

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 2, 1976
10:00 A.M.Council Chambers
301 West Second Street

The meeting was called to order with Mayor Friedman presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by DR. BROWNING WARE, First Baptist Church.

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes for August 19, 1976, and August 26, 1976. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

WOMEN IN CONSTRUCTION WEEK

Mayor Friedman read and then presented a proclamation to Ms. Pat Turner proclaiming the week of September 5-11, 1976, as "Women in Construction Week" in Austin and called upon all citizens to join with the Austin Chapter of the National Association of Women in Construction in recognizing these contributions. Ms. Turner thanked the Council for the proclamation.

Mike Quinn - expires 1978
Phil Bible - January 31, 1979

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

Schedule of Appointments

Mayor Friedman announced that at the Council meeting on September 9, 1976, the Council would consider appointments to the Manpower Consortium Executive Committee, the Parks and Recreation Board, the Plumbing Board of Appeals and possibly one or two others.

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:

PIONEER TRUST & SAVINGS BANK By Robert Penrose C14-76-061	2003-2011 East Riverside Drive, also bounded by Burton Drive and Royal Crest Drive	From "C-2" (Tracts 1 & 2) To "GR" (Tract 3) 2nd Height and Area To "GR" (Tracts 1 & 2) "C-2" (Tract 3) 2nd Height and Area RECOMMENDED by the Planning Commission
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Mr. Dick Lillie, Director of Planning, reviewed the area of the proposed change and stated that this request involves two tracts being rolled back and one tract being zoned "C-2" Commercial. There will be no encroachment involved in this zoning change. Applicant present.

Councilmember Linn moved that the Council grant "GR" General Retail, 2nd Height and Area District (Tracts 1 & 2) and "C-2" Commercial, 2nd Height and Area District (Tract 3) 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 "GR" General Retail, 2nd Height and Area District (Tracts 1 & 2) and "C-2" Commercial, 2nd Height and Area District (Tract 3), and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN By Planning Department C14-76-062	Block bounded by East 41st Street, Red River Street, Peck Avenue and East 38th Street	From "B" Residence 2nd Height and Area To "A" Residence 1st Height and Area RECOMMENDED by the Planning Commission
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MRS. WALTER RICHTER commented from the audience concerning the golf course, and Mayor Friedman noted that there are no problems. Applicant present.

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

B. F. McCOY
By Charles Simon
C14-76-065

9400 North I. H. 35
also bounded by East
Rundberg Lane

From "GR" General Retail
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED By the Planning
Commission

Mr. Lillie noted that this zoning change would permit the sale of beer and wine for off-premise consumption. Applicant present.

Councilmember Linn moved that the Council grant the change to "C" Commercial, 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: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino
Noes: None

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

ANDY F. WAGNER
C14-76-067

6900-7019 East Riverside
Drive
1705-1905 Frontier
Valley Road

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Mr. Lillie noted that this was located in a recently annexed area which was annexed as "AA" Residence. Mr. Lillie noted that the recommendation by the staff and the Planning Commission seems rather permissive, since it is going from "AA" Residence to "C" Commercial. He stated that information had been received from Bergstrom Air Force Base concerning noise contour zones in the Bergstrom area. Mr. Lillie stated that this application is located within this noise contour, and he commented that he would be recommending to the Planning Commission that an area study be undertaken. This particular area is not suited for residential uses. Mr. Lillie recommended that this application be approved. Applicant not present.

Councilmember Linn moved that the Council grant the change to "C" Commercial, 1st Height and Area District, as amended, as recommended by the Planning Commission. 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 as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

B. J. WILLIAMS
By Forrest N.
Troutman
C14-76-068

3804-3810 South 2nd
Street

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

Mr. Lillie noted that the current zoning was granted in 1973 for "BB" Residence; however, since 1973 the tract across the street has been zoned "GR" General Retail. This application requested initially that zoning be approved for "GR" General Retail, but on the request of the staff and the Commission that application has been amended to "O" Office; the applicant is in agreement with the amendment. In response to Councilmember Hofmann's question, Mr. Lillie noted that this zoning change would enable the owner to build apartment projects or offices. The "O" Office zoning would be a more permissive use of the property. Applicant present.

Councilmember Trevino moved that the Council grant the change to "O" Office, 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: Councilmembers Himmelblau, Lebermann, Trevino, Mayor Friedman, Mayor Pro Tem Snell
Noes: Councilmembers Hofmann, Linn

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

LAND EQUITIES, INC.
By Doren Eskew
C14-76-073

Northeast corner of
intersection of U. S.
Highway 290 and North
Interstate Highway 35

From "C" Commercial
6th Height and Area
(Tract 1) and
"C" Commercial
2nd and 6th Height and Area
(Tract 2)
To "C-2" Commercial
3rd Height and Area
(Tract 1) and
"C" Commercial
3rd Height and Area
(Tract 2)
RECOMMENDED (as amended) by
the Planning Commission

Mr. Lillie noted that the request is to go from a 2nd and 6th Height and Area District to 3rd Height and Area District, which would be 120 feet. The Planning Commission recommended that the first 75 feet back from the right-of-way line be retained as 1st Height and Area; that 3rd Height and Area be approved on the remainder of the tract. The applicant has amended his application to conform with the recommendations of the Planning Commission. Applicant present.

Councilmember Linn moved that the Council grant the change to "C-2" Commercial, 3rd Height and Area District (Tract 1) and "C" Commercial, 3rd Height and Area District (Tract 2) as amended, 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, Councilmember Himmelblau
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial, 3rd Height and Area District (Tract 1) and "C" Commercial, 3rd Height and Area District (Tract 2) as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

LYNN & SCOTT
STORM
By Allen Nutt
C14-76-074

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

From "O" Office
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Mr. Lillie noted that this application came before the Planning Commission several years ago and as noted on the aerial map, the area along 38th Street is zoned "LR" Local Retail; the area to the rear is zoned "O" Office. The request originally came as a request for "GR" General Retail zoning, and the Planning Commission recommended that "LR" Local Retail be approved. The "LR" would apply only to this building within the shopping center. The applicant has amended his application to conform with the Planning Commission's request.

In response to Councilmember Himmelblau's question concerning the zoning requests in this area, Mr. Lillie stated that he is working very closely with the owner of the shopping center to keep the zoning at a minimum. Councilmember Himmelblau hoped that the Council would not see additional zoning requests for this particular area. Applicant present.

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

WALTER WENDLANDT
ET AL
C14-76-071

Rear of 4409 Russell
Drive

From "B" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a
restrictive covenant for Lot
6 providing for a maximum of
1-story building, exterior
wall facing Lot 7 shall be
solid without windows, a six-
foot privacy fence from
building to street and a
driveway on Lot 6 to Russell
Drive to be closed.

Mr. Lillie stated that the application is located adjacent to a shopping center on Ben White Boulevard. He then reviewed the character of the area and noted that the staff recommended that only the rear 120 feet of Lot 5 be approved so that the "O" Office would not encroach on the adjacent "A" Residential. Mr. Wendlandt, owner of the property, agreed to the conditions with respect to any construction on Lot 6 and the fencing. This was accepted and recommended by the Planning Commission. Applicant present.

Councilmember Trevino moved that the Council grant the change to "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Hofmann, 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" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

FORREST C. WALKER
By Phil Mockford
C14-76-064

6540 South I.H. 35
also bounded by
Chaparral Road

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "C" Commercial, 1st
Height and Area on all but a
10-foot strip of "AA" Residence
along the western boundary
from Chapparral Road for a
distance of 200 feet north.

In reviewing the area, Mr. Lillie stated that this area was annexed in 1976. The use of the lot is totally Commercial and the Planning Commission felt that "C" Commercial zoning was appropriate. The staff's concern was that once the corner lot is zoned there is little to stop the zoning from extending down Chaparral Road. In this particular case, the Commission requested that the Council consider a 10-foot strip of "A" Residence which would border this unit. Hopefully, this would be some incentive for the future Planning Commission to hold "C" Commercial zoning to this corner and not let it strip down the street. In response to Councilmember Linn's question concerning the strip of "C" Commercial along I. H. 35, Mr. Lillie noted that this is strip zoning. Mr. Lillie stated that the recommendation of the Planning Commission was acceptable to the staff. Applicant present.

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area on all but a 10-foot strip of "A" Residence along the western boundary from Chaparral Road for a distance of 200 feet north, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, 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 granted to "C" Commercial, 1st Height and Area on all but a 10-foot strip of "A" Residence along the western boundary from Chaparral Road for a distance of 200 feet north, and the City Attorney was instructed to draw the necessary ordinance to cover.

NORTH OAKS
VILLAGE VENTURE
By Phil Mockford
C14-76-072

8638-8678 Spicewood
Springs Road
12794-12798 U. S.
Highway 183
11806-12034 Barrington
Way

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail and
"A" Residence
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "GR" General Retail
1st Height and Area excluding
the undeveloped strip of land
along Barrington Way to be
zoned "AA" Residence.

Mr. Lillie noted that this application is located in a recently annexed area and is a shopping center. The application has been filed for "GR" General Retail on Tract 1 and has been amended to "AA" Residence on a certain portion of the property that has the majority of the frontage on Barrington Way which will prevent it from being used as a parking lot or in conjunction with the shopping center.

MR. CARL SUNDBERG, a resident in the area, requested that the fence which will separate the shopping center from the tract of "AA" be six feet in height. MR. PHIL MOCKFORD, representing the applicant, stated that the six-foot fence would not be any problem.

Councilmember Himmelblau moved that the Council grant "GR" General Retail 1st Height and Area District, excluding the undeveloped strip of land along Barrington Way to be zoned "AA" Residence, as recommended by the Planning Commission, with the inclusion of the six-foot fence. The motion, seconded by Councilmember Hofmann, 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 District, excluding the undeveloped strip of land along Barrington Way to be zoned "AA" Residence, subject to the addition of a six-foot fence, and the City Attorney was instructed to draw the necessary ordinance to cover. The mo-

JOE GILBRETH &
COMPANY, INC., ET AL
By Phil Mockford
C14-76-063

Intersection of
Oceanaire Boulevard
Fathom Circle, U. S.
Highway 183 and Balcones
Country Club Drive

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
(Tract 1),
"BB" Residence
(Tract 2) and
"A" Residence
1st Height and Area
(Tract 3)

NOT Recommended (as amended)
RECOMMENDED by the Planning
Commission "GR" General Retail
excluding the front 25 feet a-
long U.S. 183 to be zoned "A"
and providing a maximum of 4
driveways to U.S. 183 spaced
a minimum of 300 feet apart,
the specific locations of
which are to be determined
later, and 45-foot "GR" gaps
through the established "A"
on Tract 1, and "BB" and "A"
Residence on Tracts 2 and 3 as
requested. Applicant is
opposed to the 25 feet of "A"
Residence along the highway,
but in agreement with the
rest of the recommendation.

Mr. Lillie noted that because this was an area that had been recently annexed, all of the land along Highway 183 is mostly zoned ~~Interim~~ "AA" Residence. The City has the opportunity in this area to look at the land uses that are occurring to see if there are ways in which strip development can be made compatible with land development. He noted that a great number of commitments have been made by property owners for the development of land in a commercial atmosphere. The Planning Commission felt that recommendations were compatible with the Highway.

This application is separated into 3 parts and the Planning Commission and staff had no problem with the "A" Residence on the lots that separate this tract from the golf course and undeveloped land. Also, they agreed that "BB" Residence on Tract 2 should be recommended to the Council. On Tract 1, the staff recommended that the "GR" General Retail zoning be for the total tract, and the Planning Commission recommended "GR" General Retail zoning with a 25-foot strip of "A" Residence along the frontage. In any case, the applicant will have to file a subdivision before any development can occur on this tract. Mr. Lillie felt that the driveway locations could be located on the subdivision plat. The Planning Commission felt that if the frontage was zoned "A" Residence that every 300 feet there should be a 45-foot strip of "GR" to permit the driveway. The applicant is in agreement with the staff recommendation.

Mr. Lillie stated that he hoped as additional cases along Highway 183 come in that the staff can work with the major property owners for continual limitation of driveway curb cuts to the Highway. The staff recommended that the application be approved as recommended by staff.

Mr. Phil Mockford, representing the applicant, responded to Mayor Friedman's question and stated that the applicant is in agreement with the staff recommendation which is to control curb cuts by plat; but he did not think it was practical to zone a strip across the front of the property "AA" Residence. He opposed the zoning along the 25-foot strip except for the "GR" General Retail gaps.

Mr. Lillie commented that the Planning Commission is still working on an amendment to the Ordinance regarding a scenic easement but it is not complete at this time. Mr. Lillie felt that the scenic easement concept should be applied to those areas that are recommended to the Council by the Sign Committee as being scenic in nature; but not to highways which are either developed or have no scenic quality.

Motion

Councilmember Linn moved that the Council uphold the recommendation of the Planning Commission. The motion was seconded by Councilmember Trevino.

Substitute Motion

Councilmember Himmelblau moved that the Council uphold the recommendation of the staff. The motion was seconded by Councilmember Lebermann.

Councilmember Himmelblau stated she could see no reason to strip out the "A" Residence along Highway 183.

Roll Call on Substitute Motion

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

City Attorney Jerry Harris pointed out that in order to overrule the Planning Commission, it would require 6 votes; therefore, the substitute motion failed to carry.

After discussion among the Council and the City Attorney, the Council moved to reconsider.

Motion to Reconsider

Councilmember Trevino moved that the Council reconsider the substitute motion. The motion to reconsider was seconded by Councilmember Lebermann.

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

Substitute Motion

Councilmember Himmelblau moved that the Council uphold the staff recommendation on all three tracts, and grant the change to "GR" General Retail, 1st Height and Area District on Tract 1, "BB" Residence, 1st Height and Area District on Tract 2, and "A" Residence, 1st Height and Area District on Tract 3. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tract 1, "BB" Residence, 1st Height and Area District on Tract 2, and "A" Residence, 1st Height and Area District on Tract 3, and the City Attorney was instructed to draw the necessary ordinance to cover.

HANNIG BUILDING
John C. Wooley,
et al, owners
C14h-74-041

204-206 East 6th
Street

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

Mr. Lillie noted that this structure was built around 1870, and may be the oldest remaining original structure on East 6th Street. The structure meets six of the thirteen criteria within the Historic Zoning Ordinance. The five owners of the building are opposed to the request by the City to zone the building historic. Mr. Lillie noted that at the present time, the building is not being used.

JOE DAILEY, one of the owners of the property, asked that this ordinance be considered separately from the other historic ordinances and felt that this procedure by the City of wanting to designate property for Historic Zoning was unfair. He felt that the property was definitely suited for Historic Zoning, but that the time of this designation should be left to the property owners and not the City. (Mr. Dailey filed a petition opposing the zoning.) In response to Councilmember Linn's question, Mr. Dailey stated that he was representing Mr. Marvin Bowden. Mr. Lillie noted that Mr. Bowden did not appear before the Landmark Commission when this historic zoning was discussed.

MRS. BETTY BAKER, Planning Department, responded to Councilmember Linn's question by stating that at the first meeting of the Landmark Commission a letter had been received from Mr. Bowden opposing the zoning change. Appearance was made by the owners when the case came before the Planning Commission.

JOHN WOOLEY, also one of the owners of the building, appeared in opposition to the historic zoning designation and noted that this is the position of all five owners of the building. Mr. Wooley also felt that if 6th Street is going to survive and the buildings are going to be preserved, it is going to have to be economically feasible for private enterprise to come in and acquire property and put up some type of function in the building. He felt that the City has a very cumbersome procedure to follow when trying to obtain permits, etc., to work on projects. Mr. Wooley stated that certain things have not been done for the 6th Street area such as planting trees, installation of street lights and trolley cars. Councilmember Linn pointed out that funds have been allocated for lights and trees. She suggested that he contact the Sixth Street Conservation Society for more information on this matter.

MR. PHILIP CREEK, Chairman of the Landmark Commission, pointed out that the City is in the process of developing a revolving fund to aid in the preservation of certain historic buildings. He felt that this particular building is a key structure in the historic district. In response to Councilmember Linn's question, Mr. Creer noted that underneath the facade, the building was in excellent condition.

City Manager Davidson stated that the Building Code has been amended in a number of places in order to make the Code less restrictive in areas of remodeling historic structures. Mr. Davidson stated that this area will have street lighting, but the planting of trees will be left to the Sixth Street Conservation Society. After checking the idea with regard to the cable cars, Mr. Davidson found this was not feasible. In conclusion, he felt that the Council has been very responsive to the needs of Sixth Street.

GARY BRADLEY, one of the owners of the structure, stated that the owners have worked with the Landmark Commission in trying to get some of the building codes changed. He felt that the City had been very uncooperative on many matters regarding Sixth Street. Mr. Bradley stated that it was not the intention of the owners to destroy the structure.

MR. EUGENE WUKASCH, owner of another historic building in the area, appeared in support of the Historic Zoning and urged the Council to zone this particular structure Historic.

City Attorney Jerry Harris pointed out that since a valid petition had been filed by the owners, it would take six votes from the Council to grant the zoning.

Motion

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

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

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.

*Councilmember Linn stated that since she is a property owner in the next block that she would have to abstain from the voting.

Mayor Pro Tem Snell stated that he would have liked Councilmember Linn to vote and to see the property owners in agreement with this zoning change, but under the circumstances, he would have to vote "yes."

Councilmember Himmelblau commented that she had some reservations and felt that she had some reservations and felt that part of the Ordinance is still confiscatory, but too many older buildings have already been lost because of this, so she would have to vote "yes."

Councilmember Lebermann felt that the owners of this building had done a great job but felt that public interest is best served through the application of this excellent Ordinance.

ONION CREEK
MASONIC LODGE 220
AF & AM, Owner
C14h-76-011

Old Lockhart Highway

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

Mayor Pro Tem Snell moved that the Council grant the change to "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Linn, 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 "A-H" Residence-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

MORLEY BROTHERS
BUILDING
Eugene Wukasch,
owner
C14h-76-012

209 East 6th Street

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

Mayor Pro Tem Snell moved that the Council grant the change to "C-2-H" Commercial-Historic, 4th 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, Trevino, Mayor
Friedman, Mayor Pro Tem Snell, Councilmember Himmelblau
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.

Councilmember Linn abstained as she owned property in the next block.

PAGGI CARRIAGE
SHOP

Jay Johnson, owner
C14h-76-013

421 East 6th Street

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

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

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

ZONING DENIED

EMMETT A. DOLES
C14-76-069

2400 Hancock Drive,
also bounded by
Woodview Avenue

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

Councilmember Linn moved that the Council deny the zoning request, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote: (Applicant not present)

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

The Mayor announced that the changed had been denied.

ZONINGS POSTPONED

AMPCO CORPORATION
By Randell W.
Livingston, Jr.
C14-76-053

1100 Interstated Highway
35, also bounded by
East Riverside Drive

From "O" Office
5th Height and Area
To "LR" Local Retail
5th Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the area and noted that this site presently includes a Fina Service Station and the intent of the zoning is to change the use of the station. At the present time, a site plan is being considered by the Planning

Commission which was submitted last month. This case was postponed pending the resolution of the site plan by the Planning Commission, which will be heard on September 14, 1976. The Planning Commission has recommended that this request be denied.

Councilmember Himmelblau moved that the Council postpone action on this zoning request until the Planning Commission has finished with its review. 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 zoning had been postponed. The applicant was present and agreed with the motion.

DOS BANDEROS
David C. Graeber,
owner
Cl4h-74-044

410 East 6th Street

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

Mayor Friedman noted that the applicant had requested that the zoning request be postponed until September 9, 1976.

Councilmember Trevino moved that the Council postpone consideration of the aforementioned zoning case until September 9, 1976. The motion, seconded by Mayor Friedman, carried by the following vote:

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

The Mayor announced that the zoning case had been postponed until September 9, 1976.

AFTERNOON SESSION
2:00 P.M.

Mayor Friedman called the afternoon session to order.

REQUEST TO USE AUDITORIUM SHORES FOR ARTS AND CRAFTS FAIR

Councilmember Lebermann moved that the Council approve a request from Mr. Dan Valdez, representing Northwest Sertoma Club, for permission to use Auditorium Shores for the 13th Semi-Annual Sertoma "Poor Boy" Arts and Crafts Fair, on September 11, and 12, 1976. 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

APPEARANCE TO DISCUSS CITY EMPLOYEES

Mr. Raymond F. Schaaf, Legislative Chairman, Texas Public Employees Association, Path Finder Chapter, No. 191, appeared before the Council to discuss three proposed resolutions, two relating to salaries of City employees, and one relative to awkwardness of City employees on shift work schedules in obtaining their paychecks. Mr. Schaaf pointed out that this association was not a union, and the chapter would work within the City government to abide by the laws of the state and not strike under any circumstance. Mr. Schaaf proposed resolutions dealing with the following:

1. Merit salary increases

He reviewed the background of this resolution and requested that the Council adopt and enforce the policy in the City personnel system; that a fair and equitable Merit Increase System be developed through the use of performance evaluation in writing at least annually or more often as needed, and that this performance evaluation be a permanent part of each City employee's personnel record.

2. Cost of Living Salary Adjustments

Mr. Schaaf reviewed the background of this resolution and requested that the Council approve a 6% Cost of Living Increase for all City employees effective at the first of the fiscal year and adapt as policy to use the Bureau of Labor Statistics as the budget standard for subsequent years.

3. Alleviation of Pay Check Problems, Shift Workers

He reviewed the background of this resolution and requested that the Council make some provision for checks to be directly banked for those who desire and for the remainder move the normal pay period from Friday morning to approximately 2:00 p.m. on Thursday afternoon. This would allow both swing and graveyard shifts to pick up their paychecks on reporting to duty from the shift supervisor and all day workers could have their paychecks at the start of the next duty day.

Mayor Friedman thanked Mr. Schaaf for his presentation and noted that the Budget is still being reviewed and no pay scales have been adopted at the present time. He stated that he was concerned with the shift workers and had spoken to the City Manager concerning this and hoped to come up with a resolution to this problem. He assured Mr. Schaaf that the Council would upgrade the pay procedures whenever possible.

REQUEST TO USE CERTAIN LOT FOR SALE OF CHRISTMAS TREES

Councilmember Lebermann moved that the Council approve a request from Mr. Fred C. Mertink, Chairman of Christmas Tree Sales, of the Breakfast Optimist Club, to use the vacant lot on the corner of Riverside Drive and Arena, adjacent to Parker Lane, for the purpose of selling Christmas trees, from November through the end of December, 1976. 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

REQUEST TO USE ZILKER PARK AND RELATED FACILITIES FOR CAMPOREE

Councilmember Trevino moved that the Council approve a request from Mr. J. T. Patterson, Chairman of the 1976 Fall Camporee of the Capitol Area Council Boy Scouts of America, to use Zilker Park and some of the related facilities for Camporee, to be held October 29 through October 31, 1976. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

REQUEST FOR PARADE PERMIT

Councilmember Trevino approved a request from Mr. Floyd B. Bermea for the Austin Committee for Mexican-American Culture on September 11, 1976, from 10:00 a.m. to 11:00 a.m., beginning at 2nd and Congress to the Capitol Building. The motion, seconded by Councilmember Linn, carried by the following vote:

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

PERMISSION TO HANG BANNER

Councilmember Lebermann moved that the Council approve a request from Ms. Chris Sauer, Head Cheerleader, Crockett High School, for permission to install a banner at Manchana and Jones Road from September 7, 1976, until November 12, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

PUBLIC HEARING ON THE CAPITAL IMPROVEMENTS PROGRAM

Mayor Friedman opened the public hearing set for 2:00 p.m. by stating that this was the last scheduled public hearing on the Capital Improvements Program. He said that adjustments and a vote would be taken to approve the CIP next week.

MR. GABRIEL GUTIERREZ, JR., of the Planning Commission spoke before the Council. He stated that the criteria that the Commission used was an emphasis on the central city neighborhoods of Austin. He recommended the use of a master plan that would prevent the growth of problems in the community. He stated that the Planning Commission recommended an extra \$83,000 for the area known as Clarksville. He stated that the people located in the Clarksville area had a need for recreational facilities. He also cited the need for recreational facilities (swimming pool) in the Martin area-10th Ward-9th Ward. He stated that a pool was greatly needed in the Martin Junior High School and the Montopolis areas. He finally recommended a diving well for the Kealing Park.

MS. KATHY PATMAN, President of the Austin Natural Science Association, also spoke before the Council on the new funding for the Natural Sciences Building in Zilker Park, #77/86-15. She requested that this particular project receive final approval from the Council.

MR. STROUD KELLY of the North University Neighborhood Association also spoke before the Council on project #73/62-29, the 38th Street and 38-1/2 Street Widening Guadalupe-Duval Street and Red River to IH 35. He stated that the impact of this project would be devastating on the Hyde Park and the North University neighborhood areas because it would put a 4-lane street in someone's front door or would require taking out a whole row of houses. He requested deletion of this particular project but recommended shifting \$90,000 of the project to a study of the situation and delaying any action until the various neighborhood groups could review the project. Mayor Friedman stated that there was no money available for the project and that there were at least 2 years in which the City could organize the project. He stated that the project could not go anywhere without the passage of another bond election. Mr. Kelly stated that they wanted the project date moved up so they could go on and study the project.

MR. CHIP SOMMERVILLE of the Hyde Park Neighborhood Association also spoke before the Council. Mr. Sommerville reaffirmed Mr. Stroud Kelly's position as to the need for community input on the proposed project #73/62-29.

MS. PHYLLIS ROTHGEB, Vice Chairwoman for the Urban Transportation Commission, also spoke before the Council. Ms. Rothgeb made several recommendations to the Council on behalf of the Urban Transportation Commission. The two main areas of recommendation were wording changes and funding of some of the projects. The wording changes were as follows:

1. Arterial street improvements
2. MoPac impact study project
3. Bicycle and sidewalk ramps

Ms. Rothgeb submitted a chart which showed the comparison between the Urban Transportation Commission's recommendations to the Planning Commission and the Planning Commission's recommendations to the City Council. She stated that of particular concern to her Commission was the difference in recommended funding of the 38th Street and the 38-1/2 Street widening project and the Congress Avenue improvement project from 1st to 11th Street. She stated that of further interest to them were the funding priorities assigned to Stassney Lane and the Cypress Springs Road project by the Urban Transportation Commission.

MR. DON BYER, President of the Balcones Civic Association, also spoke before the Council on Project #75/86-03, Major Park Land Acquisition. Mr. Byer suggested a shifting of funds for the development of a neighborhood park in the Balcones area. He also made mention of Project #73/62-23, Spicewood Springs Road/Balcones Drive West Loop (360). He expressed support for this particular project. Mayor Friedman asked Mr. Byer if the construction of a relief road from Balcones to Mesa Drive would be agreeable to him, and Mr. Byer stated that the majority of his organization felt that this would be necessary in the interest of public safety. Mr. Byer asked to go on record as requesting that a shifting of funds be made in order to provide the relief strip (roadway) that his organization recommended.

MR. DULLE of the Northwest Neighborhood Association supported the proposal to allocate \$400,000 for the development of the Spicewood Springs Road area.

DR. PHILLIP LOWELL of the Allandale Neighborhood Association spoke before the Council in support of the Spicewood Springs Road project. He stated that the part of the program that was of concern to his organization was the flood water detention storage. He requested that the reservoirs be built as soon as possible.

MR. ELLIOTT NAISHTAT of the Clarksville Neighborhood Center Advisory Board and The Community Development Commission (vice chairman) also spoke before the council on project #76/86-38, Clarksville Playground Development. Mr. Naishtat introduced Ms. Pauline Brown of the Clarksville Community to address the Council. She stated that they would like some clarification of the recommendations made by the Planning Commission. Mr. Naishtat questioned the recommendations of the City staff to allocate \$50,000 for the acceleration of the Clarksville Playground Development project. He requested that someone with the City explain how the park could be developed with a substantially lesser amount of money than was recommended by Parks and Recreation, the Planning Commission and the Community Development Commission. Mr. Naishtat recommended that some of the \$73,000 that was not recommended in the allocation be pushed forward so that the park could be fully developed in accordance with the recommendation of the City Parks and Recreation Department.

MR. JORGE CARRASCO, The City Capital Improvements Program Coordinator, addressed Mr. Naishtat's question as to the funding situation in the Clarksville project. He stated that the Budget Department's recommendation for funding was drawn from the development scheme that was available to them and that they were not aware of the more extensive development scheme that was submitted by the Parks and Recreation Department.

MR. JACK ROBINSON, Director of the Parks and Recreation Department, spoke before the Council. He stated that when the City had made a grant application for HCD funds, they had identified the need for that particular area (Clarksville) at that time. They had hoped to get the full funding for the project from the HCD account, but stated they had not. He stated that they did identify a \$183,000 need in the Clarksville area, which he said included restroom and playground development, security lighting, irrigation and an open gymnasium. He stated also that even without the HCD funding, the project proposal would still be developed under the original plan only that it would be scattered out over a five year period, due to a lack of immediate funds.

MR. LEO HERNANDEZ, of the Pan American Board, also spoke before the Council. He requested that money be allocated for repairs to the gymnasium at the Pan American Park. He also voiced support for the swimming pool to be built at Martin Junior High School.

Motion

Mayor Friedman moved that the Council close the public hearing and set September 9, 1976, for final adoption of the CIP. The motion was seconded by Councilmember Lowell Lebermann.

Councilmember Lebermann stated that he had some suggestions and adjustments to the CIP that he would pass out to the Council. Mayor Friedman also stated that each member of the Council had been delivered a proposal from Mr. Jorge Carrasco in conjunction with the majority concern of the Council at the last public hearing and work session, that included current funding of Stassney Lane and the Spicewood Springs Road project, as well as the inclusion of the \$150,000 for the Walnut Creek Park, the Montopolis swimming pool, the wading pool at Rickey Guerrero Park, the Gillis Park diving well system, the Walsh boat landing improvements and the Park site in Northwest Hills.

Mayor Friedman read a letter from Mr. Ken Burks of the Far South Austin Community Association to go on record with the following comments regarding the 1976-1981 CIP:

1. We commend the Council for moving ahead with Stassney Lane widening project (#73/62-30)
2. We urge the Council to extend the South First Street widening project (#73/62-25) one more block in order to reach Williams Elementary School.
3. We are concerned about the amount of commercial zoning on both sides of William Cannon Boulevard from IH 35 to Highway 290. We hope it will not end up looking like the south end of Congress Avenue (#76/62-21)

Mayor Friedman stated that the South First Street project could be extended without any additional allocation of funds.

Roll Call

Mayor Friedman then stated that there was a motion and a second to close the public hearing and to put the CIP matter on the agenda for next week for final action by the Council. Roll Call showed the following vote:

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

RELEASE OF EASEMENTS

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

Portion of a Driveway Easement, being all of the west ten (10.00) feet of the east 20.00 feet of Lot 1, Block E, Mt. Bonnell Terrace, Section 1, also known locally as 3605 Mt. Bonnell Road. (Requested by Mr. Rick P. Fisher, Attorney, representing Mr. and Mrs. John R. Mittelstet, owners of Lot 1, Block E, Mt. Bonnell Terrace, Section 1)

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

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

Public Utilities Easement, the south two and one-half (2.50) feet of the north five (5.00) feet of Lot 21, Block 16, Pemberton Heights Sections 2 and 3, also known locally as 1500 Preston Avenue. (Requested by Mr. Rob Hawlett, owner of Lot 21, Block 16)

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

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

Portion of the Public Utilities Easement ten (10.00) feet in width and centered on the common Lot line between Lots 1 and 17, Block F, River Ridge, a subdivision in Travis County, Texas. (Requested by Mr. Jack Mixson, owner of Lots 1 and 17, Block F, River Ridge)

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

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

A portion of an Electric Easement, being all of the north forty-five (45.00) feet of the south fifty (50.00) feet of Lot 31, Block M, Allandale Park, Section 5, also known locally as 2705 Richcreek Road. (Requested by Mrs. Edward Daily, owner of said Lot 31, Block M, Allandale Park, Section 5)

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

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

The Public Utilities Easement that covers the west five (5.00) feet of the north forty (40.00) feet of Lot 7, Block F, Industrial Terrace, Section One, Amended and the east five (5.00) feet of Lot 8, Block F, Industrial Terrace, Section Four. (Requested by Richard A. Haberman, owner of Lots 7 and 8)

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

CONTRACT WITH THE AUSTIN TRANSPORTATION STUDY

Councilmember Himmelblau moved that the Council adopt a resolution to authorize entering into a contract with the Austin Transportation Study as the Metropolitan Planning Organization for receipt of \$39,125 of transportation planning funds. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Councilmember Lebermann stated that this has been forwarded to the Governor's Office for review.

APPROACH MAIN CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following Approach Main Contract:

CON ANN DEVELOPMENT COMPANY
Glen Neans, President

- Construction of a 6-inch force main and an 8-inch gravity main to serve Woodcliff Subdivision. Estimated cost to City: \$450.00

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

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

Councilmember Himmelblau moved that the Council adopt a resolution authorizing the following Approach Main Contract:

NPC REALTY COMPANY

- Construction of 12-inch water approach main to serve Gracywood Sections 1, 2 and 3. Estimated cost to City: \$13,848.25.

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

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

PROPOSAL TO ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION FOR
SOLAR PILOT PLANT PROJECT

The Council had before it for consideration possible authorization to submit a proposal to the Energy Research and Development Administration for the 10 Megawatt Solar Pilot Plant Project. Mayor Friedman noted that the Parks and Recreation Board submitted a resolution stating that they did not support this project at Decker Lake.

Councilmember Lebermann suggested that consideration be delayed for one week to allow for additional information. Deputy City Manager Homer Reed stated that if application is to be made, it must be filed by September 15, 1976, with the Energy Research and Development Administration. If the City is to proceed, Mr. Reed suggested that the Council act today on this matter.

Councilmember Hofmann expressed concern that parkland was being considered for this experimental solar power station.

Motion

Councilmember Hofmann moved that the Council deny authorization to submit a proposal to the Energy Research and Development Administration for the 10 Megawatt Solar Pilot Plant Project. The motion was seconded by Mayor Pro Tem Snell.

City Manager Davidson pointed out that if the parkland cannot be used, an additional amount of money will be required to purchase property and would not recommend this type of impact on the ratepayer.

Mayor Friedman reviewed the proposal and stated that the Council has discussed alternate energy sources and it is not possible for the City to build anything on its own. This pilot project will not significantly help the electric load, but will be a start as well as enabling the City to get in on the ground floor for additional projects. The decision as to the location of the project does need to be decided today. Mayor Pro Tem Snell expressed concern that the project would have to be located at Decker Lake. Deputy City Manager Homer Reed pointed out that the project does have to be located near a large body of water and near an electrical system. Councilmember Himmelblau pointed out that whether Austin accepts the project or it is placed elsewhere, data from its function will be available for review.

In response to Councilmember Lebermann's question, Mr. Reed stated that the Parks and Recreation Board was not supportive of the project because it would involve the use of parkland. Councilmember Lebermann felt that the amount of parkland used for the project would not be an excessive amount considering the magnitude of this project.

At this time, Mr. Bob Barris of the Electric Department presented slides of the plant and what it would look like. In response to Mayor Pro Tem Snell's question, Mr. Barris stated that the effects of the plant have not been determined. Mayor Pro Tem Snell stated that he was in favor of having this project studied elsewhere. In response to Councilmember Himmelblau's question as to the amount of lakeshore that will be impacted, Mr. Barris stated that the lakeshore would not be impacted and HUD has been promised that the lakeshores would be left as much intact as possible.

In response to Councilmember Himmelblau's question as to the date that part of Lake Long will be developed as a park, Mr. Jack Robinson, Director of Parks and Recreation, noted that at the present time funds are not identified for the development of this portion of the lake. He felt it would probably be 15 years before it will be developed.

In response to Councilmember Trevino's question, Mr. Barris stated that if authorized, the project would be in operation by 1981.

DR. WILEY JORDAN, Chairman of the Parks and Recreation Board, commented that this project was discussed by the Board and initially approved the project. Board members later decided to reconsider this decision; it was reconsidered and the Board voted unanimously to withdraw approval of this project because it did involve parkland.

Councilmember Lebermann felt that this project was appropriate and did not consider Decker Lake as being in "people" East Austin but was located on the outer regions of the City. Mayor Pro Tem Snell pointed out that each time a project like this comes up for discussion, Decker Lake is the first place considered for the location.

Dr. Jordan pointed out that the Parks and Recreation Board was informed by the Electric Department that the location of an effective large plant would probably be in Arizona or New Mexico and not in Austin. The Parks Board felt that this is not an appropriate use of the land because it will never be an effective source. Councilmember Hofmann felt that a public hearing should be conducted before any application is submitted. Mayor Pro Tem Snell felt that comments should be obtained from some of the people living in the area.

City Manager Davidson stressed that there is no need to waste any time of the federal agency or the City staff time to proceed toward a hearing, etc., if there is sufficient objection from the Council on submitting the site. Mayor Friedman pointed out that if this application cannot be submitted to the government with a unanimous vote, then it should not be approved.

Substitute Motion

Councilmember Lebermann moved that the Council adopt a resolution for authorization to submit a proposal to the Energy Research and Development Administration for the 10 Megawatt Solar Pilot Plant Project. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

*Councilmember Linn stated she voted "yes" because this is one of the most important decisions the Council would ever make and felt that solar energy is going to be the only source of energy in 100 years.

Mayor Friedman noted that the City could not be sure at this point if they would be selected for the project, but he felt that the attempt should be made.

*Mayor Pro Tem Snell voted "no" and asked the Council to pray that single-member districts are adopted so the people in East Austin can remember them when this comes up.

AMENDMENTS TO GAS PURCHASE CONTRACTS

Councilmember Linn moved that the Council adopt a resolution for authorization to execute amendments to the July 1, 1976, gas purchase contracts between the City of Austin and Tenngasco, Inc.; and between the City of Austin and Intratex Gas Company. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SELECTION OF CONSULTANT TO EVALUATE ELECTRIC RATE PROPOSAL

Mayor Friedman noted that the City Manager had distributed his report concerning this selection of a consultant to evaluate the Electric Rate Proposal submitted by the Mayor's Commission on Electric Rates. City Manager Davidson stated that six firms or corporations have been contacted in connection with this project as were outlined in the report distributed to the Council. He stated that after interviewing representatives of each of the firms and analyzing their qualifications, he recommended that the Council select one of these firms:

1. Touche Ross and Company, Austin, Texas
2. Haskins & Sells, Austin, Texas
3. Black and Veatch, Kansas City, Missouri

Councilmember Hofmann moved that the Council select the firm of TOUCHE ROSS AND COMPANY as consultant to evaluate the Electric Rate Proposal submitted by the Mayor's Commission on Electric Rates. The motion, seconded by Councilmember Trevino's second, carried by the following vote:

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

Noes: None

Abstain: Councilmember Linn

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

ESTABLISHING DATE FOR WATER AND WASTEWATER BOND ELECTION

Mayor Friedman moved that the Council set the Water and Wastewater Bond Election on November 20, 1976. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: Mayor Pro Tem Snell

ESTABLISHING DATES FOR NEIGHBORHOOD MEETINGS ON WATER AND
WASTEWATER ISSUES

Mayor Friedman moved that the Council set the following dates for neighborhood meetings which will begin at 7:00 p.m.:

1. September 27, 1976, at Austin High School
2. September 28, 1976, at McCallum High School
3. September 29, 1976, at Rosewood-Zaragosa Center
4. October 4, 1976, at Travis High School
5. October 5, 1976, in the University of Texas area.

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

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

Councilmember Linn stated that she had received a request from the lobby people at the University that one of the hearings be conducted in the University area.

Mayor Friedman stated that the Ordinance would be brought back to the Council on October 7, 1976, for approval of the working for the Water and Wastewater Bond Election.

ACQUISITION OF CERTAIN LAND

The Council had before it for consideration the authorization of acquisition of certain land for the extension of East 26th Street from Dancy Street to Manor Road.

2702 Drury Lane (Allene McCullough Elkins)

Mayor Pro Tem Snell moved that the Council deny authorization to acquire the aforementioned land. The motion, seconded by Councilmember Linn failed to carry by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmember Linn

Noes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,
Lebermann

Not in Council Chamber when roll was called: Councilmember Trevino

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acquisition of certain land for the extension of East 26th Street from Dancy Street to Manor Road. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Mayor Pro Tem Snell, Councilmember Linn

The Mayor announced that the motion had carried.

ACQUISITION OF CERTAIN LAND FOR NORTHEAST DISTRICT PARK

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

Along Walnut Creek north from Decker Lake Road.
80.638-acre tract of land out of the J. C. Tannehill
League, the H. T. Davis Survey and the Lucas Munos
Survey. (Austin Savings and Loan Association)

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

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

PUBLIC HEARING ON PROPOSED NEW ELECTRIC RATE

Mayor Friedman opened the public hearing scheduled for 4:00 p.m. to consider the new proposed electric rate.

Mayor Friedman stated that the general purpose of the rate consultant which had been hired (Touche Ross & Company) was to determine the validity of the proposed rate structure, review and determine the validity of the revenue requirement for October, 1976, through September, 1977, develop the economic impact study to determine the revenue generated for the fiscal year and the impact on the rate payer and review and assess the potential for sustaining the proposed rates in court if challenged. No final action would be taken by the Council until the consultant's report was submitted.

MRS. SHUDDE FATH, member, Mayor's Commission on Electric Rates, supported the Council's decision to hire an outside consultant to verify the rate results and budget projections.

PAUL WILLIAMSON, Operating Superintendent for Sears, Roebuck in Austin, thought that the Mayor's Commission on Electric Rates would aim its proposed rate structure at the high kwh demand, low kwh consumer. However, after studying the Commission's Final Report, he found that the problem had largely been ignored. He was not convinced that the large user was the most costly. Mr. Williamson then read excerpts from several reports dealing with energy consumption. He asked the Council to delay action for the following reasons:

1. Ensure equitable distribution of costs to users.
2. Protect the City's capital investment in the Electric Utility by good load practices by all users.

STEPHEN D. McELROY, Building Manager, Capital National Bank Building and representing the Building Owners and Managers Association, showed a slide presentation of a typical downtown office building with its electricity usage and the effect of the proposed new rate structure. He pointed out that electricity usage in the Capital National Bank Building was a level line usage and that the proposed electric rate would be discriminatory. He was also concerned that generating capacity at the Seaholm Plant might not be adequate to serve the downtown area if all downtown office buildings turned everything on at the same time. He agreed with the Council's decision to hire an outside consultant and hoped that the results of the study would be available for study before a decision was made on the new rate structure.

ROBERT JONES, representing Motorola, stated that his Company was willing to pay its share of increased energy costs, but felt that the proposed new rate structure discriminated against large power users. He made the following points:

1. The current proposal from the Electric Commission did not penalize users for excessive demand factor nor did it offer any incentive to reduce demand.
2. The current proposal did not penalize users for poor power factor control nor did it offer any incentive to users to improve power factor.
3. The reduction of the 4% discount for buying electricity on the high side was unfair to large users and will increase the cost of providing electricity by the City since the large users will no longer purchase and install transformers and switch gear, but will buy energy on the low side, thereby requiring the City to make the investment.
4. Questioned the legality of the current method of allocation of the various costs among the different classes of customers. He believed that the new rate unreasonably favored one class of customers over the others.
5. If cost of electricity for large users is excessive, then self-generation of electricity was an option to be explored. Cost of generation by the City would increase since the City would be left with the inefficient users of electricity.

Impact of the proposed new rate structure on Motorola's future operating costs was very high. The Austin site was about 25% developed. When fully developed, under the proposed structure, Motorola's costs for electricity would increase by \$200,000 per month over 1973 costs. The excessive increase in the cost of electricity would be an important consideration in the future development of the Austin facility by Motorola.

PORTER YOUNG, Center Manager, Hancock Center, spoke in favor of the Council's decision to hire a rate consultant to examine the proposed new rate structure.

JOHN R. BRAZIEL, representing Russo Properties, presented the following statistics to the Council:

1975 foreclosures in Austin on duplexes and apartments - \$83 million
1975 foreclosures in Austin on office buildings - \$22 million
1976 (8 months) foreclosures in Austin on duplexes and apartments -
\$31,683,517
1976 (8 months) foreclosures in Austin on office buildings - \$12,744,385

The same lenders who had foreclosed on subject properties also were buyers of municipal bonds. Mr. Braziel stated that a continuation of higher utility rates would precipitate more foreclosures which would dry up the development fund. Lack of development would stop the increase in the taxable base and be a threat to the City's municipal bond rating. Mr. Braziel was grateful to the Council for selecting a rate consultant and refining questions he had had about the cost of service. Mayor Friedman pointed out that even in the face of the 1975 figures presented by Mr. Braziel the City's most recent bond sales came in at the best interest rates in a long time. He did not think it was fair to equate the utility rate structure with foreclosures.

BILL CLAWSON, representing Scarbrough's, questioned the fuel cost projections used on the computer runs requested by the Mayor's Commission on Electric Rates. He did not feel that true costs could be obtained by comparing different items. Mr. Clawson made the following points:

1. Expressed concern over the effect of high energy costs in Austin on discretionary income which normally would be spent in local stores.
2. Current fuel cost formula would result in about a \$6 million overcharge to Austin utility customers if continued.
3. Suggest that more consistent expenses rather than reducing rates in the winter and increasing them in the summer would be easier for most households to budget.
4. Felt that the proposed new rate structure would be counter-productive. The less kilowatt hours used, the higher the rates would be because of required revenue.
5. Did not know how much revenue should go into the general fund from the Electric Utility, but hoped that the rate consultant hired by the Council could determine that figure and state why it was right.

TOM CURTIS asked Mayor Friedman the following questions:

1. If the rate consultant determined that the proposed new rate structure was not viable, would the consultant be able to recommend any alternate rate?
2. Does the proposed study go far enough to allow examination of the rate base to determine rate base and rate of return?

In response to the first question, Mayor Friedman stated that the consultant would be able to recommend an alternate rate only if the Council expanded the consultant's role. It was not part of the current request. In response to the second question, Mayor Friedman stated that the consultant would be checking figures supplied by the Electric Utility. He felt that the consultant would inform the Council if sufficient information were not available. Councilmember Lebermann asked Mr. Curtis if he was suggesting that unless the consultant pulled together a sufficient data profile to determine the rate base that the study would be invalid. Mr. Curtis stated that unless the consultant went that far, that a significant portion was being omitted. One question to be answered was: Is the current amount of profit being generated appropriate?

Mayor Friedman stated that the same thing was true about the current rate structure. Someone had to answer the question as to whether rates were being based on the City's investment. It was not being questioned as to whether the proposed rate structure was based on that, but whether the Electric Utility's figures were accurate.

Mr. Curtis pointed out that the figures should be both accurate and appropriate. A rate expert might determine that some costs were too high and therefore inappropriate.

In response to Mr. Curtis' question, Mayor Friedman stated that if the consultant determine that the proposal made by the Mayor's Commission was inappropriate or not fully appropriate, then the Council had the option of asking the consultant to bring back a proposal that was viable both economically and legally or another consultant could be hired. Mayor Friedman stated that the question could come down to whether or not the City should hire a consultant to develop a rate structure. In the past the answer had been resoundingly no because of the cost. Now the answer was resoundingly yes because it would prolong implementing the new rate structure. Mr. Curtis stated that he did not agree with the Mayor's conclusion in any regard. He did agree that it appeared that the resounding request was to have the rate structure looked at just as it was in any other utility.

RICH ELLMER, representing the Austin Apartment Association, stated that the Association's members managed and owned approximately 40,000 apartment units in Austin. He then profiled the rental constituency. In the past two or three years apartments in Austin had been converted to single metering due to foreclosures and increased utility costs. Those costs were now being passed on to apartment dwellers.

Mr. Ellmer then referred to Page 6 of the Mayor's Commission Report which indicated that the consumer with a constant load throughout the year probably would break even or save money on the proposed rates. He found that in an apartment complex it was hard to have constant usage throughout the year since usage would increase during the summer months. He felt that many people who resided in Austin during the winter and not during the summer were riding on the coattails of people who lived here during the summer since they were not paying their fair share of the system's costs.

Regarding the various rate formulas, Mr. Ellmer felt that any rate that would lower the fuel adjustment charge would look better to the current rate. The present formula tended to overcharge customers. In conclusion, Mr. Ellmer felt that the proposed rate would hurt apartment dwellers if implemented. The rate should be revised and studied.

STAN JOHNSON, JR., member of the Board of Directors, Austin Association of Builders, stated that the proposed new rate structure would not effect the middle class and up since those people would adjust to the higher charges during the summer months. It would effect the lower middle class and others on fixed incomes. Those people would have to turn off the system during the summer. He felt that the summer loading proposal would not accomplish its goal. His real concern was the elimination of the total electric rate. Elimination of that rate would cause home buyers to locate just outside of the City's service area, thereby creating a moat around the City. It would also create white suburbs and a minority inner city, since low income families could not qualify for loans in the suburbs. Driving the all-electric homeowners from the City's service area would also increase the summer peak costs within the City since the small amount of help the total electric customer gave to the system during the winter would be lost.

Mayor Friedman then concluded the public hearing. He stated that another public hearing would be scheduled upon the submission of the consultant's report, which would be roughly either at the October 21, 1976, or October 28, 1976, Council meeting. The public hearing would be set at that time.

ZONING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 1, BLOCK "B," MONSANTO ADDITION, LOCALLY KNOWN AS 6301 MONSANTO DRIVE, AND ALSO BOUNDED BY MONTOPOLIS DRIVE, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL 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. (Delta Investments, C14-76-032)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

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:
LOTS 3, 4, 5, 6, AND 7, SAVE AND EXCEPT THE EASTERN FOURTEEN FEET WHICH SHALL REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, BLOCK "G," DELWOOD SUBDIVISION, SECTION 2, LOCALLY KNOWN AS 4603-4609 NORTH INTERSTATE HIGHWAY 35 AND 1100 BENTWOOD ROAD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, SIXTH 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. (Emerald T. Wray, et al, C14-76-050)

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

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

Noes: Mayor Pro Tem Snell

Not in Council Chamber when roll was called: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
THE EAST ONE-HALF OF THE NORTH ONE-HALF OF LOT 2, BLOCK "D," OUTLOTS 41 AND 42, DIVISION "A," OF CHERICO SUBDIVISION, LOCALLY KNOWN AS 3303 GOVALLE STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL 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. (Antonio E. and Beatrice B. Salazar, C14-75-083)

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

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

Noes: None

Abstain: Mayor Pro Tem Snell

Not in Council Chamber when roll was called: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

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

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
TRACT 1: LOT B-2, SAVE AND EXCEPT THE SOUTHERN FIFTEEN FEET, RESUBDIVISION OF BLOCKS A, C, AND D, OF THE WESTGATE SQUARE COMMERCIAL SUBDIVISION, FROM "BB" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
TRACT 2: THE SOUTHERN FIFTEEN FEET OF LOT B-2, RESUBDIVISION OF BLOCKS A, C, AND D, OF THE WESTGATE SQUARE COMMERCIAL SUBDIVISION, FROM "BB" RESIDENCE DISTRICT TO "A" RESIDENCE DISTRICT;
LOCALLY KNOWN AS 4701-4717 WESTGATE BOULEVARD, AND ALSO BOUNDED BY WESTERN TRAILS BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Dick Nichols, C14-76-052)

The ordinance was read the second time, and Mayor Pro Tem Snell moved that the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Abstain: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Linn

The Mayor announced that the ordinance had been finally passed.

SETTING PUBLIC HEARING ON MASS GATHERING ORDINANCE

Councilmember Himmelblau moved that the Council set a public hearing on the Mass Gathering Ordinance on October 14, 1976, at 2:30 p.m. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Linn

ANNEXATION PROCEEDINGS FOR CERTAIN AREA

The Council had before it for consideration a request from Councilmember Hofmann regarding the annexation of area located at the northwest corner of Ben White Boulevard and South Lamar Boulevard. She noted that it had come to her attention that a major project was being planned for the northwest corner of Ben White Boulevard and South Lamar Boulevard. The land is currently outside the City limits, and in order to give the Planning Commission and the Council an opportunity to review appropriate zoning of the tract, it is requested that the Council authorize the City Manager to proceed with the annexation. Mr. Dick Lillie, Director of Planning, distributed maps to the Council indicating the area under discussion. Mayor Friedman stated that Mr. Lillie would be working on this for future Council presentation.

FULFILLMENT OF ORIGINAL AGREEMENT RELATING TO INCORPORATION OF LAKEWAY

Mayor Friedman commented that when this was originally discussed and public hearings were conducted, three lots were left on the wrong side of the line. This request is authorization from the Council to the staff to complete the proper document.

Mayor Friedman moved that the Council authorize the staff to complete the proper document fulfilling the original agreement relating to the incorporation of Lakeway. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Linn

PROPOSED TRUTH IN SELLING ORDINANCE

Mayor Friedman stated that the information relating to this matter was included in the background material, and all he was asking was for Council knowledge and understanding that this will be prepared in Ordinance form by the City Attorney and placed back on the agenda for a hearing in the near future.

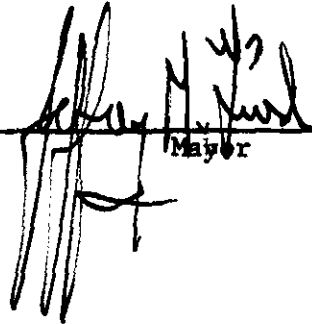
PAINT AND GLUE SNIFFING ORDINANCE

Councilmember Trevino stated that the people interested in speaking regarding this matter had to leave the Council meeting; however, they wanted to convey their thanks to the Council for passage of the ordinance, and to point out the seriousness of the problem.

ADJOURNMENT

The Council adjourned at 5:20 p.m.

APPROVED


Mayor

ATTEST:


City Clerk