37% impervious coverage provision. Mr. Hood said it was for two reasons:

1. Plans had been developed around that level.
2. Land with more than a 25% slope became valueless. Lot sizes would increase, thus increasing the City's utilities cost. Urban sprawl would result.

BRAD COLEMAN read a statement to the Council and then recommended the following amendment to the ordinance:

"Delete the Office of Environmental Resources Management from Section 41-35.3(a)(4) and (5)."

RALPH STANSBERRY, 2520 South IH 35, a Registered Professional Engineer, agreed with the preceding speaker's recommendation. He spoke in favor of the ponding technique. He felt that the impervious cover level was arbitrary. He felt that the no discharge of effluent into Lake Austin provision was not always economical. Councilmember Mullen asked Mr. Stansberry why he supported ponding. Mr. Stansberry replied that he had designed ponds to slow down silt infiltration. Councilmember Goodman asked Mr. Stansberry if it would be difficult to set standards for ponding procedures. Mr. Stansberry did not believe that it would be difficult. He felt that the only monitoring necessary would be a maintenance program. Councilmember Mullen asked Mr. Graves if there was any incentive for a developer to use ponding in the ordinance as originally proposed. Mr. Graves said, "No." Ponding was permitted both under the original ordinance and the amendments proposed by Mr. Lillie and Mr. Graves.

MR. DICK ROTKOSKY, a realtor, told the Council that enactment of the ordinance would drive up the cost of land or increased the requirements of lot size per dwelling. He stated that if prices go up too high in an area of Austin where most people want to move, the process will become stagnated because there will be persons who want to buy a home but cannot.

MR. ROY BECHTOL, landscape architect, requested that the Council consider the alternative methods section of the ordinance. Councilmember Goodman asked Mr. Bechtol if he was in favor of a 3-foot cut and fill limitation. Mr. Bechtol replied that he felt a 6-foot cut and fill limitation would be more realistic.

MRS. RUTH EPSTEIN, representing the Travis County Democratic Women's Committee, indicated that her organization supported the ordinance as passed by the Planning Commission. She stated that the only amendments they would consider would be the ones proposed by Mayor Pro Tem Himmelblau and Councilmember Cooke. Ms. Epstein stated that one of the weaknesses of the ordinance was that it did not require an environmental impact statement from developers. She also felt that the Environmental Resource Management Department should be involved in project reviews.

MR. DAVID BARROW, JR., told the Council that land currently owned by his father would not contain any building sites under the new ordinance. He felt that the proposed ordinance did not really address the problem of water quality.

MR. SCOTT WILSON, a realtor, stated that the increased prices in housing was making it very hard for people to live and that many persons are moving to places such as Round Rock and still using facilities in Austin. He felt that this was a major factor in the ordinance.

MR. JERYL HART requested that the Council read a segment from a magazine called the "Urban Land Institute" prior to taking any action on the ordinance. He urged the Council to not prohibit the growth of development in the Lake Austin area. Mr. Hart indicated that septic tank development in the Lake Austin area was the cause of pollution of the lake and the lowering of water quality in the lake. He asked the Council to consider making sure that there are developments that can afford to utilize City wastewater facilities and the City public water supply.

MR. VERNON LEMENS indicated that he was frightened because he did not know what was happening in the Lake Austin area. He felt that the land owners in the area have sacrificed greatly.

MS. JEAN MATHER, representing the Austin Neighborhood Council, discussed the amendments made by Mayor Pro Tem Himmelblau and Councilmember Cooke concerning impervious cover.

MS. BARBARA CILLEY stated that she thought that taxes should be equitable and read a letter from Jack Evans, President, Hyde Park Neighborhood Association.

MR. RAY THOMAS passed on his turn to speak before the Council.

MR. CHARLES STAHL, representing Mr. David Barrow, voiced his objection to the ordinance. He discussed water quality, erosion control during construction periods and impervious cover. He felt that the ordinance was badly written.

MR. DOUG STRINGFELLOW stated that he was not against the ordinance but felt that language is arbitrary. He felt that the ordinance would put the price of land out of people's reach. He also asked why the crosstown tunnel was built if it is not going to be used. Mr. Stringfellow suggested having a study of the impact of this ordinance on the City.

MR. DOYLE WILSON, land owner, said that as a developer, he doesn't mind working for water quality but thought that the ordinance should be reconsidered.

MR. RIDGE WILLIAMS passed on his turn to speak before the Council.

MR. JIM MILLS passed on his turn to speak before the Council.

MR. THOMAS H. WOLFE, representing Environmental Communities Corporation, made a presentation before the Council which included suggested revisions to the Lake Austin Growth Management Ordinance. (See Attachment I) Mr. Wolfe suggested the Council try and recruit research assistance from the University of Texas.

MR. LEROY BUSH passed on his turn to speak before the Council.

MR. KEN MANNING, representing the Sierra Club, stated that they do not support the amendments to the ordinance. He is concerned about exempting preliminary subdivisions, the alternatives method of water quality standards, stricter controls in the alternatives section and an overall look at the goals.

DR. GUS FRUH, representing the Environmental Board, was concerned about the problem of water quality. He felt that there is a problem of discharge going into the lake. Dr. Fruh emphasized that there is a need for some sort of package treatment plant policy.

After a brief recess, Mayor Pro Tem Himmelblau requested that the City Manager include under resolutions for the following week, consideration of setting a hearing on the rest of the Lake Austin watershed not encompassed by the study. City Manager Dan Davidson acknowledged that he would do this.

Mayor McClellan requested that the preamble be encompassed into the ordinance.

Motion

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

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967; DECLARING CERTAIN FINDINGS OF FACT; PROVIDING STANDARDS FOR DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF LAKE AUSTIN PRESCRIBED BY THE RESOURCE MAPS OF THE LAKE AUSTIN GROWTH MANAGEMENT PLAN; EXEMPTING CERTAIN PLANNED UNIT DEVELOPMENTS FROM THE REQUIREMENTS OF THIS ORDINANCE; PROVIDING A MAXIMUM TIME PERIOD IN WHICH THIS ORDINANCE WILL HAVE EFFECT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmembers Cooke moved that the ordinance be passed through its first reading, with amendments as outlined by Mr. Lillie; as recommended by the Planning Director, Director of Engineering, and the Director of the Environmental Resource Management Department; and also adding the word "significant" to Sec. 41-35.3(a), Roadways (2) following the word "provided;" and in Sec. 41-35.3(e)(2) to add the word "significant" prior to the word predictable; and in Sec. 41-35.3(b) to establish the impervious cover on slopes as 30%-20%-10% uniformly and cut the 0%; and include the preamble. The motion, seconded by Mayor Pro Tem Himmelblau, carried by 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.

Councilmember Goodman made the following comments in regard to the ordinance:

"I vote No and hope that the Council, after a 3 or 4 month period or more or if it takes it less..if it takes less, I hope the Council takes another look at the giant loophole that we created in this different alternative methods section that we created, and the standards that we have insofar as the 30-20-10 may never see the light of day under the alternative methods section. That's where most of these developments are going to be coming in, under that section instead of under the rest of the ordinance which was two years in the making."

Mayor McClellan indicated that second reading of the Ordinance was scheduled for December 15, 1977.

ENVIRONMENTAL COMMUNITIES CORPORATION

(ATTACHMENT 1)

December 1, 1977

SUGGESTED REVISIONS TO THE LAKE AUSTIN GROWTH MANAGEMENT ORDINANCE:

PART 1. It is suggested that projects having complied with known requirements in achieving preliminary approval and ready for platting be exempted.

Slope Classifications. It is suggested that the slope classifications proposed by Espey-Huston Engineers in the published Lake Austin Management Plan. The three justified by Espey-Huston are more suitable for administration at this interim stage than the four proposed by the Commission, which are excessively expensive to determine in practice and which yield no scientifically verifiable benefits at this point.

Roadways. Suggest insertion of "significant" where reference is made in paragraph (2) regarding the removal of natural ground cover.

Cut and Fill: Building Sites. Suggest the deletion of paragraphs (2)(e) and (f). Ponds and detention basins are often suitable on building sites and there is no need to prevent a building site from being within 25 feet of a public or private road right-of-way.

Impervious Cover. Suggest keeping the guidelines proposed by Espey-Huston, the engineers assisting in preparing the primary report, while permitting the transfer of up to 40% in slopes under 15%. The 3 original standards are much more scientifically verifiable than those in the proposed ordinance. The original engineering approach was more defensible given the current state of knowledge of the subject. The standards proposed by the committees preparing the ordinance are based on data of uneven quality never published and made readily available for public study. Furthermore, the determination of the 4 complicated sets of statistics presently proposed will be much more expensive to prepare, review and enforce.

Alternative Methods.

Add: The Planning Commission may approve a project if it determines that the alternative (1) will be employed in a watershed where a water quality control system approved by the City Engineering Department, such as a systematic retention pond project, will be in effect to protect the water quality of Lake Austin, or (2) the alternative consists of a sponsored research or demonstration project expected to produce information useful in efforts to determine the

(Continued)

Lake Austin Growth Management Ordinance: Suggested Revisions

Page 2

Environmental Communities Corporation (December 1, 1977)

most effective and economic measures for improving Lake Austin Growth Management. These two revisions will on the one hand fill the gap in the ordinance which now makes inadequate provisions for the use of watershed-wide water quality control strategies, such as detentions ponding and basins; the second encourages needed studies.

It is suggested that the word "significant" be added preceding "predictable lowering of the water quality"...in paragraph (e)(4) under Alternative Methods.

It is also suggested that consideration be given to deleting paragraph (e)(2) of the Alternative Methods section since it is contradictory to a fair-handed alternative methods approach and probably difficult to apply in administration.

ADJOURNMENT

The Council then adjourned at 11:55 p.m.

APPROVED


Mayor

ATTEST:


City Clerk