

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 13, 1978
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Snell

Absent: None

SAFARI WEEKEND

MRS. CHRIS ATTAL, and students representing classes at the Austin Natural Science Center, accepted with their thanks a proclamation read by Mayor McClellan, designating April 15-16, 1978, as Safari Weekend.

STUDENT ACTIVITIES DAY
JUNIOR HISTORIAN WEEK

Student Activities Day is April 19 and April 17-22 is Junior Historian Week, according to a proclamation read by Mayor McClellan. On hand to accept the proclamation were students from participating Junior Historian Chapters:

Susan Pearce, President, O. Henry Junior High Chapter
Vita Arispe, President, Martin Junior High Chapter
Rhonda Russell, President, J. Frank Dobie Junior High Chapter
Anna Ramirez, President, Fulmore Junior High Chapter
Gary Alonso, President, Bedichek Junior High Chapter
Mallory Morris, President, Austin High Chapter
Dr. Frances Nesmith, Coordinator of the group from the Austin Independent School District.

as well as other members of the chapters.

APPROVAL OF MINUTES POSTPONED

Council had before it for approval the Minutes for regular meeting of April 6, 1978 and Special Meetings of March 27, 1978; April 13, 1978; and April 5, 1978. Mayor McClellan asked that Councilmembers hold the Minutes for one week. She has been out of the City and has not had a chance to read them.

RIGHT-OF-WAY FOR STASSNEY LANE

Councilmember Mullen moved that the Council adopt a resolution to authorize acquisition of certain street right-of-way for Stassney Lane, Phase I, Manchaca Road to Radam Lane.

0.26 of one acre of land out of the William Cannon League
(Brown Enterprises). C.I.P. No. 73/62-30

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

RELEASE OF EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution to authorize release of the following easements:

A Ten (10.00) foot Public Utility Easement at the rear lot lines of Lots 41, 42, 44, and 45, Harmon Terrace subdivision, located between East 48-1/2 and East 49th Streets, and east of Airport Boulevard. (Requested by Donald E. Bird, representing Mr. M. E. "Gene" Johnson.)

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to authorize release of the following easement:

2.5 foot by 7.50 foot Public Utility Easement along the south line of Lot 35, Block "C" Countryside Section One (Clinton P. Rippey, Surveyor; Doyle Wilson, Client.)

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

CASH SETTLEMENTS

Councilmember Mullen moved that the Council adopt a resolution to authorize the following:

ARTHUR AND ROSALIE GELERNTER, owners	- Cash settlement in lieu of a 5-year wastewater approach main contract for the G & W Addition - \$2,546.78
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to authorize the following:

AUSTIN DISTRICT BOARD OF MISSIONS c/o Mr. Felix Wolf	- Cash settlement in lieu of a 5- year wastewater approach main contract for St. Peter's Metho- dist Church Subdivision - \$1,341.56.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

AUTHORIZATION OF COST DIFFERENCE PAYMENTS

Councilmember Mullen moved that the Council adopt a resolution to authorize payment to the following:

MR. JOHN McPHAUL, owner	- The cost difference of 12"/8" water line installed in Southwest Oaks Subdivision - \$16,087.26
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to authorize payment to the following:

AUSTIN DISTRICT BOARD OF MISSIONS, owner, c/o of Mr. Felix Wolf	- The cost difference of 12"/8" water main installed in St. Peter's Methodist Church Subdivision - \$4,608.12.
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The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

TOWN LAKE UNDER-THE-WATER SURVEY

Councilmember Mullen moved that the Council adopt a resolution to grant permission for Captain Charles Bagley to place two (2) power boats on Town Lake between April 1, 1978, and May 10, 1978, to survey for pilings and obstacles under the water. (Recommended by Parks and Recreation Board) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

SOUTH AUSTIN RECREATION CENTER CHANGE ORDER

Councilmember Mullen moved that the Council adopt a resolution to grant approval of a Change Order in the amount of \$13,600.00 for alterations to roofing at South Austin Recreation Center. CAPITAL IMPROVEMENTS PROGRAM, No. 77/86-18. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

CONTRACTS APPROVED

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

G & M CATERING COMPANY
3808 West 35th Street
Austin, Texas

- Concession, Food and Drink for Jimmy Clay Golf Course, Parks and Recreation Two (2) year Contract. \$5,100 guaranteed annually plus 9.33% of gross receipts until such receipts exceed \$50,000. Estimated annual revenue \$9,485.00.

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

AUSTIN WHITE LIME COMPANY
McNeil Road
Austin, Texas

- Quicklime, Water and Wastewater Division.
Twelve (12) months Supply Agreement.
Item 1, estimated 11,000 tons @
\$45/ton, estimated total \$501,600.

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

PACIFIC PUMPS DIVISION
Dresser Industries, Inc.
601 Jeffereson Street
Houston, Texas

- Parts for Decker Plant Unit #2
Power Production Division.
Items 1-16 - \$53,657.75

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Automotive Maintenance Equipment,
Vehicle and Equipment Service
Department.

WALTER TIPS COMPANY
200 Colorado
Austin, Texas

- Items 1 and 10 - \$1,214.50

CAPITOL AUTOMOTIVE EQUIPMENT
COMPANY
6203 North Lamar Boulevard

- Item 3 - \$1,560.00

CENTRAL TEXAS EQUIPMENT COMPANY
127 East Riverside
Austin, Texas

- Item 4 - \$3,480.00

CAR PARTS & MACHINE COMPANY
201 San Jacinto
Austin, Texas

- Items 5, 11, 14 - \$956.29

ALEMITE COMPANY
5705 Fairlane
Austin, Texas

- Items 6, 7, 8, 9 - \$2,025.96

AUSTIN MACHINE & GRINDING COMPANY
201 East First Street
Austin, Texas

- Items 7, 12, 13, 15 - \$1,024.50

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino

Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

MOTOROLA, INC.
3320 Beltline Road
Dallas, Texas

- Mobile Radios, Urban Transportation
Department.
Item 1 - 10 ea. @ \$724.74
Total \$7,247.40

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino

Noes: None

Councilmember Mullen moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Sign Blanks, Urban Transportation
Department. 12 month supply
agreement.

VULCAN SIGN COMPANY
P. O. Box 850
Foley, Alabama

- Items 1, 3, 4, 5, & 6 - \$42,018.00

DAVE SMITH COMPANY
713 N. E. 3rd Avenue
Ft. Lauderdale, Florida

- Item 2 - \$4,950.00

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino

Noes: None

SUMMER YOUTH RECREATION PROGRAM GRANT SUBMITTED

Councilmember Mullen moved that the Council adopt a resolution to authorize submission of a grant application to the Community Services Administration for a Summer Youth Recreation Program grant of \$65,690.00 covering the period from June 1, 1978, to September 30, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

WEATHERIZATION PROJECT

Councilmember Mullen moved that the Council adopt a resolution to authorize application in the amount of \$43,142.00 for a Weatherization Project grant from Community Service Administration. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

SERVICES RELATED TO DEMOCRATIC PRIMARIES

Councilmember Mullen moved that the Council adopt a resolution to authorize agreement with the Travis County Democratic Party for City services related to May 6th and June 3rd run-off elections. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

ANTITRUST LITIGATION

Councilmember Mullen moved that the Council adopt a resolution to retain John C. Blazier, attorney-at-law, to represent the City in antitrust litigation involving laundry and dry cleaning suppliers. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

HCD PUBLIC HEARING SET

Councilmember Mullen moved that the Council set a public hearing on HCD funds on April 20, 1978, at 7:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

STACY DAM IMPACT STUDY

Councilmember Mullen moved that the Council adopt a resolution to authorize a contract with the firm of Lockwood, Andrews and Newman for the preparation of an engineering study on the impact that the proposed Stacy Dam will have on the City of Austin. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

PAVING ASSESSMENT HEARINGS SET

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 1:30 O'CLOCK P.M. ON THE 25TH DAY OF MAY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.
(Metcalfe Road, CIP No. 76/62-08)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor
Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 1:30 O'CLOCK P.M. ON THE 25TH DAY OF MAY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.
(Pecos Street, CIP No. 75/65-04)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor
Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 1:30 O'CLOCK P.M. ON THE 25TH DAY OF MAY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.
(Alamo Street and Sundry Other Streets [Non-interest bearing], CIP 75/62-20)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor
Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 1:30 O'CLOCK P.M. ON THE 25TH DAY OF MAY, 1978, IN THE CITY OF AUSTIN MUNICIPAL ANNEX, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.
(Alamo Street and Sundry Other Streets, CIP 75/62-20)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor
Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

DUVAL STREET IMPROVEMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE

PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Duval Street, CIP 76/62-10)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan 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:
A .321-ACRE TRACT OF LAND, LOCALLY KNOWN AS 3310 NORTHLAND DRIVE, AND ALSO BOUNDED BY MOPAC BOULEVARD; FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL 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. (National Convenience Stores, C14-78-014)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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 7 AND 8, MRI SUBDIVISION (MRI CORPORATION), LOCALLY KNOWN AS FOREST PLAZA, LOCALLY KNOWN AS 12591-12593 U. S. HIGHWAY 183, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ernesto DeKeratry, C14-78-016)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 300-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 4501 BURLESON ROAD, FROM "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, SECOND 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. (Austin Industries, Inc., C14-78-018)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:

2.412 ACRE TRACT OF LAND, LOCALLY KNOWN AS 12949-12951 U. S. HIGHWAY 183; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (The Calcasieu Lumber Co. [Austin Ind. Inc.], C14-78-019)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:

LOT 32, BLOCK A; LOTS 1-6, BLOCK H; ALL OF BLOCKS E, F, AND G, RESUBDIVISION OF WESTERN HILLS LOTS 18-49 AND LOT 66, LOCALLY KNOWN AS 3200-3300 WILLIAM CANNON DRIVE; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (NPC Realty Company, C14-78-020)

Councilmember Himmelblau moved that the Council waive the requirement for three readings and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

A .73-ACRE TRACT OF LAND, LOCALLY KNOWN AS 2501 MONTOPOLIS DRIVE; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST

HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ralph D. Rivera, C14-78-031)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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 SOUTH 68 FEET OF THE EAST 29.24 FEET OF LOT 2, AND THE SOUTH 68 FEET OF LOT 3, BLOCK 158, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 1300 COLORADO STREET AND 200 WEST 13TH STREET; FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL 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. (Dr. Henry L. Hilgartner, Jr., C14-78-032)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:
A 169,200-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 10511-10621 NORTH LAMAR BOULEVARD; FROM "DL" LIGHT INDUSTRIAL DISTRICT TO "C" COMMERCIAL 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. (Glen W. Casey Construction Inc. & Mockingbird Hill, Ltd., C14-78-035)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

A 2.5-ACRE TRACT OF LAND, LOCALLY KNOWN AS 13803-13817 U. S. HIGHWAY 183; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (The LBJ Company & Cedar Park Financial Corporation, C14-78-038)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:

A 12,046-SQUARE-FOOT TRACT OF LAND, LOCALLY KNOWN AS 9200 BURNET ROAD; FROM "DL" LIGHT INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL 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. (Wayne Dayton, C14-78-040)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro
Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:
FIFTY-SEVEN FEET BY ONE HUNDRED AND TEN FEET (57' X 110') OF OUTLOT 59, DIVISION D, LOCALLY KNOWN AS 912 WEST 26TH STREET (WELLS-LARUE HOUSE) FROM "B" RESIDENCE DISTRICT TO "B-H" RESIDENCE-HISTORIC 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. (Well-Larue House, C14h-78-003)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:
A .29-ACRE TRACT OF LAND, LOCALLY KNOWN AS 3506 WEST AVENUE (LESER HOUSE); FROM "A" RESIDENCE DISTRICT TO "A-H" RESIDENCE-HISTORIC 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. (Leser House, C14h-78-004)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan 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:
TRACT 1A: A 2,800-SQUARE-FOOT TRACT OF LAND, TO REMAIN ZONED "A" RESIDENCE DISTRICT; AND,
TRACT 1B: A 137,000-SQUARE-FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 1C: A 100-SQUARE-FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND

TRACT 2A: A 16,284-SQUARE-FOOT TRACT OF LAND, TO REMAIN ZONED "A" RESIDENCE DISTRICT; AND,

TRACT 2B: A 39,965-SQUARE-FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2C: A 23,000-SQUARE-FOOT TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 801-907 BEN WHITE BOULEVARD, AND ALSO BOUNDED BY RADAM LANE AND JAMES CASEY STREET; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Charles G. Trenckmann, C14-78-034)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed as an emergency measure.

Mayor McClellan 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 PLUS THE NORTH EIGHT FEET BY FIFTY-THREE FEET (N 8' X 53') AV OF LOT 14, W. E. WILSON SUBDIVISION, LOCALLY KNOWN AS 1709 KOENIG LANE; FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Dennis E. Cowan, et ux, C14-78-023)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed as an emergency measure.

Mayor McClellan 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 8, BLOCK H, ALTA VISTA, LOCALLY KNOWN AS 4201 MARATHON STREET AND 1004-1006 WEST 42ND STREET; FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Linda Townsend, C14-78-003)

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

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed on an emergency basis.

TENNIS COURT LIGHTING EXTENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 23-10 OF THE AUSTIN CITY CODE OF 1967; PROHIBITING LOITERING, REMAINING OR BEING IN OR UPON CERTAIN PARKS, PLAYGROUNDS, ETC., WITHIN THE CITY DURING CERTAIN HOURS; PROVIDING EXCEPTIONS FOR SUPERVISED PLAY OR AMUSEMENT PROGRAMS WITH PRIOR APPROVAL OF THE DIRECTOR OF PARD AND FOR TENNIS DURING CERTAIN HOURS AT CERTAIN TENNIS FACILITIES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

Councilmember Goodman introduced this request for ~~extension~~ of operating hours for lighted tennis facilities in an Item from Council.

TAX RELIEF ON HISTORIC STRUCTURES

Councilmember Himmelblau stated, regarding the ordinance Council had before it concerning limited tax exemptions for properties zoned historic, that she wanted to suggest that historical structures be divided into two categories, residential and commercial uses. She made the following motion:

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 32 OF THE AUSTIN CITY CODE OF 1967; PROVIDING A NEW ARTICLE VIII; PROVIDING FOR PARTIAL EXEMPTION OF CERTAIN HISTORIC LANDMARK PROPERTIES FROM AD VALOREM TAXATION; PROVIDING FOR APPLICATION, CERTIFICATION AND APPROVAL THEREOF; PROVIDING FOR ADDITIONAL TAX WHEN HISTORIC PROPERTY IS REZONED; PROVIDING FOR A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Councilmembers Himmelblau, Snell, Mayor Pro Tem Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman
Noes: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Councilmember Mullen stated that the reason he voted, "No," is because he believes the same tax relief should be granted to both residential and commercial.

MR. PHILIP CREER, Chairman, Historic Landmark Commission, appeared before Council to say that the citizens of Austin are appreciative of the Council's action. Mayor McClellan told Mr. Creer that Council appreciates all of Mr. Creer's efforts in behalf of this issue.

ADDITION TO WATER AND WASTEWATER ADMINISTRATION BUILDING

Council had before it a resolution to approve a second floor addition to the Water and Wastewater Administration Building.

Mr. Al Eldridge, Director, Construction Management, told Council that there had been four bidders for the construction and the low bid had been 11% over the architects estimate, but that this is not unusual.

Councilmember Cooke expressed concern regarding the number of City employees being brought back to the Administration Building location with the new construction and wanted to know how it would effect:

1. Parking facilities for employees when the parking problem is already acute.
2. How will this fit into the Municipal Plan Complex under the Master Plan?

Mr. Eldridge answered the second point by saying this addition would be an integral part of the complex.

Mr. Curtis Johnson, Director of Water and Wastewater, appeared before Council to say that 12-14 additional employees will be moved from other places to office in the administration building. He said the parking problem has been addressed by providing additional off-street parking at the treatment plant. Mr. Johnson commented that the addition has been contemplated for four years, and by having it, the department should do a better job.

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

B. L. McGEE, INC. &
B. L. McGEE CONSTRUCTION COMPANY
13642 Highway 183 North
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Second floor additions to the
Water and Wastewater Administration
Building - \$240,700.00
C.I.P. No. 75/49-04

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

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

CONTRACT AWARDED BY CASTING OF LOTS

The Council had before it a resolution to award contract for several items for the Automotive Maintenance Equipment, Vehicle and Equipment Services Department. They needed to approve Items 16, 17 and 18 in the amount of \$5,668.00 by casting lots to determine if the contract should be awarded to Sun Electric Company in San Antonio, or Sun Electric Company in Liberty Hill.

City Attorney Harris prepared a box containing two capsules. Each capsule had the name of one of the companies in it. Mayor McClellan drew lots by choosing a capsule and reading the company named in it. She also read the name in the capsule which was not chosen to show that both capsules did not contain the same name.

Mayor Pro Tem Trevino moved that the Council adopt a resolution to approve the following contract for several items for the Automotive Maintenance Equipment, Vehicle and Equipment Service Department:

SUN ELECTRIC COMPANY
431 Isom Road
San Antonio, Texas

- Items 16, 17, 18 - \$5,668.00

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

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau, Mullen
Noes: None

CLASS RECOGNIZED

Mayor McClellan recognized the presence in the Council Chamber of the 10th and 12th grade history classes from A. S. Johnston High. They were there with their instructor, Mr. J. W. Studak.

CITY TO SELL POWER TO HOUSTON

Council had before it for consideration a proposed contract to sell power to Houston Lighting and Power in 1980 and 1981.

Mr. R. L. Hancock, Director, Electric Department, appeared before Council to state the following:

"As you recall, in January, the Council authorized the staff to proceed with the development of a contract arrangement with Houston. This is the culmination of that contract arrangement. It simply provides that Austin will provide a certain amount of capacity available for Houston's use if and when they need it in those two years..calendar year 1980 and 1981. The contract provides that for that stand-by capacity Houston will pay \$8,000,000.00 a year. In addition to that if they desire to take any energy from that facility, any kilowatt hours, they will pay for that energy at the price of the energy plus the price of fuel plus the price of the losses. They do not have to take any energy. Their desire is to provide system back-up capacity. They are somewhat low in their extra reserve capacity. In lieu of making investment in solid fuel facilities or temporary gas and oil facilities for that time, they elected to purchase this stand-by capacity from Austin because Austin had the capacity available. It's a beneficial arrangement for Austin. It's a beneficial arrangement for Houston in that they do not have to make those temporary short term investments and can put that money in their coal and nuclear facilities. The contract is arranged such that if Austin has difficulties with any of the plants that are under construction, that we are unable to meet that commitment, obviously Houston isn't obligated to make the payment, but Austin has no liability in the event unforeseen circumstances prevent our meeting that requirement. The \$8,000,000.00 per year for those two years, a total of \$16,000,000.00, represents an almost clear profit. I'm sure it will apply well on the debts Austin has."

Motion

Councilmember Mullen moved that the Council adopt a resolution to approve a contract to sell power to Houston Lighting and Power in 1980 and 1981. The motion was seconded by Councilmember Himmelblau.

GEORGE HUMPHREY, representing Nuclear is Poison in Texas, appeared before Council and asked them to postpone decision on the contract. He said he wanted to see the contract. He said he was against it because he does not believe Austin will have enough electricity to sell. Mr. Hancock reiterated that there would be no liability to Austin if there is not an excess of energy. When Mr. Humphrey asked what Houston would do, the Mayor replied that they would have to deal with that problem themselves.

In reply to Humphrey's question that he had heard the power plants were not on schedule for their completion date, Mr. Hancock told him, "We have three new units scheduled on-line within that time frame. Two units at Fayette, one unit in the South Texas project. The Fayette unit is scheduled for the summer of 1979, and the second unit for the summer of 1980. The South Texas unit is scheduled for the summer of 1981. In the event that any of those units slip schedule or are not available, all we need to meet the obligation to Houston and to meet the reserve requirements in our system is one of the units at Fayette."

So, I think it is relatively secure, short of a catastrophic construction problem, and in the event it were not, we certainly have no liability and the contract protects us with respect to our inability to meet that because of schedule shift or internal system failures."

Mayor McClellan said she understood Fayette No. 1 is four weeks behind schedule, but they will probably make up the time. She said she feels the proposed contract is most beneficial to our rate payers. The contract comes at a time when the City has discussed selling power. The contract is favorably written to the rate payers of this community and it gives us a way to help recover the fuel adjustment costs that have not been covered from changing to the new electric rate structure. Councilmember Mullen said the contract appears to be an "Austin wins" no matter what the situation. Mayor Pro Tem Trevino reminded Council that under their Goals and Priorities, the first thing they addressed was the problem of energy and Council committed itself to sell excess. He told Mr. Humphrey that his argument that we may not even have enough power for ourselves doesn't hold any water. Not only do we have enough power for ourselves, he continued, we have sufficient to sell, and even then we still have surplus. Councilmember Cooke said he thinks Houston is going into the contract with both eyes open and realizes this is a back up for them but it isn't an assured guarantee. Mr. Hancock said one point he failed to make with respect to review of this arrangement, "The Electric Utility Commission reviewed this last Monday and it has their unanimous endorsement."

Roll Call on Motion

Ayes: Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Snell
Noes: None

CITY FACILITIES TO BE USED FOR RUNOFF ELECTION

Councilmember Cooke moved that the Council approve the request by Mr. Charles Sansom, Director of Administrative Services, Austin Independent School District, for permission to use the following City facilities for the Runoff Election, Saturday, April 22, 1978:

Doris Miller Auditorium
City Communications Building
Ullrich Water Treatment Plant
Austin Recreation Center
City Fire Station, Martin Luther King, Jr., Boulevard
Pan-American Recreation Center

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

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Mayor Pro Tem Trevino
Noes: None

RUGBY TOURNAMENT

Councilmember Goodman moved that the Council approve the request of Mr. Vernon Cook, representing Austin Rugby Club, regarding the upcoming Rugby Tournament (April 15-16) in Zilker Park. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Mayor Pro Tem Trevino, Mayor McClellan
Noes: None

PUBLIC HEARINGS ON CREEKCLIFFE TOWNHOUSE PROJECT

Mayor McClellan opened the public hearings scheduled for 10:00 a.m. on appeals of the following Planning Commission decisions:

1. Hearing granting a Special Permit for a 24-unit townhouse project called Creekcliffe, from Barbara Anderson, Jim Ferguson, Lilla Kay and David A. Anderson. (C14p-78-009)
2. Denying Special Permit for a 26-unit townhouse (24 units granted) from Bill Clendenning, applicant. (C14p-78-009)

Mr. Dick Lillie, Director of the Planning Department, told the Council that Mr. Clendenning was appealing action taken by the Planning Commission which reduced the number of permitted units from 26 to 24. Mr. Lillie stated that the site is about 2.25 acres with a density of 11.5 units per acre. He indicated that this density is permitted in "A" residential zoning. The area is located along Shoal Creek Boulevard just north of 38th Street. Mr. Lillie stated that the predominant zoning use in the area is single-family residences but that "B" zoned apartment development and duplexes also exist on the site. The project has a severe topographic change from land which fronts on the Shoal Creek and then falls off rapidly towards the Creek. Mr. Lillie pointed out that a petition has been filed and that the Planning Commission has included as part of its action, the following three parts of the petition:

1. A redesign of the south portion of the project.
2. Retaining maximum vegetation.
3. Reduction of environmental intrusions during construction of the project.

Mr. Lillie indicated that except for the unit reduction from 26 to 24 units, the applicant has agreed with meeting the Ordinance requirements and departmental recommendations. He stated that the Environmental Resource Management Department has recommended that the building set back along Shoal Creek Boulevard be reduced from 25 feet to 10 feet in order to give more clearance between the project and the Creek itself. This application went before the Board of Adjustment and the Board denied the variance. Therefore, the project as designed will set back 25 feet from Shoal Creek Boulevard and is in conformance with the Ordinance. Mr. Lillie pointed out that if the project is approved by the Council, the applicant will be required to obtain a Subdivision Permit and a Waterway Development Permit prior to receiving a Building Permit.

Councilmember Himmelblau asked Mr. Lillie what the total height limitation was for an area zoned 1st Height and Area District. Mr. Lillie indicated that the height limitation was 35 feet. He stated that measuring from the back of the structure the project was probably in excess of the limitation but that this is not where the height is measured from. Councilmember Himmelblau asked if the Council could request the dedication of a permanent easement for a hike and bike trail. Mr. Lillie indicated that this would normally come up during subdivision procedures and that the Council could request it at that time. Councilmember Himmelblau felt that the Council was being asked to approve a permit prior to a lot of loose ends being tied up. In response to questions from Mayor McClellan as to whether the City ever owned the property and would there be a problem if the hike and bike trail crossed from the east to the west side and back to the east side, Mr. Mike Segrest, Acting Director of the Parks and Recreation Department, told the Council that the main problem with locating a hike and bike trail on the east side of the Creek would be a topographical one and that the proposed townhouse project would probably not interfere with the trail. Mayor McClellan and Councilmember Himmelblau felt that there were a lot of questions unanswered and many problems.

Mr. Clendenning told the Council that the design for his project has complied with the Ordinance and met the approval of all City departments. He stated that he would also comply with all departmental requests and recommendations. Mr. Clendenning gave a brief history of the project which he indicated was conceived in September of 1977. He stated that he has retained the services of both an architect and an environmentalist. Mr. Clendenning then gave a slide presentation of the proposed site. He stated that they had met with the Ridgelea Neighborhood Association in February and that the Association felt that the developers were doing a sensitive and creative job. Mr. Clendenning indicated that the Association would rather see a known project brought into the area now than an unknown one later on that might have more devastating effects on the neighborhood. Mr. Clendenning stated that between January and February, the following concerns had been met:

1. Cover in the flood plain.
2. Stability of the creek bank.
3. Replacement of trees.
4. Noise abatement during construction.
5. Run-off from project.
6. Screening of headlights.
7. Adequate parking.
8. Noise control measure in the unit.
9. Architectural breakup.
10. Natural tones and colors.
11. Traffic control on Shoal Creek.
12. Plans for a hike and bike trail extension.
13. Removing development from the 100-year flood plain.

Mr. Clendenning indicated that reducing the project by two units (from 26 to 24) would be a radical change in the project. He stated the project could financially fail with only 24 units. Mr. Clendenning indicated that the Rosedale Neighborhood Association was in favor of occupant-owned townhouses on the property rather than rental units.

MR. DAVID ANDERSON presented the Council with a 1,500 name petition signed by persons opposing approval of the special permit. Mr. Anderson stated that townhouses are a special permit use and that they are not appropriate for the area. He stated that the project would pose traffic problems on Shoal Creek Boulevard and pollution problems in the Creek itself. Mr. Anderson stated that Mr. Clendenning made no attempts to contact the residents along Shoal Creek Boulevard. He stated that the project would distract from the visual qualities of the neighborhood. Mr. Anderson felt that the Council should deny the permit because the application did not comply with the Zoning Ordinance. He stated that he still has many questions that have not been adequately answered.

Mr. Lillie pointed out that the Planning Commission often approves or disapproves a permit prior to the issuance of Building Permits. In response to a question from Councilmember Himmelblau, Mr. Lillie indicated that it was typical to have an application with so many conditional things present in it. He stated that plats are withheld until all conditions and requirements are met. Mayor Pro Tem Trevino asked Mr. Lillie if the proposed site was inappropriate for townhouse construction. Mr. Lillie indicated that it was appropriate for any development that could go into "A" Residence zoning. He stated that a project could be designed to go into just about any site. In response to a question from Councilmember Snell, Mr. Segrest indicated that a hike and bike trail could still be located on the east side of the creek provided that the grades and soil were proper for trail location. Mayor McClellan felt that the Council would need to see the plats in order to get a total picture of the project. As to the alternative of locating 22 duplex units on the site, Mayor Pro Tem Trevino indicated that the same problems would exist for traffic, pollution, noise and glare. Mr. Clendenning indicated that they could construct as many as 27.9 duplexes on the site and that they would not have to front on to the street but could have a cul-de-sac or panhandle street built on to the property. He felt that it would be within the Ordinance stipulations to build duplexes on the site. Mr. Lillie indicated that 11 lots or 22 duplex units could be located on the site and possibly more. He stated that this would depend on the detailed engineering of the site. However, Mr. Lillie stated that it might be difficult to place more units on the site due to the topography of the site location.

DR. ALLISON, representing the Rosedale Neighborhood Association, told the Council that the Association was contacted and that the plans for the project have been discussed. Dr. Allison stated that in the beginning, the people on the Association's Steering Committee and many of the people within the membership did object to the concept of anything being built on the site. Dr. Allison indicated that the City Ordinances should dictate the quality at whatever level a development will be allowed on the property. He stated that his Association would prefer that the area be converted into a greenbelt and hike and bike trail, but that if a development is to be initiated on the site, they would prefer the proposed townhouse type of project.

MR. JAMES TAYLOR spoke in favor of the project. He felt that it was advantageous to have occupant-owned residences on the site rather than rental units where the residents were not concerned with the upkeep of the neighborhood. Mr. Taylor stated that many of the signatures on the petition opposing the project are from people who do not know the facts in the matter.

MR. BILL WERTZ told the Council that his neighbors were not in opposition to the townhouses, and that they preferred townhouses to duplex construction. Mr. Wertz submitted a letter to the Council favoring the project.

MRS. TED ZILLER told the Council that she was in favor of the project. She stated that the developers have been very helpful in answering all questions relating to the project. Mrs. Ziller stated that she would be in favor of some landscaping in the area. She did not feel that noise from the project would be a problem.

DR. JIM BOWMAN questioned how many actual neighborhood residents signed the petition opposing the project. He felt that the townhouses would be much more aesthetically pleasing to the neighborhood than duplexes. He stated that the townhouses would be very convenient for persons who work in the immediate area. Dr. Bowman felt that occupant-owned residences would be preferable to rental units. He stated that the project would be in accord with the Austin Tomorrow Program in that it would bring people back into the City and curtail growth into the outer area.

MR. RUSSELL FISH gave a brief history of the area around Shoal Creek. He stated that he had no opinion about the case in point but recommended that the City not buy land in the area for a hike and bike trail. Councilmember Himmelblau asked Mr. Fish if the City could specify to the developer what is needed for a hike and bike trail if it requires the developer to dedicate a permanent easement in the area. Mr. Fish stated yes and that there were detailed plans for the hike and bike trail through the area. Councilmember Himmelblau again stated that she would not vote for the permit until the City had the easement. Mr. Fish indicated that it was his understanding in talking to the project architect that there was a good possibility that the developer will do that. He felt that the City should first find out what the developer is willing to do for the City, and then go back and determine what the City will do for the developer.

MR. JIM FERGUSON read the following resolution from the West Austin Democrats Association, opposing the project:

"Whereas the City Council is considering an appeal of a Planning Commission decision to grant a special permit to allow construction of a townhouse project known as Creekcliffe project between 3912 and 4010 Shoal Creek Boulevard, abutting and within the 100-year flood plain of Shoal Creek; and Whereas there remains unanswered questions concerning the effect of said project on the drainage, undisturbed environment, noise level, traffic on Shoal Creek Boulevard, future development of the Shoal Creek hike and bike trail and; Whereas it is uncertain the landfill upon which it is proposed to build this development is adequate to support such a development; and Whereas the City departments have stated a commitment to acquire land along the proposed Shoal Creek development for the creek easement and since its easement composes at least 1/3 of the development's land mass, the City is, in effect, rezoning the area by allowing the project density designed for 2.25 acres to exist on a land

mass of just over 1.4 acres; and Whereas the City Council, in the past, has made a commitment to preserving, protecting and enhancing Austin's creeks and waterways and this townhouse project contradicts that commitment by endangering not only a recognized bird flyway but also the northern extension of the hike and bike trail, and further the construction would set an unfortunate precedent for future development along the creek. Therefore, the West Austin Democrats resolve that the City Council should deny this special permit and emphasize the established commitment to Austin's creeks, waterways and greenbelts they provide."

MR. BILL HELLUMS told the Council that he did not agree with the acceptance of townhouses as the lesser of two evils over a duplex project. He stated that he was involved in the circulation of the petition and that some of the previous remarks made about the petition were erroneous. Mr. Hellums felt that Austin's contribution to the nation should be the preservation of its creeks and waterways, and that the Council should temper its decision with this in mind.

MR. VICTOR BIAZ spoke before the Council in regard to the preservation of residential neighborhoods, and the intent of the Master Plan regarding Shoal Creek and the hike and bike trail. Mr. Biaz stated that the construction would not be in character and that townhouses would disintegrate the housing types in the neighborhood. He pointed out that townhouses are a special usage zoning. He questioned if the City intended to have a composite of various types of development adjacent to or on Shoal Creek when the existing greenbelt is defined as non-urban in character north of 12th Street. Mr. Biaz felt that the City must exercise the same kind of control that it gives the downtown revitalization program in order to preserve the Shoal Creek area. Mr. Biaz made the following recommendations to the Council:

1. The City conduct a thorough investigation of existing and proposed development, existing zoning and conditions along Shoal Creek between 38th Street and Anderson Lane.
2. Possible consideration of zoning rollback if present zoning is contrary to a projected and controlled greenbelt character.
3. The City develop standards for yard maintenance and sanitation for the benefit of the creek.
4. That the neighborhood citizens and the City develop a joint venture for the purpose of creek maintenance.
5. That a construction moratorium be enacted until the City defines the said investigation and character through its policy of the proposed extension of the greenbelt and the hike and bike trail.

MS. MARTHA BOYD made a slide presentation to the Council, of the area immediately surrounding the project site. Ms. Boyd indicated that the acreage of the creek taken would be more than 1/3 of the total acreage of the project. She asked that the Council take this into consideration.

MS. BARBARA ANDERSON, a member of the Ridglea Neighborhood Association, told the Council that one of the goals of the Austin Tomorrow Program was to enhance recreational areas within the City. She stated that she preferred to see the area in question become a greenbelt. She felt that there were other

compromises to the problem other than townhouses and duplexes. Ms. Anderson stated that they did not object to Mr. Clendenning's right to develop his land, but were in opposition to the granting of a special permit beyond what the standard zoning requirements are. She stated that she questioned how the hike and bike trail will be constructed on the east side of the creek.

MR. KEN MANNING, attorney representing the Austin Sierra Club, told the Council that the Club was in opposition to the granting of the special permit. Mr. Manning felt that the City Code did not condone allowing someone the right to develop in a manner which is excessive to the best interests of the City. He stated that if the City was going to reject the special permit on the grounds of health, safety and welfare, it would have to be more specific as to what the particular concerns are in this area. Mr. Manning cited the Austin Tomorrow Program relating to the City's commitment to preserve its waterways. He stated that the permit would allow intense development in an area that should be left in a natural state.

MS. CAROL HELSUMS told the Council that many of the persons who signed the petition opposing the project were dubious and asked many questions. She stated that most of the signers were very enthusiastic and very concerned. Councilmember Cooke asked about some of the locales where the petition was circulated. It was pointed out that the petition was circulated mostly in neighborhoods and Safeway stores. The fact that the petition could be circulated at a recently held rock concert turned out to be in violation of existing City Ordinances. Councilmember Mullen stated that he had a problem with petitions that were not specific and only asked if individuals were in support of greenbelts and waterways.

MS. SYLVIA HENDRICKS told the Council that she was in opposition to the project. She expressed a desire to sign the petition opposing said project.

MR. ALAN BACH felt that since the area surrounding the project was already a highly developed urban area, it was important that a greenbelt be located in the area, rather than more development. He stated that he would prefer having duplexes that are in conformance with City zoning standards than the proposed townhouses.

MS. LUCILLE HAMNER told the Council that the project would effect areas other than the neighborhoods immediately surrounding it. She stated that she was in favor of a hike and bike trail extension.

MR. EVERETT T. DAWSON told the Council that residents on the west side of the creek from the project will be overshadowed by a three-story structure that will cut down on sunshine and breeze. He told the Council that he was in opposition to the development and that it would not be in keeping with the City planning to preserve a natural bird sanctuary in the area. Mr. Dawson suggested that the Council go out and inspect the area in question.

Motion

Councilmember Mullen moved to close the public hearing. The motion was seconded by Councilmember Cooke.

Mr. Clendenning told the Council that there are no plans on the part of the City to make the area in question into a greenbelt. He stated that they had contacted a Mr. Tom Anderson in regards to the hike and bike trail and they later had indicated that development of the townhouse project would in no way interfere with the extension of the hike and bike trail. Mr. Clendenning stated that his development would have the effect of cleaning up the area along Shoal Creek. Councilmember Himmelblau asked Mr. Clendenning if he would dedicate a permanent easement for the hike and bike trail. MR. BOB DORIS, attorney representing Mr. Clendenning told the Council that the dedication for a hike and bike easement in the area would occur during the Subdivision process and not during the Special Permit process. Mr. Clendenning felt that it was unfair for the City to expect him to dedicate an easement that other property owners in the area are reimbursed for. He stated that they have met all of the Ordinance requirements and that if the Council buckled under neighborhood pressures at this point, it would undercut new development that can revitalize the downtown area.

MS. BARBARA ANDERSON hoped that an overall plan for the creek could come out of the problem. She hoped that the area could be used as a greenbelt that can be used by all of the citizens of the City. Ms. Anderson indicated that another plan that could be considered is Mr. Clendenning's density based on the City's plan to acquire the creek area. She stated that the neighborhood in question was already urbanized enough and that it needed to remain compatible with the areas around it.

Friendly Amendment

Mayor Pro Tem Trevino made a friendly amendment to close the public hearing and take action on the Special Permit on April 27, 1978. Councilmember Mullen accepted the friendly amendment and Councilmember Cooke seconded it.

Roll Call on Motion and Friendly Amendment

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Mayor Pro Tem Trevino, Mayor McClellan, Councilmember Cooke
Noes: None

PUBLIC HEARING ON SPECIAL PERMIT DENIAL LUMBERYARD LOUNGE

Mayor McClellan opened the public hearing set for 10:00 a.m. on an appeal of the following Planning Commission decision:

Denying a Special Permit application of Wayne I. Dayton, Jr., C14p-76-021, from Daniel E. Thornton (request for additions to the Lumberyard Lounge, 9200 Burnet Road.)

Mr. Lillie, Director of Planning, told Council that the owners of the Lumberyard Lounge on F.M. 1325 north of Highway 183, have appealed the decision of the Planning Commission to deny a permit to expand a dance hall activity serving beer, wine and mixed drinks. This activity is just north of the Silver Dollar Inn which is north of Highway 183. The Planning Commission did consider

the application to expand to a total of 600 seats at this location. The Planning Commission on a motion and substitute motion, voted 4-4 concerning the expansion; therefore, the case is before Council. With an expansion to 600 seats, there will be an appropriate number of parking places, as required by ordinance. There is a problem, stated Mr. Lillie, in that the adjoining property owner of the Silver Dollar Inn, which was developed outside the City limits and did not have the number of parking places the City would have required, entered into an agreement with Mr. Dayton to provide additional off-street parking for the Silver Dollar Inn. That is a private agreement between those two individuals, said Mr. Lillie. "Our information that we are passing on to you is that the Lumberyard will have adequate parking to serve the expansion which is requested."

Mayor Pro Tem Trevino asked Mr. Lillie if the Planning Department recommends approval. He said they do, subject to ordinance requirements and departmental recommendations.

MR. DAN THORNTON, representing Mr. Dayton, owner of the Lumberyard, appeared before Council to state that the proposed expansion is in line with City ordinances. He said that there is adequate parking for the Lumberyard but that the Silver Dollar does not and never had adequate parking spaces. He then reviewed the former partnership of Mr. Dayton and Mr. Weems and the current lease between Mr. Dayton and Mr. Weems for the parking spaces on the Lumberyard parking lot. The lease of parking spaces to the Silver Dollar is a private lease between two persons.

MR. WAYNE DAYTON, owner of both pieces of property, appeared before Council and reviewed the personal relationship and personal contract between he and Mr. Weems. He concluded that the only reason Mr. Weems is fighting the Special Permit is because he does not have adequate parking spaces for himself. Councilmember Himmelblau asked if Mr. Weems is still renting parking from him. When he said yes, she said it sounded illegal and that shared parking spaces cannot be counted twice in order to conform with the City ordinance regarding adequate parking.

MR. HARRY AKIN, attorney for George Weems Enterprises, again reviewed the private lease and private partnership between Mr. Dayton and Mr. Weems, and they oppose the Special Permit.

A discussion concerning purchase of land adjacent to the Silver Dollar ensued.

Motion

Councilmember Himmelblau moved that the Council close the public hearing, and uphold the findings of the Planning Commission.

MR. JACK LEDBETTER, representing Lamar Savings, said his institution had made a loan to a group of citizens for a lumberyard and it had been converted to other uses without their consent. He had just heard of the private lease agreement. The main concern of Lamar Savings is the fact they own the property across the street from subject site and are watching developments.

Councilmember Mullen told Council that it seemed to him like "we're getting in between a personal fight here. Unless you can assure us that lease which has been signed is not valid, or that you're going to be able to provide enough parking spaces with the lease as it is, we shouldn't even be involved in this, I don't think." Mr. Thornton said he could not assure the City that the lease is not valid.

City Attorney Harris stated: "One of the most important things about this Special Permit is, I think the City Council must be satisfied that you are going to have adequate parking. Otherwise, if we approve it, and then there is still that fight going on out there, how are we going to shut one or the other down with not being in compliance with the parking regulations until that issue is resolved? My only concern is that we're going to get in a fight that we can't handle at this point unless we're assured that the Lumberyard has control of this property and can exclude the Silver Dollar patrons from that to provide the parking he needs, that's one thing, but it is premature if that issue is not resolved in asking Council to give blessing to something that you can't even guarantee you're going to have the parking for. That's my only concern and that's why I want to ask Mr. Akin's opinion as to the effect of the lease. And you, (Mr. Thornton) just admitted to me that the matter of the lease is not resolved as far as you are concerned."

could
There was further discussion of the lease and Councilmember Mullen said he could not see how Council could vote to go along with the issue until they know how the issue will be settled. Mr. Harris told Mr. Thornton that he thinks he has a burden to establish that there is adequate parking for the hearing on the Special Permit. In reply to Mr. Thornton's statement that he submits the Planning staff report as evidence, Mr. Harris said: "But now we have some evidence, at least as a lawyer, that all I can do is look at that piece of paper right now and say that the lessor in this case has given up some right to a lessee about parking. And that's why I want to ask you, is there some other conclusive reason you have that this lease isn't any good? Sounds to me like you're going to end up at the courthouse and some judge is then going to tell us whether it's any good or not." Mr. Thornton replied that they are due over there in three minutes.

Councilmember Mullen and Mayor Pro Tem Trevino said they thought the court should be allowed to decide the parking lot quarrel and then applicant can come back to Council.

Motion

Councilmember Snell moved that the Council take no action on the Special Permit denial, and put it back on the Agenda in 30 days, May 11, 1978. The motion was seconded by Councilmember Goodman.

Motion Withdrawn

Councilmember Himmelblau withdrew her motion to uphold the findings of the Planning Commission.

Roll Call on Motion (Councilmember Snell's Motion)

Ayes: Councilmembers Mullen, Snell, Mayor Pro Tem Trevino,
Councilmembers Cooke, Goodman, Himmelblau
Noes: Mayor McClellan

RELIEF JUDGES TO BE APPOINTED

Mayor McClellan announced that the Council needs to appoint Relief Judges to the Municipal Court. She said, "We will be accepting those applications in my office until 5:00 P.M. on Friday, April 28, 1978. Relief Judges, just like Municipal Judges, must have lived within the City for two years and must have been licensed to practice law in the State of Texas for two years." Councilmember Snell asked if Relief Judges will have to go through the screening committee. The Mayor answered, "No."

PUBLIC HEARING ON AN AMENDMENT TO THE ZONING ORDINANCE

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. on an amendment to the Zoning Ordinance, Chapter 45-18 of the Austin City Code to permit home occupations in "BB" Residence or less restrictive zoning districts subject to certain conditions and by special permit only.

Mayor McClellan told Mr. Lillie that Council has read this and she thinks it would be wise to suggest to Council that they go the alternate route suggested by the Legal Department. Mr. Lillie stated that is the recommendation of the Planning Department.

Mr. Harris, City Attorney, explained "that the alternate route suggested by the Legal Department, was that the definition of home occupation, instead of being in the general definition section, which may have been interpreted to effect the home occupations allowed in "SR" Residential through "A" Residential, that that definition be moved down to the section starting with "BB" zoning. All that will mean is that these home occupations will then be allowed, after you get out of the "A" Residence category under the Special Permit and Subject to Conditions."

MR. BRUCE TODD, representing his neighborhood, asked, "It will still not be allowed in 'A' Residential?" Mr. Harris said that it would leave the home occupation business the way it is now which basically deals with dressmaking or day care centers under certain conditions. He said they do not want all home occupations allowed in "A" Residence subject to a Special Permit.

Mr. Todd told Council he promised the neighborhood association he would speak to them. He said he is not speaking in opposition to the change but he has suggestions. In effect, he feels the ordinance is tantamount to spot zoning which he feels is appropriate if done in a very restrictive manner. Therefore, he proposed that the ordinance be referred back to the Planning Commission for their study, with the following considerations:

1. This should be open to all zoning classifications.

2. There should be a limit placed on the number of persons outside the family who reside in the dwelling working in the occupation.
3. There should be a provision numerically and by distance to allow for a consent provision of the neighborhood.
4. Permit would apply only to the present owners and their capacity as an owner and resident of that dwelling.

Mayor McClellan asked Mr. Lillie if the Planning Commission has had a public hearing on this. Mr. Lillie replied there have been several and a packet was sent to all neighborhood associations. Mr. Harris clarified the point that neighborhoods are always notified concerning Special Permits, at the instruction of Council. Mr. Todd felt that more people should be notified if there is a Special Permit regarding home occupations.

Motion

Councilmember Goodman moved that the Council close the public hearing, and send the proposed amendment to the Zoning Ordinance, Chapter 45-18 of the Austin City Code to permit home occupations in "BB" or less restrictive zoning districts subject to certain conditions and by special permit only, back to the Planning Commission for further study. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmember Snell, Mayor Pro Tem Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Councilmember Goodman told Council that Mr. Todd and others interested in this proposed amendment should be notified of proceedings.

CASWELL HOUSE

Council had before it for consideration a resolution for acceptance of a grant in the amount of \$40,000 from the Texas Historical Commission to assist in rehabilitation of the Caswell House. Council also had before it for consideration an ordinance appropriating \$40,000 from General Fund Ending Balance to match Texas Historical Commission Grant for the Caswell House.

Councilmember Himmelblau asked, "Can the grant from the Historical Commission be held in abeyance if the City chose to put this property back on the market and seek bids? I felt 18 months ago we should have sold the property and I rather hate to amend the operating budget to go ahead and take \$40,000 right now. A year and a half ago there were some private parties interested in purchasing the property in the condition it was then in. My feeling is if this grant can still be valid I would rather see the property go on the market with the idea that private funds would be used instead of City funds."

Mayor McClellan said she would like the City to continue with the rehabilitation of Caswell House. Mr. Davidson, City Manager, asked Mr. Lillie, Director of Planning, if he could answer Mrs. Himmelblau's question as to whether that grant could be given to a private party who would purchase the

property under the bid process. Mr. Lillie answered that this has been discussed briefly and the local share can be taken care of publicly or privately. He said he thought that with a contract with the City it could be done privately. Councilmember Himmelblau asked if there would be time to advertise for bids if Council decides to sell the property. Mr. Lillie replied he would check to see what the duration of the grant is. Mrs. Himmelblau stated, "We were told, because it was my motion over three years ago, to pull the first \$50,000 from HCD funds, we were told with the match there would be sufficient monies for the exterior of the house. Now we are looking at a whole new set of figures; there's nothing to guarantee that a year from now we won't be in the same position, so I would like to see it in private hands."

Mr. Davidson asked Mr. Lillie if he was saying that the City could agree to accept the grant and then not pursue the expenditure of the money, advertise for bids to sell the property, and then transfer the grant amount to the new private owner? Mr. Lillie said he thinks, "the local share can be either public or private and it would have to be a contract with the City..the private money with the City, in order to make sure that grant is available." Mr. Mullen asked if the City could maintain ownership until the work was done and then turn it over under contract. Councilmember Goodman asked if this wouldn't enhance the value of the house when it was put up for sale.

Motion

Councilmember Goodman moved that the Council adopt a resolution to accept a grant in the amount of \$40,000 from the Texas Historical Commission to assist in rehabilitation of the Caswell House. The motion was seconded by Councilmember Mullen.

Councilmember Mullen asked if the Council was going to come back in a week with more information on this. Mayor McClellan asked if Mr. Goodman were also rolling in the ordinance which was to take the money from the ending fund balance. Councilmember Goodman answered that he is. He said that with those conditions, even if the City does put the money into the house, they will get it back because it will enhance the value of the structure when they do sell it. Councilmember Mullen said he thought Councilmember Goodman was talking to Councilmember Himmelblau's statement.

Second to Motion Withdrawn

Councilmember Mullen withdrew his second to the motion.

Motion Seconded

Mayor McClellan seconded Councilmember Goodman's motion.

Substitute Motion

Councilmember Himmelblau made a substitute motion to put the property for sale with the idea that private monies could be used for the match. The motion was seconded by Councilmember Mullen.

Mr. Davidson asked Mrs. Himmelblau, "Would that also authorize the acceptance of the grant to put up with the private match assuming the Council were to go along with your motion?" "As long as we don't take it out of the City funds," she replied. Mr. Miller, Assistant City Manager, told Council, "If you accept the grant, you accept the condition that you provide the matching funds." Mr. Davidson said, "Pursuing Mrs. Himmelblau's idea, can we provide those matching funds by selling the property and getting the new private owner to put up \$40,000 cash match?" Councilmember Mullen said he thought there should be a time limit on Councilmember Himmelblau's motion to get back to Council with what can be done. He said it seems to him that it is possible to try to retain ownership until the work is completed with a contract that it will be purchased when the work is completed. But, he continued, \$40,000 of that money would still come from the people who are purchasing it. Mr. Davidson said that in order to get the property out for bids, the City would need a minimum of 90 days. Councilmember Goodman commented that the City should see it gets the most for the house and it should be fixed up and then sold. Councilmember Himmelblau said, "Knowing what the City has put into it...we purchased it for Street and Bridge, and then put \$50,000 HCD funds into it." Councilmember Mullen suggested they postpone further discussion for one week.

Council, by mutual consent, agreed to postpone the resolution and ordinance under consideration, for one week.

CETA PLANNING PROCESS FOR FISCAL YEAR 1979

Mr. Andy Ramirez, Director of Human Services, told Council they have before them the CETA Planning Process for 1978-79. Last year at the conclusion of planning process there was some concern by some citizens as to when things had occurred and been decided. This year, he said, they are sending the information to individuals and organizations who had expressed concern so that if they want to put input into the process they will know when the action will occur. Mr. Ramirez told Council this is the primary purpose for his report.

Councilmember Cooke asked, "When do we expect the whole CETA program to come back before Congress? And you are estimating 2 to 3 million dollars below current level." Mr. Miller, Assistant City Manager, answered that such legislation is working its way through committee now and it probably will not be out before September as far as the re-enactment of CETA, as well as the appropriation.

WATER AND WASTEWATER PRODUCTIVITY STUDY

Mr. Mike Erdmann, Water and Wastewater Department, told Council that the productivity project undertaken by the Water and Wastewater Department had five phases to it. He said they have already received reports on two phases and the third is in today's agenda packet. The first phase was the reorganization effort of the department which is currently under way. The second phase is the engineering project which was given to Council in March, representing savings to the City in the range of \$67,000 to \$102,000. The third phase of the study

identifies and represents some potential saving to the operating budget in the range of \$126,000 to \$145,000. The sum total of these two projects represent a saving to the City between \$194,000 to \$248,000. Mr. Erdmann pointed out the contract with the consulting firm who has helped with this project was in the amount of \$80,000 with two more projects to go and which will represent additional savings to the department.

BOAT RACES AT FESTIVAL BEACH

City Manager Davidson gave an update on some of the things that are being done prior to the boat races at Festival Beach during the coming summer Aqua Fest. The Boat Club and the City of Austin have been working together to lessen the kind of problems that have been experienced during previous boat races. Mr. Davidson told Council he had submitted a late communication a few minutes ago indicating that the City is now in agreement with the Austin Boat Club on all of the requirements except one, and that is close to being resolved. The one item has to do with the shuttle bus service from the Texas State Capital area to Festival Beach for persons who would park in one of the parking garages and take the bus to the race site. Mr. Ternus, Director of Transportation, has devised a unique plan. Actually, Mr. Davidson said, "we'll be able to accomodate beer and soft drink coolers and lawn chairs, because he is removing some of the back seats of the bus." This will enable the public to go to a spot, park their cars, and be able to go to the races with a minimum of confusion. Mr. Davidson pointed out the reason he cannot confirm this at this time is because the Aqua Fest Board of Directors has agreed to pay for \$250 of the bus cost, and they are working with a couple of other groups to underwrite the cost, as well as the City, Mr. Davidson said this problem will be solved by late today or tomorrow.

Mr. Davidson recognized MS. LAVERNE STALLINGS of the Boat Club and expressed his appreciation to her and to others who have been working to make all of the improvements come about.

Mayor McClellan commented that she is pleased with the way things are going regarding the coming boat races. Mayor Pro Tem Trevino complimented the City Manager for his efforts above and beyond to try to alleviate some of the problems that have been brought before Council regarding the boat races.

ZONING CASE SET FOR HEARING

The following zoning case is set for hearing by the City Council for May 4, 1978, at 10:00 a.m.:

TEXAS STATE BANK
TRUSTEE
By Bert Pence
C14-78-058

North I.H. 35, Rutherford Lane and U.S. Highway 183

From Interim "AA" Residence
1st Height and Area
To "C" Commercial and
"B" Residence
1st Height and Area
Not Recommended by the
Planning Commission. Alternate
recommended.

MEETING ADJOURNED

The Council Meeting was adjourned at 2:20 p.m.

APPROVED

Carole E. McCallan
Mayor

ATTEST:

Grace Monroe
City Clerk