

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 1, 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, Lebermann,  
Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

The Invocation was delivered by REVEREND JIM S. C. GRATTON, Simpson United Methodist Church.

MEDIC ALERT MONTH

Mayor Pro Tem Snell read and then presented a proclamation to Mr. Pat Higgins, Austin Association of Life Underwriters, proclaiming the month of April, 1976, as "Medic Alert Month" in Austin and asked that all business and industry join in giving due recognition to the Medic Alert Foundation and its life-saving program.

PET RESPONSIBILITY MONTH

Councilmember Hofmann read and presented a proclamation to Ms. Martha Simmons, Chairperson of the Environmental Health Volunteers, proclaiming the month of April, 1976, as "Pet Responsibility Month" in Austin and called on all pet owners to obey the dog ordinance for the safety of their pet and their neighbors, and to urge citizens who live in neighborhoods where dog problems exist to contact the Animal Control Section of the Austin-Travis County Health Department for information and advice.

## THE WEEK OF THE YOUNG CHILD

Councilmember Trevino read and then presented a proclamation to Mrs. Glenn Richter, Austin Association for the Education of Young Children, proclaiming the week of April 4-10, 1976, as "The Week of the Young Child" in Austin and urged all to take note of the programs of interest being offered throughout the City. Mrs. Richter thanked the Council for the proclamation and introduced some of the young children attending the meeting. They were Christine Gillete, Denise Geole, Ralph Telestary, and Timothy Lambert.

## WILLIE NELSON DAY

Mayor Friedman read and then presented a proclamation to representatives of the Austin Symphony proclaiming April 3, 1976, as "Willie Nelson Day" in Austin and urged all residents to join the Council in honoring this man, whose talents and love of music have earned the respect and gratitude of Austinites of all ages and musical tastes. One of the representatives of the Austin Symphony thanked the Council on behalf of Willie Nelson for this proclamation.

## 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:

A. H. NEIGHBORS, JR.	6919-7013 East Riverside	From "A" Residence
Executor	Drive	1st Height and Area
By Terry Sasser	2109-2201 & 2207-2217	To "MH" Residence
C14-76-009	Maxwell Lane	1st Height and Area
		RECOMMENDED by the Planning Commission

Mr. Dick Lillie, Director of Planning, reviewed the area by way of slides and noted that the predominate land use is suburban residential. The application is recommended by the Planning Commission and there is no formal neighborhood group in the area. (Applicant was present).

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

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

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GLASTRON BOAT COMPANY	9000-9300 Reid Drive	From "D" Industrial
By Thomas C. Bailey	9000-9300 United Drive	1st Height and Area
C14-76-017	9137-9161 Research	To "D" Industrial
	Boulevard (U.S. 183)	3rd Height and Area
	2800-3000 Industrial	RECOMMENDED by the Planning
	Terrace	Commission
	9400 Business Drive	

Mr. Lillie noted that this tract is part of an industrial district that is in the Master Plan for industrial use and was annexed in December, 1975. Because of buildings that are already present and additional construction that might occur, it was determined that a 3rd Height and Area district zoning would be a preferable zoning. The Planning Commission has reviewed the application and recommended that "D" Industrial, 3rd Height and Area District be granted. (Applicant was present).

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

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

The Mayor announced that the change had been granted to "D" Industrial, 3rd Height and Area District, as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

THETA XI ASSOCIATION	900 West Martin Luther	From "B" Residence
OF TEXAS	King, Jr., Boulevard	2nd Height and Area
By Mack Hernandez	1900 Pearl Street	To "O" Office
C14-76-010		2nd Height and Area
		RECOMMENDED subject to a
		restrictive covenant providing
		for a parking plan submitted
		by the applicant as revised by
		the Planning Department staff.

Mr. Lillie commented that this application was located in an area used predominately for apartment use and it does have office use along Martin Luther King, Jr., Boulevard. One of the major concerns of the Planning Commission was the off-street parking that would be required by this use at this location; therefore, the applicant was requested to provide a new off-street parking proposal which Mr. Lillie distributed to the Council at this time. Mr. Lillie commented that the sketch map attached to the proposal has been reviewed by four City departments and was agreed that the layout conformed to City ordinances and to the best utilization of parking on the tract. The driveway on the north side of the tract has been recommended to close it so there will not be head-in or back-out parking onto Martin Luther King, Jr., Boulevard.

The applicant has agreed with the conditions placed by the Planning Commission and it is recommended for approval by the Planning Commission.

Mr. Lillie pointed out that the application does meet the requirement for the necessary parking spaces. He stated, in response to Councilmember Linn's question concerning the highest density use allowed, that between 32 and 40 apartment units could be built and felt that apartment use on this site and demolition of the present structure would be most detrimental to the area.

MR. A. L. MOYER, representing Theta Xi Association of Texas, commented that he represented over 1,200 owners of the property and it is their intent to preserve the building. In response to Councilmember Linn's question as to his agreement to a restrictive covenant prohibiting the removal of the structure, Mr. Moyer indicated that this was already agreed on and would be part of the deed. He urged the Council to grant the zoning.

MR. McHONE commented that he had lived in the area since 1967 and was involved with "Save University Neighborhoods" and has been continually involved in all the cases concerning zoning in this area. Initially, there were problems with the parking but they have been worked out and now there is a restrictive covenant that has been agreed upon. This includes that the house would remain as is for 20 years, and the second provision is that the parking layout, as distributed, would be required. Mr. McHone noted that he also represented the College Houses and this agreement was between them, the applicant and future owners. A letter of agreement has also been created concerning operation and that overflow parking would be provided off-site and privacy fencing be provided where needed. All of this is an effort to better the neighborhood and have a mutual agreement for all concerned.

Mr. McHone noted that possibly he would be opposed to parking space number 21 and felt there were several ways to overcome this since it would destroy the land and require quite a bit of excavation.

MR. MACK HERNANDEZ, attorney representing Theta Xi Association of Texas, stated that he had discussed this matter with the Legal Department and other necessary City departments, and felt that this zoning would in all probability be granted with certain conditions and restrictions. Whatever conditions are outlined by the Council will supersede any private agreement that has been entered into so far. As of the present, the restrictions and covenants that have been made in private between the prospective owners, Kenneth, David and Anthony, and Mr. Mike McHone have been agreed upon.

In response to the prohibition of removal of the structure restriction as stated by Councilmember Linn, Mr. Hernandez stated this would be fine. He noted that his main concern was what would happen to the building 20 to 30 years from now. Councilmember Linn commented that she could not agree with the 20 to 30 year restriction. Mr. Hernandez stated that the building would be preserved and all of the beautiful aspects would be maintained.

Councilmember Linn moved that the Council grant "O" Office, 2nd Height and Area District as recommended by the Planning Commission, subject to conditions, and with the additional conditions of (1) prohibition of removal of existing structure, (2) restrictive covenant as agreed to with the neighborhood association. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District, subject to conditions, and with additional conditions as set out in the motion, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mr. Hernandez pointed out that there are two garages on the premises, one a wooden framed garage that has been anticipated to be removed, and he asked that the motion not prohibit removal of the wooden framed building. Councilmember Linn stated that this would have nothing to do with the motion. Councilmember Linn expressed concern as to the reason remodeling was allowed to the structure. MR. LONNIE DAVIS, Director of Building Inspection Department, stated that a permit was given to remodel a boarding house. The contractor stated that this would be his intent to remodel the boarding house.

Councilmember Linn felt that if the contractor performed the necessary plumbing repairs for a beauty salon that it would be hard for him to think this would be a boarding house.

Mr. Davis commented that he had talked with the employees in his department that had written the permit and it was their consensus that the permit was for a boarding or rooming house.

Councilmember Hofmann noted that the use of the property for a beauty salon was established before the request was made for a zoning change. Mr. Davis commented that this was learned after the City became aware of the original zoning violation and charges have been filed. Councilmember Linn felt that there was deliberate deception here and that the law was not being administered equally. City Manager Davidson noted that the deception was not on the part of the City administration.

Motion to Reconsider Vote

Councilmember Hofmann moved that the Council reconsider the original motion. The motion died for lack of a second.

Councilmember Trevino stated he did not want to move hastily and penalize people who possibly did not have anything to do with this.

Mr. Hernandez stated that the applicant had no control or knowledge of the contractor going to the Building Inspection Department. Mr. James Nichols, the contractor, informed Mr. Hernandez that someone from the Building Inspection Department filled the form out and that the contractor signed it. The present owner nor the prospective owner had no idea of what the contractor was doing or why he was doing this. Mr. Hernandez indicated that the reason for continuing to operate in violation of the zoning ordinance was because of receiving a letter from the City informing them that they had 30 days to either close or comply. If this compliance was not met by March 22, 1976, the City would then file charges. Mr. Hernandez commented that he was told it was the policy of the City to work with businessmen who were attempting to comply with certain requests rather than prosecute those that were trying to comply. Also, it had been a policy of the City in the past, that when that businessman had an application pending and was successful in getting the application granted, the City would dismiss pending charges.

The City Manager commented that this was not something that Mr. Davis or his office had said, since charges have been filed.

In response to Councilmember Linn's question as to where Mr. Hernandez received his information that the City had a policy of working things out and not filing charges, Mr. Hernandez noted that there were several individuals involved and all were associated with the Building Inspection Department. Mr. Hernandez commented that the contractor, Mr. Nichols, informed him that the Building Inspection Department was told that a beauty shop would function in the building. Someone from the Building Inspection Department informed Mr. Nichols that a zoning change had been applied for and that the zoning would probably be granted. The application for the permit was then filled out and was given to Mr. Nichols for his signature. Mr. Lonnie Davis submitted that he had talked with the permit clerk involved and he assured Mr. Davis that this was not the case.

Mayor Friedman asked that the Council be furnished with copies of the application for the building permit. Councilmember Linn felt that this matter and the zoning request today was not related and this was why she wanted this matter discussed after the zoning. Mayor Friedman felt that there had been some accusations and statements made that need to be dealt with.

Councilmember Himmelblau noted her appreciation for the work and cooperation that had taken place in this zoning case. Mayor Pro Tem Snell indicated that he had toured the building and complimented the group for the effort put forth to maintain the building and encouraged them to continue doing so.

MRS. WILLIAM A.  
SCHUMANN  
By Mms. Etta S.  
Dyess & Lena E. Dyess  
C14-76-016

4712 Harmon Avenue

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED subject to a  
restrictive covenant providing  
for a 10-foot evergreen buffer  
along the north property line.

Councilmember Linn moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Department, subject to conditions. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

UNIVERSITY OF TEXAS  
By Robert C. Sneed  
C14-75-076

701-731 Exposition  
Boulevard  
2611-2703 West 8th  
Street  
700-736 Newman St.  
2624-2710 Lake Austin  
Boulevard

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED (as amended) by the  
Planning Commission, subject to  
a restrictive covenant pro-  
viding for a special permit to  
allow a Safeway store on the  
property.

Mr. Lillie stated that the first contact on this zoning was for commercial zoning, "LR" Local Retail, and it was felt that because of the neighborhood and the environment an "O" Office zoning was recommended so a site plan could be developed to assure the Planning Commission, Council and residents in the area of the character of the use to be made of the property. Included in the discussion on the site plan was a no access to West 8th Street, no access to Newman north of the commercial zoning just to the east of the property, and the possibility of closing 7th Street from Newman west to Lake Austin Boulevard.

The applicant has worked with the various City departments involved to work out the conditions on the special permit and has also met with neighborhood associations to work out a site plan acceptable to them. The property is owned by The University of Texas and will be used for a Safeway store. The zoning was recommended by the Planning Commission with the special permit limiting the use to the Safeway store. The applicant has agreed with those conditions and the site plan has been approved by the Planning Commission.

Councilmember Linn pointed out that on every side of the property with the exception of one small commercially zoned spot, zoning is predominately "A" Residence District. She asked Mr. Lillie if he felt that this was an additional intrusion into an "A" Residence zoned area, and Mr. Lillie stated it was.

In response to Councilmember Hofmann's question as to whether the applicants have to come before the Council for approval since it is state property, Mr. Lillie noted it was not required but they had chosen to come before the Council since the use is for something other than public use.

MR. ROBERT SNEED, representing the applicant, Safeway, commented that during his 30 years of processing zoning cases he felt there had been more effort involved in this zoning application than he had ever experienced. After the property was opened for bids by the University of Texas, Safeway was the highest bidder and was awarded the lease. Safeway met with all the concerned City departments and drafted a plan for the use of the property. Then the neighborhood organizations were contacted to arrive at a site plan that would be agreeable to all concerned. Mr. Sneed stressed that there was one item that should not be considered as part of this zoning meeting, and it concerned the closing of a small portion of 7th Street running from Lake Austin Boulevard to Newman Street. This is not a part of this application for the change in zoning but a separate application for closing of the street and has not been processed. The reason for the application was due to a request of the Urban Transportation Department, since there seems to be some questions as to parking on this area. Mr. Sneed stated that opening or closing 7th Street would not have any bearing on the parking.

Mr. Sneed referred to a letter from Safeway Stores, Incorporated that was distributed to the Council which read as follows:

"Reference is here made to the development of the property described in the lease contract between the University of Texas System and Safeway Stores, Incorporated, a copy of which is attached hereto.

With the development of this site, Safeway will annually render and pay the taxes on the 2.697 acre tract of land described in such lease agreement. The rendition and payment by Safeway of the taxes

on the land will be voluntary and will be paid by Safeway irregardless of the tax free status of the land itself because it is owned by the University of Texas System.

Furthermore, Safeway agrees to develop this tract of land as expeditiously as possible--as is its contractual obligation under the lease. All development will be in accordance with the final site plan as authorized under the special permit.

These representations are made as an inducement to the Council of the City of Austin to change the zoning classification of such tract of land to "O" Office District, 1st Height and Area."  
(A copy of this letter was filed with the City Clerk.)

Mr. Sneed added that he was unable to obtain a restrictive covenant agreement from the University of Texas but was offering in lieu thereof, this agreement with the City. Mayor Friedman stated that regardless of whether or not Safeway owns the building or leases, they will still maintain it and render the property.

Mr. Sneed referred to a letter that he received from Mr. Jack Klitgaard, Tax Assessor-Collector for the City Tax Department, stating that the statutory exemptions granted to the University of Texas in no manner changes the method or procedures whereby ad valorem taxes would be levied by the City of Austin on behalf of itself and the Austin Independent School District in connection with the improvements, fixtures, and inventory owned by the lessee, Safeway Stores, Inc. Mr. Sneed submitted this letter from Mr. Klitgaard to the City Clerk as a part of the record.

At this time, Mr. Sneed displayed pictures showing the proposed Safeway store and made reference to the effort that was expended in saving the large pecan tree located in the middle of the store. He also noted that there would be additional hedges planted for additional shielding to the store. In continuing his presentation, Mr. Sneed commented that at the present time, there are almost no sidewalks in the area and this site plan shows the sidewalks all around. He felt that every item necessary to consider in the development of this plan has been considered. Councilmember Hofmann expressed her appreciation for the effort Safeway had shown in saving the pecan tree.

W. G. VANHIEMER, 2608 West 8th Street, referred to the property and felt that it was used by the neighborhood as a playground area and would like to see it preserved as an open area. Mr. Vanhiemer enumerated his reasons for opposing the Safeway store which included such things as additional traffic, property values, noise disruption caused by the trucks bringing supplies to the store and waste disposal.

Mr. Sneed referred to the plan to try and answer some of the concerns that Mr. Vanhiemer had. In regards to the lighting being a problem to area residents, Mr. Sneed stated that soft lighting would be used in the parking lot therefore; to alleviate any glare on the residents. Mr. Harvey Eurich, one of the architects, pointed out that there would be 30-foot standards utilized with shielded light and sodium vapor to control the glare.

In response to Councilmember Linn's question as to there being a grocery store in the neighborhood, Mr. Vanhiemer stated there is and felt it was adequate for him. He felt that the neighborhood did not need a Safeway store nor did it need additional "C" Commercial zoning.



MR. VINCENT ARNOLD, owner of the shopping center next to the proposed Safeway store and also owner of the Big Bear grocery store, appeared in opposition to the proposed store. Mr. Arnold stated that this building is closer to the street than the normal zoning permits and was concerned with the visibility of cars. He also felt that with the Safeway store would come the problem of additional traffic into the area. The closing of West 7th Street would also be a problem for him since it would make it harder for his customers to get to his store. In conclusion, Mr. Arnold hoped that this did not set a precedent of allowing commercial property to come in on this University property.

MR. JIM ROCK stated that he was appearing for a friend who lived at 1209-C Brackenridge Apartments, and wanted to express her concern that the proposed store would cause an increase in traffic in the area which would be a hazard to children.

MR. WOODROW SLEDGE, representing the Austin Independent School District, commented that taxes to be paid by the Safeway store will include the Austin Independent School District, as well as the City of Austin. Mr. Sledge felt that the plan as presented was a well-worked out plan for the property.

MRS. BEN BEDINGER, 2413 Marlton Drive, stated she wanted to compliment Safeway and its staff on the work and effort that has been put forth to reach an agreement with the neighborhood groups. She did urge the Council to keep 7th Street open and noted the petitions she had supporting this. She asked that some sort of provision be made that would keep the big trucks off of West 7th Street but that they use Lake Austin Boulevard. In response to Councilmember Linn's question as to whether the Safeway store was needed, Mrs. Bedinger commented that personally she did not think it was needed. However, many people do favor this and she was not opposed to the additional traffic. Mr. Sneed explained the trucks would use Lake Austin and showed drawings of how they would be on the Exposition side.

PEG GUARINO, a resident in the area, supported the idea of having a Safeway store in the area and felt it would be a service to all.

Councilmember Linn pointed out that she had consistently gone on record as rolling back commercial zoning as intrusion into neighborhoods and felt that this case was clearly an intrusion into residential zoning. The small commercial area is adequate for the area and felt that the University of Texas could be allowed to let the land go to the highest bidder, but did not think the City could. In addition, she did not think the neighborhood should be traded for a tree.

#### Motion

Councilmember Linn moved that the Council deny this request for a zoning change. The motion died for lack of a second.

Mayor Friedman felt that with the control necessary, the City would be preserving the neighborhood rather than leaving it to the University to do as they wish with the land.

Motion

Mayor Friedman moved that the Council grant "O" Office, 1st Height and Area District contingent to all the restrictions and recommendations made by the staff and the Planning Commission with the specific inclusion that the land, as well as the improvements in building will be rendered for taxation to the City and to Austin Independent School District as of January 1, 1977. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District subject to conditions and with the specific inclusion that the land, as well as the improvements in building will be rendered for taxation to the City and to Austin Independent School District as of January 1, 1977, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Friedman requested that Safeway withdraw their request to close 7th Street and also that Mr. Joe Ternus, Director of Transportation, make preparations and return to the Council with a special ordinance prohibiting the long-haul trucks from using 7th Street westbound off of MoPac. He felt that the trucks should be kept on Lake Austin Boulevard or coming down Exposition.

Councilmember Linn asked the question of whether or not Safeway was being allowed to build closer to the street than what is allowed by law, and Mr. Lillie noted that the Planning Department and the Building Inspection Department identified that it would be required to have the Board of Adjustment action on a variance setback and that application has been filed and will be heard by the Board of Adjustment on April 12, 1976. The site plan does show a 10-foot setback, but it would only be on the approval of the Board of Adjustment that the building would be located there. If it is not approved, it would have to be located 25 feet back.

In response to Councilmember Linn's question as to the plans presented to the Council today being in accordance with present zoning laws, Mr. Lillie commented they were not.

Mr. Sneed wanted to be sure that the motion did not include the requirement for a restrictive covenant from the University of Texas. Mayor Friedman stated it did not include this.

Mr. Vanhiemer felt that this would set a precedent in the neighborhood.

Mayor Friedman announced that the Council would go into Executive Session.

## AFTERNOON SESSION

2:00 P.M.

Mayor Friedman called the afternoon session to order.

## EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had been in an Executive Session earlier and had discussed appointments to various boards and commissions that were now before the Council for action.

Planning Commission

Mayor Pro Tem Snell moved that the Council reappoint the following to the Planning Commission (to complete terms):

Linda McGowan	- to complete term to 6/19/77
George E. Ramsey III	- to complete term to 6/01/76

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

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

Noes: None

Abstain: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Lebermann

Mental Health and Mental Retardation Board

Councilmember Himmelblau moved that the Council appoint the following to the Mental Health and Mental Retardation Board:

Juan Moore	- 2 years
Howard Childs	- 2 years

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

Human Relations Commission

Councilmember Trevino moved that the Council appoint the following to the Human Relations Commission:

Larry Williams	- 2 years
Margaret Gomez	- 2 years

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

#### Parks and Recreation Board

Councilmember Hofmann moved that the Council appoint the following to the Parks and Recreation Board:

#### Two-year Terms:

Mrs. Barr McClellan

Barrett Garrison

Tim Pierce

Hector Bavela

Carl Turner

Virginia Bettinger

Mrs. Ruth Isely

Mary Lib Thornhill

Dr. Wiley Jordan

Tony Castillo

#### Member Emeritus:

Mr. W. W. Coates, Jr.

Mrs. Lem Scarbrough, Sr.

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

Not in Council Chamber when roll was called: Councilmember Lebermann

#### Arts Commission

Councilmember Trevino moved that the Council appoint the following to fill unexpired terms to 8/14/76 for the Ethnic Cultural Category:

Amado Pena

Mrs. Ruth Sauls

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

Mayor Friedman stated that at the Executive Session next week consideration would be given to the Community Development Commission and the Planning Commission for terms that will begin in June, 1976, but the appointments made next week to involve any new members in the Master Plan planning stages.

## CONTINUATION OF ZONING HEARINGS

Mayor Friedman announced that the 10:00 a.m. zoning hearings would continue at this time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

ROOSEVELT TAYLOR, JR.	1908-1910 Martin Luther	From "A" Residence
By Donald Dumas	King, Jr., Boulevard	1st Height and Area
C14-76-014	1900 Poquito Street	To "LR" Local Retail
		1st Height and Area
		RECOMMENDED by the Planning
		Commission subject to the
		dedication of 15 feet of
		right-of-way on Martin Luther
		King, Jr., Boulevard

Mr. Lillie reviewed the area and noted that the tract is located in an area that has three neighborhood associations and the recommendation by the Planning Commission is acceptable to the applicant.

Mayor Pro Tem Snell moved that the Council grant "LR" Local Retail, 1st Height and Area District as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor announced that the change had been granted to "LR" Local Retail, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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C. E. & ELEANOR WEST	7007 Guadalupe Street	From "A" Residence
C14-76-004		1st Height and Area
		To "BB" Residence
		2nd Height and Area
		NOT Recommended
		RECOMMENDED by the Planning
		Commission "BB" Residence,
		1st Height and Area

Councilmember Himmelblau moved that the Council grant "BB" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area, as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

IBM CORPORATION  
By Thomas Backus  
C14-76-008

11400 F.M. Road 1325

From "D" Industrial  
1st Height and Area  
To "D" Industrial  
3rd Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "D" Industrial,  
3rd Height and Area excluding  
a 100-foot corridor along  
F.M. Road 1325 and the planned  
extensions of West Loop and  
MoPac Expressway.

Councilmember Linn moved that the Council grant "D" Industrial, 3rd Height and Area, as recommended by the Planning Commission, excluding a 100-foot corridor along F.M. Road 1325 and the planned extensions of West Loop and MoPac Expressway. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor announced that the change had been granted to "D" Industrial, 3rd Height and Area, excluding a 100-foot corridor along F.M. Road 1325 and the planned extensions of West Loop and MoPac Expressway, and the City Attorney was instructed to draw the necessary ordinance to cover.

ELLA PFEFFER, ET AL  
By Lowell Clayton  
C14-76-007

2108-2202 Redwood  
Avenue

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended  
RECOMMENDED "GR" General Retail,  
1st Height and Area, excluding  
a 40-foot buffer of "A" Residence  
along the western boundary,  
subject to a restrictive cove-  
nant providing for a special  
permit

Councilmember Himmelblau moved that the Council grant the change to "GR" General Retail, 1st Height and Area, excluding a 40-foot buffer of "A" Residence along the western boundary, as recommended by the Planning Commission, subject to conditions. The motion was seconded by Councilmember Trevino.

Substitute Motion

Councilmember Linn moved that the Council deny the request for the zoning change. The motion was seconded by Mayor Pro Tem Snell.

Mr. Lillie stated that the Planning Commission recommended that the zoning be granted as "GR" General Retail and require a site plan on the tract and the conditions are acceptable to the applicant.

MR. LOWELL CLAYTON, representing National Car Rentals, who is under contract to purchase this property. Mr. Clayton distributed copies of a revised site plan that was reviewed by the Planning Department. He pointed out that the property would be used as a facility for keeping cars that would be transferred to the airport as they are needed. This will not be a leasing service, and felt that the proposed use will preserve the integrity of the neighborhood.

Councilmember Himmelblau pointed out that due to the high noise intensity the property would not be suitable for residential use, and she felt that the requested zoning was applicable to this particular land.

Roll Call on Substitute Motion

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

Noes: Councilmembers Himmelblau, Trevino, Hofmann, Lebermann

The Mayor announced that the substitute motion to deny the change had failed to carry.

Roll Call on Motion

Roll Call on the original motion to grant the request as recommended showed the following vote:

Ayes: Councilmembers Himmelblau, Trevino, Hofmann, Lebermann

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area, excluding a 40-foot buffer of "A" Residence along the western boundary, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MRS. MYRTLE SEIDERS  
CUTHBERTSON  
C14-76-011

3801 Bailey Lane, also  
bounded by West 38th  
Street

From "A" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
NOT Recommended

RECOMMENDED by the Planning  
Commission "O" Office, 1st Height and  
Area, subject to a covenant restrict-  
ing the use to a retail nursery and  
requiring a special permit.

Mr. Lillie stated that the recommendation of the Planning Commission was to deny "LR" Local Retail but grant "O" Office which is more restrictive and to require a special permit that would limit the use of the property to the proposed use of a retail nursery. The recommendation is acceptable to the applicant.

In response to Councilmember Linn's question as to the "O" Office being an intrusion into a residential area, Mr. Lillie commented that the staff felt it should not be granted because it could possibly be a factor in determining the zoning for other lots in the area.

MARY QUADLANDER, representing Mrs. Cuthbertson, pointed out that located directly behind the residence were 26 retail centers and she felt this was not a preserved neighborhood. Mrs. Quadlander noted that she was not opposed to the recommendations by the Planning Commission except the restrictive covenant. She wanted to continue the operation of the nursery and since she was an artist Mrs. Quadlander expressed her desire to sell her art objects along with the plants.

Mr. Lillie stated this could be handled by having the special permit entitled Retail Nursery. Then a covenant would not be needed. The "O" Office does permit this type of work as stated by Mrs. Quadlander. The Commission is restricting the use of the property to the retail nursery, but the Council can broaden this and include the art work as part of the special permit.

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

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

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

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ODUS S. CRUMLEY, ET AL	8815-8829 North Lamar	From Interim "A" Residence
C14-76-015	Boulevard	1st Height and Area
	602 Deen Avenue	To "C" Commercial (Tract 1)
		"O" Office (Tract 2)
		and "B" Residence (Tract 3)
		1st Height and Area

RECOMMENDED "C" Commercial, 1st Height and Area on Tract 1, subject to conditions; NOT Recommended "O" Office and "B" Residence on Tracts 2 and 3; but RECOMMENDED "BB" 1st Height and Area on Tracts 2 and 3, with conditions; as recommended by the Planning Commission.



Councilmember Linn moved that the Council grant "C" Commercial, 1st Height and Area District (Tract 1) as recommended by the Planning Commission subject to conditions; "BB" Residence, 1st Height and Area District (Tracts 2 and 3) as recommended by the Planning Commission, subject to conditions. The motion, seconded by Mayor Pro Tem Snell, 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 granted to "C" Commercial, 1st Height and Area District (Tract 1) subject to conditions, and to "BB" Residence, 1st Height and Area District (Tracts 2 and 3) subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DRISKILL HOTEL  
Highland Resources,  
owner  
C14h-74-018

117 East 7th Street

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

The City Clerk noted that Mr. John McKay, attorney, contacted her office to request a postponement.

Councilmember Lebermann 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 Hofmann, carried by the following vote:

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

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.

EUGENE BREMOND  
HOUSE  
Flora Robinson  
King, owner  
C14h-74-032

404 West 7th Street

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

Councilmember Lebermann moved that the Council grant "O-H" Office-Historic 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

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

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Zonings Postponed

ANTONIO E. &  
 BEATRICE B. SALAZAR  
 By Adrian Overstreet,  
 Jr.  
 C14-75-083

3303 Govalle Street

From "A" Residence  
 1st Height and Area  
 To "GR" General Retail  
 1st Height and Area  
 RECOMMENDED by the Planning  
 Commission, subject to a  
 restrictive covenant providing  
 for a roll back to "A" Residence  
 1st Height and Area in the  
 event Mr. Salazar ceases  
 operation of an auto repair  
 garage; and subject to sign  
 and street parking prohibitions.

Mr. Lillie stated that this application was before the Council last October, 1975, and is still a pending application. The tract is developed with a residence and an auto repair garage which is operating in violation of the existing zoning ordinance. The auto repair garage has been in operation for many years and it was determined that the use was an illegal one and that a zoning change would be required to permit the continuation of the use. The present owner has stated that when he purchased the property he was unaware that the use was illegal.

The Planning Commission recommended against the zoning in 1971, feeling it would be a neighborhood intrusion. The Council took no action, therefore the 1971 case is still pending. The present zoning request was stimulated by the formal reporting of the present zoning violation to the Building Inspector.

In response to Councilmember Linn's question as to whether or not other similar zoning requests in the area have been denied, Mr. Lillie noted that one located on Tillery and Govalle has been denied by the Planning Commission and the Council.

Councilmember Hofmann felt this was an identical case to the one that was heard last week by the Council and the Planning Commission denied it.

Mr. Lillie stated that the Commission did have difficulty with this zoning case as it did with the one last week. In both cases, the staff recommended against the approval.

Motion

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area, as recommended by the Planning Commission, subject to conditions. The motion was seconded by Councilmember Hofmann.

Councilmember Trevino pointed out that Mr. Salazar has had this operation in the neighborhood and there has been no opposition from the neighbors. He hoped that the Council would approve this as recommended. Councilmember Hofmann indicated in view of her vote last week which was a favorable one and since she could not see any difference in this case and the one last week, she seconded the motion.

Roll Call on Motion

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

The Mayor announced that the motion had failed to carry.

Councilmember Linn stated that her negative vote was because she consistently voted against intrusions into neighborhoods.

Mr. Adrian Overstreet, Jr., representing the applicant, commented that at the Planning Commission meeting numerous neighbors in the area appeared and supported the business being in the neighborhood. Councilmember Trevino felt that if the neighbors were not opposed to this business, then their request should be honored.

Mayor Friedman stated that the Council was trying to supervise the total neighborhood impact, and to allow an intrusion of this type was not something that the Council wanted. Mr. Overstreet noted that the Planning Commission recommended approval of this with a roll back if Mr. Salazar ceases his business, to revert to residential.

MRS. ANTONIO SALAZAR asked that the Council allow them to continue their business because at the present time, they were not able to move to another commercial location. Councilmember Himmelblau indicated that she would not necessarily reverse her vote since she did not like to see an intrusion into a residential area, but would honor a motion to reconsider the vote and allow her time to examine the area and visit with the neighbors.

In response to Mayor Friedman's question to Mr. Salazar that when and if this business ceased, the land would revert back to residential, Mr. Salazar agreed this would be done and it would not be passed on to a partner or family.

Motion to Reconsider

Councilmember Himmelblau moved that the Council reconsider the zoning change. The motion, seconded by Mayor Friedman, carried by the following vote:

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

Motion

Councilmember Himmelblau moved that the Council reconsider zoning case C14-75-083, Antonio E. & Beatrice B. Salazar on April 15, 1976, at 7:30 p.m. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

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NEWELL SALVAGE	710 Industrial Boulevard	From "A" Residence
COMPANY OF AUSTIN	also bounded by St.	1st Height and Area
By R. H. Mercer	Elmo Road and Terry-O-	To "E" Heavy Industrial
C14-76-013	Lane	1st Height and Area
		RECOMMENDED by the Planning
		Commission subject to a
		restrictive covenant providing
		for the City inspection of
		the copper smelting furnaces
		and an approved landscape plan
		(to be presented at the April
		Zoning Committee meeting).

Mayor Friedman commented that a letter had been received from Mr. Mercer, representing Newell Salvage, requesting a postponement of this zoning case for one month.

Councilmember Trevino moved that the Council postpone the aforementioned zoning case until May 6, 1976. 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

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Zonings Denied

ARTHUR E. JAY	1001-1003 Morrow Street	From "A" Residence
CROOKS	1000-1004 Aggie Lane	1st Height and Area
C14-76-005		To "D" Industrial
		1st Height and Area
		NOT Recommended by the Planning
		Commission

Mr. Lillie reviewed the area and stated that the Planning Commission recommended that this zoning change be denied.

MR. JAY CROOKS, the applicant, stated that if he could get this property commercialized, it would enable him to sell it. He noted that one of his houses had been condemned and one burned, and he was not in a position to rebuild so wanted to sell the property.

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

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

STEVE W. PFUNTNER  
By Elvis G. Schulze  
C14-76-006

6301 Cameron Road,  
also bounded by  
Glenwood Drive

From "A" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
NOT Recommended

Mr. Lillie commented that the lot is part of a residential subdivision as was shown by slides of the property that was presented. A similar application was made on this property in 1974 and the staff recommended an alternative of an "O" Office subject to a privacy fence. The Zoning Committee recommended denial of the change in zoning as an intrusion into a residential neighborhood and the applicant then withdrew his request.

The Commission is recommending that this application not be granted.

In response to Councilmember Himmelblau's question, Mr. Lillie stated that when the zoning was applied for in 1974 the property was being used for used cars.

MR. ELVIS SCHULZE, representing Mr. Steve Pfuntner, noted that the lot in question is very small and there is no reasonable use left other than a commercial one. Mr. Schulze commented that the request being made is for the most restrictive kind of zoning with a special permit to sell previously owned boats and motors. As regards the noise pollution involved with the testing or demonstration of the motors, he pointed out that consultants were hired and it was their recommendation that a stall be built to perform this testing of the motors. In reviewing the history of the lot, Mr. Schulze commented that a portion of property, which is presently owned by the Arco Gasoline station next to Mr. Pfuntner, should be vacant since it is zoned "A" Residential. The Planning Commission admitted that they had made a mistake in that area.

Mr. Schulze maintained that the staff felt a duplex could be developed on the subject lot, but he felt this would not be possible since the area is only 50 x 120 feet. Considering regulations, only a small single-family dwelling could be built on the lot, and no duplexes could be built because the minimum requirement is 7,000 square feet, and the area is already planned for expansion of Cameron Road. Councilmember Himmelblau pointed out that numerous boats could not be stored in a residential area.

In response to Councilmember Himmelblau's question concerning the requirements for a duplex on the lot, Mr. Lillie noted that the tract is currently large enough for a duplex and a building permit could be issued. There are no right-of-way requirements from Cameron Road that would have any bearing on this property. If right-of-way is required at some future date, it would likely come from the west side of Cameron Road.

In referring to the statement that the Planning Commission admitted a mistake concerning the zoning, Mr. Lillie stated that it was his feeling that this requirement for a buffer was not a mistake of the Planning Commission.

Motion

Councilmember Linn moved that the request for a zoning change be denied. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been denied.

Councilmember Himmelblau requested that the Building Inspection Department proceed in having the boats removed from the property.

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SAUTER-MOFFAT HOME  
Hyde Park Baptist  
Church, owner  
Cl4h-76-003

3904 Avenue F

From "A" Residence  
1st Height and Area  
To "A-H" Residence-Historic  
1st Height and Area  
NOT Recommended

Mr. Lillie commented that the house was built in 1908 and the consensus of the Historic Landmark Commission was that none of the 13 criteria was met sufficiently to justify historic zoning. The owner of the Hyde Park Baptist Church opposes the historic zoning, and the Planning Commission voted to deny historic zoning.

MS. JANIS LINDER, representing the Hyde Park Neighborhood Association, reviewed the reasons why they felt the house was important to the neighborhood. She presented a land use map showing the various homes and when they were built, and after an inventory was taken of the historic homes, the Moffatt Home is definitely one that is worthwhile. The association recommends that this home be designated as Historic and felt it was endangered.

Councilmember Himmelblau moved that the request for a zoning change be denied. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

The Mayor announced that the change had been denied.

## PARADE PERMIT

Councilmember Linn moved that the Council approve a request for a parade permit from Frank Holaday for the Interfraternity Council on April 10, 1976, from 1:00 p.m. to 2:30 p.m., beginning at Municipal Auditorium Parking Lot to 1st Street Bridge, right on 1st, left on Congress to the Capitol. (Annual Roundup Parade) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

## FOOD DAY PRESENTATION

Mr. Ernest Wylie Harkins, Coordinator for Food Day, appeared before the Council to make a Food Day presentation. Mr. Harkins pointed out the problem of the lack of food around the country and the world, and stated that the Food Day event was a national one created to bring more awareness to the food problem. Mr. Harkins noted that a committee formed by people who are concerned with this food problem have staged a fast in connection with Food Day on April 8, 1976, and he challenged the Council to join in this fast. Mayor Friedman commented that a proclamation would be issued at the Council meeting next week concerning Food Day and stressed the importance of this problem.

PUBLIC HEARING TO CREATE A CONSTRUCTION  
ADVISORY COMMITTEE

Mayor Friedman opened the public hearing scheduled for 2:30 p.m. to consider an Ordinance creating a Construction Advisory Committee. He noted that the Ordinance was developed in conjunction with representatives of the construction industry to work with the City in determining the proper functions of City employees in the construction field and what work should be done by City employees and what jobs should be let for bid. The Ordinance calls for a five-member committee; however, Mayor Friedman requested that this be amended to a seven-member committee. Three members from the labor industry; three from the construction industry; and one individual not necessarily from construction or labor.

Mayor Friedman read the responsibilities and functions of the committee as follows:

"The Committee is charged with the responsibility of advising the Council and City Manager on (1) matters pertaining to prevailing wage scales and job classifications within municipal construction contract specifications, (2) monitoring the enforcement of prevailing wage scales and job classifications on municipal construction contracts, (3) advising as to categories of maintenance and construction work that should be accomplished by contract through competitive bidding processes as opposed to "force account" work with municipal personnel and equipment, and, (4) advising on such other construction matters as effect the quality, cost and improvement of the City of Austin's construction programs."

Mayor Friedman noted that he had discussed this with the City Manager and his staff and no problems were found.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE CREATING A CONSTRUCTION ADVISORY COMMITTEE PROVIDING FOR THE COMPOSITION AND APPOINTMENT OF MEMBERS; PROVIDING RESPONSIBILITIES AND FUNCTIONS OF THE COMMITTEE; ESTABLISHING CERTAIN REQUIREMENTS FOR THE COMMITTEE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman suggested that appointments to this committee be made next Thursday.

EXTENDING AN ORDINANCE PROVIDING FOR INTERIM  
SIGN CONTROLS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SUBSECTION (h) OF SECTION 3-5 OF CHAPTER 3 OF THE AUSTIN CITY CODE OF 1967 AS ORIGINALLY ESTABLISHED BY ORDINANCE NO. 751211-B, PROVIDING FOR INTERIM SIGN CONTROLS ALONG MO-PAC BOULEVARD AND LOOP 360 BY EXTENDING SUCH CONTROLS UNTIL JUNE 30, 1976; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, 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 ordinance had been finally passed.

In response to Councilmember Hofmann's question as to why the new Sign Ordinance does not cover this situation, Mr. Lonnie Davis, Director of Building Inspection, commented that the job of the Sign Committee was dealing with the construction of signs as related to their placement in the City. The Planning Commission then studies this from a Zoning Ordinance aspect, and this work will be completed and presented to the Council approximately June 1, 1976.



## ZONING ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING A 20.882 ACRE TRACT OF LAND, LOCATED AT 3706-3804 SOUTHRIDGE DRIVE AND ALSO BOUNDED BY BANISTER LANE, MORGAN LANE, SOUTHPORT DRIVE AND GRAYFORD DRIVE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; 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. (S & W Design, C814-75-006)

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

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

The Mayor announced that the ordinance had been finally passed.

FINANCIAL DISCLOSURE AND ETHICS ORDINANCE  
Second Reading

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

AN ORDINANCE AMENDING THE CITY CODE; ESTABLISHING A CODE OF ETHICS FOR THE CITY OF AUSTIN; PROVIDING STANDARDS OF CONDUCT; REQUIRING THE FILING OF FINANCIAL ACTIVITY STATEMENTS BY CERTAIN OFFICIALS; ESTABLISHING AN ETHICS REVIEW COMMISSION; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Councilmember Hofmann moved that the ordinance be amended by eliminating Section E, F, G and the second part of Section 1 which reads, "In the event the Ethics Commission shall determine no violation occurs, public announcement shall be made of such a determination." She also called for the elimination of Section J and Part 5. The motion was seconded by Councilmember Himmelblau.

This would eliminate the duty of the Ethics Commission to look at the statements within 30 days and the power to publish the list. Councilmember Linn commented that she would favor not publishing the list but not cutting out all the powers of the Ethics Commission.

Councilmember Trevino was not in favor of publishing the list.

Councilmember Trevino presented an amendment that would exclude all members of boards and commissions from having to disclose the exact amount but must disclose the source with the exception of the Planning Commission, the Zoning Board of Adjustment and the Board of Equalization; these agencies being required to submit both amounts and sources in their financial disclosure statements.

Mayor Pro Tem Snell offered an amendment to Section 2 whereby it would read, "Nothing herein shall limit the authority of the City Attorney and his staff to represent the City, its boards, commissions and officers and in particular the Human Relations Commission in the discharge of their duties to include equal employment opportunity cases." He stated that he wanted this provision added to Section C-2.

In response to Councilmember Trevino's question as to clarification concerning the City employees, City Attorney Jan Kubicek noted that the term "City employee" as used in Section 2-32 and 2-33 might be amended to read "City employee means any employee of the City." He felt that there was a balance test that needed to be applied here. Also, that salary is the restraint, and board members who are not salaried, attorneys who are operating on various commissions and are not receiving any compensation, would pose no conflict.

Councilmember Himmelblau presented an amendment to Section 2-35(a) changing the filing date of financial disclosure statements to the last day in April with the exception of persons who are running for public office, who would have 5 days after the deadline to file.

Mayor Friedman suggested that under Section 2-34, the term "City official" should be used as a constant rather than using the word "person" interchangeably with the term "City official." He suggested adding to the definition of City official, spouses of the City official or define it.

Councilmember Lebermann submitted his amendment to Section 2-35(b) and (c) providing as follows: Delete and substitute a new subsection B as follows: "Subsequent to March 1, 1977, City officials shall file on the first day of September each year with the City Clerk a supplemental report to their statement of financial activity which such supplements shall include a report on each major change and status of financial interest as defined in Section 2-34(a) which has occurred since the filing of the annual report." This section provides for semi-annual reporting.

Another amendment presented by Councilmember Lebermann read as follows: "All members of City boards and commissions who are required to file financial disclosure reports under this article 6, Section 2-35 shall be required to file only the following information: (1) all sources of occupational income in excess of \$350.00 per source of the person reporting. (2) all financial liabilities a person reporting which are in excess of \$1,500 and which are presently outstanding or which exist at any time during the reporting period when a liability is incurred whether interest is being paid on the obligation, the rate of interest and mainly the obligee. In addition to the above 2 reports, members of the Planning Commission shall be required to file a detailed listing of all land holdings."

#### Motion

Councilmember Linn moved that the Council pass the Financial Disclosure and Ethics Ordinance through the second and third readings with the following amendments:

1. That boards and commissions reveal sources rather than categorical amounts such as stocks, bonds and money, with the exception of the three boards presented by Councilmember Trevino.

2. To enable the Ethics Commission to review the financial statements submitted to them but delete their publishing publicly of the people in compliance or non-compliance.
3. That the Human Relations Commission retain their authority.
4. That Section 5 be deleted from the Ordinance.
5. That the filing date be changed to the last Friday in April.
6. To effect a definitional change of Section 2-34.
7. To include semi-annual reporting.

The motion was seconded by Councilmember Trevino.

Substitute Motion

The ordinance was read the second time, with the amendments outlined by Councilmember Linn, and Councilmember Hofmann moved that the ordinance be passed to its third reading as follows:

AN ORDINANCE AMENDING THE CITY CODE; ESTABLISHING A CODE OF ETHICS FOR THE CITY OF AUSTIN; PROVIDING STANDARDS OF CONDUCT; REQUIRING THE FILING OF FINANCIAL ACTIVITY STATEMENTS BY CERTAIN OFFICIALS; ESTABLISHING AN ETHICS REVIEW COMMISSION; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

The motion was seconded by Councilmember Himmelblau.

WOODROW SLEDGE stated that he felt political heads, City Manager and Municipal Court Judges should be required to submit financial disclosures but not necessarily all agency heads.

LEO DANZE spoke in favor of excluding older people from having to submit financial disclosures as these persons are more sensitive to financial disclosure. He also felt that the ordinance would be bad for businessmen who would have to disclose the names of their business associates.

FRANK BOOTH noted that it was his opinion that public disclosure of financial statements was not desirable; also he questioned the necessity of the Ethics Review Commission.

BILL MILSTEAD felt that the City Manager could review financial statements in the interest of the public.

City Manager Dan Davidson suggested excluding all administrative officials from financial disclosure with the exception of the City Manager and the City Attorney. He also suggested that the City Manager be the sole review of the financial statements with the Council overseeing his reviews.

City Attorney Jan Kubicek supported the proposal presented by City Manager Davidson.

Other speakers at the meeting were Ms. Paula Crumbolt and Mr. Phillip Creer.

Roll Call on Substitute Motion

Roll call on Councilmember Hofmann's substitute motion, Councilmember Himmelblau's second, to pass the Financial Disclosure and Ethics Ordinance through the second reading only, as amended, showed the following vote:

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

Noes: Mayor Friedman, Councilmembers Linn, Trevino

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

Mayor Friedman stated that the third reading of the ordinance would be next week with consideration being given to the presentations that the City Manager and citizens had made.

## PUBLIC ACCOMMODATIONS ORDINANCE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROHIBITING DISCRIMINATION OR SEGREGATION IN PLACES OF PUBLIC ACCOMMODATION; DEFINING TERMS; PROHIBITING DISCRIMINATORY PRACTICES; ESTABLISHING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR REFERRAL OF CASES TO THE CITY ATTORNEY; FORBIDDING INTIMIDATION; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Father Joe Znotas thanked the Council for passage of this Ordinance.

## VENDING ORDINANCE

The Council had before it for passage the Vending Ordinance. City Attorney Jan Kubicek pointed out that in the Vending Ordinance, Part 5, inadvertently the Ordinance stated that the City Manager shall cause guidelines to be promulgated to assist in determining whether the activity or product to be sold by the licensed applicant meets the requirements of this ordinance. This should read "the Arts Commission" instead of City Manager.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 721214-B AND SECTION 31-51 OF THE CODE OF THE CITY OF AUSTIN OF 1967 BY SETTING REQUIREMENTS FOR LICENSES AND GOODS FOR CERTAIN MARKET AREAS; TEMPORARILY CLOSING CERTAIN STREETS; PROVIDING A PENALTY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmember Linn, Mayor Friedman, Councilmembers  
Himmelblau, Hofmann, Lebermann

Noes: Councilmember Trevino, Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

MR. ABE ZIMMERMAN, an attorney, did not think that this ordinance would solve the problems concerning the market area. He felt that a different area should be given to the arts and craftsmen and leave the market the way it is. He did not think anything had been solved with the ordinance, but only "swept it under the rug."

Councilmember Himmelblau stated that she resented the statement that the ordinance would only "sweep the problem under the rug" and pointed out that she made it clear in October of her intentions with regard to the market place and it had not changed. Another place for the arts and craftsmen was not her intent at all.

#### PAYROLL AND EXEMPT STATUS FOR CITY COUNCILMEMBERS

Mayor Friedman stated that this was an ordinance to comply with the Internal Revenue Service and would authorize the payroll staff to deduct income tax from the Councilmembers' salaries.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, THE ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1975-1976 BY TRANSFERRING FUNDS; PROVIDING FOR MAYOR AND COUNCILMEMBERS TO BE PLACED ON CITY PAYROLL SYSTEM; DECLARING THIS ORDINANCE TO SUPERCEDE CONFLICTING ORDINANCES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

## PARTICIPATION IN CITY HEALTH INSURANCE PLAN FOR COUNCILMEMBERS

Councilmember Hofmann asked if it would be possible for Councilmembers to join the group insurance with the understanding that they would pay for themselves. Mayor Pro Tem Snell felt that taking advantage of the group insurance plan was a very good idea as long as the Councilmembers paid the cost themselves. City Manager Davidson stated that full participation by members of the City Council on a group insurance policy is something that is done in other cities.

Mayor Friedman clearly stated that this coverage would be terminated upon the Councilmember not being elected to office. He also commented that elected City officials are quite different from the employees that are participating in this plan and felt that elected City officials should obtain their insurance from a private industry.

Mayor Friedman moved that the Council not approve participation for City Councilmembers in the City Health Insurance Plan, even on an optional basis. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## CASH SETTLEMENT

Councilmember Trevino moved that the Council adopt a resolution authorizing the following cash settlement:

JAGGER ASSOCIATES, INC., the developers of the subdivision known as Village South Phase Two - \$11,125.35, in accordance with the resolution adopted September 18, 1975, pertaining to cash settlements due developers of new subdivisions for the cost of construction and installation of paving, drainage and utilities.

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Trevino, Mayor Friedman  
Noes: Councilmember Linn  
Not in Council Chamber when roll was called: Councilmember Lebermann

## LICENSE AGREEMENT

Councilmember Linn moved that the Council adopt a resolution granting the following License Agreement:

CITY OF AUSTIN and MIDLAND MORTGAGE COMPANY OF OKLAHOMA CITY - permitting encroachment by a railroad tie retaining wall in the east sidewalk area of Wood Hollow Drive, adjoining Lot 1, Wood Hollow Park, Section One. (Requested by Herbert Dethloff, Jr., representing S. A. Garza Engineers, Inc., agents for Midland Mortgage Co., owners)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

#### RELEASE OF EASEMENTS

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

The Public Utilities Easements, five (5.00) feet in width and being the west five (5.00) feet of Lots 15, 16 and 17, in Block 2, Brooks Subdivision. (Requested by Mr. Thomas B. Watts, representing Nash Phillips-Copus, owners)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

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

The east six (6.00) feet of the west seven and one-half (7.50) feet of the south fifty (50.00) feet of Lot 2, Valley Oaks, also known as 12300 Bar-X-Drive. (Requested by Mr. Richard Crawford, Realtor, representing Mr. Keith Robson, owner)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

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

The north one and one-half (1.50) feet of the south seven and one-half (7.50) feet of the west 107.50 feet of Lot 5, Block 10, Trailwood Village One, also known as 4704 Trail West. (Requested by Mr. Walter Carrington, owner)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

## GRANT APPLICATION TO TEXAS CRIMINAL JUSTICE DIVISION

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division for the project entitled "Austin Police Academy Director," in the amount of \$30,068 Criminal Justice Division support. (Program Period July 1, 1976, through June 30, 1977) The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

## TEMPORARY STREET CLOSURE

Councilmember Linn moved that the Council adopt a resolution temporarily closing the 700 block of West 28th Street between Salado and Rio Grande, from 2:30 p.m. to 7:00 p.m., on April 4, 1976, as requested by Mr. Steve Waldman representing the Zeta Beta Tau Fraternity. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

Abstain: Mayor Friedman

## REPORT ON SV WATER SUPPLY CORPORATION TO PURCHASE WATER

The Council had before it the City Manager report regarding the purchase of water from the City through a Master Meter, a request from the SV Water Supply Corporation.

Motion

Councilmember Linn moved that the Council deny the request from the SV Water Supply Corporation to purchase water from the City of Austin through a Master Meter. The motion was seconded by Councilmember Trevino.

Mrs. Delores Griffin, Chairman of the Board of Directors of SV Water Supply Corporation, noted the attempts of the subdivision to get it approved and recorded but due to a lack of the necessary water this has not been possible.

City Manager Davidson stated that it was recommended that this subdivision not be served because of the substandard water supply that exists at this time. It is his understanding that the corporation is unable to finance the installation of a standard distribution system even if an adequate water supply could be provided. Mr. Davidson stated that there are a multitude of reasons of why service cannot be recommended for this area.

In regards to the Davis Lane Reservoir, Mr. Curtis Johnson, Director of Water and Wastewater, commented that this is under contract at the present time but without other extensive improvements this will not help in the area of having enough water supply for this area.



Councilmember Linn pointed out that regardless of this situation, the City would not want to connect with an inferior system.

Roll Call on Motion

Roll Call on Councilmember Linn's motion, Councilmember Trevino's second, to deny the request of the SV Water Supply Corporation to purchase water from the City of Austin through a Master Meter showed the motion carried by the following vote:

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

Noes: None

CASWELL HOUSE

City Manager Davidson indicated it was his recommendation that the Council authorize the staff to design procedures to secure bids or proposals from individuals who would be interested in purchasing the Caswell House.

Councilmember Lebermann noted his interest in the Caswell House and in preservation, but he was also extremely interested in the development of the revolving fund and had hoped that the Caswell House would be the first major structure to be under the revolving fund once passed by Council. He commented that he had some reservations about putting the Caswell House on the market until the Council has had the opportunity to see if the revolving fund can be used. Councilmember Linn was in agreement with Councilmember Lebermann and pointed out that the Council has supported preservation and felt that the Caswell House should be worked with to see if some restoration can be done with the available funds.

In response to Councilmember Hofmann's question as to whether the \$30,000 from trust had to be spent on the House, Mr. Joe Morahan, Director of Property Management, stated it did. Mr. Morahan commented that it would be possible for a buyer of the House to match the funds and use the grant. In response to Councilmember Hofmann's question as to interested buyers, Mr. Morahan noted that there had been several people interested in buying the Caswell House.

Councilmember Hofmann indicated that since there are interested buyers she could not see why \$50,000 should be spent on one building. As long as the House can be sold with the agreement that the purchaser will restore it and with the possibility that he could get the matching grant, she felt this should be considered. Councilmember Himmelblau stated that she was in agreement with Councilmember Hofmann that if a private party was interested in buying the House and restoring it, that it would be a good idea.

Mr. Morahan noted that plans are being developed by the architects so the actual restoration work can begin; however, according to the feasibility study of restoring the Caswell House, these funds will only provide for a portion of the work that needs to be done. The full cost of restoration could exceed the \$308,252.00 figure shown in the feasibility study. The main concern is for the exterior protection of the building.

Councilmember Lebermann pointed out that the Council has previously authorized \$50,000.00 in Housing and Community Development funds for preservation work on the Caswell House, and in addition a grant of \$38,000.00 has recently been awarded by the National Trust for Historic Preservation. He felt the Caswell House would be a perfect showcase and if sold, some of the money could vanish.

Motion

Councilmember Hofmann moved that the Council authorize the selling of the Caswell House to a purchaser that is agreeable to restore the building and to investigate as to whether this purchaser would be eligible for the matching grant. The motion was seconded by Councilmember Himmelblau.

Substitute Motion

Councilmember Lebermann moved that the Council allow the Caswell House to continue in its present form and accept the City Manager's report for action at a later date and to continue to utilize the money and whatever matching money is received to preserve the building. The motion was seconded by Councilmember Linn.

MR. WOODROW SLEDGE supported preserving and keeping the Caswell House and deferring disposal of it until a later date.

MR. JACK TISDELL, representing the Travis County Historical Commission, noted that the Commission voted to urge the City to postpone selling the Caswell House and enumerated the reasons for this request.

MRS. MARY ARNOLD, a member of the Citizens Advisory Group to the Caswell House, stated that the Landmark Commission had sent the Council a letter recommending that the \$50,000 and the \$38,000 be spent on the Caswell House before any possible sale. Sale of the House could only delay further any start to the restoration of the Caswell House and urged the Council to allow the continuation of the expenditures for the restoration of the House.

MR. PHILLIP CREER, Landmark Commission, read a letter from the commission that pointed out after expenditure of the HCD funds and the \$38,000 National Trust Grant, it would be financially advantageous for the City to sell this structure. The House is protected by Historic Zoning and the House could be made contingent upon exterior restoration by the purchaser. The preservation of this structure is a primary concern of the Commission, but if such can be accomplished more economically by private ownership, then the City should explore this alternative.

In response to Councilmember Trevino's question as to whether the \$50,000 from HCD could be transferred to an individual, Mr. Andy Ramirez, Director of the Human Resources Department, stated that improvements could not be made on any property or land that is not City owned. Councilmember Linn pointed out that preservation can take place in the East part of town as well as the West part.

Roll Call on Substitute Motion

Roll Call on Councilmember Lebermann's substitute motion, Councilmember Linn's second, not to sell the Caswell House; accept the City Manager's report; and proceed with the program of expenditure for the improvement of the Caswell House, showed the following vote:

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

Noes: Councilmembers Himmelblau, Hofmann

ZONING BOARD OF ADJUSTMENT

Mayor Friedman stated that this was a report from the City Manager due to the concern of the Council over the proper activities and functioning of the Zoning Board of Adjustment. Mayor Friedman felt that after reviewing the report which was included in the agenda material for the Councilmembers, that Mr. Lonnie Davis and the City Manager had done an outstanding job to make sure that the Zoning Board of Adjustment will be closer to the reality of the various situations that they are dealing with.

City Manager Davidson pointed out that there would be a reporting procedure initiated so the City Council can stay in touch with the number of Zoning Board of Adjustment cases that are heard each month and then will be able to compare it to the number heard in similar months the previous year.

Mr. Jim Rock felt that the report was not as complete as it should be. He was concerned if the Board of Adjustment had been acting legally in the past and what suggestions or guidelines there are to guide them in this manner.

City Manager Davidson commented that this type of thing was discussed by various City departments and referred to the new procedure whereby the Board of Adjustment is provided with a staff report to aid them in their decision making process. He felt that with the communication between the Planning Department, the Building Official, the Board of Adjustment, and the staff reports would help insure that the Board is not placed in difficult positions as the one Mr. Rock referred to.

Mr. Lonnie Davis, Director of Building Inspection, stated that he would see that included in the brochure being prepared that contains information on the Board's scope of responsibility, membership, meeting dates, application deadlines, hearing procedures, and avenues for appeal, would be areas of authority and areas to be referred.

Mr. Rock also felt that when a piece of property was being considered for a variance zoning, that a sign be placed to notify the neighborhood. Mayor Friedman noted that the Legal Department could certainly consider this and also make sure that the fee structure for applying for a variance would cover the signs as well as other expenses.

City Manager Davidson submitted that the completed report will show that for the entire year of 1975, the Board of Adjustment listened to 108 cases. The brochure that was discussed by Mr. Davis will help in making sure that that the public knows just what the Board can and cannot consider.

Mr. Steve Price, Interim Chairman of the Board of Adjustment, commented that it was his suggestion that staff reports be presented to them and wanted everyone to know that the Board welcomes input from citizens as well as the staff.

COMMITTEE TO STUDY ALTERNATIVE SOURCES  
OF REVENUE

Mr. David Cooperman, Vice Chairman of the Committee to Study Alternative Sources of Revenue, referred to the report of the committee that was distributed to the Council in their agenda material and stated that the report was merely a working report and did not contain the final recommendations of the alternate sources of revenue. He did request that comments from the Council be received on areas that they would feel needed attention. Mr. Cooperman anticipated that a final report would be presented before August, 1976.

Also, he noted that the Committee has avoided examining areas where City committees or consultants are already involved in. The Interim Report does contain reports on possible additional sources of revenue for the general fund, and there are a number of issues which are not included in the Interim Report, but which will be presented at a later date.

Mayor Friedman suggested that if the Council does have any questions that they contact Mr. Cooperman and discuss any suggestions they might have. Mayor Friedman also suggested that notices be sent to notify the Councilmembers as to the time meetings are conducted.

ADJOURNMENT

The Council adjourned at 6:03 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk