

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 3, 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

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for May 27, 1976, as amended to add the clarifying discussion that occurred between the motion and the vote of approval of the lift station and force main to be located in Zilker Park. The motion, seconded by Councilmember Linn, 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

PARADE PERMIT

Councilmember Trevino moved that the Council approve a request for a parade permit from Ellen Patricia Rayfield for Gay Community Services, to celebrate annual Gay Pride Week on June 26, 1976, 11:00 a.m. to 12:00 noon, beginning from 2nd Street, up Congress Avenue to Capitol. The motion, seconded by Councilmember Linn, 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

WILD BASIN WILDERNESS WEEK

Mayor Friedman read and then presented a proclamation to Kathy Bradfield proclaiming the week of June 6-12, 1976, as "Wild Basin Wilderness Week" in Austin and urged all citizens to join in the efforts to protect this rare microcosm of the Texas Hill Country while the opportunity is still present.

Ms. Bradfield accepted the proclamation on behalf of the Wild Basin Wilderness Park Committee and thanked the Council for helping to save this beautiful area.

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 cases were publicly heard:

SOUTHWEST-TEX LEASING	3529-3547 Manor Road	From "A" Residence
COMPANY, INC.	3524-3532 Pershing	1st Height and Area
By James D. Murff	Drive	To "GR" General Retail
C14-76-041		1st Height and Area
		RECOMMENDED by the Planning Commission

Mr. Dick Lillie, Director of Planning, reviewed the area and commented that surrounding land uses and zoning districts are offices in "GR" General Retail on the east, office in "C" Commercial on the south, offices in "O" Office and "GR" General Retail on the west, and the airport on the north. The requested "GR" General Retail is consistent with zoning on surrounding tracts and is recommended by the Planning Commission. The applicant was present.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District as recommended by the Planning Commission. 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 change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ROBERT BALES and	419 East 30th Street	From "C" Commercial
LARRY BALES	also bounded by	2nd Height and Area
By Thomas Prichard	Duval Street	To "C-1" Commercial
C14-76-042		2nd Height and Area
		RECOMMENDED by the Planning Commission

Mr. Lillie stated that this zoning application is located within an area adjacent to a small shopping center on San Jacinto Street. A petition was filed with 35% of the owners of land within 200 feet, which constitutes a valid petition. The application for the "C-1" Commercial would permit a package store, and Mr. Lillie reviewed the building by way of slides. This zoning would permit the sale of liquor for off-site consumption. The land use is generally residential on the rear with the Pizza Inn being located across the street to the north, where beer is being served. The Planning Commission recommended the zoning be granted.

In response to Councilmember Linn's question concerning the traffic congestion in the area, Mr. Lillie noted that the majority of the traffic was centered around the location of San Jacinto and Duval and the corner is rather busy. The presence of the liquor store would not necessarily increase the traffic problem. There is adequate off-street parking for the kind of clientele that would be utilizing the liquor store.

In response to Mayor Friedman's question as to the change from "C" Commercial to "C-1", Mr. Lillie explained that "C-1" Commercial is used for package stores only, while "C-2" would be used for lounges, taverns and clubs. This provides an opportunity for the public and the Council to know what the use would be. This does not indicate more intensive use.

MR. THOMAS D. PRICHARD, representing the applicant, pointed out that there is adequate parking for the package store. He felt that the primary customers would be people from the immediate neighborhood and not from outlying areas. Mr. Prichard noted that he had contacted people in this area and had a petition containing names of 22 property owners that was obtained through the Eastwood community. In addition, another petition was circulated in the immediate vicinity and it contained 49 names of people that were not opposed to the zoning change. He stated that this property has been renovated and will be leased.

Concerns had been stated about the neon lighting and the possible problems involving trash in the area, and Mr. Prichard indicated that the owner had stated there would not be any neon lighting and that he would provide a closed facility for the garbage. In conclusion, Mr. Prichard stated that the neighborhood association has no objection to this zoning change.

STROUD KELLY, representing North University Neighborhoods Association, commented that the association has not taken a stand one way or the other on this zoning request. He felt that it was such a minor change and would not be detrimental to the neighborhood. He was very pleased that the building had been renovated and felt there was adequate parking for the establishment. Mr. Kelly noted that there are already two establishments serving liquor on premises and two off-premises sales stores in this block. In conclusion, he felt this would be a good use of the property that would not interfere with the neighborhood.

ROGER PINKNEY, President of Friends of Eastwood Neighborhood Association, which borders this area in question. Mr. Pinkney stated that there was no problem with this zoning request, although he was not representing this association today. He had talked to several people in this area and could not find anyone that was opposed to the zoning request. He felt this would be an asset to the neighborhood.

Mayor Friedman pointed out that there are several people in the area that do oppose the zoning change and there are petitions to prove this.

MR. FRED EBY appeared in opposition to the zoning change and stated that he had lived in the neighborhood for 60 years and was very happy with the way it is now without a liquor store. Although the neighborhood had some drug problems several years ago, it was much better now and felt that a liquor store possibly would create new problems. Councilmember Trevino wanted it to be made clear that drugs and liquor were not the issue here, but felt the discussion should pertain just to the zoning change.

MR. T. J. TILLY also appeared in opposition to the zoning change and stated that he lived in the area and felt it would not be good for the neighborhood. The applicant was present.

Councilmember Linn moved that the Council grant "C-1" Commercial, 2nd 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 Pro Tem Snell, Councilmember Himmelblau
Noes: Mayor Friedman

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

RUTH CATHERINE GROSS, TRUSTEE C14-76-031	824 Airport Boulevard 915 Shady Lane	From "A" Residential 1st Height and Area To "O" Office (eastern 70 feet of Tract 1) and "A" Residence (remainder of Tract 1) and "D" Industrial (Tract 2) 1st Height and Area RECOMMENDED by the Planning Commission as amended
--	---	--

Mr. Lillie stated that the eastern 200 feet of the property was zoned "D" Industrial during the 1940's and the Planning Commission has recommended that the "D" Industrial zoning on Tract 1 be squared off so there is the extension of the "D" Industrial zoning on a small triangular area; that "O" Office be granted on 70 feet of the remainder of Tract 2. Tract 2 is requested for "O" Office on the whole which would have permitted the access of trucks from Shady Lane to the tract. The Planning Commission felt that this access was not desirable and recommended that the residence and the lot that fronts Shady Lane be retained for residential; that the rear 70 feet be zoned for "O" Office which would permit parking. The applicant was agreeable to the amendment. The applicant was present.

Councilmember Linn moved that the Council grant "O" Office on the eastern 70 feet of Tract 1 and "A" Residence on the remainder of Tract 1, and "D" Industrial on Tract 2, 1st Height and Area, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Snell left the Council Chamber at this time.

The Mayor announced that the change had been granted to "O" Office on the eastern 70 feet of Tract 1 and "A" Residence on the remainder of Tract 1, and "D" Industrial on Tract 2, 1st Height and Area, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE HAUSMANN
By Thomas Hausmann
C14-76-038

1208 East 51st Street

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

Mr. Lillie reviewed the application and stated that it was to amend the zoning from "BB" Residence to "GR" General Retail, 1st Height and Area. Present uses in the area include a number of apartment houses in the "BB" Residence and some low density residential uses. The staff report did inform the Planning Commission of noise levels around the airport and this tract falls within a noise zone which is considered unacceptable for residential development. The staff recommended that "GR" General Retail would not be consistent with zoning which had been established for the area, but that "O" would be more compatible. The Planning Commission agreed with that recommendation.

Councilmember Himmelblau asked if the density would be held if the applicant decided to place apartments on the land, and Mr. Lillie commented that the density would be the same whether it was "GR" General Retail or "O" Office, and the Planning Commission did not put any restriction on the density.

The applicant, whose representative was present, has amended his application to "O" and has agreed to this.

Mr. Lillie noted that there were no restrictions stating that if it was not used for "O" Office the density would be limited to "BB". The Planning Commission has decided not to place covenants on zoning and this is supported by the Legal staff. Councilmember Himmelblau felt this would leave it wide open as far as densities were concerned. Under "B" Residence about eight apartment units could be placed there and about four units under "BB" Residence zoning.

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

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

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

H. RICHARDS OIL CO.	2915 East 1st Street,	From "C" Commercial and
By Richard D. Jones	also bounded by	"A" Residence
C14-76-039	Pleasant Valley Road	1st Height and Area
		To "C" Commercial
		1st Height and Area (excluding
		the southern 150 feet)
		RECOMMENDED as amended by the
		Planning Commission

Mr. Lillie noted that the frontage on East 1st Street has been zoned "C" Commercial for a number of years and is across from land that has been zoned "D" Industrial for several years. The back portion of the tract is zoned "A" Residence, and the interest is to place a building on the tract in the "A" Residence portion.

The staff and the Planning Commission agreed that "D" Industrial was too permissive which was the original application, and the applicant has amended his application to "C" Commercial with the exception of the southern 150 feet, which is from the top of the bluff down to the Colorado River. This portion will be left "A" Residential.

In response to Councilmember Linn's question concerning land use to the north, Mr. Lillie reviewed the land uses in the area by way of slides. The applicant was present.

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area (excluding the southern 150 feet) as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area (excluding the southern 150 feet) as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

LYNN & SCOTT STORM
By William J. Scudder
C14-76-040

1206 West 38th Street,
also bounded by
West 39th Street

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

In his review of the area, Mr. Lillie noted that the application was located within the 26 doors shopping facility. The application is for a restaurant to be built in the shopping center complex. The 26 doors project was approved by the Planning Commission as a special permit and at that point in time the application did not include a restaurant facility and this application was required to provide for that. The Planning Commission has recommended the application and the original application has been amended to meet the Planning Commission's comments.

In response to Councilmember Himmelblau's question, Mr. Bill Scudder, representing the applicant, stated that he would need to obtain a variance for parking. Mr. Lillie commented that this use will not ~~increase~~ the intensity of the shopping center. The applicant's representative was present.

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

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

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

DAVID C. T. WOOLLETT
and RUTH E. WOOLLETT
By Roane Puett
C14-76-003

501 West 38th Street

From "A" Residence
1st Height and Area
To "B" Residence
2nd Height and Area
RECOMMENDED subject to a
restrictive covenant providing
for compliance with the site
plan submitted to the Planning
Department by the applicant,
as recommended by the Planning
Commission.

Mr. Lillie commented that this was a small tract of land and the intended use of the land is to zone it for apartment use and then join it with the adjacent tract to the east for an apartment project. Mr. Lillie noted the site plan that had been distributed to the Council which was reviewed by the Planning Commission and has the approval of the neighborhood association. The

site plan will have to have a few changes made which would include (1) parking in the front being deeper, about 3 feet, and (2) parking in the rear off the alley will have to be deeper and this will require the two buildings to be moved forward toward 38th Street about 3 feet. These adjustments have been agreed to by Mr. Roane Puett, and the zoning is subject to the right-of-way for the street which has been agreed to. City Attorney Jan Kubicek noted that this site plan would be placed in the records and marked as "Exhibit A."

Mayor Friedman pointed out that if the zoning was approved it would be subject to this site plan. Mr. Lillie stated that the site plan would be amended to accommodate the changes that were enumerated.

MR. JIM ROCK, 4006 Speedway, expressed his concern about the zoning on 38th Street becoming more intense and felt it was getting to the point where there is nothing but apartments on 38th Street.

STROUD KELLY, representing the North University Neighborhoods Association, noted that there is also a private agreement between the neighborhood association and the developer concerning landscaping. Mr. Kelly commented that an acceptable site plan was developed. He stated that the association is concerned with the development of 38th Street and the direction it is taking. Mr. Kelly urged the Council to approve this zoning change subject to the site plan as corrected.

MRS. WALTER RICHTER, Hyde Park Neighborhood Association, stated that her concerns involved restrictive covenants and the weight they carry. She wondered what would become of this property if the developer decided to sell it and not develop it. Mrs. Richter was concerned with the use of the property if sold again. Mayor Friedman pointed out that the site plan will be a part of the zoning for owners present and future. The applicant was present.

Councilmember Trevino moved that the Council grant "B" Residence, 2nd Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Snell

The Mayor announced that the change had been granted to "B" Residence, 2nd Height and Area subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover. The motion, seconded by

Mayor Pro Tem Snell returned to the Council Chamber at this time.

NEWELL SALVAGE COMPANY
OF AUSTIN
By R. H. Mercer
C14-76-013

710 Industrial
Boulevard, also
bounded by St. Elmo
Road and Terry-O Lane

From "A" Residence
1st Height and Area
To "E" Heavy Industrial
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
approved landscape plan (to
be presented at the April
Zoning Committee meeting.)

Mr. Lillie commented that the intensive use of "E" Heavy Industrial has been reviewed by the Board of Adjustment and approved. The zoning is in conformance with the Master Plan by being located in an area designated "Industrial" in that comprehensive plan. The landscaping plan which was made part of the recommendation of the Planning Commission was submitted and it has been adjusted slightly to some recommendations from the staff. This plan was also submitted to the Environmental Resource Management Office for their review and comment.

One comment that the Planning Commission is forwarding for the Council to consider is that the City have the opportunity to inspect the copper smelting furnaces as part of the conditions on the application. The applicant is in agreement with this. One other condition to be considered on this application is that Terry-O Lane is shown on the survey and in City records with a right-of-way of 70 feet; however, it is about half this amount and the property does extend 35 feet or so into the right-of-way. After discussing this with Mr. R. H. Mercer, he indicated that the applicant would be willing to make that dedication a part of this zoning. Any action that the Council does take on the zoning should be subject to right-of-way for Terry-O Lane.

Councilmember Linn pointed out that at the present time there is a company in this area that is polluting and there is nothing that the City can do about it. If this plant is allowed to increase, all the City can do is just inspect.

In response to Councilmember Himmelblau's question concerning the reason for coming to the Council for a zoning change, Mr. Lillie stated it was due to an expansion of a non-conforming use. Now they want to make the existing use now legal and not expand operations. Mr. Lillie noted that this plant was on-site before property was annexed and this was getting the zoning in conformance with the use already there. The Board of Adjustment has granted the "E" Heavy Industrial use and now the zoning is before the Council to permit the use to continue.

As far as the authority of the Board of Adjustment to expand a non-conforming use, this has not been investigated by the Legal Department.

Councilmember Himmelblau asked if the Council could deny the zoning change and request the City Attorney to check into reversing the variance. Mayor Friedman stated that this would be within the authority of the Council to do so if this is the will of the Council after hearing from the applicant.

Councilmember Himmelblau expressed that she was disturbed by the actions of the Board of Adjustment.

MR. BILL GREMILLION, associated with the firm of Mr. R. H. Mercer, stated that the original reason for wanting to change the zoning here was because one of the furnaces will be replaced by an aluminum furnace and this is not an expansion but a replacement. The Air Quality Board did grant a construction permit and his applicant has agreed to abide by the inspection of the state board and also the City's right to inspect. Councilmember Linn pointed out that a non-conforming use means that the operation cannot be expanded, enlarged and if one desires to do anything with the land, then it would have to return to whatever zoning is designated. She also indicated that there would be no reason for this request unless the applicant was not planning to expand the use. Mr. Gremillion felt that the requirements regarding the operations of the plant as outlined by the State were much stricter than the City.

City Attorney Jan Kubicek stated that all the provision in the restrictive covenant would do would be to simply allow the City to conduct an inspection and refer information to the appropriate state agency. Mr. Gremillion commented that a landscape plan was submitted which was recommended by the City staff and the applicant is in agreement with this. As far as the property regarding Terry-O Lane, Mr. Gremillion noted that this would pose no problems.

CLAUDE HARGRAVE commented that he owned property in the area and felt the real issue here was that the Newell Salvage could continue operations and expand indefinitely under the "E" Heavy Industrial zoning. He commented that the area was inclined to be more commercial than industrial. Mr. Hargrave felt that certain measures should be instituted to shield operations from the surrounding area such as (1) the appearance being shielded since it is rather bad; (2) some way of preventing the water from standing around the salvage yard; and (3) when the junk cars are brought into the yard that the windshields be broken somewhere other than in front of the surrounding homes. His main concern was the impact this operation has on the community. Councilmember Linn commented that she could not see how allowing this zoning change would help the community at all.

Mr. Lillie noted that after talking with the Building Inspection Department, he was informed that any expansion of the existing use would have to go before the Board of Adjustment. In response to Councilmember Himmelblau's question as to the Heavy Industrial zoning within Austin, Mr. Lillie commented that it was approximately just what has been zoned within the last few months.

Mr. Ed Stevens, Assistant Director of Building Inspection, stated it was his understanding the nature of the application was for an additional smelter, which would require further board hearing even with the "E" Heavy Industrial zoning. Councilmember Linn commented that if the zoning change was granted, expansion could take place within the "E" area.

Motion

Councilmember Linn felt that this would not be a benefit to the City to zone this "E" Heavy Industrial, and she moved that the Council grant "D" Industrial with the site plan and the right-of-way on Terry-O Lane. The motion was ~~seconded~~ by Councilmember Himmelblau.

Councilmember Himmelblau commented that she did not like "E" zoning and did not feel that a precedent was set on what was done several months ago. She felt that the City has been kept fairly nice because there has not been any "E" Heavy Industrial zoning and she would not like to see it get started. Mr. Lillie suggested that since this area does fall within the Industrial district and should not be left "A" Residence, a possible motion might be to zone it for "D" as opposed to leaving it "A" Residence.

Mr. Gremillion emphasized that this would not be an expansion to the plant but would be replacing one of the existing furnaces. By granting the "E" Heavy Industrial zoning, it would not set a precedent. Councilmember Himmelblau commented that when an intensified zoning change is received on a land use map, then the property owners adjacent to it come in and request the same. She was extremely opposed to this intensified zoning.

Councilmember Hofmann commented she was not sure if maybe the company really needed a zoning change at all. Mr. Gremillion noted that in order to get a construction permit from the City, "E" zoning would have to be granted.

TEXANA CONN, a resident of South Austin, stated that the smoke from the plant was very offensive and did not want any kind of smelter in this area. She also felt that the company should be responsible for keeping the area clean. Councilmember Hofmann felt that the point in question was replacing a copper facility with an aluminum one. Mr. Gremillion indicated that aluminum has been coming into the yard at such quantities that the owner felt a necessity to have an aluminum furnace.

In response to Councilmember Hofmann's question, Mr. Lillie commented that it would not be feasible for a special permit to be granted to use for the aluminum furnace if the "D" Industrial zoning was granted.

The applicant was present.

Roll Call on Motion

Roll call on Councilmember Linn's motion, Councilmember Himmelblau's second, to grant "D" Industrial zoning subject to the site plan and the right-of-way on Terry-O Lane, showed the following vote:

Ayes: Councilmembers Linn, Himmelblau, Hofmann, Trevino, Mayor Friedman

Noes: Mayor Pro Tem Snell, Councilmember Lebermann

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

BARRY AND SUZIE L.
VANCE
By Pascual Piedfort
C14-76-036

2303-2305 Bluebonnet
Lane

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a
restrictive covenant limiting
the use of the property to an
office.

Mr. Lillie reviewed the land uses in the area and the Planning Commission recommended that "O" Office be granted but that the use be limited to an office. The applicant is in agreement with that limitation and the recommendation is to grant the "O" Office zoning. In response to Councilmember Linn's question, Mr. Lillie commented that on both sides and across the street from the property is located residential property. He noted that there was "O" Office zoning adjacent to the tract.

MR. PASCUAL L. PIEDFORT, representing the applicant, stated that the proposed use of the building was to retain the existing structure and convert it into use as a professional or semi-professional office space. Mr. Piedfort pointed out that his applicant had volunteered the restrictive covenant to limit the use. The applicant was present.

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

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

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

CARL SHIA
By Harriet Owen
C14-76-033

2608-2610 Manor Road,
also bounded by Walnut
Avenue

From "B" Residence
2nd Height and Area
To "LR" Local Retail
2nd Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "LR" Local Retail, 1st Height
and Area excluding the north 10 feet, and
"A" Residence, 1st Height and Area on the
north 10 feet, subject to the applicant
providing 10 feet of right-of-way on Manor
Road and 5 feet of right-of-way on Walnut
Avenue.

Mr. Lillie noted that the application was across the street from "C" Commercial zoning and "LR" Local Retail to the east and "B" Residence to the west. The subject tract has a structure on it and the property to the immediate north is a residence which is the primary reason why the Planning Commission recommended that the north 10 feet be left "A" Residential. The Planning Commission recommended the "LR" with the 10 feet of right-of-way. The applicant, who was present, is in agreement with the recommendation.

Councilmember Trevino moved that the Council grant "LR" Local Retail, 1st Height and Area, excluding the north 10 feet, and "A" Residence, 1st Height and Area on the north 10 feet, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, 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 "LR" Local Retail, 1st Height and Area excluding the north 10 feet, and "A" Residence, 1st Height and Area on the north 10 feet, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DELTA INVESTMENTS
By John B. Meadows
C14-76-032

6301 Monsanto Drive,
also bounded by
Montopolis Drive

From "LR" Local Retail
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED BY

Mr. Lillie stated that the purpose of the zoning is to serve beer in the restaurant. The present zoning, "LR" Local Retail along Montopolis and "BB" in the back was granted by the Council in 1968. After that zoning was granted, the staff report shows a subdivision located on Monsanto Drive with single-family lots and now developed single-family units. The restaurant is on the corner of Monsanto Drive and Montopolis Drive.

The Planning Commission recommended that the zoning not be granted because they felt the zoning should not be intensified at this location.

MR. JOHN B. MEADOWS, representing the applicant and the lessee of this land, Mr. Ben Walsh. Mr. Walsh has conducted this business for the past four years and it is known as Ben's Longbranch Barbecue. As stated by Mr. Lillie, the reason for the requested zoning change is so that beer can be sold in the restaurant. Mr. Meadows pointed out that the business is only open until about 9 or 9:30 p.m. in the evening. At the Zoning Committee meeting held about one month ago, there was no objection to the zoning request. The main concern of some of the members was that there will be a more intensive use of the property. At this time, Mr. Meadows reviewed for the Council some of the existing establishments in the area and noted that some are already selling beer.

Mayor Friedman asked Mr. Meadows if the applicant would be agreeable to a restrictive covenant limiting it to the restaurant whereby beer would be served in conjunction with the restaurant zoning. Mr. Meadows noted this would be agreeable. Councilmember Himmelblau asked if this would revert back if the restaurant ceased operation, and the City Attorney commented it would. The applicant's representative was present.

Motion

Mayor Friedman moved that the Council grant "GR" General Retail, 1st Height and Area District, with a restrictive covenant limiting it to "GR" General Retail classification so long as it is used in conjunction with the Barbecue restaurant. 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

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

ZONINGS DENIED

Pursuant to published notice thereof, the following zoning cases were publicly heard:

L. L. McCANDLESS, ET AL C14-76-012	108 Academy Drive 1008-1022 Melissa Lane	From "C" Commercial (Tract 1) and "B" Residence (Tract 2) 2nd Height and Area To "C-2" Commercial 2nd Height and Area (Tract 1) and "O" Office 2nd Height and Area (Tract 2) NOT Recommended by the Planning Commission
--	--	---

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.

MR. AND MRS. ANTHONY R. BERTUCCI C14-76-035	1001 West Oltorf Street 2400 South 5th Street	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area NOT Recommended by the Planning Commission
---	---	--

Applicant was not present. Councilmember Linn moved that the Council deny the zoning change. 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 DENIED.

JOHN WILLIAM TURNER
C14-76-028

5222 Woodrow Avenue
1401 North Loop
Boulevard

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

Applicant or his representative was not present. Councilmember Linn moved that the Council deny the zoning change. 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 DENIED.

FRANCES X. BOUCHARD
By Mark Weinstein and
Murray Neece
C14-76-037

1502 Spyglass Drive,
also bounded by
Barton Skyway

From "LR" Local Retail
1st Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

Applicant was not present. Councilmember Linn moved that the Council deny the zoning change. The motion, seconded by Mayor Pro Tem Snell, 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 change had been DENIED.

CONTRACT WITH CENTRAL TEXAS MEDICAL FOUNDATION FOR PHYSICIANS
SERVICE AT BRACKENRIDGE HOSPITAL

The Council had before it for consideration authorizing a contract with the Central Texas Medical Foundation for physicians service (Medical Education) at Brackenridge Hospital for the period of October 1, 1975, to September 30, 1976. (Total contract budget \$1,455,939; City's share \$1,076,406)

Councilmember Himmelblau made the following statement for the record:

"During the past week, I have been studying the Central Texas Medical Foundation contracts. It is apparent that the Central Texas Medical Foundation will be unable to stay within the amounts approved by the City Council in the budget. Some of the reasons for these deficits can be attributed to factors outside the control of the City or the Central Texas Medical Foundation. These deficits need to be absorbed if we are to continue the program of medical service with CTMF for the operation of the emergency room and the care of the indigent patient. It is not prudent to amend the budget this late in our fiscal year and before we have concluded an in-depth study of Brackenridge Hospital's finances."

Motion

Councilmember Himmelblau moved that "the Council adopt a resolution so that the Medical Education Contract between the City and the Central Texas Medical Foundation be approved through September 30, 1976, and that the dollar amount of this contract be set at the budgeted level of \$1,076,406. I move further that any additional work by the Council to eliminate the deficit be deferred until the end of this fiscal year." 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

CONTRACT WITH CENTRAL TEXAS MEDICAL FOUNDATION FOR EMERGENCY
DOCTORS SERVICE AT BRACKENRIDGE HOSPITAL

The Council had before it for consideration authorizing a contract with Central Texas Medical Foundation for emergency doctors service at Brackenridge Hospital, from October 1, 1975, to September 30, 1977. (Current Budget appropriations \$72,000)

Motion

Councilmember Himmelblau made the following motion:

"I move that the Council adopt a resolution so that the Emergency Doctors Service Contract between the City and the Central Texas Medical Foundation be approved through September 30, 1977, and that the dollar amount of this contract be set at the budgeted level of \$72,000. I move further that any additional work by this Council to eliminate the deficit be deferred until the end of this fiscal year." The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Mayor Friedman thanked the Central Texas Medical Foundation for their work they have been doing at Brackenridge Hospital.

RELEASE OF EASEMENT

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

A portion of the Public Utilities Easement that covers the west five (5.00) feet of the south 120.00 feet of Lot 2, Block A, Herman Brown Addition No. 2, Section 5, known also as 3103 Maywood Avenue.
(Requested by Col. Robert M. Ehrlich, owner of Lot 2, Block A)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

The applicant was present.

GRANT FOR THE AUSTIN TRAFFIC SAFETY OFFICE

Councilmember Linn moved that the Council adopt a resolution authorizing an extension to the grant for the Austin Traffic Safety Office and accept additional funding in the amount of \$7,216. (Program period July 21, 1976, to September 30, 1976) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

TEMPORARY STREET CLOSURE

Councilmember Linn moved that the Council adopt a resolution temporarily closing FARO STREET (perpendicular to East Riverside Drive, approximately 5000 block), from 10:00 a.m. to 6:00 p.m. on June 27, 1976, as requested by Ms. Peggy Owens, representing the Muscular Dystrophy Association, Inc. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

CONTRACT AWARDED

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

ALLIED CHAIN LINK
FENCE COMPANY
P. O. Box 4456
Austin, Texas

- Fencing Improvements, Walnut Creek
Substation Site - \$28,074.53

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

GRANT APPLICATION FOR AUSTIN RAPE CRISIS CENTER, INC.

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division for the project entitled "Austin Rape Crisis Center, Inc." in the amount of \$60,827 Criminal Justice Division support and \$14,279 local cash match. (Program period October 1, 1976, through September 30, 1977) The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

GRANT APPLICATION FOR SUMMER RECREATION SUPPORT PROGRAM

Councilmember Linn moved that the Council adopt a resolution for authorization to submit a \$65,000 grant application to the Community Services Administration for a Summer Recreation Support Program, A portion of the program will be operated by Williamson-Burnet County Opportunities, Inc. (Program period June 7, 1976, through September 30, 1976 - Williamson-Burnet \$20,843.00; City of Austin \$45,117.00) 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

GRANT APPLICATION FOR ADDITIONAL PUBLIC SERVICE EMPLOYMENT

Councilmember Trevino moved that the Council adopt a resolution for authorization to submit a \$326,068 grant application to the Department of Labor for CETA Title II funds to allow for additional public service employment. (Program period July 1, 1976 through January 31, 1977) The motion, seconded by Councilmember Linn, carried by the following vote:

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

ACCEPTANCE OF GRANT AGREEMENT FOR HOUSING AND COMMUNITY DEVELOPMENT PROGRAM

Councilmember Trevino moved that the Council adopt a resolution authorizing acceptance of the grant agreement authorized by the Department of Housing and Urban Development on May 14, 1976, in the amount of \$7,640,966 for the 1976-77 Housing and Community Development program. (Program period June 19, 1976, through September 18, 1977) 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

POLICY FOR SELECTION OF ARCHITECTURAL AND ENGINEERING CONSULTANT

The Council had before it for consideration the recommended policy for the selection of Architectural and Engineering Consultant. Mayor Friedman suggested that this consideration be postponed until June 24, 1976, to allow more time for the smaller business firms to review the policy. However, later in the Council meeting this item was considered at the request of the City Manager.

City Manager Davidson stated that he had received a message from some of the people that were concerned with the policy stating that they had studied it and were in agreement with the recommendations. Mr. Davidson felt that this study had been a very valuable exercise and if the Council could favorably consider these recommendations a couple of things could be accomplished. (1) He felt that the Council would be provided with better and more complete information at the time recommendations are brought before the Council on architects, engineers and various other consultants, and (2) he felt that the engineers responsible for City work in the future will feel that they are given full and due consideration.

Mr. Isom Hale, in a discussion with Mr. Davidson, hoped that the Council would make some kind of an official comment that they would like to see local firms considered first on projects. City Manager Davidson commented that he could not recommend this as a policy, but he could see nothing wrong with the Council indicating that this is their desire.

Mayor Friedman stated that it has been made clear that Austin does have a responsibility to its home town people and felt that the staff recognizes this also. City Manager Davidson extended his thanks to Mr. Hale and others that have stated something about the present and future procedures.

Councilmember Hofmann thanked the City Manager for this study and his effort in making it and also extended thanks to the architects and engineers who met with the staff to contribute their input and advice.

Motion

Councilmember Hofmann moved that the Council adopt a resolution accepting the recommendations as outlined in the Architectural and Engineering Consultant report. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

APPROVAL OF PRIORITIES OF WATER AND WASTEWATER FUNDS

Mr. Jorge Carrasco, Capital Budget Officer, commented that the Environmental Board met and discussed the recommended priorities for water and wastewater funds and approved the projects that the staff recommended for priority funding.

Mr. Don Walden, Chairperson of the Environmental Board, stated that the board had reviewed the priorities and supported them as recommended by the staff, particularly the Williamson Creek Project. This was a unanimous vote by the board.

Motion

Councilmember Hofmann moved that the Council adopt a resolution approving the following priorities on the remainder of Water and Wastewater available funds: (Please note that those projects followed by (Engineering) are for engineering only.)

<u>Projects</u>	<u>Water</u>	<u>Wastewater</u>
Burleson Road	26,230	20,000
Riverside Drive (Engineering)	1,400	7,900
Exposition Boulevard (Storm Sewer & Reconstruction)	24,000	10,000
Woodward Street (Engineering)	11,500	4,500
Congress Avenue Bridge (Engineering)	17,000	
South 1st Street (THD) (Engineering)	<u>31,500</u>	<u>13,500</u>
Total	111,630	55,900

(continued)

(Continued)

<u>Projects</u>	<u>Water</u>	<u>Wastewater</u>
Airport Blvd - US 290 - IH 35 Interchange	10,200	11,300
Williamson Plant Phase II		250,000
Govalle Plant Improvements		48,000
Onion Creek Plant Engineering		250,000
McCarty Lane Water Main	250,000	
Ullrich Mid Service Pump	<u>150,000</u>	<u> </u>
	<u>400,000</u>	<u>548,000</u>
Total All Improvements	<u>521,830</u>	<u>615,200</u>
Remaining Balance for Contingent Items	603,390	200,037

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

City Manager Davidson expressed his appreciation to the Environmental Board for their prompt and immediate consideration of this matter within a week after the Council deferred action until a report could be presented by them.

Mayor Friedman announced that the Council would now recess and go into Executive Session and return for the afternoon session at 2:00 p.m.

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

ANNEXATION ORDINANCE

The Council had before it for consideration passage of an ordinance annexing the following:

2,543.86 acres of land out of the James D. Goode Survey, William Bell Survey, James Rogers Survey, F. G. Secrest Survey, James Howlett Survey, James P. Wallace Survey Number 18, Henry Rhodes Survey, F. M. Fowler Survey, Francisco Garcia Survey and the William Hornsby Survey in Travis and Williamson Counties, and Angus Valley, Angus Valley, Sections 2, 4, 5, 6, 7, 8, 9, 10 and 11, Angus Valley Annex, Sections 1, 2 and 3, Barrington Oaks, Sections 1 and 2, 3, 4 and 5, Highland Oaks, Sections 2 and 3, Oak Forest, Sections 1, 2, 3 and 4; Summit Oaks; Sonesta West, Section 1, Northwood, Northwood Section 2, Valley View Oaks and unplatted land - portion of Area 1. (Initiated by the City of Austin - Annexation No. C7a-76-006)

MR. BEN WEISS, 12105 Tweed Court, stated that the residents of these areas are opposed to annexation as has been previously brought out. Mr. Weiss reviewed the reasons why these areas should not be annexed at this time.

1. A lack of concrete information on the costs involved both to the Austin taxpayers and the annexed residents.
2. The areas to be annexed already have been planned and do not need City planning.
3. Services are not available.
4. Roads are not up to City standards.
5. Lack of funds to provide services.
6. The real reason for annexation since services have not been demanded or requested by the residents.

MR. CLARK CRAIG referred to recent statements that have been made in the newspaper and felt that they were not true.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 2,543.86 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES D. GOODE SURVEY, WILLIAM BELL SURVEY, JAMES ROGERS SURVEY, F. G. SECREST SURVEY, JAMES HOWLETT SURVEY, JAMES P. WALLACE SURVEY NUMBER 18, HENRY RHODES SURVEY, F. M. FOWLER SURVEY, FRANCISCO GARCIA SURVEY AND THE WILLIAM HORNSBY SURVEY, IN TRAVIS AND WILLIAMSON COUNTIES, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

STREET AND DRAINAGE IMPROVEMENTS TO BURLESON ROAD

Mayor Friedman introduced the following ordinance:

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

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. 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 ordinance had been finally passed.

STREET AND DRAINAGE IMPROVEMENTS TO MATTHEWS LANE

Mayor Friedman introduced the following ordinance:

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

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor Friedman introduced the following ordinance:

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

A 6.06 ACRE TRACT OF LAND, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MARTIN LUTHER KING, JR., BOULEVARD AND ED BLUESTEIN BOULEVARD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (East Industrial District, excluding Tracor and Motorola Tracts, C14-75-126)

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE - Second and Third Readings

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

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

TRACT 1: A 43.151 ACRE TRACT OF LAND, SAVE AND EXCEPT THE NORTHERN THIRTY-FIVE FEET WHERE ADJACENT TO CRAIGWOOD SUBDIVISION WHICH IS HEREBY ZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, AND SAVE AND EXCEPT ALL OF TRACT 2, HEREINBELOW DESCRIBED, CONTAINING 6.1 ACRES OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 6.1 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "E" HEAVY INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 55.924 ACRE TRACT OF LAND, SAVE AND EXCEPT THE NORTHERN THIRTY-FIVE FEET WHERE ADJACENT TO CRAIGWOOD SUBDIVISION WHICH IS HEREBY ZONED FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, AND SAVE AND EXCEPT ALL OF TRACT 4, HEREINBELOW DESCRIBED, CONTAINING 1.3 ACRES OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 4: A 1.3 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "E" HEAVY INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 4301 ED BLUESTEIN BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.
(East Industrial District, Tracor Tract Only, C14-75-126)

The ordinance was read the second time, and Councilmember Lebermann moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance, providing an effective date. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Lebermann, Trevino, Mayor Friedman,
Councilmembers Himmelblau, Hofmann

Noes: Mayor Pro Tem Snell

Abstain: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

CONSIDERATION OF A POLICY TO REVIEW ZONING CASES FOR DISMISSAL

The Council had before it for consideration a policy to review zoning cases for dismissal if conditions have not been met within 90 days of the original approval.

Councilmember Lebermann stated that this policy was begun in 1971 or 1972 and was not actually 90 days but six months. He then asked Mr. Dick Lillie to speak to this policy.

Mr. Dick Lillie, Director of Planning, stated that the primary benefit of this policy had involved diminishing the pending list of zoning cases since conditions do change regarding the appropriate action to be taken on such cases. Mr. Lillie suggested that the Council reaffirm or reinstitute this policy. Mayor Friedman also suggested that the Planning Commission adopt this policy as their rules also so it does not fall into disuse.

Councilmember Lebermann moved that the Council reaffirm the policy of reviewing zoning cases for dismissal and recommend that the Planning Commission adopt this as their rules. 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

SPECIAL PERMIT REQUIREMENT FOR DEVELOPMENTS SERVED BY PROPOSED
LIFT STATION TO BE LOCATED IN ZILKER PARK - WITHDRAWN

The Council was to reconsider the special permit requirement for developments served by the proposed lift station to be located in Zilker Park; however, it was withdrawn.

REPORT FROM THE COMMISSION ON THE STATUS OF WOMEN

Ms. Maggie Seaholm, a member of the Women's Health Care Task Force, appeared before the Council to present a report expressing support for upgrading of Income Guidelines for Health Services to the 1976 Community Services Administration Standards - Commission on the Status of Women. She noted that last September hearings were sponsored where several women from the community came and presented different concerns to the Commission on the Status of Women. One of the biggest concerns was the situation of women in health care in Austin and the problems of many of the indigents in Austin. After research was conducted, Ms. Seaholm noted that the commission has created two recommendations that she urged the Council to consider and implement.

1. That the Council approve and implement the use of 1976 Community Services Administration Guidelines for clinic card eligibility at Brackenridge Hospital and neighborhood clinics.

She commented that the Commission very strongly felt that health care for women and for the indigent citizens of Austin has to be a priority.

2. Eligibility guidelines for services at any City medical facility, Brackenridge Hospital as well as any neighborhood clinics, be suspended for women seeking prenatal care.

Ms. Seaholm explained that the commission was recommending that prenatal care not be denied to any woman unless she is obviously able to pay. Deprivation of prenatal care may have long range consequences for the infant.

Another concern expressed by Ms. Seaholm is the situation of the Family Planning Clinic at the Model Cities Clinic. The Family Planning Clinic still does not have a bathroom which is a big inconvenience to the staff and to patients. Also, the Family Planning Clinic needs to be moved to the front of the building so there will be a separate entrance and waiting room for pregnant women. In conclusion, Ms. Seaholm asked that the Council consider these recommendations and inform the commission what plans will be taken to accommodate these requests.

Mayor Friedman commented that both of the items being recommended by the commission are being studied now by the staff and will be considered more fully when the budget is reviewed. No decision will be made until public work sessions have been conducted. He thanked Ms. Seaholm for the very valid recommendations.

ORDINANCE REGULATING MASS GATHERINGS INSIDE THE
CITY LIMITS - WITHDRAWN

The Council was to consider a request for an ordinance regulating Mass Gatherings inside the City limits; however, this item was withdrawn.

LOOP 360 CONSTRUCTION FILL IN LAKE AUSTIN

Dr. Maureen McReynolds stated that at the regular meeting of the Citizens Board on Natural Resources and Environmental Quality on May 25, 1976, the Board made the following recommendations regarding fill placed in Lake Austin by the Allen Keller Company of Fredericksburg:

1. No action to be taken at the present time, but that the debris be removed from the lake and the slope when the bridge was built.
2. Environmental enhancement measures should be included for construction of the bridge at the site of the rock slide.
3. If after five years, the bridge is no closer to being built than now, corrective steps should be ~~taken~~ through the State Department of Highways and Public Transportation to remove the fill.

In response to Mayor Friedman's questions, Dr. McReynolds stated that it was her understanding that the contractor had been released from his obligation to the State Department of Highways and Public Transportation. Also, that Department had not made a formal agreement with the City to clean up the rubble. She understood that before the bridge could be built, the City had to review and approve the construction plan. At that time the City would have the opportunity to review precisely what would be done about the fill and the slope. If the rock were removed now, to maintain a stable slope, all loose rubble both in the lake and up the slope would have to be removed and disposed of. If the Highway Department intended to use the fill to construct the bridge and road, then the fill would probably be placed in the right-of-way, either above the

lake or across the lake. There would still be a visual blight even if the rocks were removed from the slope.

In response to Councilmember Linn's question, Dr. McReynolds stated that if the rocks were removed now the visual effect would be that there would probably be considerable disturbance to the lake from silt, and algae growing on the rocks would be torn loose. The Environmental Board felt that a two-stage process should be avoided since the same disturbances would occur when the bridge was built.

In response to Councilmember Hofmann's question, Dr. McReynolds stated that the Navigation Board found that the presence of the rocks was not a navigation hazard. Mayor Friedman stated that initially the Board did find the rocks to be a navigation hazard.

In response to Councilmember Linn's question regarding who was liable to remove the rocks, Acting City Attorney Kubicek stated that he did not see that the City Code applied in either of the two sections relating to the problem. (Section 29-14 and the Industrial Waste Section)

In response to Mayor Friedman's question regarding the permits required by a landowner to make a significant change in the lakefront, Mr. Ed Stevens, Building Inspection Department, stated that approval by the Navigation Board, a building permit and a waterway development permit from the Engineering Department were required.

In response to Mayor Friedman's questions, Mr. Stevens stated that neither the state nor the construction firm had requested permits prior to depositing the rocks in the lake; the City would not allow a private landowner to dump rocks to divert the water from the shoreline to intrude into the natural flow of the lake without first getting the permits.

MR. TOM CURTIS, representing the Allen Keller Company, stated that he agreed with the City Attorney's office that the ordinance relative to fill in the lake was not appropriate here. He also agreed that there was no longer a navigation hazard since the company had removed the larger rocks.

Mayor Friedman stated that he did not think that the City could require anything less in the present situation than would be required of every developer and every property owner along the lake or along any of the City creeks when it came to getting proper permits and following the appropriate rules and regulations. He felt that the matter was a legal one which the courts should settle.

Motion

After some further discussion between Mayor Friedman and Mr. Curtis, Councilmember Linn moved that the Council instruct the Legal Department to proceed with the proper filing of a court case so that the lake could be restored to its original condition.

Friendly Amendment to Motion

Mayor Friedman offered the friendly amendment that the Legal Department be given the option of filing a court case or work over the next few weeks with the contractor and/or Highway Department to see if a firm agreement could be reached, that at the time the bridge is completed, that rubble will be removed from the lake without expense to the citizens of Austin. Councilmember Linn

accepted the amendment. Mayor Friedman then seconded the motion.

In response to Councilmember Himmelblau's question as to whether the amendment was in conformity with the Environmental Board's recommendation to leave the fill for that period of time, Mayor Friedman commented only if the City could get an agreement that the fill would be cleared out at someone else's expense other than the citizens of Austin.

Councilmember Lebermann felt that if the City disturbed the situation (at the rubble site) now, that the problem would be worsened as opposed to accepting the report of the Environmental Board and the Navigation Board to delay action until the bridge was built and then do everything at once. He also felt that Mayor Friedman's concern over who would correct the situation was valid and that the City should negotiate with the Highway Department to make that determination.

Mayor Friedman felt that a performance bond should be put up to assure that the rubble would be cleared out in five years.

Substitute Motion

Councilmember Hofmann offered the substitute motion that the Council uphold the recommendations of the Environmental Board, the Navigation Board and the Legal Department and instruct the staff to enter into negotiations with the Highway Department. The motion was seconded by Councilmember Lebermann.

Mayor Friedman stated that he saw nothing wrong with tying in negotiation to clear out the rocks with the activity of legal proceedings.

Mr. James Kemp, Job Superintendent of the project for the Allen Keller Company, explained to the Council the efforts made to prevent rock from getting into the lake as well as efforts made to remove the rock. He felt that the District Engineer for the Highway Department would see that the situation was corrected when the bridge was built.

Roll Call on Substitute Motion

Roll call on Councilmember Hofmann's substitute motion, Councilmember Lebermann's second, showed the following vote:

Ayes: Mayor ~~Friedman~~ Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Trevino

Noes: Councilmember Linn, Mayor Friedman

The Mayor announced that the substitute motion had carried.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier and considered an appointment to the Board of Equalization which was now before the Council for action.

Board of Equalization

Councilmember Linn moved that the Council appoint MARK YUDOF to the Board of Equalization for one year. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

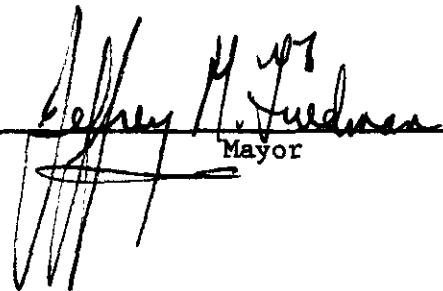
Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

ADJOURNMENT

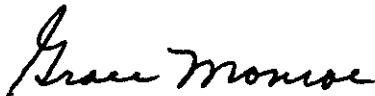
The Council adjourned at 2:50 p.m.

APPROVED



Mayor

ATTEST:



City Clerk