

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 8, 1976
10:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: Councilmember Lebermann

The Invocation was delivered by REVEREND WAYNE G. SMITH, Asbury United Methodist Church.

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes of December 31, 1975. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

THINK TREES WEEK

Councilmember Hofmann read and presented a resolution signed by the Council to Maline McCalla, Co-Chairperson of the Bicentennial Commission; Les Gage, Co-Chairperson of the Citizens Committee for a More Beautiful Town Lake; Jean Bringol, Citizens' Environmental Board; and W. W. Coates, Co-Chairperson of the Parks and Recreation Advisory Board, proclaiming the week of January 10-16, ending on Arbor Day as "Think Trees Week" in Austin; and encouraged all residents to recognize this observance by planting trees and by seeking out our

most valuable trees for inclusion in an official Bicentennial Register of trees worthy of protection. Councilmember Hofmann called on all residents to join in this worthwhile project. Maline McCalla stated that everyone involved had worked very hard to create the Bicentennial program and wanted to express her thanks to them and the Council.

Councilmember Lebermann entered the Council Chamber at this time.

ZONING HEARINGS

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

CARL WOOTTEN
By James A. Brady
C14-74-007

Lakeshore Drive,
Westlake Drive and
Lake Austin
(Colorado River)

From Interim "A" Residence
1st Height and Area
To a Planned Unit Development
124 attached and detached
single-family dwelling units
with common open space and
recreation area, called
"HARBOR VILLAGE", as recommend-
ed by the Planning Commission,
with conditions.

Mr. Dick Lillie, Planning Department Director, noted that the application was originally filed in 1974 but was postponed due to requirements being met. The area is mainly located outside the City limits and current ordinance requires the Council approval on Planned Unit Developments within the City limits and outside also. Land use in the vicinity is predominantly residential and this project would have a density of just under 6 units per acre. The Planning Commission recommended the project subject to departmental requirements and four conditions listed to the commission by the "Now or Never" group. These safeguards included (1) retention of run-off and adequate filter system employed, (2) no parking or paving be designed for slopes of 30% or more, (3) living units be designed to the site to hold cut and fill to a minimum, (4) deed restrictions be recorded and adhered to by subsequent owners. This project will be served by Water and Wastewater services from the City. All the conditions recommended are acceptable to the owner.

In response to Councilmember Linn's question concerning construction, Mr. Lillie commented that they could proceed with the subdivision since it was not subject to zoning.

Mayor Friedman felt that in the matter of limited annexation, that it would be better to annex the entire area. Councilmember Himmelblau felt that this was a very handsome development. Councilmember Hofmann wanted to delay any action pending the Lake Austin Development Plan.

MR. JAMES BRADY, representing the applicant, indicated that extensive input and changes had gone into this project in order to meet all the requirements. Due to the uniqueness of this tract of land, he did not want to subdivide.

Councilmember Hofmann felt that the project was well done, but she was concerned with the principle of the matter of developing before the Lake Austin Plan is completed. MR. LEO DANZE, architect, stated that if the Council postponed this again, it would undercut the design professionals that have been involved in this project for several years.

MR. CHARLES CLELAND, representing the "Save our Lake Association", requested that the Council delay any action on this case until completion of the Lake Austin Development Plan. EVELYN JACKSON, a resident at 3425 Monte Vista, noted that she was also a member of the "Save our Lake Association" and wished to reiterate Mr. Cleland's remarks. She thanked the Council for their recent action in providing financial support for the continuation of the Lake Austin study. Mrs. Jackson read a statement written by Elizabeth Gate, 3407 West Lake Drive, in which she submitted that the proposed PUD would be situated on a narrow, winding road that needs improving to accommodate the increased amount of traffic. At the present time, there are no plans for improvements.

BARBARA POLKINGHORN, representing "Now or Never" from the Eanes School District, requested that a decision not be made today. She commended Mr. Wootten in his efforts regarding the development and stated that if the PUD was granted, that the four conditions be abided by. SOPHIE DAWN requested that this be postponed pending the Lake Austin Development Plan.

Motion

Councilmember Linn moved that any action on this item be postponed until the Lake Austin Development Plan is completed. The motion was seconded by Councilmember Hofmann.

Councilmember Himmelblau stated that the project had been under consideration for several years and felt it was an excellent plan. She indicated that there were certain sections of the lake that are suitable for this type of plan; but also some sections that are not suitable for any type of development. Councilmember Himmelblau felt that with the aid of the Planning staff and Environmental staff, this could be determined and would hate to see this delayed for another six months.

Roll Call on Motion

Roll call on Councilmember Linn's motion, Councilmember Hofmann's second, to delay action on this item, showed the following vote:

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

The motion failed to carry by a 3 to 4 vote.

Motion

Councilmember Himmelblau moved that the Council accept the PUD, subject to the conditions on the development as outlined by the Planning staff and Planning Commission, and request the owner and applicant to work with the Planning Department to proceed with annexation of the entire area. The motion was seconded by Councilmember Lebermann.

Roll Call on Motion

Roll Call on Councilmember Himmelblau's motion, Councilmember Lebermann's second, showed the following vote:

Ayes: Councilmembers Himmelblau, Trevino, Lebermann*, Mayor Pro
Tem Snell

Noes: Mayor Friedman*, Councilmembers Linn, Hofmann

The Mayor announced that the motion had carried, and the request for the zoning change to a Planned Unit Development, subject to conditions, had been granted, and the City Attorney was instructed to draw the necessary ordinance to cover.

*Councilmember Lebermann commented he was without anxiety with regard to the impact this development would have on Lake Austin.

*Mayor Friedman felt that development on the Lake should be delayed until we know just how we will develop it. He informed Mr. Lillie and Mr. Wootten of the sense of the motion toward annexation and would expect a report from the Planning Department as soon as feasible.

EDWARD J. JENNINGS,
ET AL
C14-75-115

Various properties
located on Grand-
view Street, Owen
Avenue, West 30-1/2,
31st, 31-1/2 and 32nd
Streets, West Avenue
and King Street

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

Mr. Lillie commented that this application was one of several that the Council had reviewed concerning zoning roll back. This area has been zoned for apartment use approximately 15 or 20 years. The application was recommended by the Planning Commission.

MR. JACK JENNINGS, one of the applicants and Chairman of the Neighborhood Association that managed the rollback zoning, appeared and stated that because of the change in economics, people were in a position to justify uses now. The Association sponsored the change only in that they would furnish the leg work and money that paid for the research. The intent of the application is to perpetuate the residential character of the neighborhood; that this would be a covenant with the neighbors saying if the present owners should lose control of their property, that the property be continued in single-family residential use. He recognized some of the applicants that were present at the Council meeting. Mr. Jennings noted that the neighborhood association would not curtail any present uses in the neighborhood and would not want to impose any change on other property in the neighborhood. Mr. Friedman pointed out that only those that have applied would have a zoning change. Councilmember Himmelblau commended Mr. Jennings for his efforts and felt that this was a good start in protecting the neighborhood.

DR. GEORGIA LEGGETT, stated that as the result of a minute canvass of the owners in the area, she felt they did not want the roll back. She presented a list of names not supporting the roll back. Dr. Leggett was concerned with the destination of the homes in the area, and felt it was to the renter's advantage for the area to be "A" Residential District. Mayor Friedman reiterated that only the property owners could request the roll back. DR. LEGGETT stated that she was opposed to the roll back.

HELEN AARON, representing four property owners in the area, commented that she had owned property in this vicinity for about 20 to 30 years. She was concerned with the property changing from tenant to private ownership and requested Mr. Jennings to substantiate the remark. At this time, Mr. Jennings reviewed the names of those concerned. Mrs. Aaron indicated that she was representing property owners in the area and she was opposed to the roll back. Councilmember Lebermann felt there was precedent for this in that another neighborhood has done this in the past and when this type of change is requested by the property owner, it has no effect on other property.

MRS. GREGG appeared in opposition to the zoning change and felt that the change would not improve the area. Mrs. Aaron felt that this zoning would effect other property in the area.

Councilmember Linn moved that the Council grant "A" Residence, 1st Height and Area District as recommended by the Planning Commission. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

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

At this point, Mayor Friedman introduced the new Director of Environmental Resource Management, Dr. Maureen McReynolds.

MICHAEL R. WALSH,
TRUSTEE
C14-75-117

4600-4800 South
Interstate Highway
35; 4601-4615
Weidemar Lane;
925-1211 Shelby Lane

From "A" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a
restrictive covenant.

Mr. Lillie reviewed the location of the application and is recommended by the staff and commission that the zoning be granted due to being located in an industrial area. The staff recommended a right-of-way plus or minus 20 feet on Weidemar that was not included in the Planning Commission's requirement; therefore the staff recommends this if the zoning is granted. The other condition that consists of 25 feet of no building along the Interstate Highway frontage was discussed by Mr. Lillie and noted that recently the Commission

has placed conditions on some of the applications as they relate to the City's major arterial system. In order to provide some green space between buildings and right-of-way, a recommendation was submitted in this case in the form of a restrictive covenant. This would prohibit any development within the front 25-foot building setback.

MR. KILIAN FEHR, representing the applicant, requested that the greenbelt restriction be lifted since there were trees along the freeway, but they were in the right-of-way of the Interstate Highway itself. This is the only tract between Ben White Boulevard and Bluff Springs Road where an owner is being asked to provide such a greenbelt. He felt that this was not consistent treatment of all the owners in the area. The 20-foot request for right-of-way on Weidemar Lane is acceptable, but he respectfully asked that his applicant be given equal treatment and granted this request. In response to Councilmember Hofmann's question, Mr. Fehr noted that there were no definite plans for the property.

MR. MICHAEL WALSH noted that the 25-foot greenbelt would be a disadvantage to his property since other property in the area did not have one. In addition to this, he felt that this amount of greenbelt would not give the beautification that one would think.

In response to Councilmember Hofmann's question concerning the greenbelt, Mr. Lillie commented that he felt the zoning ordinance should be amended to make this requirement of greenbelt a part of the ordinance, not as a restrictive covenant. Mayor Friedman stated that at the very minimum there should be an amendment to the zoning ordinance to this effect.

At this time, the Council reviewed the aerial map with the applicant and Mr. Lillie.

Councilmember Himmelblau submitted that this restriction should not be placed on one applicant unless the other property owners would have to abide by it also. She favored a change in the zoning ordinance for future cases.

Mr. Lillie commented that if the Council so desired, a draft of the ordinance amendment would be created and presented to the Environmental Department, Board and the Planning Commission for recommendation to the Council. He pointed out that the 25-foot restriction for buildings would not change.

Motion

Councilmember Himmelblau moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as recommended by the Planning Commission, with an additional 20 feet of right-of-way on Weidemar Lane and delete the restrictive covenant limiting the use of the first 25 feet of the property to a green belt. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District subject to an additional 20 feet of right-of-way on Weidemar Lane, and the City Attorney was instructed to draw the necessary ordinance to cover.

Motion on 25-foot Greenbelt

Councilmember Himmelblau moved that the Council instruct the Planning Department to proceed in amending the Zoning Ordinance on the 25-foot setback as discussed (25-foot greenbelt). The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Zonings Denied

JUDGE J. H. WATSON
By General J. G.
Fisk
C14-75-116

2311 Nueces Street

From "B" Residence
2nd Height and Area
To "GR" General Retail
2nd Height and Area
No recommendation by the
Planning Commission due to a
tie vote

Mr. Lillie noted that the application was located in the University area and would be used for contract parking. The lot was required to be paved for parking as part of a City ordinance and subject to a zoning application to permit contract parking. The Planning Commission recommended it subject to a special permit which was reviewed by the Zoning Committee and had a 3 to 2 vote in favor of the special permit.

Mr. Lonnie Davis, Director of Building Inspection Department, stated after a complaint was made that parking was being permitted on the lot, the owner was contacted and he indicated that he was unaware that the lot was utilized for parking. In order to have contract parking, it would require "GR" General Retail zoning. Mr. Davis commented that the lot was paved without any approval, and any violation would be in improper use of the lot. He indicated that there are signs inviting parking on the lot.

GENERAL JACK FISK, representing the applicant, stated that the lot was purchased in 1972 and has been used for parking. General Fisk commented that there were numerous lots in the area that are being used for parking and are not paved. After discussion with the Planning Department, he had the lot paved and erected signs concerning the contract parking. He was informed that this was illegal and would have to apply for a zoning change. General Fisk applied for the "GR" General Retail zoning in an attempt to alleviate undesirable parking situation.

In response to Councilmember Linn's regarding the use of the lot, Mr. Lillie commented that if the zoning change was not granted, it could not be used for contract parking.

Councilmember Himmelblau felt that "GR" General Retail zoning was inappropriate and expressed her disappointment that the applicant had gone to the expense of paving the lot. She could not accept this type of intensive zoning in a residential area and even with the permit would not vote in favor of it.

SUE KELLY, President of the Inter-Coop Council, noted that this group owned some property in the neighborhood and felt that another parking lot would only serve to degrade the quality of life in the neighborhood. She felt that it was not fair to subject them to this type of pollution created by the parking lot. In response to Councilmember Himmelblau's question concerning the use of the lot for accessory parking, Ms. Kelly commented that it could be used for this and would be interested in leasing the property.

EUGENIA SCHOCH, a resident at 2212 Nueces, stated that she had sent a letter to the Council noting her opposition to this zoning change. She commented that the Delta Zeta Sorority was very much interested in leasing half of the lot. Mrs. Schoch did request that every effort should be made to save the trees in this area. She felt there was a serious problem with the unattended parking lots in this area.

RANDY DAILEY, a resident at 510 West 23rd Street, expressed that if this request was granted, it would only contribute to air pollution, noise and additional degrading of the property. He resented this being railroaded upon the local property owners. Mayor Friedman pointed out that there was not any railroading occurring.

MRS. LEACH, President of House Corporation of the Delta Zeta Sorority, noted that they had attempted to buy the lot several years ago, but it was sold to someone else. She indicated a need for the lot to use for parking, but could not afford the price at the present time. Mrs. Leach commented that she did not want to see any commercial type buildings going on the lot.

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

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

The Mayor announced that the change had been DENIED.

FRANCHISE REALTY
INTERSTATE CORP.
CI4-75-111

9422 North Lamar
Boulevard

From "GR" General Retail
1st Height and Area
To "GR" General Retail
2nd Height and Area
NOT Recommended by the
Planning Commission

Mr. Lillie noted that the application was for the purpose of erecting a sign and the 2nd Height and Area would permit a sign to a height of 60 feet.

Councilmember Lebermann moved that the Council DENY the request for zoning change. The motion, seconded by Councilmember Linn, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

LEE W. MACHEN
By George Butler
C14-75-118

103-105 Ainsworth
Street

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

Mr. Lillie reviewed the location of the applicant and commented that the purpose would be to utilize the property for commercial purposes. The staff and Commission felt that the tracts were on a residential street, a part of the neighborhood and felt that the zoning would be an encroachment into the neighborhood. Therefore, the Commission recommended that the application be denied.

MR. GEORGE BUTLER, representing the owner of the property, commented that the owner does have an immediate use for it and that would be to build an automotive repair shop. He stated that this property was adjacent to commercial property. He felt that this would be a service type of business that would be utilized by people living in outlying residential areas. Mr. Butler noted a change in his request by stating that previously they were requesting that both lots be rezoned; however, at this time he was only asking that the one lot adjacent to the other commercial property be rezoned to "GR" General Retail District.

Councilmember Himmelblau felt that if this was granted on one lot, then at a later date the applicant could approach the Council again and request a permit on the other lot. She felt that by zoning just one lot the neighborhood would not be protected.

Councilmember Linn moved that the Council DENY the request for zoning change. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

Zoning Postponed

NPC ASSOCIATES
By Leo P. Danze
C14-75-007

1709-1753 and 1708-
1752 Rundberg Lane,
and also bounded by
Rutland Drive

From "B" Residence and
"BB" Residence
1st Height and Area
To a Planned Unit Development
with 102 attached single-
family dwelling units with
recreation facilities and
common open space called
"QUAIL RUN".
RECOMMENDED by the Planning
Commission

Mayor Friedman noted a request had been submitted for a postponement on this zoning case to allow additional meetings with the neighborhood association and the City staff.

Councilmember Lebermann moved that the Council POSTPONE the aforementioned zoning case until January 22, 1976, at 11:00 a.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning case had been POSTPONED.

Historic Zonings Granted

SCHOLZ BEER GARDEN
Austin Saengerrunde
Home Co., owner
C14h-75-101

1607 San Jacinto
Street

From "C-2" Commercial
3rd Height and Area
To "C-2-H" Commercial-Historic
3rd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Himmelblau moved that the Council grant "C-2-H" Commercial-Historic, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2-"H Commercial-Historic, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GERMAN FREE SCHOOL
Kelly H. Stevens,
Ph.D, owner
C14h-75-018

507 East 10th Street

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

Councilmember Hofmann requested Dr. Stevens to please stand. With the aid of his interpreter, Councilmember Hofmann expressed to Dr. Stevens that she was very honored and grateful for the tour of the German Free School. She had with her this morning a book she felt Dr. Stevens would be interested in reading and presented it to him at this time. Mr. Lillie wished to thank Dr. Steven's interpreter, Ms. Sharon Lee for her assistance.

Councilmember Himmelblau moved that the Council grant "C-2-H" Commercial-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

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

TAYLOR-PENDEXTER
BUILDING
Robert Karotkin,
owner
C14h-75-019

800-802 Congress
Avenue

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Himmelblau moved that the Council grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

RELEASE OF EASEMENTS

The Council had before it for authorization the release of the following easement:

The south 140.00 feet of the Drainage and Public Utility Easements ten (10.00) feet in width centered on the common lot line between Lots 12 and 13, Block M, NORTHWEST HILLS, NORTHWEST OAKS III, a subdivision. (Requested by Leon A. Whitney, owner)

In response to Councilmember Linn's question about the drainage easement, Mr. Leon Whitney, owner, commented that he developed a small area in this section of Northwest Hills and at that time dedicated every easement that the City departments felt they would require. After contacting the City and inquiring about the future need of the property, Mr. Whitney asked that the property be released since there was no immediate need.

Councilmember Linn was concerned with the elevation of the surrounding property, and Mr. Reuben Rountree, Director of Public Works, commented that he would check this. Councilmember Linn noted that there was a problem with releasing natural drainage areas. Mr. Whitney indicated that this particular easement is the same elevation as the elevations on each side of it.

City Manager Davidson pointed out that many times when a subdivision is beginning its development, the City normally requests far more easement than is required. Vacating this easement would not mean that water would stop draining across the section of property, but would mean that the City no longer needs it in order to maintain something.

Councilmember Linn stated she did not want to have a natural drainage area released.

Mayor Friedman asked if any notice had been sent to the adjacent property owners since it was established several weeks ago that before any drainage easements would be considered, notification would be sent to the surrounding property within 200 feet. City Manager Davidson apologized for this oversight and would check on this notification.

Mayor Friedman noted that it was specified as being drainage easements and not utility easements. He stated that the Council could not act on this release until the property owners were notified; therefore, it would have to be DELAYED until this was accomplished.

Councilmember Linn requested that when the drainage easements are discussed, that a demonstration of the elevation also be presented. Mr. Rountree stated that he would provide this.

Mayor Friedman instructed Mr. Rountree to proceed with the notification of the property owners within 200 feet of the delayed easement and that they would attempt to have it on the January 22 agenda.

At this point, Councilmember Lebermann left the Council Chamber.

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

All of that certain Public Utilities Easement that covers the east seven and one-half (7.50) feet of Lots 2, 3, and 4 and all of that certain Public Utilities Easement that covers all of the north seven and one-half (7.50) feet of said Lot 3, save and except a 7.5 by 10.0 foot strip near the west end of Lot 3, and release of the Public Utilities Easement seven and one-half (7.50) feet in width centered on the common lot line between said Lots 3 and 4, in NORTH-WEST HILLS, SECTION 9 G. (Requested by David B. Barrow, Jr., owner)

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

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

Noes: None

Not Present: Councilmember Lebermann

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

Two (2) portions of the Electric Easement ten (10.00) feet in width that traverses a portion of Lot 5, Block 6, WESTERN OAKS, SECTION 2, Said Electric Easement ten (10.00) feet in width was provided in the Thomas Anderson Survey in the City of Austin, Travis County, Texas, by instrument of record in Volume 2456 at Page 443 of the Deed Records of Travis County, Texas. (Requested by John Noell representing Jeryl Hart & Associates, Consulting Engineers, as agents for Woodside Development Company, Inc., owners of Lot 5 and some unplatted land, and J. W. Smith, owner of some unplatted land out of the Thomas Anderson Survey in the City of Austin, Travis County, Texas)

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

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

Noes: None

Not Present: Councilmember Lebermann

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session and discussed boards and commissions and next week at the Council Executive Session the following boards would be considered for Council appointments:

Explosives Appeal Board
Heating, Air Conditioning, and Refrigeration Appeal Board
Library Commission
Navigation Board
Parks and Recreation Board
Zoning Board of Adjustment
Vendor Committee

For appointments on January 22, 1976:

Building Standards Commission
Capital Area Consortium Executive Committee
Citizens Board of Natural Resources and Environmental Quality
Energy Conservation Commission
Historic Landmark Commission
Municipal Citizens Traffic Safety Commission
Retirement Board
Solicitation Board

Mayor Friedman commented that the Municipal Citizens Traffic Safety Commission would be held in abeyance until a decision is made on the proposed new Transportation Commission.

AMENDMENT AND EXTENSION OF AN AGREEMENT FOR THE
AUSTIN STATE HOSPITAL

Councilmember Linn moved that the Council adopt a resolution authorizing the amendment and extension of the Agreement between the City of Austin for Brackenridge Hospital School of Nursing, and Texas Department of Mental Health-Mental Retardation for Austin State Hospital. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

APPEARANCE CONCERNING TASK FORCE REPORT

Father Joe Znotas, Chairperson, Human Relations Commission, and Commissioner Amalia Mendoza appeared before the Council to discuss the Special Police-Community Relations Task Force report dated August 14, 1975. Ms. Mendoza read a motion that was passed at the last Human Relations Commission meeting. It was as follows:

"The Human Relations Commission recommends to the City Council that they take action on the Task Force Reports submitted to the City Council by officially accepting this report and seek the dissolution of the Task Force; that credit and appreciation be given to the committee members for the work that was done."

Ms. Mendoza requested a formal response from the Council at this time.

Councilmember Hofmann expressed her appreciation for the hard work that was accomplished by the members of the commission of the Task Force.

Councilmember Hofmann moved that the Council accept the reports from the Special Police-Community Relations Task Force and extend their thanks to the members of that Task Force for their hard work and to dissolve that Task Force. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

POSTPONEMENT OF AN APPEARANCE

Mr. Sterling Holloway had requested to appear before the Council to request an Ordinance for a 5-year Approach Main Contract to purchase the 8-inch wastewater main serving Bluff Springs Center; however, due to his sudden death this item was postponed.

APPEARANCE TO DISCUSS A PEDESTRIAN SPAN

Mr. Ralph H. Daugherty and Dr. Harold Skaggs, Jr., appeared before the Council to discuss the construction of a pedestrian span above the 800 block of West 34th Street. Mr. Daugherty, Attorney and General Counsel for the Austin Diagnostic Clinic Association and the West 34th Street Corporation, referred to the memorandum that was sent to the Council concerning this request. He then called upon Dr. Jonathan Decherd, a nephrologist, who along with Dr. Jack Moncrief would be in charge of the Renal Outpatient Clinic. Dr. Decherd outlined for the Council the development of Austin as a major dialysis and transplant center in the State. He then discussed some of the medical aspects of the program.

In response to Councilmember Hofmann's questions, Dr. Decherd stated that elevators would be located on each side of the span and that it would not be feasible to locate all of the required facilities in one building.

In response to Councilmember Linn's question, Mr. Daugherty stated that he had had no personal contact with neighbors in the area regarding the request. The item originally had been placed on the Agenda for December 11, 1975, but was removed for further study. Councilmember Hofmann stated that two days ago Dr. Jack Moncrief had assured her that he would contact the neighbors and neighborhood groups regarding the request. She was surprised that Mr. Daugherty was not aware of that fact.

Mayor Friedman pointed out that any request for an overhead span had always been referred to at least the Environmental Board and more than likely the Planning Commission for comments, then a public hearing would be held.

Councilmember Hofmann stated that she had given Dr. Moncrief the names and telephone numbers of members of the Environmental Board and Environmental Resources Department and suggested that he contact those people, based upon the Council's experience with John Byram's bridge. Mayor Friedman stated that Council action would be needed to refer the request to the aforementioned bodies.

Councilmember Trevino felt that if the policy reviewed by the Mayor existed, then it should be clarified. There had been a report from some staff members that no set policy existed, that the decision was up to the Council. Mr. Daugherty was under the impression that the request had been circulated among the various Departments without objection.

Mayor Friedman pointed out that there was a difference between circulating the request among the Departments and the other bodies now being discussed.

In response to Councilmember Lebermann's request, Mr. Daugherty stated that he had talked to Mr. Reed, had left a copy with the City Manager, with Mr. Reuben Rountree and had also discussed it with him prior to the December 11 hearing, with Mr. Lonnie Davis, and had talked to Mr. Dick Lillie about the matter. It was his understanding that the City staff preferred the tunnel, but the tunnel was not feasible due to risks involved and the inability to buy insurance, either during construction or after.

City Manager Davidson pointed out that when Mr. Daugherty speaks of circulation to various City departments, he does not imply that it has been reviewed and recommended by any of the departments. Mr. Davidson reiterated that the City does prefer the tunnel; however, they have not studied the proposal from the standpoint of what kind of standards should be followed if the crossing is approved.

In response to Councilmember Lebermann's question concerning the time element involved, Mr. Daugherty commented that within ten days the Renal Outpatient Clinic would be in operation. It was his understanding that construction of the overhead crossway would take about thirty to sixty days to complete.

City Manager Davidson noted that he would check and attempt to get this item on the Planning Commission and Environmental Board meetings.

Mr. Daugherty stated that he had contacted one of the property owners in the area and was informed by the owner that he was not opposed to this project.

Mayor Friedman felt the main concern was the zoning change that was granted several months ago that involved much discussion with the neighbors and felt the neighbors should be informed of what is going to occur. Mr. Daugherty complimented the Council with regard to these meetings that were held.

Motion

Councilmember Linn moved that this be referred to the Planning Commission and the Environmental Board for their immediate recommendations and returned to the Council as soon as possible with notification to the property owners and neighborhood associations, then placed on the January 15 agenda. The motion was seconded by Councilmember Hofmann.

Substitute Motion

Councilmember Himmelblau moved that the Council grant this request for construction of the pedestrian span as an emergency item so this project could proceed. The substitute motion died for lack of a second.

Councilmember Hofmann felt that the property owners and their representatives should meet with the neighborhood associations to alleviate any future difficulty and for this reason felt it was worthwhile to delay any action.

Councilmember Lebermann felt that in the final analysis this project would be approved and that the importance of it is clear; however, it would be more appropriate if there was a slight delay until the staff has specific recommendations. Councilmember Himmelblau expressed her pleas that this be expedited so it could be back to the Council as soon as possible.

Councilmember Trevino stated that in the future similar situations be referred to the appropriate committees in order to delete any problems.

Mayor Friedman commented that this item would be placed on the January 15 agenda subject to the two boards and the staff having a recommendation.

Roll Call on Motion

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

Noes: None

The Mayor announced that the original motion carried.

REQUEST TO DISCUSS SALE OF ARTS AND CRAFTS

Mr. David B. Whitehill appeared before the Council to discuss the policy of the City concerning the sale of Arts and Crafts in the auditorium at times other than Arts and Crafts shows. In attempting to get an amendment to the ordinance for the auditorium, Mr. Whitehill could not find any reference to the 25% that the City receives for sales at the auditorium. The resolution that he located, stated that the City receives only 10% and he asked that this be clarified.

Mr. Carl Gandy, Director of the Auditorium, reviewed the rental schedule and the concession contract and noted that Arts and Crafts were considered as novelties and would have a 25% charge for their sales. He explained how this is normally applied.

In response to Councilmember Linn's question regarding the fee paid by photographers, Mr. Gandy indicated that they paid \$10.00 per dance. Mayor Friedman felt that at the minimum the Council needed to get a complete policy of charges that could be adopted due to the recent requests concerning this.

Mr. Davidson commented that Mr. Gandy had prepared for the Council an indication of what the dance clubs are paying when they lease the auditorium, and he would work with Mr. Gandy to get the three types of charges that the Council was referring to as well as any others that may have become standard and would present them to the Council for their consideration. Councilmember Linn pointed out that there should be some discussion as to the middle person.

Councilmember Hofmann was concerned with the fee schedule.

Mr. Whitehill was opposed to the term of novelties being applied to Arts and Crafts, and City Manager Davidson noted that this could be changed.

Mayor Friedman stated that one of the items in the policy would be to make sure that the one renting the auditorium would acknowledge who would be selling items at that particular function, as well as establishing a fair rate.

APPEARANCE TO DISCUSS POLICE CHIEF ISSUE

Mr. Zeke Romo, Director of El Centro De La Gente De Aztlan, appeared before the Council to discuss the police chief issue. He introduced Mr. Paul Velez, the Interim Coordinator of the Alliance of Chicano Organizations, who read a statement signed by numerous Chicano organizations. Mr. Velez read the following statement:

"The following members of the Alianza de Organizaciones Chicanas de Austin, a coalition of concerned community groups, recommended the following:

1. That a moratorium be placed on the selection process of the new police chief until more community input is obtained.
2. That the Council recommend selection criteria to the City Manager after meeting with community groups/organizations.
3. The selected candidate should possess proven responsiveness toward the Chicano-Black communities.
4. That no candidate should even be considered who has been previously accused of police brutality or harassment.
5. The new chief should be reviewed by the Human Relation Commission's subcommittee on police-community relations and citizens prior to final selection."

Mr. Velez stated that the statement was approved by 19 of the Chicano organizations.

Councilmember Linn responded by saying that she was in full agreement with this; however, under our form of government these requests were not in our realm to do. She noted that the Council could disapprove or approve the selection after it is presented to the Council, but the Council could not interfere with the process beforehand.

Mayor Friedman noted that there would be ample opportunity for citizen input with specific recommendations and questions asked by the City Manager and the Council upon interview of the final recommendation.

Mr. Davidson commented that a letter would be sent to numerous organizations recognizing the fact that suggestions have been made concerning the criteria to be used in this selection. He asked that for the next fifteen days suggestions be presented to his office, and these suggestions would definitely be considered.

EMERGENCY ITEM TO DISCUSS ZONING
DEVELOPMENTS

Mr. James Rock appeared before the Council to discuss recent zoning developments in the Hyde Park Neighborhood, particularly a case to come before the Board of Adjustments on January 12, 1976. Mr. Rock noted that he is a member of the Hyde Park Neighborhood Association and requested that the Council pass a resolution expressing its desire for the Board of Adjustments to postpone the hearing. He commented that notification was only received last Monday that this case would be heard on January 12, and that the notification included only one lot. The two lots adjacent to this property are included in the Church of Christ request for parking.

Mr. Lonnie Davis noted that the application was for three lots.

Mr. Larry Walker, an elder of the Church of Christ, stated his interest in the neighborhood and since growth was their mission, they were having a problem with adequate parking and had been planning the use of these lots for quite some time. He could not see any reason for postponing this zoning change at this time, and he would like to proceed as soon as possible. Mayor Friedman felt that there was confusion as to the number of lots to be utilized for parking and asked Mr. Walker if the Church could postpone this until this problem was solved.

Councilmember Himmelblau suggested that the two groups meet and when they appear before the Board of Adjustment any need to postpone this item could be settled at that time and not make this a Council matter.

Mr. Tom Zelenka, Vice President of the Hyde Park Neighborhood Association, felt the postponement was necessary due to the lack of sufficient notice and the confusion with the lots. He noted that the association has a comprehensive study of Hyde Park being created pertaining to all aspects of life in the neighborhood.

Mayor Friedman submitted that the final decision concerning this would be with the Board of Adjustments.

Motion

Councilmember Linn moved that the Council recommend to the Board of Adjustments and the Church of Christ that they postpone this until the two groups involved can meet to resolve their differences. The motion was seconded by Mayor Pro Tem Snell.

Councilmember Lebermann stated that the merits of this have nothing to do with anything at this point, which the Mayor made clear. This is inappropriate in every way for the Council to interfere with the actions and activities of a Board that has no appeal to the Council; that it is an error to deal with this at all. He felt it was completely inappropriate.

Mayor Friedman suggested that if the motion passed, that the meeting that is scheduled be continued as well as any other meetings to solve this problem.

Roll Call on Motion

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

Noes: Councilmembers Lebermann, Himmelblau

The Mayor announced that the motion had carried.

HEARING ON ZONING CASE NO. C14-74-175

Mayor Friedman opened the public hearing scheduled for 3:00 p.m. to consider Zoning Case No. C14-74-175, Edmund J. Fleming, Jr. At this time, Mr. Dick Lillie, Director of Planning, played a portion of the tape from the December 14, 1974, Planning Commission meeting concerning the uses and the zoning. In reviewing the portion played, Mr. Lillie commented that Mr. Larry Niemann, one of the owners of the land in question, made a statement that was a commitment to tie the special permit and the zoning to the special permit for the warehouse use or go to Local Retail District

MR. LARRY NIEMANN commented that he was one of the owners of the tract of land at Martin Luther King Boulevard and Airport, and appreciated the opportunity to appear before the Council to answer some of the statements that were made last week.

In addressing himself to one of the statements made by Mrs. Fowler at the last Council meeting, Mr. Niemann stated that all during the year of 1975 his group endeavored to build the warehouse as was originally stated. Money was spent for architectural plans and other items in an attempt to have this warehouse built. He noted that he spent the entire year working in good faith to proceed with this construction; however, in September due to financial problems they could no longer proceed. Mr. Niemann wished to present three alternatives to the Council and the neighborhood concerning this problem which would include (1) a roll back, (2) a fencing situation, (3) leaving it as it is.

In referring to the history of the zoning case and the special permit application, he commented that applications were made for these and that they were not tied together. The staff's recommendation did not make the zoning contingent upon the building of the warehouse nor did the action of the Commission. Before this tract of land was sold, he checked with the Planning Department, Building Inspection and the Legal Department to ascertain the exact status of the zoning and the special permit. He was informed at that time that "GR" General Retail zoning was for the entire tract except for the "A" Residence buffer; that the zoning was not contingent upon a special permit; that the warehouse did not have to be constructed for the portion to be sold that we anticipated selling. When this change to "GR" General Retail District took place, there was a 25-foot buffer strip of "A" Residence on Tillery and along 18th Street. After listening to tapes of various meetings, it was clear that the staff did not recommend that the property be rolled back to "LR" Local Retail in the event that the warehouse was not built. The neighborhood did not request this nor did the committee and commission recommend it, and there is no mention of a roll back.

After discussion with Mr. Lillie and Mr. Davidson regarding his three alternatives, Mr. Niemann stated that the first alternative would be to erect a 6-foot privacy fence along 18th Street and Tillery with a no-curb-cuts provision and zoning on the entire tract being "GR" General Retail District. The second alternative would be a roll back of the "GR" General Retail to "LR" Local Retail, and having the "A" Residence part rolled up to "LR" Local Retail and allow curb cuts along 18th Street and Tillery Street. The third alternative is to leave it as it is. He urged the Council and the neighborhood to consult with the Planning Department as to their suggestion. Mr. Niemann felt it would be very prudent if there were a meeting of the neighborhood leaders and his group with a representative of the Planning Department.

In response to Mayor Friedman's question regarding a fence around the car wash, Mr. Niemann felt it would be against his better judgement to do this. He did express the intent to sell off other tracts of the adjacent land.

Mr. Lillie commented that the special permit called for a building to be adjacent to the "A" Residence, so a fence would not be required. The permit was withdrawn and if the property is used for some other purpose and a parking lot is placed next to the "A" Residence, then a fence would be required.

Councilmember Himmelblau submitted that the short form subdivision comes before the Planning Commission only in memorandum form unless one member of the Commission so desires to pull it, and usually it is just an automatic vote on it because the members of the Planning Commission, at the time she served, never pulled a short form subdivision to ask that it be discussed. So whether you say it was paraded before the Commission or not, she did not think it related to this type.

Mayor Friedman commented that there could be a 25-foot buffer and then a fence at that point which would be required if any other use is made of the "GR" General Retail zoning other than the special permit.

Councilmember Linn pointed out that during the original hearing, Mr. Niemann stated that the activity would be placed inside the warehouse so that it would be hidden from the neighborhood; that the plans were shown to people and that they would be informed of any change that was going to take place. She felt this was an obligation that Mr. Niemann had to the neighborhood and sensed this was the reason the neighborhood was upset.

Mayor Friedman indicated that the commitment was that Mr. Niemann would do specifically that which was shown to the Council and felt that this is where the misunderstanding occurs. Mr. Niemann apologized for any error on his part and would be happy to do what the Council requested.

MR. DAVID RICHARDS, representing Mrs. Rosa Fowler, referred to a letter that was written by Mr. Jerry Reed and felt that this was proof that a commitment was involved. MR. JERRY REED stated that the letter would not have been written unless he thought the project could be completed and as Mr. Niemann stated every effort was made to do just that.

Mr. Richards felt that the whole notion of the warehouse project itself was that the warehouse exterior walls would constitute a privacy fence. They would be solid and enclosed behind the 25-foot buffer and would shield the neighborhood from any intrusive observation of what occurred within the warehouse complex. He felt that a six-foot fence would be less than the initial

obligation to build a solid wall. Mr. Richards commented that the neighborhood group was willing to discuss alternatives and was requesting a roll back and a stop order on the existing property.

Mrs. Rosa Fowler submitted that the proposed plans for the car wash were most undesirable and was totally opposed to this. She commented that the car wash was not permitted under "LR" Local Retail District and could not have been built before the zoning change. Under the circumstances, a roll back to the original "LR" Local Retail would be the only appropriate remedy, and she urgently requested the Council that this remedy and a stop order on the car wash be granted immediately. Mrs. Fowler indicated that the service station located on Airport Boulevard was still there, and as a neighborhood and East Austin, they were unable to accept what Mr. Niemann was not able to afford.

In response to Councilmember Himmelblau's question regarding the denial of curb cuts on 18th Street and Tillery Street; that the area continue as "GR" General Retail District with the six-foot privacy fence and a letter of credit to the City guaranteeing that the fence would be kept in good condition and the acceptance of this, Mrs. Fowler commented that this would have to be discussed with concerned parties.

Councilmember Himmelblau felt that this would protect the neighborhood more than the roll back to "LR" Local Retail District. Mrs. Fowler noted that she would like as much protection as possible.

Mayor Friedman felt that Mr. Niemann made a very valid point which is that nothing could be decided immediately. He suggested that a meeting be held to discuss some of the options and he was very much in favor of the 25-foot buffer in addition to the fence since this would give a little more distance.

In response to Mayor Pro Tem Snell's question regarding a stop order, City Attorney Butler commented that this would not be possible. Mr. Niemann stated that the remaining property would be sold in the future for retail use.

Mayor Friedman asked Mr. Niemann if he and the other two owners would agree to no building permits nor any new subdivision plats would be filed until this matter is resolved and Mr. Niemann was agreeable but asked that it be within a reasonable time.

Mr. Richards requested that notification be sent to the new owner that they were intruding into a neighborhood that is opposed and there is a pending request that would make their use a non-conforming one; and that this notice should originate from the City. Mr. Niemann stated that the new owner had been informed of this situation.

Mayor Pro Tem Snell felt that the existing service station should be torn down; however, Mr. Niemann commented that this could not be settled until some type of agreement has been reached.

Mayor Friedman instructed the concerned parties to meet in an effort to resolve their differences and noted that this would be placed on the agenda for the Council meeting on February 26, 1976, at 3:00 p.m. Mayor Friedman closed the public hearing and stated that this matter would be reconsidered on the afore-mentioned date. (Transcript on file in the City Clerk's office.)

RENEWAL OF A COOPERATIVE AGREEMENT

Councilmember Hofmann moved that the Council adopt a resolution authorizing the renewal of the Cooperative Agreement between the U. S. Geological Survey of the U. S. Department of the Interior, and the City of Austin for installation, operation, and maintenance of stream-gaging stations throughout the Austin area. The motion, seconded by Councilmember Linn, carried by the following vote:

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

DEMOLITION OF A STRUCTURE

Councilmember Himmelblau moved that the Council authorize the demolition of structure as follows:

Accept positive bid - to be moved

754 (B) Pedernales	Philip Hogan	\$759.00
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The motion, seconded by Councilmember Linn, carried by the following vote:

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

GRANT FOR FOOD STAMP PROGRAM OUTREACH SERVICES

Councilmember Linn moved that the Council adopt a resolution authorizing application for a grant from the State Department of Public Welfare in the amount of \$20,500 to provide for Food Stamp Program Outreach Services. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

GRANT AWARD SUPPORTING COMMUNITY ACTIVITIES OF
NEIGHBORHOOD CENTERS

Councilmember Lebermann moved that the Council adopt a resolution authorizing acceptance of a grant award from the Community Services Administration in the amount of \$105,000 for support of the general community activities of the neighborhood centers. The motion, seconded by Councilmember Linn, carried by the following vote:

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

GRANT FOR PROJECT ENTITLED "POLICE RESERACH AND
PLANNING UNIT"

Councilmember Lebermann moved that the Council adopt a resolution authorizing acceptance of a grant award from the Texas Criminal Justice Division in the amount of \$56,591 for the project entitled "Police Research and Planning Unit." The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

GRANT APPLICATION FOR "DEVELOPMENT ASSISTANCE FOR
REHABILITATION, INC."

Councilmember Lebermann moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division for the project entitled "Development Assistance for Rehabilitation, Inc." in the amount of \$49,000. (Program period April 1, 1976, through October 31, 1976.) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

In response to Councilmember Himmelblau's question, Mr. Andy Ramirez, Director of the Human Resources Department, commented that this was not binding for the City if the Federal funding was not continued.

GRANT AWARD FOR "IN-SERVICE TRAINING FOR
AUSTIN POLICE DEPARTMENT"

Councilmember Lebermann moved that the Council adopt a resolution authorizing acceptance of a grant award from the Texas Criminal Justice Division in the amount of \$8,764 for the project entitled "In-Service Training for Austin Police Department." (Program period November 1, 1975, through November 30, 1976) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

EXCHANGE OF LANDS BY DEED FOR POWER
GENERATING PLANT

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the exchange of lands by deed from Lower Colorado River Authority and the City of Austin to E. A. Roitsch, et al, for the power generating plant in Fayette County. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Abstain: Councilmember Linn

Not in Council Chamber when roll was called: Mayor Friedman

PURCHASE OF WATER DISTRICT 11

The Council had before it for consideration possible authorization to purchase all assets and assume all liabilities of Water District Number 11.

In response to Councilmember Linn's question concerning the purchase of the entire District, Mr. Curtis Johnson, Director of Waster and Wastewater, commented that the contract that has been maintained with the District allows for the option to purchase a portion of this District; however, the details of this option are complicated and Mr. Johnson explained it at this time. The reason for acquiring the District immediately was stated by Mr. Don Wolf, Assistant City Attorney. He noted that there was a tax problem since I.B.M. would be paying tax to the City and the District which would not be normal procedure.

Mr. Monty Nitcholas, Director of Finance, indicated that if a portion of the District was purchased, the City would be taking revenue from them and not giving them additional operating money, and the District was not interested in this type of arrangement. Mr. Nitcholas felt that the entire District should be purchased, since there would not be any cash outlay.

Mr. Johnson commented that the rates were not permanent in that they could be changed, but at no time would they be lowered to a point lower than the normal outside the City rates.

MR. JOE RIDDELL, an interested citizen, was concerned that not all of the alternatives have been discussed and for the present time, he felt that this should not be purchased until additional research has been completed. Two items that mainly concerned him were the nature and extent of the City's obligations to provide services to this area, and would like to see something in writing that would detail (1) current obligation to provide service to the area, (2) obligation of service if a portion of the area is acquired, (3) obligation if the entire District is acquired, and (4) after the current contract terminates in 1988, what the City's obligation would be then in regard to service. Mr. Riddell also felt that this acquisition would be a losing proposition for the City.

Councilmember Lebermann moved that the Council adopt a resolution authorizing the purchase of all assets and assume all liabilities of Water District Number 11. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

PAYMENT FOR ACQUISITION COST

Councilmember Himmelblau moved that the Council adopt a resolution authorizing payment to Travis County for the City's share of acquisition cost of Parcel 88A, Loop 360. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

ACQUISITION OF CERTAIN LAND

Councilmember Linn moved that the Council adopt a resolution authorizing the acquisition of certain land for the following:

Municipal Annex - Lot No. 7, Block 4, Original City of Austin.
(Paul O. Simms Trust)

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

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

Councilmember Linn moved that the Council adopt a resolution authorizing the acquisition of certain land for the following:

The East Riverside Project - 2,071 square feet of land out of the
Santiago Del Valle Grant. (Austin Independent School District)

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

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

Councilmember Linn moved that the Council adopt a resolution authorizing the acquisition of certain land for the following:

The East Riverside Drive Project - 5,084 square feet of land out of the Thomas and Burch Subdivision. (Lois Rhea Thomas et al)

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

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

In response to Councilmember Hofmann's question concerning the price, Mr. Joe Morahan, Director of Property Management, stated that after months of negotiation, the price was agreed upon. However, in this particular project there were several problems that caused the delay in negotiations.

RENEWAL OF TAXICAB FRANCHISES AND PERMITS

The Council had before it for possible authorization the renewal of taxicab franchises and permits as follows:

1. Airline Cab Company - 1 permit
2. Harlem Cab Company - 38 permits
3. Roy's Taxi Service - 30 permits
4. Yellow/Checker Cab Company - 60 permits

Mr. Joe Ternus, Director of Urban Transportation, referred to the Annual Report of the Taxicab Industry that was distributed to the Council and noted that the report concerned the utilization of taxicab services in the City; some of the inspections and compliance with various ordinances and policies; information regarding the revenue and operating conditions of the companies. In order to maintain the quality of service that the Council supports, Mr. Ternus felt that some financial increases were necessary for the taxicab industry. Included in the report presented to the Council were several items for consideration referring to these increases. Mr. Ternus asked that the fare structure not be considered today so the entire fare structure could be addressed by the public and the various taxicab industries in the City. He was requesting the Council to renew the franchises and authorize the permits as outlined in the report.

KATHERINE HOPKINS, one of the taxicab drivers from Harlem Taxicab Company, suggested that the renewal of the franchise be delayed due to disagreements among the company and the drivers. Mr. Ternus felt that some of the concerns of Mrs. Hopkins would be an internal matter to be settled between her and the employer and would not be related to the issuance of the permits.

In response to Councilmember Himmelblau's question concerning the number of cabs to be operated, Mr. Ternus stated that a taxicab company is required to operate 10 cabs but does not have to own 10.

City Manager Davidson commented that several years ago the Council revised the ordinance concerning the taxicab operations and authorized the reassignment of the responsibilities of the inspections and reviews to be placed with the Urban Transportation Department. When complaints are received about the taxicab service, Mr. Ternus reviews these problems and informs the complainant of action that was taken. This type of review occurs on an annual basis and due to this review felt the items being requested today are justified. This would be the renewal of the franchises and the expansion of the number of permits for Roy's Taxi Service; then on January 15, 1976, the Council could consider the rate matter.

Councilmember Linn suggested that the next time renewal of taxicab franchises occur that before this time there be a Council public hearing.

Councilmember Linn moved that the Council adopt a resolution authorizing the renewal of the taxicab franchises and permits as recommended by the staff; that the rate structure be set for public hearing on January 15, 1976, at 7:30 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

SETTING PUBLIC HEARING TO CONSIDER AN APPLICATION BY ROY'S TAXI SERVICE

Councilmember Linn moved that the Council set a public hearing on February 12, 1976, at 11:00 a.m. for an application by Roy's Taxi Service to amend its taxicab franchise to increase the number of permits from 30 to 40. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

CONTRACT FOR A TECHNICAL STUDIES GRANT

Councilmember Linn moved that the Council adopt a resolution authorizing entrance into a contract with the Urban Mass Transportation Administration, Department of Transportation for a Technical Studies Grant of \$44,000. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

CONTRACT AWARDED

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

WESTINGHOUSE ELECTRIC SUPPLY COMPANY 9230 Research Boulevard Austin, Texas	- 60 100 KVAR Capacitors, Electric Item 1 - 60 ea. @ \$166.50 Total - \$9,990.00
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Councilmember Linn noted that this company did not have any minorities or women in management and only one woman employed and her vote in favor of the contract was due to the bidding.

PARTIAL ASSIGNMENT AND TRANSFER OF A WATER PERMIT

The Council had before it for consideration possible authorization to execute partial assignment and transfer of Water Permit to the Lower Colorado River Authority (Water Supply for South Texas Project).

In response to Councilmember Linn's questions concerning this request, Mr. R. L. Hancock, Director of Electric Utility, submitted that filing was made before the Water Rights Commission by the South Texas Project for run of the river water in the Colorado River. LCRA contested that filing and as a part of the settlement it was agreed that the permit issued by the Water Rights Commission would be conveyed to the Lower Colorado River Authority for their management on the water on the lower Colorado River. As of yet, the Commission has not approved it, but it will be considered the latter part of January.

City Attorney Butler commented that this has been reviewed by every agency in the Federal government as well as the state that is necessary.

In response to Councilmember Hofmann's question concerning the cost of the project, Mr. Hancock noted that it would be approximately over one million dollars a year for the water from the Lower Colorado River Authority. This charge for the water is an operating expense charged against the plant.

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the execution of partial assignment and transfer of Water Permit to the Lower Colorado River Authority. (Water supply for South Texas Project). The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

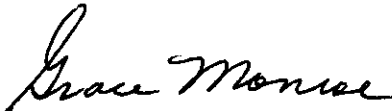
ADJOURNMENT

The Council adjourned at 5:27 p.m.

APPROVED


Mayor

ATTEST:



City Clerk