

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 4, 1976  
10:00 A.M.

Council Chambers  
301 West Second Street

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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

Before the Council meeting began, Mayor Friedman noted that the Councilmembers had just received their Swine Flue vaccination and urged everyone to contact their local health officials or physicians for this vaccination.

APPROVAL OF MINUTES

Councilmember Linn moved that the Council approve the Minutes for October 28, 1976. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

Noes: None

Abstain: Councilmember Himmelblau

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier and discussed certain legal matters and appointments to various boards and commissions that were now before the Council for action:

Ad Hoc Building Standards Commission

Mayor Pro Tem Snell moved that the Council appoint MR. JOHN McPHAUL to the Ad Hoc Building Standards Commission. 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

Navigation Board

Mayor Pro Tem Snell moved that the Council appoint MS. NANCY GARREN to the Navigation Board to fill the unexpired term of Helen Smith, with term to expire January 15, 1978. 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

Ethics Review Commission

Councilmember Linn moved that the Council appoint MARY BETH ROGERS to the Ethics Review Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

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

On-Going of Goals Assembly Committee

Councilmember Trevino moved that the Council appoint MR. RICHARD DODGE as an alternate to the On-Going Goals Assembly Committee. (Zone 7) 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

Schedule of Appointments

Mayor Friedman noted that one appointment would be made to the Environmental Board on November 9, 1976.

EMERGENCY MEDICAL SERVICES WEEK

Mayor Friedman read and then presented a proclamation to Dennis Simmons, Gordon Bergh, and Sandy Reissig proclaiming the week of November 7-13, 1976, as "Emergency Medical Services Week" in Austin and called on all residents to recognize the contributions of the men and women in this important profession.

November 4, 1976

Mr. Simmons thanked the Council for their recognition of National Emergency Medical Services Week and noted that the Emergency Medical Services Department in Austin is quickly becoming a model EMS for all communities in the nation to follow. Ms. Reissig pointed out that Austin is the first and only EMS program in a position to take advantage of the talents and dedication of the health care professionals. She felt that with the creation of the EMS program it has given women, LVN's and RN's the opportunity to enter a highly restricted career field in Texas; she thanked the Council for this opportunity.

#### YOUTH APPRECIATION WEEK

Mayor Friedman read and then presented a proclamation to Joe Nanus proclaiming the week of November 8-14, 1976, as "Youth Appreciation Week" in Austin and called on all citizens to join the Council in recognition of the significant importance of this observance, wrought in part by the self-evident achievements and aspirations of the youth of our City, of which there are many, and the belief in the enduring tenets of tomorrow's civic and community leaders. Mr. Nanus thanked the Council for this recognition of young people and invited everyone to attend the meeting honoring these outstanding individuals.

#### HELP SAVE AUSTIN CIVIC BALLET WEEK

Councilmember Himmelblau read and then presented a proclamation to Mr. Hugo Kuehne proclaiming the week of November 8, 1976, as "Help Save Austin Civic Ballet Week" and further urged all citizens to help maintain this essential cultural and entertainment element in our city and offer those of the Austin Civic Ballet the same generosity which they have so willingly given in the past.

Mr. Kuehne introduced members of the Ballet and noted their efforts of the Austin Civic Ballet to bring cultural arts to Austin. He reminded everyone that the performances do cost money and the importance of receiving donations from the citizens of Austin. Mr. Kuehne thanked the Council and the City for all of their help in maintaining the Civic Ballet in Austin.

#### MIA AWARENESS WEEK

Mayor Friedman read and then presented a proclamation to Mr. Ken Wallingford, Mrs. Irene Mason, and Mrs. Farrell Sullivan proclaiming the week of November 8, 1976, as "Mia Awareness Week" in Austin and beseeched all citizens to join the outcry for human decency and understanding and offer whatever assistance possible which will bring forth truth, hopefully ending forever the debate and uncertainty.

Mr. Wallingford introduced Mrs. Mason and Mrs. Sullivan and noted that their husbands were listed as missing in action. He thanked the Council for this proclamation and help in getting an account of these men who are missing in action. He invited everyone to view next week in the State Capitol Rotunda a statue symbolizing the fate of these families that are in limbo. Mrs. Sullivan extended her thanks to the Council for all of their support.

Mayor Friedman stated that there was not a great deal the Council could do to develop an accounting for the missing men in action, but that all individuals could have a big effect on their being accounted for. He felt that with perseverance and the new administration maybe there would be some answers forthcoming. Mayor Friedman noted that he wore Colonel Mason's identification bracelet several years and was very much involved in this matter.

#### BOY SCOUTS OF AMERICA TROOP 5 DAY

Mayor Friedman read and then presented a proclamation to Reverend Jack Heacock, First United Methodist Church, and Mr. George Phoenix proclaiming November 7, 1976, as "Boy Scouts of America Troop 5 Day" in Austin and called on all citizens to join the Council in recognition of the importance of this organization to the development of our future citizens. Reverend Heacock noted his appreciation for this proclamation and extended his thanks to Mr. Phoenix for all of his work as Scoutmaster. Mr. Phoenix invited the Council to attend the anniversary which would be celebrated on November 7, 1976. Reverend Heacock took this opportunity to introduce Reverend Sylvester Chase who is a minister in training at the First United Methodist Church.

#### 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:

CITY OF AUSTIN	Southwest corner of	Revision to approve
By Planning	Pleasant Valley Road	FARMERS MARKET site plan.
Department	and South Lakeshore	RECOMMENDED by the Planning
C14-76-029	Drive	Department.

Mr. Dick Lillie, Director of Planning, stated that this site plan was approved in April but has been revised therefore necessitating the reason for coming before the Council again. The revision does have the recommendation of all of the necessary departments and the Planning Commission.

Councilmember Linn moved that the Council grant the revision to the Farmers Market site plan, as recommended by the Planning Commission. 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

The Mayor announced that the revision to the Farmers Market site plan had been granted, and the City Attorney was instructed to draw the necessary ordinance to cover.

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November 4, 1976

CITY NATIONAL BANK  
OF AUSTIN  
By Douglas Batson  
C14-76-082

830 Sagebrush Drive

From Interim "AA" Residence  
1st Height and Area  
To "DL" Light Industrial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Linn moved that the Council grant "DL" Light Industrial, 1st Height and Area District, 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, Linn  
Noes: None

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

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ROSE FOX & MARIE  
FOX BELL  
By Joseph Webber  
C14-76-087

8950 Research Boulevard

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

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

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

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.

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TOM F. MARSH  
By Dale Hill  
C14-76-091

1025 Stassney Lane, also  
bounded by Emerald Forest  
Drive

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

Mr. Lillie reviewed the land uses in the area and noted that the proposed use of this zoning was for a wholesale/retail bakery.

In response to Councilmember Himmelblau's question, Mr. Lillie stated that this zoning change would allow the owner to use this land for any use that is allowed in "C" Commercial zoning. Councilmember Hofmann expressed concern since this type zoning would allow several things in the area.

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

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

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.

CITY NATIONAL  
BANK OF AUSTIN  
By Douglas Batson  
C14-76-083

7007-7109 Ed Bluestein  
Boulevard

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
(Tract 1) and  
"A" Residence (Tract 2)  
1st Height and Area  
(as amended)  
RECOMMENDED by the Planning  
Commission subject to deed  
restrictions as agreed upon by  
the applicant and the neigh-  
borhood organizations.

Mr. Lillie stated that this application includes a tract of land which the Council approved for "GR" General Retail and "A" Residence zoning. This is a revised zoning request in which Tract 1 is recommended for "GR" General Retail and Tract 2 for "A" Residence zoning. The Planning Commission recommended approval of the application. There were some covenants which were submitted by the applicant which had been worked out with the neighborhood association and the Planning Commission did make that covenant a part of their recommendation.

Councilmember Linn moved that the Council grant "GR" General Retail on Tract 1 and "A" Residence on Tract 2, 1st Height and Area District, as amended, as recommended by the Planning Commission, subject to conditions. 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 on Tract 1 and "A" Residence on Tract 2, 1st Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Motion - Died

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

Motion

Councilmember Lebermann moved that the Council grant "GR" General Retail, 1st Height and Area District, with a 10-foot strip of "A" Residence along Brenda Drive south to within 100 feet of the intersection, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Mayor Pro Tem Snell, Councilmember Linn

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, with a 10-foot strip of "A" Residence along Brenda Drive south to within 100 feet of the intersection, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

## ZONING CONTINUED

MRS. PERRY L. JONES	2900 Rio Grande Street,	From "C" Commercial
By J. Winston	also bounded by West	2nd Height and Area
Chapman	29th Street and Salado	To "C-2" Commercial
C14-76-079	Street	2nd Height and Area
		NOT Recommended by the
		Planning Commission

Mr. Lillie reviewed the area and noted that the Rome Inn Restaurant has existed on the subject tract for many years. It was recently converted to a nightclub, and this zoning request and a special permit request being processed concurrently, would legitimize that use. He commented that recently the Council considered a zoning change on a tract of land to the west and denied the "C-2" Commercial change. Therefore, to be consistent the Planning Commission recommended that this zoning case be denied.

Mr. Lillie pointed out that 12 people opposed this application at the Planning Commission hearing. He stated that if this applicant qualifies the restaurant as being the primary use and the serving of liquor a secondary use, then they can continue to operate under the "C" Commercial zoning.

J. WINSTON CHAPMAN, representing the applicant, pointed out that food is being sold at this establishment and always has been. He felt that the main issues involved here are whether this is a conforming use and if it is an infringement of the integrity of the residential neighborhood. At this time, Mr. Chapman distributed to the Council a map showing the surrounding areas and the present zoning. He also presented a petition that had been signed by

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, with a 5-foot strip of "A" Residence along Watson Street, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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VON-BOECKMANN  
JONES COMPANY  
By Phil Mockford  
C14-76-084

Northwest corner of  
Huntland Drive and  
Brenda Drive

From "O" Office and  
"B" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "GR" General Retail,  
1st Height and Area with a  
10-foot strip of "A" Residence  
along Brenda Drive south to  
within 100 feet of the inter-  
section, subject to a  
restrictive covenant providing  
for a 6-foot privacy fence  
along the western line of  
"A" Residence area and land-  
scaped screening within the  
"A" Residence strip consist-  
ing of evergreen shrubs.

Mr. Lillie reviewed the area and stated that the recommendations from the Planning Commission are acceptable to the applicant.

MR. PHIL MOCKFORD, representing the applicant, commented that the property would be sold to Continental Cars. He stated that due to changes in the City ordinances, parking is no longer allowed on anything less than "GR" General Retail zoning; therefore, the purpose of the application is to allow for the parking of automobiles on this tract. Mr. Mockford stated that the wooden privacy fence along the back of the property would be continued, and with the 10-foot strip along Brenda Drive, the 6-foot fence and landscaping, Mr. Mockford felt that the area would be adequately protected.

HUBERT FRUZIA, 6809 Esther Drive, felt there should be a full 50-foot buffer to keep the cars away from the fenced area near his home. In response to Mayor Friedman's question as to the applicant agreeing to a 50-foot strip, Mr. Mockford commented that he had been involved in the original zoning of this land in 1966. At that time, the Council clearly indicated that the strip would be 25 feet. The staff recommended 50 feet, but the Council felt that if the privacy fence was installed, the strip of "B" would be reduced to 25 feet. He pointed out that the ordinance was written to reflect 50 feet and not 25 feet and he felt the ordinance needed to be corrected. He felt that the 50 feet will be detrimental since it would be nothing but barren space.

Mr. Lillie stated that he would check the ordinance, and if it is not accurate, it would be brought back to the Council.



Councilmember Lebermann moved that the Council grant "C" Commercial, 5th Height and Area District (Tract 1), and "GR" General Retail, 1st Height and Area District (Tract 2), as recommended by the Planning Commission, subject to conditions, but deleting the requirement for limiting the hours of operation to less than 24. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: Councilmember Linn

The Mayor announced that the change had been granted to "C" Commercial, 5th Height and Area District (Tract 1), and "GR" General Retail, 1st Height and Area District (Tract 2), subject to conditions, but deleting the requirement for limiting the hours of operation to less than 24, and the City Attorney was instructed to draw the necessary ordinance to cover.

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LEWIS HAMILTON  
By Dick Roberts  
C14-76-081

7809-7811 Watson Street

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
NOT Recommended by the Planning  
Commission. RECOMMENDED "O"  
Office, 1st Height and Area  
with a 5' strip of "A" Residence  
along Watson Street, subject  
to a restrictive covenant  
providing for a 6-foot privacy  
fence along the eastern line  
of the "A" strip and along  
the southern property line,  
and landscaped screening  
within the "A" Residence strip.

Mr. Lillie stated that the Planning Commission felt that as long as this lot is being tied to the corner lot then they could support an application for "O" Office. The access would be restricted due to the strip of "A" Residence zoning and also the requirement for landscaping. The applicant is in agreement with these conditions. In response to Councilmember Himmelblau's question, Mr. Lillie stated that the staff was satisfied with the zoning change as long as the conditions were included.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, with a 5-foot strip of "A" Residence along Watson Street, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: Councilmember Linn, Mayor Pro Tem Snell

November 4, 1976

PILOT LIFE INSURANCE  
COMPANY & F. O.  
GLAUNINGER  
By Richard Kammerman  
C14-76-090

901-903 West 38th Street  
802-806 West 37th Street

From "LR" Local Retail  
(Tract 1),

"O" Office and  
"A" Residence

(Tract 2)

1st Height and Area

To "C" Commercial

5th Height and Area

(Tract 1) and

"GR" General Retail

1st Height and Area

(Tract 2)

RECOMMENDED by the Planning  
Commission subject to a  
restrictive covenant provid-  
ing for a site plan and limit-  
ing the hours of operation to  
less than 24.

Mr. Lillie reviewed the land uses in the area and noted that the application did include a site plan and he requested that the zoning be approved subject to that site plan being cleared by the various departments for ordinance capability. Mr. Lillie noted that the applicant is in agreement with the covenant. Councilmember Hofmann expressed concern about the hours of operation and suggested a clearer definition. She was also concerned about traffic congestion with the drive-in operation. Mr. Lillie recommended that the Urban Transportation Department review this area regarding the circulation of traffic on and off the street.

In response to Councilmember Trevino's question, Mr. Lillie stated that in the beginning there was some opposition to this project, but after several meetings with the neighborhood the concerns had been addressed.

MR. RICHARD KAMMERMAN, representing the applicant, referred to the hours of operation and stated that the bank would not operate 24 hours a day. He noted that his applicant was in full agreement with the recommendation of the Planning Commission. The architect has met with the Urban Transportation Department and they approved the egress and ingress of the subject property. At this time, Mr. Kirby Perry, Architect, presented to the Council the site plan for their review. He stated that the Urban Transportation Department had reviewed the plan as regards to traffic and felt that most of the traffic would go to West Avenue. In response to Councilmember Hofmann's question, Mr. Kirby stated that the trees would be protected.

Councilmember Trevino stated that his main concern was the possibility of traffic "stacking up" on 38th at rush hours. Mayor Friedman noted that if Urban Transportation has approved the site plan for the egress and ingress then there should be no problem. Councilmember Linn commented that she had inquired of Urban Transportation as to why one lane of traffic was removed because of a downtown bank. Councilmember Trevino felt that there should be some kind of assurance that the same problem that is occurring downtown with the banks as regards to traffic will not occur at this facility. Mr. Kammerman noted that the plan had been changed so as to facilitate traffic better and hopefully not have the traffic problems that the Council was expressing concern about.

75% of the people in the area immediately behind the Rome Inn that are not opposed to this zoning change. He felt that every effort had been made to control parking in the area and had even secured a parking attendant to aid in any problems in this area. In response to Councilmember Hofmann's question, Mr. Chapman noted that presently Rome Inn was negotiating with Armadillo World Headquarters to move their kitchen facilities to Rome Inn in an effort to make more money.

Mayor Friedman asked if the zoning change was necessary if the Rome Inn was going to serve food, and Mr. Chapman stated that there was no guarantee that they could sell 50% food. Councilmember Linn felt that if a band was going to be at Rome Inn that it would be very difficult to reach 50% food sales.

In response to Mayor Friedman's question, Mr. Chapman stated that if the people will utilize the parking spaces at Everett Hardware when they are at Rome Inn, then there is sufficient parking. He also desired to install "No Parking" signs down Salado and Rio Grande. Mayor Friedman noted that he had been at the Rome Inn and felt that on occasions even utilizing the parking at Everett Hardware would not be enough. Mayor Friedman pointed out that the main concern in this case is the problem of parking for those going to the Rome Inn. Mr. Chapman stated that the parking attendant had been hired and they would also install the "No Parking" signs.

MIKE WATSON, Manager of the Rome Inn, stated that the occasion referred to by the Mayor when he was at the Rome Inn was at a time when there was not a parking attendant.

In response to Councilmember Himmelblau's question, Mr. Chapman stated that the Rome Inn building had been remodeled in such a manner so as to minimize loud sound coming from the building. People living near the Rome Inn have stated that the noise does not bother them. Mayor Friedman felt that with the measures that Rome Inn has taken to minimize the sound of music there would be adequate protection for the neighbors.

In response to Councilmember Hofmann's question as to the other zoning case that was not granted, Mr. Lillie commented that the Planning Commission felt the "C-2" Commercial zoning was not compatible for the neighborhood and the Council agreed. Mr. Lillie also pointed out that if the zoning change is approved, there is a site plan or special permit that has to be approved by the Planning Commission. In response to Councilmember Linn's question, Mr. Lillie noted that the planning staff was opposed to the first application wanting "C-2" Commercial zoning and was opposed to this one also.

JEFF HERDRICH, 2912 Salado, addressed his comments to the noise that comes from the music at Rome Inn. He noted opposition in the neighborhood to this noise and felt this business should not be at this location. He also expressed concern about the traffic on Salado as well as the parking problem. Mayor Friedman asked Mr. Herdrich if he would object to allowing the Rome Inn the opportunity to increase their food sales, and Mr. Herdrich stated that he would rather not have this type of establishment in the neighborhood, but if they want to try and increase their food sales there should be a time limit on this.

Mr. Lonnie Davis, Director of Building Inspection, stated that he had inspected this establishment and at one time, the food sales did exceed the sale of beer or alcoholic beverages. He noted that food can be found at the Rome Inn but none being sold, and charges have been filed against the establishment. In response to Councilmember Trevino's question, Mr. Davis felt that a time limit of 30 days would be sufficient time for the opportunity to bring the food sales up. Mayor Friedman also suggested that they submit monthly statement on their revenues and expenses pertaining to food.

WINNIE SOBECK, 2918 Salado, expressed her concern about the parking and the cars racing down her street.

DAVID CROFT also expressed concern about the traffic situation, and he felt that if this zoning was granted, it would set a precedent. In referring to the petition that was presented, Mr. Croft stated that most of the people felt that the petition would enable the "No Parking" signs to be erected, and if they had understood the real reason for it, they would not have signed it. In response to Councilmember Trevino's question, Mr. Croft noted he was not opposed to a trial period for Rome Inn concerning the food sales. Mayor Friedman stated that he felt a period of three months would be a sufficient amount of time for this.

In response to Councilmember Linn's question as to the intent of zoning presently existing, Mr. Lillie stated that the intent of present zoning is to keep nightclubs out of neighborhoods. Councilmember Linn pointed out that if the zoning is postponed for a period of time to allow the Rome Inn to cook food, then the City would be allowing a nightclub to exist in a neighborhood which is not the intent of the original zoning.

#### Motion

Councilmember Hofmann moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion was seconded by Councilmember Himmelblau.

Mr. Chapman stated that he would be glad to go with a trial period to increase the restaurant business. In response to Councilmember Himmelblau's question, Mr. Chapman stated that Mr. Watson did not own the property but was only the manager. In response to Mayor Pro Tem Snell's question regarding the parking at Everett's Hardware, Mr. Chapman noted that he had an agreement with them to lease their spaces to the Rome Inn for parking at night.

Councilmember Himmelblau felt that this sort of enterprise is an intrusion into a residential neighborhood, and she had voted against the adjoining property when it came before the Council requesting "C-2" Commercial. In order to remain consistent, she would have to vote against this one also.

#### Roll Call on Motion

Roll call on the motion showed the following vote:

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

The Mayor announced that the motion had failed, and this would leave the recommendation of the Planning Commission valid, which was to not recommend the zoning change.

In response to Deputy City Manager Homer Reed's question, Mayor Friedman recommended that the applicant request a continuance in court.

#### Motion

Councilmember Linn moved that the Council continue this hearing on February 10, 1977, at 10:30 a.m., subject to the establishment of the additional kitchen equipment, monthly reports of total revenues, charges, and expenses incurred. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Mayor Friedman explained that this motion would allow for a time period enabling the Rome Inn to try and raise their food sales, and then they would not need the zoning and the operation would continue. He felt that they would be working with the residents in the area on the parking problems. Mayor Pro Tem Snell pointed out that parking and traffic situation must be complied with and he was very interested in this aspect of the case.

#### HISTORIC ZONING GRANTED

JACOB LARMOUR HOUSE      1909 Whitis Avenue  
Austin National Bank,  
Trustee  
CI4h-76-010

From "B" Residence  
2nd Height and Area  
To "B-H" Residence-Historic  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission the north 60 feet  
x west 80 feet of Lot 28

Mr. Lillie stated that this had been reviewed by the Historic Landmark Commission and they recommended that the total lot be designated as "H" Historic zoning. He noted that an old garage is located on the rear of the property that the owners want to demolish, and because of that the Planning Commission recommended that just the west 80 feet of this tract be zoned "H" Historic.

MR. PAUL WENDLER, representing the ownership of the property, stated that his request for the deletion of the rear portion of this lot was just an effort to free themselves from any unnecessary paper work in the future.

Councilmember Lebermann moved that the change be granted to "B-H" Residence-Historic, 2nd Height and Area, as recommended by the Planning Commission, excluding the back portion. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

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

#### ZONING DENIED

ANNE B. ALBRIGHT  
C14-76-089

100 East Wonsley Drive,  
also bounded by  
Georgian Drive

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

Councilmember Lebermann moved that the Council deny the zoning change. 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 zoning had been denied.

#### LICENSE AGREEMENT PERMITTING ENCROACHMENT

Councilmember Linn moved that the Council adopt a resolution authorizing a License Agreement permitting encroachment by a wood stripping and siding in the east right-of-way of Whitis Avenue, adjoining Lots 30 and 31, Outlot 20, Louis Horsts Subdivision. (Requested by Mr. Kilian Fehr, representing Emerson-Fehr, Architects and Planners, acting as agent for Mrs. and Mrs. J. Chrys Dougherty) 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

#### RESETTING PUBLIC HEARING ON ANNEXATION

Councilmember Linn moved that the Council adopt a resolution resetting a public hearing on November 18, 1976, at 8:30 p.m. to consider annexing the following:

40.52 acres of land, out of and a part of the William Cannon League in Travis County, Texas, Buckingham Estates Phase Two, Section One, Buckingham Estates Phase Two, Section Two (unplatted land) and a portion of Cooper Lane. (Initiated by City of Austin, Edward R. Rathgeber, Jr., and Donald L. West, owners, Case C7a-76-014)

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

Setting a public hearing to consider annexing the following was withdrawn:

216.35 acres of land out of and a part of the Henry P. Hill League  
in Travis County, Texas, unplatted land. (Initiated by the City of  
Austin, Case C7a-76-013)

#### RELEASE OF EASEMENTS

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

All of the five (5.00) foot public utilities easements in Lots 13  
through 18 and the west 45.00 feet of Lots 12 and 19, Block O, Violet  
Crown Heights, Section Two, a subdivision in the City of Austin,  
Travis County, Texas. (Requested by Mr. Bob J. Teddlie, Pastor of  
Northwest Baptist Church, owners of said Lots 12 through 19, Block O)

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

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

The east 116.79 feet of the ten (10.00) foot public utilities  
easement centered between the common Lot line of Lots 14 and 15,  
Travis Vista. (Requested by Mr. Billy F. Priest, Registered Public  
Surveyor, representing Mr. Jack Earl, owner of Lots 14 and 15)

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

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

The west five (5.00) feet of the south 112.47 feet of Lot 155,  
Highland Hills Northwest, Section Six, a subdivision in the City of  
Austin, Travis County, Texas, also known locally as 7210 Montana  
Norte. (Requested by Mr. Charles R. Messer owner of Lot 155, Highland  
Hills Northwest, Section Six)

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

CONTRACT AWARDED

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

PIMA CONSTRUCTION COMPANY 4107 Medical Parkway Austin, Texas	- Prefabricated Metal Building at Williamson Substation - \$9,505.00.
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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

AGREEMENT FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS

Councilmember Trevino moved that the Council adopt a resolution for authorization to enter into an agreement for the operation and maintenance of the traffic signals at the intersection of U. S. 183 and McNeil Road. 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

ITEM CONCERNING SUBSTANDARD STRUCTURES

The Council had before it for consideration the recommendations from the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time:

- |                          |                                 |
|--------------------------|---------------------------------|
| 1. 2404 East 9th Street  | William Norwood, owner          |
| 2. 410 West Annie        | Louis Roberts, owner            |
| 3. 2301 East 16th Street | Mary Powers, owner              |
| 4. 1908 Tillotson Avenue | Andrew Bailey, owner            |
| 5. 2929 East 14th Street | Elijah Nesby, Sr. Estate, owner |
| 6. 6012 Ponca Street     | Frank Sanchez, owner            |

Mayor Friedman stated that he had been contacted by Mrs. Willie Kirk on December 3 requesting that this item be delayed so she could talk to the owners of these houses to investigate this matter. Mayor Pro Tem Snell felt that the reason for this request was to make sure all of the owners concerned had been contacted regarding either improving or demolishing the structures.



Deputy City Manager Homer Reed stated that all of the concerned parties had been contacted. City Attorney Jerry Harris pointed out that these people would still have the opportunity to either repair or demolish these structures.

Mayor Pro Tem Snell moved that the Council accept the recommendation of the Building Standards Commission that the Law Department take proper legal disposition of the aforementioned substandard structures which have not been repaired or demolished within the required time. The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

#### CONSIDERING CERTAIN REVISIONS REGARDING BANNER INSTALLATIONS

The Council had before it for consideration certain revisions to policies, fees and locations for banner installations:

1. That the Council allow the use of banner locations for commercial purposes at a commercial fee of \$500 per location per week.
2. That the Council increase the current fee from \$50 to \$100 per location for non-profit and civic type organizations.
3. That the Council limit the number of spaces to three that can be reserved by any organization for any one event.
4. That the banner spaces be used only to advertise local events and activities sponsored by local organizations.

City Manager Dan Davidson also suggested that the City Manager's office be authorized to administratively approve the location of 1200 South Lamar as banner rental space.

Councilmember Linn moved that the Council adopt a resolution for revision to policies, fees, and locations for banner installations as recommended. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmembers Lebermann,  
Himmelblau

#### GRANT APPLICATION TO TEXAS CRIMINAL JUSTICE DIVISION

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of a grant application to the Texas Criminal Justice Division for the following project: (Program period: January 1, 1977 through December 31, 1977).

## Police Youth Diversion Counseling Program

\$109,432

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Lebermann,  
Himmelblau

The following projects were withdrawn:

1. Austin Police Crime Lab	\$26,564
2. Inservice Training for APD	9,000
3. Conflict Management Training	26,100
4. Jail Management Training	10,340
5. Managerial Training	8,150
6. Building Security Equipment	26,138
7. Criminal Justice Information System	220,637

## ORDINANCE RECEIVING AND ACCEPTING WORK OF PAVING ON CERTAIN STREETS

Mayor Friedman introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF ALAMO STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY JACK A. MILLER, INC.; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alamo Street and sundry other streets)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Lebermann,  
Himmelblau

The Mayor announced that the ordinance had been finally passed.

## ADOPTION OF THE 1975 NATIONAL ELECTRICAL CODE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 37 OF THE AUSTIN CITY CODE OF 1967 BY ADOPTING THE 1975 NATIONAL ELECTRICAL CODE (NFPA NO. 70-1975), DELETING CERTAIN ARTICLES FROM SAID CODE; REWORDING SECTIONS 37-4 AND 37-43; ESTABLISHING NEW LICENSE FEES; PROVIDING FOR SIGNS TO BE AFFIXED TO VEHICLES OF MASTER LICENSED ELECTRICAL CONTRACTORS; PROVIDING FOR THE USE OF METAL CLAD CABLE WITHIN FIRE ZONE NO. 1; REQUIRING 20-AMPERE BRANCH CIRCUITS IN KITCHEN AND DINING AREAS OF DWELLINGS; REQUIRING SPECIAL SAFETY MEASURES IN EXPOSED AREA RACEWAYS WHERE ELECTRONIC CONTROL WIRING IS USED; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Himmelblau,  
Lebermann

The Mayor announced that the ordinance had been finally passed.

## ADOPTION OF THE 1973 UNIFORM BUILDING CODE - POSTPONED

Councilmember Linn requested that this item be postponed until November 9, 1976, to allow her the opportunity to read the material being considered.

## PASSAGE OF SINGLE METERING ORDINANCE

Mayor Friedman noted that the Council had received a memo regarding a change of wording in the ordinance pertaining to the Austin Housing Authority; that change would read as follows:

"This section shall not apply to any apartment house or apartment hotel federally funded and operated as a non-profit organization, nor shall it apply to student housing owned and operated by the University of Texas."

MR. GEORGE BROOKING, Executive Director of the Austin Housing Authority, stated that it had been a policy of the Department of Housing and Urban Development that new projects be built with master metering for the economy of operation. He felt that the intent of the new ordinance has been complied with by them for some time. He noted that there is an individual check meter on each apartment and the Housing Authority does the reading on that meter.

In response to Councilmember Linn's question, Mr. Pieter Sybesma, Administrative Assistant, stated that the University of Texas student housing was added because it was felt that it met the same category as the Austin Public Housing Authority on low cost housing. Mr. Sybesma noted that he had not contacted the University regarding this subject.

In response to Deputy City Manager Homer Reed's question, Mr. Sybesma commented that this particular aspect involving the University housing had not been discussed by the Energy Conservation Commission. Mr. Reed noted that if the Council so desired, the Council could exempt just the Austin Housing Authority.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1967 BY THE ADDITION OF SECTION 60 TO CHAPTER 37; DEFINING WORDS AND TERMS; PROVIDING FOR SEPARATE ELECTRIC SERVICE METERING; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Friedman moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance effective immediately, with the addition of exempted federally funded projects operated by the Austin Housing Authority." The motion, seconded by Councilmember Linn, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Himmelblau, Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman suggested that the Energy Conservation Commission contact the University of Texas and other non-profit organizations that they would like to discuss this ordinance with.

#### PASSAGE OF FISCAL NOTE ORDINANCE

The Mayor introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF FISCAL NOTES FOR ORDINANCES THAT REQUIRE THE EXPENDITURE OF NON-BUDGETED CITY FUNDS OR THAT REQUIRE ANY NEW LOCAL TAX, FEE, LICENSE CHARGE, OR PENALTY OR THAT REQUIRE AN INCREASE OR DECREASE IN ANY EXISTING LOCAL TAX, FEE, LICENSE CHARGE OR PENALTY; AND SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS.

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 Trevino, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Himmelblau,  
Lebermann

The Mayor announced that the ordinance had been finally passed.

Councilmember Hofmann noted her appreciation for this ordinance and  
stated that she liked it very much.

CREATION OF CENTRAL BUSINESS DISTRICT TRAFFIC AND PARKING  
TASK FORCE

Councilmember Trevino requested that the Council join him in his efforts  
to create a Task Force to deal with the problems occurring downtown regarding  
traffic and parking.

Motion

Councilmember Trevino moved that the Council instruct the Citizens'  
Traffic Safety and Urban Transportation Commissions to work together with the  
merchants and businessmen, delivery companies and the City's police and  
transportation departments to form a Task Force Committee to review the problems  
with a special emphasis on the following areas:

1. Double parking
2. Parking in alleys
3. Location, design and use of loading zones
4. Parallel, angle, and headend parking
5. Peak hour curb parking restrictions
6. Designation of specific times for loading/unloading
7. Definition of commercial vehicle.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Himmelblau,  
Lebermann

Councilmember Linn suggested that residents of 6th Street and the  
surrounding area be allowed to work with the Committee on certain problems in  
their area.

## 1976-77 TRANSIT SYSTEM OPERATION

Deputy City Manager Homer Reed noted that the Council had been provided with a copy of this report which outlined how the operations of the Transit System would be changed in order to make further extensions of service.

Mr. Joe Ternus, Director of Urban Transportation, stated that if the Council was in agreement with the concept, then he would prepare some specific resolutions and ordinances that he would present to the Council in two weeks. Mr. Ternus noted that the Urban Transportation Commission was not in agreement on two items and he felt their concern was that they were not involved directly in the budget making process. He felt that in the future when the City Manager has submitted his budget to the Council that this budget should be reviewed by the Commission.

Mayor Friedman noted that the Council accepted this report and would await the proper ordinances to be brought back.

REPORT FROM URBAN TRANSPORTATION COMMISSION ON 1976-77 OPERATING BUDGET  
FOR THE AUSTIN TRANSIT SYSTEM

Mayor Friedman commented that the Council had been presented with a resolution from the Urban Transportation Commission concerning the 1976-77 Operating Budget for the Austin Transit System. He stated that the Commission is opposed to two of the proposals regarding the Transit System Operation and they want to be included in the budget procedures. Mayor Friedman stated that although this was not possible this year, it would be done next year.

Included in their resolution were the following:

1. The Urban Transportation Commission refuses to endorse any of the proposed recommendations which will reduce existing service or ridership on the Austin Transit System, specifically items 1 and 2 concerning the level of service and Park and Ride fares.
2. The Urban Transportation Commission recommends to the City Council that in the future, procedures be modified to allow for the full participation of all appointed boards and commissions in the budgeting process.

AFTERNOON SESSION  
2:00 P.M.

Mayor Pro Tem Snell called the afternoon session to order noting that Mayor Friedman would be present momentarily.

APPEARANCE CONCERNING USE OF ABANDONED M&K.T. RAILROAD RIGHT-OF-WAY

MR. LYNDON HENRY, Executive Director, Texas Association for Public Transportation, appeared before the Council to present a proposal for use of abandoned M.K.T. Railroad right-of-way for railroad relocation. Mr. Henry noted that his organization was a research and educational agency that assisted the development of public transit in the State of Texas.

He commented that on August 10, 1975, his organization proposed to the Austin Transportation Study that railroad corridors within the City of Austin could possibly be used for some sort of a transit facility. In order to utilize these corridors somehow or other the freight traffic has to be eliminated, and it is unlikely that freight operations will be discontinued in the City. Therefore, the possibility of routing these operations around the City into rural areas and out of the heavily populated congested City center was what Mr. Henry felt could be done. He had in mind specifically the routes of the Southern Pacific.

Mr. Henry referred to the November 15 deadline for an option on the corridors in question. After talking with Southern Pacific Railroad in January of this year, he felt that they are very much interested in the idea of routing their freight operations out of the City and possibly into some sort of bypass.

Mr. Henry stated that he was also a member of the Capital Area Planning Council that investigated the alternative possibilities for the Katy corridor. He proposed that it be used for a park or possibly a transportation facility. At this time, Mr. Henry presented slides depicting the railroad corridors in question beginning with the route of the Southern Pacific Railroad and then the route of the Katy corridor. He pointed out that the Katy corridor is definitely a rural route and has very little involvement with any kind of urban development.

Another matter of concern are the structures such as culverts, trestles, bridges, etc., that will be demolished after the November 15, 1976, deadline. In referring to the routes again, Mr. Henry noted that both routes sort of parallel each other going in and out of town. The Southern Pacific is definitely an urban corridor and does have freight operations on it, and goes through a number of highly populated residential areas.

In referring to the cost involved for the Katy Railroad property, Mr. Henry felt that the cost of approximately \$1,000 per acre was extremely good and felt that the value of it would increase in the future.

Mr. Henry also noted the resolution that was passed by the Austin Chamber which supported the purchase of the right-of-way and that the Urban Transportation Commission had passed a resolution very similar to the one passed by the Chamber of Commerce, which recommended joint use including a possible transportation corridor.

November 4, 1976

Mr. Henry stated that he had contacted the Parks and Recreation Department regarding parkland funds to purchase this property and was informed that any parkland funds available are not being shifted from some other project. There are funds which were allocated for a project and the total amount was not needed. Councilmember Linn stated that it was her understanding that certain money had been set aside for land acquisition for a number of specified areas including Barton Creek. Mr. Henry also suggested that park money could be used to purchase a sort of shoulder or a strip on each side of the central portion of the railroad which could be a linear park. There is also the possibility of the City and County financial participation. In conclusion, Mr. Henry recommended that the funds be obtained somehow to secure this right-of-way before the November 15 deadline.

Mayor Pro Tem Snell expressed concern about the residents of the Craigwood area and the noise from the railroad. Mr. Henry felt that the connections to get the trains on the Katy alignment over to the Southern Pacific would not be near this subdivision.

In referring to Councilmember Trevino's concern as to just where the City would obtain the money for several things Mr. Henry discussed, Mr. Henry stated purchase of a right-of-way is expensive and was thinking that possibly the Austin Transportation Study would be recommending some kind of rapid transit as a part of the highway in transit thing in the future. The City would have to purchase right-of-way in any case and it is a lot less expensive to have a corridor that is already available such as the Southern Pacific corridor. He suggested as a temporary interim measure the possibility of shifting some money from certain projects and delaying them for a period of time. Councilmember Trevino pointed out that many of these projects have already been delayed for a number of years.

JOAN BARTZ stated that there had not been a decision made by the County regarding joint purchase of this right-of-way. She pointed out that Williamson County and other concerned areas are very much interested in this project as noted at the recent public hearing by the County on this issue. Mrs. Bartz also referred to the possibility of obtaining federal funds which can be used for the rehabilitation of abandoned railroads for recreational usage. She supported the idea of moving the freight out and having the land for recreational use since this would encourage more good residential development in the area being discussed.

Deputy City Manager Homer Reed noted that the possibility of using Public Works funds for this purchase was not possible because at the present time there are no funds in the street Public Works section of the CIP that could be allocated to this project without at the same time ~~cancelling~~ or reducing the funds available for another project.

Regarding the funds for abandoned railroads that can be obtained from the federal government, Mayor Friedman noted that this possibility was investigated and it was learned that this project was deemed a very low priority.

Mr. Jack Robinson, Director of Parks and Recreation, noted that at this time there are funds that can be utilized for this purchase without effecting the Barton Creek land acquisition. He stated that approximately 8 years ago



there was a golf course projected for Walnut Creek Park and in determining the actual land that was needed on the ground, it was learned that the consultant projected more land than was actually needed. Mr. Robinson stated that \$600,000 had been budgeted for land acquisition at Walnut Creek for additional land for the 18-hole golf course, but in lieu of this recent change in the land requirement, it will only require approximately \$400,000 for land acquisition. This would leave a balance of \$200,000 that could be applied to this project or any other project that the Council would desire. In response to Mayor Friedman's question, Mr. Robinson stated that this balance appeared within the last 6 to 8 weeks. Mayor Friedman requested that a full-scale report on how this money has appeared and was not brought to the attention of the Council, be prepared. Councilmember Himmelblau pointed out that the funds being discussed cannot be used for railroad relocation and there are no other funds available.

Mayor Pro Tem Snell stated that East Austin very seldom gets anything good, and he would be willing to make a motion to deny the request for train purposes on the abandoned railroad tract as outlined by Mr. Henry.

Mayor Friedman pointed out that at the last public hearing regarding the purchase of this right-of-way it was decided that the hearing would be reopened when and if the County Commissioners took action on their part of this project. At this time, the Council has heard nothing from them, so to make a decision now would be a little premature. Councilmember Trevino suggested that Mayor Friedman appoint some members of the Council to meet with members of the Commissioners Court to see just where they stand on this matter.

Mayor Friedman proposed that Councilmembers Trevino, Hofmann and Mayor Pro Tem Snell meet with the representatives of the County to see what their intentions are, and after that meeting to set this on an agenda sometime in the future.

Mayor Friedman announced that Councilmember Lebermann was ill and would not be present for the Afternoon Session of the Council meeting.

#### APPEARANCE TO REQUEST A CHANGE IN SETBACK ON CERTAIN PROPERTY

Reverend Charles Watts and Mr. S. P. Holmes, representing Exxon Company, U.S.A., appeared before the Council to request a change from a 30-foot setback to 15 feet on Martin Luther King, Jr., Boulevard, providing for the installation of 3 pumps for self service. In response to Mayor Pro Tem Snell's question, Deputy City Manager Homer Reed stated that the Master Plan does provide for this setback requirement. Maintenance of the setback was made a part of the zoning case. Mayor Pro Tem Snell stated that he had talked with the individuals making this request and they informed him that they would be willing, if necessary, to move the pumps at their expense. City Attorney Jerry Harris stated that if the Council so desires he would draft the appropriate document.

STOKE HOLMES, associated with Exxon, requested that they be granted the 15-foot setback to install 3 pumps for self service.

Mayor Pro Tem Snell moved that the Council instruct the City Attorney to prepare and have the City Manager enter into a contract with Exxon Company regarding the installation of 3 pumps for self service. The motion, seconded by Councilmember Linn, carried by the following vote:

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

#### PARADE PERMIT

Councilmember Linn moved that the Council approve a request for a Parade Permit from Mr. Harley Max Fisher for David Crockett High School Student Council, on November 10, 1976, from 4:00 p.m. to 5:00 p.m. beginning on Redd Street, west side of Manchaca Road to Crockett High. (Alternative date: November 13, 1976, from 10:30 a.m. to 11:30 a.m.) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

#### APPEARANCE TO DISCUSS THE CLOSING OF EAST 26TH STREET

MR. BUSTER FARROW appeared before the Council to discuss the closing of East 26th Street from Dancy to Robinson and to express his opposition to this closing. He requested that the street be opened because a thoroughfare other than Martin Luther King, Jr., Boulevard was needed in the area.

MR. JOE TERNUS, Director of Urban Transportation, stated that he felt that more inconvenience would be caused to the neighborhood if the street were closed rather than opened. Mayor Pro Tem Snell commented that the peak hour congestion on Dancy Street was hazardous and that the street should not be opened. Mr. Ternus recommended that the approach to Dancy Street be limited to one lane, right turn traffic and one lane, left turn traffic and that the center of the third lane be closed. He stated that temporary barricades had already been installed in the area. He said that barricading the center lane of 26th Street would regulate the amount of traffic that would turn right on to Dancy Street.

Mayor Friedman concurred with the suggestion of Mr. Ternus and recommended that a study be done on this situation. Councilmember Hofmann also favored accepting the recommendation of the staff and that a study be performed in the area.

MR. HENRY UMSCHIED, 2308 Dancy Street, stated that during the morning peak hour traffic cars are backed all the way from IH 35 to Chicon Street along Manor Road and that people living on Dancy Street have a difficult time leaving their driveways. He commented that if the underpass along 26th Street, which runs under IH 35, were closed, it would defeat the purpose of it having been built in the beginning as well as being a waste of money.

MR. ANDY SNYDER, representing 10 of 12 homes in the block, spoke in favor of closing East 26th Street. He stated that since the street had been barricaded, there had been no more trash, trucks or speeding and that children could play in the area now. In referring to the recommendation of Mr. Ternus concerning a "channelization," Mr. Snyder felt that the closing of the center lane on East 26th Street would not reduce the amount of traffic still flowing in the area. Councilmember Hofmann reiterated her support to accept the recommendation of Mr. Ternus and conduct a study of the situation for a period of time. Mr. Snyder stated that he would like to see the barricades remain as they are at the present time.

MS. GAIL FLETCHER, 1717 East 32nd Street, appeared in support of closing East 26th Street. She noted that the area is a residential area and that people had to walk on the street because of the absence of a sidewalk. She asked the Council that if the street is opened, to warn people entering from 26th Street on to Dancy Street, that they are in a residential area and that they should reduce their speed considerably.

MS. TERRY HELLER spoke against the closing of East 26th Street and stated that the street is needed to give access to the University area.

MR. LOUIS T. HALLER, 2316 Dancy Street, asked the Council to open 26th Street because more traffic is flowing through his neighborhood since the street has been closed. He felt that the street gives access to the University and to the University stadium and that much of the traffic that is flowing through the area is University-bound traffic. He stated that the closing of the street is forcing traffic back to Manor Road and is causing congestion there. He concluded by urging the Council to leave East 26th Street open to traffic and to remove the barricades.

MR. ED HOLLY, 2905 French Place, appeared before the Council and stated that he did not think the opening of 26th Street would create a more dangerous situation than any other of the streets in the area.

In response to Councilmember Hofmann's question, City Attorney Jerry Harris stated that a public hearing was not required in order to close the street and the Council could close the street at their own discretion. Mr. Ternus responded to a question from Councilmember Hofmann by stating that a study could be conducted within the next 3 to 4 weeks which would show the results from the street being both opened and closed.

#### Motion

Councilmember Hofmann moved that the Council authorize a study of the area as suggested by Mr. Joe Ternus and that he come back to the Council with a professional opinion. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Mayor Pro Tem Snell stated that when a street is closed or when the Council has to take action similar to this, somebody will have to suffer temporarily. He noted the responsibility on the Council to have to make a

decision like this one and that he was not in favor of opening Dancy. Mayor Pro Tem Snell commented that he was very opposed to traffic being "dumped" into a neighborhood especially at the rate of speed it comes off 26th Street. He stated that for that reason, he would have to vote "no."

Mayor Friedman pointed out that the study would not immediately determine if the street would be open or closed, and that there would be at least one more meeting on the issue before a decision is made.

APPEARANCE TO DISCUSS WORK BEING DONE AT 10TH AND 11TH STREET  
INTERSECTIONS - WITHDRAWN

It was noted that Mr. John Bernardoni, Chairman of the Finance Committee of the Congress Avenue Planning Council, had requested to appear before the Council to present the critique of the renovation work done at 10th and 11th Street intersections; however, his appearance had been withdrawn.

PUBLIC HEARING ON PROVISION OF BRANCH LIBRARY  
IN SOUTH AUSTIN MULTI-PURPOSE CENTER

Mayor Friedman opened the hearing scheduled for 2:30 p.m. by referring to a letter from the Director of the Library Commission and the City Manager, requesting to place a library in the South Austin Multi-Purpose Center.

MS. BARBARA DEVINE of the Austin Library Commission spoke before the Council. Ms. Devine stated that she was the Chairperson for the subcommittee recommending inclusion of library services at the South Austin Multi-Purpose Center. The committee's recommendation stated that a special extension library collection be included in the South Austin Multi-Purpose Center, consisting primarily of basic reference works, ethnic and Spanish language materials, children's books, material of interest to the aged and dynamic survival information services. She cited a letter from the City Manager to the Council with several errors on it she wanted to clear up.

She told the Council that her committee was not recommending a branch library. She said that the current Twin Oaks library is designed for the Anglo people in South Austin and that less than 10% of the volumes at Twin Oaks are currently Spanish language material. She rejected the idea that a broad service radius could be drawn for each branch library in Austin without taking into consideration ethnic, racial and physical barriers.

She stated that the \$60,000 annual operating cost proposition was erroneous. She stated that Mr. David E. Holt, Director of the Austin Library Commission, stated that if the facility was along the line of the Rosewood-Zaragosa facility, he estimated the cost to be approximately \$40,000. She said that they did not intend the facility to be a branch library but a special extension library collection. She stated that what they were hoping for was some kind of cooperative venture with either Twin Oaks or Manchaca Road Library, so that if one of the residents of the neighborhood wanted some specific books, that it would be possible for that person to obtain them. She stated that primarily they wanted a place where reference works are readily available, where it is possible to check out cultural, ethnic, Spanish-language materials.

November 4, 1976

Councilmember Himmelblau asked Ms. Devine if the facility compared with the one at Rosewood-Zaragosa Center. Ms. Devine stated that the new Multi-Purpose Library will be 1800 square feet, which is very close to the amount of space at the Rosewood Center. She stated this was the type of facility they would like.

She stated that the Library Commission was never told that there was a plan to increase service areas, to include a bilingual library staff, or the addition of a Spanish language collection at the Twin Oaks branch. Mayor Friedman asked Mr. Holt how the Twin Oak project got started and why wasn't the Library Commission involved or informed on the matter. Mr. Holt stated that the original Twin Oaks expansion was a part of the November, 1971, library development plan and that it was also included in the 1975 library development plan. Deputy City Manager Homer Reed asked Mr. Holt if those plans were reviewed by the Commission. Mr. Holt answered that the first plan was reviewed by the Library Commission, Planning Commission and the City Council which called a public hearing in 1972. The second library plan was reviewed by the Library Commission and the Planning Commission with the City Manager's office. He further stated that all commissioners were informed of the Library plan.

MR. ALBERTO GARCIA with the South Austin Neighborhood Council Center stated that his organization's position was that they wanted the Twin Oaks Library relocated into the Multi-Purpose Center. They favored relocating the Twin Oaks Branch from its present location into what they felt would be a much more suitable and better area at the Multi-Purpose Center which is to be a City-owned building. Mayor Friedman stated that there was no way in which the Council could consider the relocation of Twin Oaks to the Multi-Purpose Center that day, without massive time given to inform all the people who use the library system. Mr. Garcia stated that his organization was never told that there were going to be any kind of expansion at the Twin Oaks facility. He stated that library services in the target area which included Becker and Dawson Elementary Schools, was of the utmost importance and that expansion of the Twin Oaks facility was not going to meet that need.

The following questions were asked by Councilmember Himmelblau:

1. Could not HCD funds be used for the initial start up cost of the Multi-Purpose facility? Mr. Andy Ramirez of the Human Resources Department stated that there was no question of using these funds for the first year of operation but was unsure as to whether or not the funds could be used beyond a one year period. Mr. Ramirez also stated that third year allocations could be used to further construction for the facility and that the \$1.6 million contingency fund for water and wastewater could be used if the bonds pass.
2. Could the Spanish language books that are programmed to go into the Twin Oaks facility be shifted to the Multi-Purpose Center?
3. Why with a City-owned building and facility would there be real estate rental? Mr. Holt explained that this was actually expenses such as maintenance, utilities and upkeep of the grounds. This expense money is drawn from the rental account and is listed as such.

4. How much space of the current center could be allocated for library use? Mr. Holt stated that the South Austin Multi-Purpose Center is 1800 square feet.

Mr. Holt commented that comparing the amount of circulation between the Twin Oaks facility and that of Rosewood-Zaragosa (both of which are 1100 square feet), the City does not get the return for its money on Rosewood-Zaragosa to the extent that it does on other library facilities. Councilmember Trevino stated that the only reason the Rosewood-Zaragosa was placed where it was was because of a stipulation by the Federal government to place it there. A person in the audience commented that the difference between the Rosewood-Zaragosa facility and the Multi-Purpose Center in South Austin was that the latter has had the input of the people and that they have been able to work on what they want and what they think the priorities are. She also stated, in reference to circulation, that the Twin Oaks facility has had the advantage of being in operation for 20 years while the Rosewood-Zaragosa facility is relatively new.

MS. MARGARET LOERA, Co-Chairperson of a planning advisory committee for the South Austin Neighborhood Council Center, spoke in favor of the Multi-Purpose facility. She stated that there were barriers with the Twin Oaks Library such as South Congress Avenue with heavily congested traffic. She stated that the sampling taken of the number of people that went to Twin Oaks was done with the initials B, C, D, H, M, R, S and W. She said that using certain letters, you can easily get the ethnic breakdown desired. Mr. Holt stated that the sampling was taken at random and that no particular letters were picked. Ms. Loera stated that placing the Twin Oaks Library in the Twin Oaks shopping center just to draw business to the shopping center should not be a reason for having a library in the center. She also stated that rental (expense) money paid into the Multi-Purpose Center would still be going into the City budget to be used for other City activities.

Councilmember Himmelblau asked Mr. Holt if the City went ahead with the 1800 square feet at the Multi-Purpose Center, could the Twin Oaks facility still remain where it is or is the City already completely committed to moving to a larger facility? Mr. Reed stated that it was in the library plan to remain in rented quarters at Twin Oaks and that the facility the library has moved into has been newly refurbished for its use. Mr. Reed also stated that there were two questions before the Council. One was whether the City wanted two libraries within 4 to 6 blocks of one another, whether it is a branch or extension and, secondly, does the City want to close down the Twin Oaks facility and move the library to the new center, in which case he stated that the City Manager's office would like an opportunity to come back to the Council in no more than two weeks so as to have a chance to analyze the proposal. He stated also that the Council would probably want to have a public hearing. Mayor Friedman stated that the question was whether or not there would be substantial service out of an extension branch without having to close down the Twin Oaks Library.

Councilmember Himmelblau asked Ms. Helen Spear of the Library Commission if expansion of the Twin Oaks facility and also going ahead with the 1800 square feet at the Multi-Purpose Center, using the HCD funds to set it up and to maintain it one year, was a feasible thing. Ms. Spear stated that people in the area say that Twin Oaks may be only 6 blocks away from something but it does not serve their needs. She also stated that the Twin Oaks branch was a functioning branch that has been there for a long time. It has developed a

November 4, 1976

a readership and is not restricted to Anglos. She also stated that both the Twin Oaks expansion and the Multi-Purpose Center together would be a good idea.

Mayor Friedman pointed out that the City has had less than success in the Library Commission trimming their budget and called for a commitment from the Commission. He stated that the two library facilities could be opened with the aid of federal grant money but that eventually the taxpayer will have to pick up the burden of cost. He told Ms. Spear that this will require readjusting what the Commission does in the library. Ms. Spear agreed that there is a serious concern and that the Commission has to talk about ways to recognize the problem and deal with it. She hoped that the whole Commission would look at these ways and examine them carefully and decide are they really going to save the City money or not, and then come up with recommendations to be brought before the Council.

Ms. Spear read a letter from the Council/Library Commission Liaison Committee. In the letter, the Committee stated that the Library Commission urged approval of the South Austin Multi-Purpose Center. The Commission recommended that the center be in the nature of a special collection library rather than a branch library. They were concerned that the estimated cost figure that was presented to the Council was an inflated one. In an October 13 memorandum from the City Manager, the estimated cost for the Multi-Purpose Center was \$60,000 annually. At the last Library Commission meeting, the Library Director estimated the cost would be approximately \$40,000. Further the entire cost of the Twin Oaks Branch Library for 1976-77 is only \$62,815. The committee stated that the October 13, 1976, memorandum from the City Manager also included some material on proposed improvements for the Twin Oaks Branch Library. A further cost saving would dictate that several of these improvements, such as expanded Spanish language collection along with the increased shelving to support the item and the provision of bilingual library service should be transferred to the Multi-Purpose Center. In this way the special target population for the Center, primarily economically disadvantaged Chicanos for whom Congress Avenue is a natural barrier which limits their use of existing library facilities in South Austin would be served most effectively and efficiently.

Councilmember Trevino suggested trying to get an idea how much it would cost if the Council two years from now decides to go ahead and relocate the library totally in South Austin. Mr. Holt stated that the cost would be comparable to any 2,500 square foot facility, about \$62,000.

Mr. Reed stated that a decision had to be made on whether or not to close Twin Oaks and build a new library in this location. She said that if the Twin Oaks facility is closed, the new facility must be built. If the Twin Oaks facility is to remain open, the new facility must not be built.

A woman in the audience, representing the Community Development Commission, stated that it was the recommendation of her Commission that the library go into the Multi-Purpose Center.

Councilmember Himmelblau moved that the Council follow the recommendation of the Library Commission and go ahead with an 1800 square foot facility at the South Austin Multi-Purpose Center. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

Noes: None

Absent: Councilmember Lebermann

Mayor Pro Tem Snell stated that if any library or anything the City has to offer is not serving the entire community, then the City shouldn't try to eliminate the thing that gives the service. It should eliminate the type of service that it is offering and that they should work on that rather than closing Twin Oaks library.

Mayor Friedman closed the meeting by stating that there will not be enough City revenue to function the current library program as it is. He charged the Library Commission clearly that they have not been willing to make reductions where necessary and have not been cooperating with the Council. He stated that the City cannot continuously support the library because the federal funds are running out. Mayor Friedman went on record as stating that he voted for the Library, but that he didn't vote for the amount of money that it is going to take to see this come true.

PUBLIC HEARING ON AMENDMENT TO THE AUSTIN DEVELOPMENT PLAN  
TO ALLOW GREAT HILLS P.U.D. #2

MR. DICK LILLIE, Director of the City Planning Department, stated that the project was located on Loop 360, Northwest of Austin, in the Great Hills area and that the project included 124 acres of land. The project was brought before the Council because Planned Unit Developments are in the classification of an amendment to the City's comprehensive plan which requires that all development projects in or out of the City, come before the City Council after it has first gone to the Planning Commission.

Mr. Lillie stated that about 104 acres of the project were planned for residential use or 84% of the property, 13% or 16 acres were planned for multi-family use and 3% or 4 acres were planned for commercial use. 251 units are planned for about 88 acres of the land in the residential segment. This would be about 3 units per acre. There are townhouses proposed at 5.2 units per acre for a gross density of just over 2 units per acre.

Mr. Lillie stated that the Planned Unit Development had been postponed at the request of the applicant so that a determination could be made on the availability of the City's water and wastewater facilities. The applicant had worked with the City in order to achieve compatibility with the City's policies and ordinances and also to work with the staff on developing compatibility with the proposed Lake Austin study. Several considerations were given in the Lake Austin development plan. These considerations were primarily concerned with water quality and water quantity for urban run-off. They gave consideration to "impervious cover" such as driveways and sidewalks and recommended that not more than 37% of the land be covered. Currently 29 of the 104 acres is covered and about 75 acres is not covered.



Mr. Lillie stated that there were very high street grades, that is, 15 to 18 percent and that this was in excess of City standards. It was determined that the building set-back line be reduced from 25 feet to 10 feet so that the houses could be moved away from the slopes and closer to the street.

The Planning Commission made several amendments upon review of the plan:

1. That wider streets and rights of way not be built and that narrower streets be built which retain a low impervious cover on the land.
2. That the developer work with the City to locate high street grades and to reduce the cut and fill.
3. That the density of the Townhouse area (83 units on 16 acres) be reduced. This was a recommendation from the Environmental Resource Management Department. The Planning Commission did, however, approve the current density of the area.

Mr. Lillie stated that there will be a statement in the plat which says that any finished floor elevation will have the minimum floor one foot above the 100-year flood plain. This meets with Federal flood insurance requirements. No substantial cut or fill will be allowed for house construction on building site areas of slopes greater than 25% except for garage foundations.

Councilmember Linn asked Dr. Maureen McReynolds, Director of the Environmental Resource Management Department, why her department recommended that the density of the townhouse area be lowered. Dr. McReynolds said that there were two primary concerns. She said that there is a ridge line that is visible for quite a distance. They felt that it should be reduced and set back more from the bluff line. -Some of the units also appear to be on excessively steep slopes.

MR. GLEN SCHMIDT of the Baker-Crow Company, owners and developers of the Great Hills, spoke before the Council. He introduced Mr. Roy Bechtol, landscape architect, who spoke on the design of the project. He stated that the project is 3 miles from the closest point on the lake, 4 miles down the tributary to Bull Creek and is immediately adjacent to Loop 360 in Northwest Austin. Topographic, water shed and vegetation analysis were taken to form the design composite of the project. In referring to the map, he stated that the lighter green areas indicate the areas that are most desirable for the highest degree of development and the darker green areas, which in most instances occur in the creek bottom, are the areas that are least suitable for development. It was by this that he came up with their initial master plan. Since the initial master plan, the project has been revised three times. He stated that this was 124 acres of a 2,500 acre project, the master plan of which was approved in 1974. In reference to the townhouse segment, he stated that the visual aspect of the ridge line is very much buffered and is contained well off the major ridge line point.

He stated that they have made some agreements on double service on the utility lines so that the major draws could be preserved. He felt that they had come up with a plan that was compatible with everyone's thinking which was evident by the Planning Commission's 8 to 0 vote.

November 4, 1976

Mr. Schmidt expanded upon some points that had previously been raised. The amount of impervious cover due to the development of the townhouse and single-family lots complied within the recommendations made. The Lake Austin growth management plan does not recommend prohibition of any lots on any slope only that certain types of foundation techniques be used. He pointed out again that this was a part of a continuing development plan.

MR. JOE RIDDELL spoke in opposition to the project. He stated that it was in conflict with various principles recommended in the Lake Austin growth management plan. He recommended that rather than move for approval or disapproval, that the Council refer the matter back to the Planning Commission and Environmental Board so that they could review the plan in light of the Lake Austin growth management plan which is now in its final form.

He stated that virtually all of the development land was either in a conservation zone or a limited development zone as identified in the Lake Austin growth management plan. He stated that virtually none of the land was located in what the Lake Austin plan calls a development zone. He pointed out that the lots and streets in the proposed project intrude into what is designated as future open space. He mentioned a street which ran up a slope from the flood plain area to the knoll area that was still listed in the project design but which had been deleted by the Planning Commission. Mr. Schmidt stated that there would be certain modifications to the plan even though the Planning Commission had approved the plan that was already submitted to them. Councilmember Trevino asked Dr. McReynolds to comment on why the Environmental Resource Management Department did not approve continuation of this particular street. Dr. McReynolds stated the different areas would be developed independently of each other and that there was a ~~high~~ terrace coming down and then a low valley. There is a steep ridge line there and the Planning Commission agreed with this interpretation and didn't delete that.

Mr. Riddell also spoke on two housing areas. He stated that the lots and streets on "Knoll Crest Loop" are actually placed on what the Lake Austin plan identifies as a narrow terrace, or isolated terrace. He stated that there is no development for about 200 feet back from the ridge of the terrace. He said that the "knoll" designation would wipe out any area on which they wanted to put any streets or housing, even though the Lake Austin plan designates this as a terrace that would be greatly suitable for residential development. He also stated that the knoll upon which the townhouses would be developed, though not visible from Loop 360, would be visible from a wide range of the surrounding region. This is why knolls should be left essentially undeveloped but instead the developers are putting 83 townhouses on the knoll.

Mr. Riddell also stated that the developers were getting advance approval on the particular zoning concepts of the project even before the land is actually annexed by the City. He said that this would put the City in an awkward position at a later time.

Mr. Lillie, Director of the Planning Department, stated that the project was still in the proposal stage and that the Department has been trying to come up with interim standards that would deal with impervious cover, but and fill and foundations. Councilmember Hofmann asked if the developers had obligated themselves to work with the Planning Department in trying to keep with the Lake Austin plan. Mr. Lillie said that he felt the developers were committed towards working for the intent of the plan.

Mr. Schmidt stated that the developers have sincerely tried to comply with the intent of the Lake Austin plan. He stated that Mr. Riddell had failed to quote parts of the project plan that pertained to recommended growth areas and recommended priority service areas but rather quoted from the physiographic features of the land. He said that as for zoning, all they could do was to recommend what they thought would be the best use for the land and that the final approval rested upon the zoning classification judgment against the Lake Austin plan standards.

Mr. Riddell stated finally that no matter what action the Council took, the developer could still go back and start the project with or without the Council's approval as long as he met the necessary requirements. Mr. Lillie stated that was true; however, the developers have shown all along a willingness to coincide with City policy and the Lake Austin plan and that they had shown good faith in their cooperation with the City.

Councilmember Hofmann moved that the Council close the public hearing and accept the application for the Planned Unit Development as recommended by the Planning Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

#### ADJOURNMENT

The Council adjourned at 6:40 p.m.

APPROVED: 

Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk