

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 27, 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, Councilmembers Cooke, Himmelblau,
Mullen, Snell, Goodman, Mayor Pro Tem Trevino

Absent: None

LAW DAY U.S.A.

Mayor McClellan proclaimed Monday, May 1, 1978, as Law Day U.S.A. in Austin, and urged all citizens to join in the observance of this special day and to take part in community programs sponsored by state and local bar associations. Accepting the proclamation were Mr. Sam Perry and Mr. Lee Yeakel of the Texas Bar Association.

SMALL BUSINESS WEEK

Mayor McClellan proclaimed the week of May 1-6, 1978, as Small Business Week in Austin, and asked all citizens to recognize the great achievements of our nation's small business men and women. Mr. W. L. KINDLE accepted the proclamation, which was read by Councilmember Mullen.

FLORA RAMA WEEK

Mayor McClellan proclaimed the week of May 1-7, 1978, as Flora Rama Week in Austin, and urged all citizens to join in supporting this worthwhile event which helps secure funding to keep this fine facility and beautiful garden spot open and free to the public. MS. SHELLY McRAE accepted the proclamation on behalf of the Austin Area Garden Council. Ms. McRae extended a personal invitation to the Council to use the complimentary tickets to attend the Flora Rama.

ARTS MONTH

Mayor McClellan proclaimed the month of May as Arts Month in Austin, and urged all citizens to join in supporting the development and refinement of Arts activities which are made available to the residents of Austin and in encouraging the promotion of community understanding of, and cooperation between, all forms of Arts and all Arts organizations within the City. Accepting the proclamation was MR. BILL GIORDA of KUT-FM Radio, which was read by Councilmember Himmelblau.

INDUSTRIAL ARTS DAY

Mayor McClellan proclaimed April 29, 1978, as Industrial Arts Day in Austin, and urged all citizens to join in extending congratulations to the Hill Country Industrial Arts students and teachers. Accepting the proclamation was MR. RANDY SHURR of Murchison Junior High School. Mr. Shurr introduced the members of the Industrial Arts Club to the Council. The Council was invited to the regional competition of Industrial Arts at Highland Mall on Saturday.

SUN WEEK

Mayor McClellan proclaimed the week of May 1-8, 1978, as Sun Week in Austin, and urged all citizens to observe the Sun Week activities and become informed of the potential of solar energy in solving the nation's critical energy problems. MR. JOE HOLT, representing the Solar Energy Society, accepted the proclamation, which was read by Councilmember Cooke.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Council Minutes from April 20, 1978. The motion was seconded by Councilmember Cooke, and carried by the following vote:

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

BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan indicated that the Council had appointments to make to the Emergency Medical Service (EMS) Quality Assurance Team. Councilmember Himmelblau stated that because of the importance of having the Board appointed today, it would be done under the emergency clause which reads as follows:

"In the event of an emergency, the Council may in its discretion waive any of the procedures set herein."

Councilmember Himmelblau moved that the Council appoint DR. MICHAEL ROTMAN, DR. CHARLES ROSS, DR. ROBERT PORTER and DR. GLEN JOHNSON to the EMS Quality Assurance Team. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

ANNOUNCEMENTS

Mayor McClellan announced that appointments would be made at the May 4, 1978, Council meeting to the following Boards and/or Commissions:

Joint Airport Zoning Board - 1 appointment
Board of Adjustment - 1 alternate
Building Standards Commission - 1 real estate broker
On-Going Goals Committee - 1 member from Zone 8.
Parks and Recreation Board - 2 appointments
Building Code Board of Appeals - 1 appointment
Manpower Advisory Planning Council - 1 appointment
Citizens Board of Natural Resources and Environmental Quality - 1
appointment
Commission on the Status of Women - 2 appointments
Urban Renewal Board of Directors - 3 appointments
Hospital Board - 4 appointments
Board of Equalization - 3 appointments
Vending Commission - 4 appointments
Human Relations Commission - 1 appointment

LAND SALE

Councilmember Mullen moved that the Council adopt a resolution authorizing sale of City-owned tract of land to adjacent owner, Billie Jimenez:

All of Lot 18, Block M. Plaza Place.

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

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

EASEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing the purchase of an easement for drainage and temporary ponding in connection with the MoPac Drainage Project: CIP No. 73/60-02

0.53 of one acre of land out of that certain 3.6 acre tract out of the James Mitchell Survey. (Thomas T. Smith)

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

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

LEASE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing renewal of a Lease Agreement for the Police Community Relations Center at 745 Montopolis Drive. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

EASEMENTS

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

A ten (10.00) foot Public Utility Easement between Reserve "C" and Lot 1; Lots 1 and 2; and a five (5.00) foot Public Utility Easement on the north lot line of Lot 6; and a ten (10.00) foot Public Utility Easement between Lots 7 and 8, all Lots being in the Enfield X Subdivision, locally known as 1507-1521 Parkway. (Requested by Edsam M. Ingram, owner)

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

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

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

A five (5.00) foot Public Utility Easement on the north property line of Lots 17 and 18, E. S. Barrow Subdivision Section 1, locally known as McPhaul Street and Lamar Boulevard. (Requested by Mr. Charles E. Lambert, Jr., representing the owners.)

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

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

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

A portion of a Public Utility Easement being five (5.00) feet in Lot 9 and the south ten (10.00) feet of Lot 10, Block "G", Delwood Section Two, a subdivision in Travis County, Texas, locally known as 4602 Elwood Road. (Requested by James M. Grant, R.P.S., representing Junie L. Crouch)

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

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

BOX CULVERT

Councilmember Mullen moved that the Council adopt a resolution approving an agreement with the State Department of Highways and Public Transportation for the construction of a box culvert at the cost of \$12,100, C.I.P. No. 73/60-02. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

ENVIRONMENTAL ASSESSMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing participation with the Lower Colorado River Authority in an environmental assessment of the mining of lignite reserves on the Camp Swift property. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

CONTRACTS

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

ANCHOR METALS, INC.
905 East First
Hurst, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Austrop 345 KV Termination -
Galvanized Structural Steel,
Electric Department.
Item 1 - \$17,021.00

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

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

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

FARROW COMPANY, INC.
11123 Shady Trail
Dallas, Texas

- Replacement/Installation of Hot Reheat Piping on Decker No. 1 Turbine - \$418,000.00.

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

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

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

Bid Award:

- CAPITAL IMPROVEMENT PROGRAM - Medical Equipment, Hospital Project Phase 2B - \$167,326.00

A.I.M. (Colson)
P. O. Box 88083
Houston, Texas

- Items 10, 11, 12 - \$53,380.00

JAY BRUTON (Space Labs)
3727 Dillido Street
Dallas, Texas

- Items 5, 13, 14, 15 - \$30,955.00

ELECTRONICS FOR MEDICINE
6211 Denton Drive, #108
Dallas, Texas

- Item 4 - \$28,120.00

SOUTHERN SAFETY SALES
1301 Reagan Terrace
Austin, Texas

- Items 13, 14, 15, 16, 17, 18 - \$26,919.00

SPACE SAVER SYSTEMS
519 Pecore Street
Houston, Texas

- Item 9 - \$17,952.00

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

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

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

Bid Award:

- Tractors and Mowers, Vehicle and Equipment Services Department.

RIVER CITY MACHINERY COMPANY
10411 North Lamar
Austin, Texas

- Item AG-1 - 2 ea. @ \$6,467.00
- Total \$12,934.00

AUSTIN FORD TRACTOR, INC.
6600 East Ben White
Austin, Texas

- Items AG-2 - 1 ea. @ \$18,399.50
- AG-5 - 1 ea. @ \$5,172.00
- AG-6 - 1 ea. @ \$6,349.00
- AG-7 - 3 ea. @ \$1,535.00
- Total \$34,525.50

LONGHORN INTERNATIONAL EQUIPMENT
COMPANY
4711 East 7th Street
Austin, Texas

- Items AG-3 - 1 ea. @ \$8,520.00
- AG-4 - 1 ea. @ \$5,713.00
- Total \$14,233.00

LANFORD EQUIPMENT COMPANY
830 Airport Boulevard
Austin, Texas

- Items AG-9 - 2 ea. @ \$781.40
- AG-10 - 1 ea. @ \$20,989.76
- Total \$22,552.56

WATSON DISTRIBUTING COMPANY
9111 Broadway
San Antonio, Texas

- Item AG-8 - 1 ea. @ \$2,159.00

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

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

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

SOUTHWEST LIFT TRUCKS
825 Locust
San Antonio, Texas

- Riding Sidewalk Sweeper, Vehicle
and Equipment Services Department.
- Item 1 - 1 ea - \$8,950.00

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

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

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

SEAGRAVE FIRE APPARATUS, INC.
Clintonville, Wisconsin

- Fire Trucks, Pumper, Vehicle
and Equipment Services Department
- Item 1 - 4 ea. @ \$75,917.00
- Total \$303,668.00

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

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

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

JACK A. MILLER, INC.
12217-B Roxie Drive
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Street and Drainage Improvements,
Duval Street from East 48th Street
to East 51st Street - \$77,911.95.
C.I.P. No. 76/62-16.

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

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

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

ROBERT C. GRAY CONSTRUCTION
COMPANY
2007 Rutland Drive
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Model Cities Street and Drainage
Improvements, Model Cities 4th Year,
HCD - \$135,190.55
C.I.P. No. 76/62-15

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

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

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

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Robert Mueller Municipal Airport
Terminal Access Road Re-Alignment
and Parking Lot Expansion -
\$854,935.45 CIP Nos. 78/81-03 and
78/81-04

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

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

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

Bid Award:

- Ferrous Sulfate, Water and Wastewater Treatment Division.
Twelve months supply agreement.

McKESSON CHEMICAL COMPANY
4351 Director Drive
San Antonio, Texas

- Item 1.0 - \$97.67/ton
Total \$41,998.10 Est.

THOMPSON-HAYWARD CHEMICAL
COMPANY
222 Seguin Street
San Antonio, Texas

- Item 2.0 - \$174.27/ton
Total \$50,015.49 Est.

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

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

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

ROBERT JENTSCH
5109 Manchaca
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Golf Cart Paths at Jimmy Clay and
Morris Williams Golf Courses -
\$33,809.20. C.I.P. Nos. 76/86-31
and 76/86-30

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

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

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

Bid Award:

- Pest Control and Plant Fertilizer,
Parks and Recreation Department

SIMON J. BURG SPRAYER COMPANY
General Delivery
Stonewall, Texas

- Items 1, 5, 8, 10 - \$5,470.00

VAN WATERS AND ROGERS
4707 Aleha
Dallas, Texas

- Items 3, 4, 11, 12 - \$5,601.00

FERD STAFFEL COMPANY
821 East Commerce
San Antonio, Texas

- Item 2 - \$269.12

CHEMICAL & TURF SPECIALTY
COMPANY
10440 Plano Road
Dallas, Texas

- Items 6, 7, 14 - \$509.55

WATSON DISTRIBUTING COMPANY
9111 Broadway
San Antonio, Texas

- Items 13, 15 - \$599.22

GOLDTHWAITES OF TEXAS
8902 Broadway
San Antonio, Texas

- Item 9 - \$26.70

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

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

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

ALLIED PAINTING COMPANY

- Municipal Building, First Floor
Improvements. \$118,000.

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

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

Councilmember Snell made the following request: "I would like to get an ethnic breakdown on the sub-contractors that the prime contractors have been utilizing for the past contracts. Not any one particular contract, I just would like to get a list of the sub-contractors that are being utilized by prime contractors."

RECREATIONAL IMPROVEMENTS

Councilmember Mullen moved that the Council adopt a resolution selecting Triad Engineering Company for the planning, design and construction review in connection with the LBJ High School Tennis Facilities Improvement, Pleasant Valley Park Ballfield improvements, Removal Architectural Barriers at Swimming Facilities and Martin Junior High School Field Lighting Improvements. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

GRANT RENEWAL APPLICATION

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of a fourth year grant renewal application to the Texas Department of Human Resources for transportation for the elderly in the amount of \$42,668. (City share is 30% of actual contract costs). The motion, seconded by Councilmember Cooke, carried by the following vote:

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

CETA GRANT

Councilmember Mullen moved that the Council adopt a resolution authorizing submission of a CETA Title III Summer Program Grant Application to the U.S. Department of Labor and to accept the award in the amount of \$1,199,134.00. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

SUMMER EMPLOYMENT PROGRAM

Councilmember Mullen moved that the Council adopt a resolution authorizing a contract with Williamson-Burnet County Opportunities, Inc., for the rural Title III Summer Employment Program. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

AIRPORT PARKING LOT IMPROVEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing a grant application to the Texas Aeronautics Commission for \$75,000 for airport parking lot improvement. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

AIRPORT PARKING

Councilmember Mullen moved that the Council adopt a resolution amending the agreement with the Airport Parking Company of America (APCOA) to provide for financing of parking lot expansion and revisions to current rates. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

SETTING A PUBLIC HEARING

Councilmember Mullen moved that the Council set a public hearing for May 25, 1978, at 2:30 p.m., on an amendment to Chapter 45 of the City Code (Zoning Ordinance) providing that the Parks and Recreation Board will review site plans for developments in "L" Lake Development Districts. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

ITEM POSTPONED TRAVIS COUNTY'S APPOINTMENT TO BOARD OF TRUSTEES OF MHMR

Councilmember Mullen moved that the Council postpone for one week the confirming of Travis County's appointment to the Board of Trustees for Austin-Travis County Mental Health and Mental Retardation. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

STREET NAME CHANGES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM DEERFOOT COURT TO FOXWOOD COVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM WABASH AVENUE TO MEDICAL PARKWAY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

CODE AMENDMENT
STOP SIGNS AT RAILROAD CROSSINGS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-37 OF THE AUSTIN CITY CODE OF 1967 BY THE ADDITION OF A NEW SUBSECTION aa; GIVING THE TRAFFIC ENGINEER THE AUTHORITY TO DESIGNATE INTERSECTIONS OF PUBLIC STREETS AND RAILROAD GRADE CROSSINGS AT WHICH THE DRIVER OF VEHICLES ON THE INTERSECTING PUBLIC STREET MUST BRING SUCH VEHICLE TO A COMPLETE STOP BEFORE PROCEEDING; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

BUDGET AMENDMENTS
MUNICIPAL BUILDING AND AIRPORT PARKING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1977-1982 CAPITAL IMPROVEMENTS PROJECT PROGRAM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Cooke 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:

4-27-78

Place Ord. caption here

780518-C

zoning for Provident Development Co, et al.

C14-77-061

April 27, 1978

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

The Mayor announced that the ordinance had been finally passed.

ZONING AMENDMENT - FIRST READING

Mayor McClellan introduced the following ordinance:

The ordinance was read the first time, and Councilmember Cooke moved that it be passed to its second reading. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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

780518-C

D.b.a.

Provident
Development
Co., et al.
CIV-77-061

ZONING AMENDMENTS

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 3, MORROW SUBDIVISION, LOCALLY KNOWN AS 5300 THUNDER CREEK ROAD; FROM INTERIM "A" 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. (Marce L. and Araminto S. Morrow, C14-78-029)

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

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

Noes: None

Abstain: Councilmembers Snell, Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 BY PERMITTING ALTA VISTA, LOCATED AT 4206 STECK AVENUE, TO BE USED FOR A PLANNED UNIT DEVELOPMENT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Robert H. Nutter, C814-77-008)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

PRESENTATION

MS. MALINE McCALLA, Vice-Chairperson of the Bicentennial Commission, made a presentation to the Council of a publication on local creeks and waterways, Austin's Gift to the Nation. Ms. McCalla pointed out that the publication was the result of funds received through pins and T-shirt sales.

LIGHTING AT GARRISON PARK

In regard to the lighting request from the South Austin Optimist Club, City Manager Dan Davidson told the Council that the organization was talking about three separate facilities. He pointed out that if the Club purchased these facilities as proposed, it would cost the City about \$5,000 per field to provide the installation. Mr. Davidson stated that if the organization purchased 1,500 Watt (1.5KW) incandescent fixtures instead of the metal halides, the cost of the City installation would be between \$5-10 thousand. Mr. Davidson indicated that, in addition, the City would assume the maintenance responsibilities of the installation which would cost between \$500 and \$1,000 annually for the maintenance. He stated that the report further points out that the City currently has 19 lighted fields on City owned land, 11 unlighted fields on City-owned land, 18 lighted fields not on City owned land, and 9 unlighted fields not on City owned land. Mr. Davidson pointed out that if the lighting request is granted, it would be likely that other youth-athletic organizations would request the same support. He stated that if the City provided similar lighting facilities at the other unlighted fields around town, the cost would run between \$285,000 and \$1.5 million, depending upon the exact requests. The total annual maintenance costs for these lighting systems would be as much as \$57,000 each year. Mr. Davidson stated that the basic contract that was signed by each organization to use City properties for this purpose and to get the City to pay for the utility costs, indicates that they will be responsible for all of the improvements. He stated that in his opinion, approval of the request would set a precedent which would lead to other youth organizations coming before the Council requesting such things as concession stands and bleachers in the future. Mr. Davidson stated that this could cost the City as much as \$7 million, including land acquisition costs. He stated that there is no money in the City budget to accomodate the lighting request made by the Optimist Club.

MR. WALTER L. LANCASTER, President of the South Austin Optimist Club, told the Council that they were trying to double or triple their athletic programs if possible. He told the Council that they have already made a number of improvements to the fields. Mr. Lancaster stated that without City support many young boys would have to be left out of the program.

Motion - Died for Lack of a Second

Councilmember Goodman moved to allocate \$15,000 to the Optimists Club for the purpose of field lighting. The motion died for lack of a second.

Councilmember Himmelblau felt funding the lighting request would open the door to other groups requesting funds from the City. Councilmember Goodman felt that the request was legitimate and that there was a need for the lighting at Garrison Park.

Motion

Councilmember Mullen moved that the Council consider funding requests for all fields at budget time. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

CLASS RECOGNITION

Mayor McClellan paid recognition to the 10th grade History class from Johnston High School.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

EARL HOWARD, ET AL	1715-1721 West Avenue	From "B" Residence
By Richard Kammerman	707-719 West 18th	2nd Height and Area
C14-77-174	Street	To "O" Office
		1st Height and Area
		RECOMMENDED by the Planning
		Commission (amended request
		and area)

Councilmember Snell moved that the Council grant "O" Office, 1st Height and Area District (amended request and area), as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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

CHESAPEAKE	Rear of 8900 U.S. 183	From Interim "A" Residence
SOUTHWESTERN		1st Height and Area
By Anthony George, Jr.		To "C" Commercial
C14-78-045		1st Height and Area
		RECOMMENDED by the Planning
		Commission

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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.

April 27, 1978

GREG W. AND JEAN
M. SCHNURR
C14-78-046

4001 Manchaca Road

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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

DARLE L. AND VIOLA
J. NIENEKER
C14-78-049

9700-9702 Middle
Fiskville Road

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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.

Zoning Hearing and Ordinance

TEXAS ASSOCIATION
OF REALTORS
By John Van Winkle
C14-78-051

8416 North I.H. 35,
also bounded by
Barwood Park

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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.

The Mayor introduced the following ordinance as an emergency measure:

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 1, JOE CROW SUBDIVISION, LOCALLY KNOWN AS 8416 NORTH I. H. 35, AND ALSO BOUNDED BY BARWOOD PARK; FROM INTERIM "A" 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 DECLARING AN EMERGENCY.
(Texas Association of Realtors, C14-78-051)

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

WEST 34TH STREET
CORPORATION
By Bill Carlisle
C14-78-055

3410-3412 Owen Avenue

From "A" Residence
5th Height and Area
To "C" Commercial
5th Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Snell moved that the Council grant "C" Commercial, 5th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C" Commercial, 5th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN A. PARKER
By P. M. Bryant
C14-76-093

1601-1623 Cameron Road
1600-1610 Future Drive
also bounded by
Ferguson Lane

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a
restrictive covenant limiting future access
only to the property via Cameron Road and
no additional access on Ferguson and Future
Drive, residential streets.

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

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

Noes: None

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

BEN H. POWELL,
JR., ET AL
By W. B. Houston
C14-78-026

1829-1919 Kramer Lane

From Interim "AA" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a
restrictive covenant which was volunteered
by applicant to provide a 6-foot privacy
fence, then 10 feet of no improvements, then
a 40-foot building setback, all of which
would be adjacent to presently zoned residen-
tial land on the east and southeast.

Councilmember Himmelblau moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

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

BARROW CORPORATION
By Leroy Lange
C14-78-044

8101-8307 Brodie Lane
also bounded by
Plantation Road,
Dunliegh Drive and
Thomas Kincheon Street

From Interim "AA" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to (Tract
1) a 6-foot privacy fence and
a 25-foot setback in "A" to the east and a
25-foot strip of "A" Residence to the north
with no curb cuts on Thomas Kincheon Street,
and no fence; (Tract 2) a 6-foot privacy
fence, a 25-foot setback in "A" to the east
only; (Tract 3) a 25-foot setback in "A"
Residence and a 6-foot privacy fence to the
east, subject to dedication of right-of-way
on Tracts 2 and 3 for an average of 14 to
18 feet for the future widening of Brodie
Lane.

Mr. Lillie reviewed the application by use of slides and stated that the applicant agrees with all but the buffer on Kincheon. The applicant, Mr. Leroy Lange, told Council that if the 25-foot strip on the north side of Tract 1 is zoned "A", it could not be used for parking. He asked for "O" Office at this point to allow for parking. There was a discussion of the fences which had been recommended and Councilmember Snell commented that most fences which are erected are not kept up. Mr. Lillie said that one consideration could be a strip of landscape, and Mr. Lange would agree to that.

MS. BETTY WADE, a resident of the area, appeared before Council to state that she is opposed to the zoning because she fears strip zoning would develop on Brodie Lane. She said that Brodie Lane is narrow, and fears also that if the corner is zoned Commercial, it will turn into a gathering place for undesirable people.

MRS. HOWARD RAINEY appeared before Council to state her agreement with Mrs. Wade.

After further discussion by Council, Mr. Lillie and Mr. Lange, the following motion was made:

Motion

Councilmember Himmelblau moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions, minus the 6-foot privacy fences. The motion was seconded by Councilmember Cooke.

Substitute Motion

Councilmember Goodman made a substitute motion that the north half of Tract 1 be zoned "A" Residence, the south half shall be zoned "O" Office; "A" and "O" shall be separated by a fence, and a 25-foot landscaped buffer zone shall be on the east end of each tract. The substitute motion was seconded by Mayor Pro Tem Trevino.

Councilmember Mullen felt that this would be too much to ask of a property owner.

Roll Call on Substitute Motion - Failed

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

Friendly Amendment to Original Motion

Councilmember Goodman offered a friendly amendment to the original motion that 25 feet of landscaped area shall be included. His friendly amendment was accepted.

Roll Call on Original Motion with Amendment

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

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, subject to (Tract 1) a 25-foot setback in "A" Residence to the east and 25-foot strip of "A" to the north with no curb cuts on Thomas Kincheon Street, include a 25-foot maintained landscape area; (Tract 2) a 25-foot setback in "A" Residence to the east only with maintained landscape; (Tract 3) a 25-foot setback in "A" Residence, landscaped, to the east and south subject to dedication of right-of-way on Tracts 2 and 3 for an average of 14 to 18 feet for the future widening of Brodie Lane; and the City Attorney was instructed to draw the necessary ordinance to cover.

COTTON TEXAS, LTD,
 ET AL
 By Ras Redwine
 C14-78-054

U. S. Highway 183
 Jollyville Road; Loop
 360, Great Hills Trail
 and Great Hills
 Parkway

From Interim "A" Residence
 1st Height and Area
 To "O" Office, "C" Commercial,
 and "GR" General Retail
 1st and 2nd Height and Area
 RECOMMENDED by the Planning
 Commission "O" Office, 1st

Height and Area District on (Tracts 1, 2, 7, 8 and 9); "GR" General Retail, 1st Height and Area on (Tracts 4, 5 and 6); "C" Commercial, 1st Height and Area District on (Tract 3); with the 200 foot setback along Loop 360 designated from the paving, including the height as part of the footage subject to the review and approval by this Commission of both the subdivision and alternative methods suggested to meet the objectives of the Lake Austin Plan; secondly, that the zoning also be subject to review by the Urban Transportation Commission of a traffic impact and analysis, the results of which will be reviewed by the Planning Commission.

Mr. Lillie, Director of Planning, reviewed the application by use of slides. Councilmember Himmelblau asked if this had been before the Planning Commission this week for subdivision submission. Mr. Lillie answered "No, the subdivision has not been submitted yet. They will have to have the subdivision approved before we request that the Council act on the ordinance. The ordinance will remain pending until the subdivision and the traffic impact has been taken care of."

Mr. RAS REDWINE, representing the applicant, told Council that the subdivision plats have been filed, but not submitted, and will come to the Planning Commission in May. He said the users of the land will spend a lot of money to develop it, but need to know whether or not they can get it zoned. They have no objection to zoning as recommended by the Planning Commission. They know they have to comply with the subdivision ordinance, and all of the streets have been designed with this type of development in mind...as a result, the streets in the area are very large. He discussed what will be put on the site...a hotel, shopping center, post office, at least one church, and possibly a school. The school site was discussed, and it is not thought likely that one will be built there.

MR. BILL MULLENDORF, member of the Austin Independent School District in charge of new construction, appeared before Council to say that about a year ago they offered the site for sale and did not receive good bids. He said they are just interested in compatible zoning on the site for future use, but he feels there is a 50-50 chance that they will use it. He feels a better school site would be on the east side of U.S. 183.

MR. WALLACE PELLERIN, President, Balcones Civic Association, appeared before Council to state that the association has spent a lot of time in the study of this site and recommends that the zoning change should not be approved at this time. They feel a traffic problem will be created, and since the property is high on a ridge top, there will be no shield from the neighborhood. However, the association also knows that if the zoning is prolonged, there is a danger of losing good quality builders for the site. Therefore, if the zoning is going to be approved, he asked the following considerations:

1. Require approval by Council of the traffic impact studies.
2. Require a setback on Loop 360.
3. Move the development of Spicewood Springs Road forward in the C.I.P. to allow traffic to go through from Anderson and not use neighborhood streets.

MR. DELL BURCKETT appeared before Council to second the remarks of Mr. Pellerin. He said he thinks all of Austin should be concerned about 360 since it is a true scenic asset of the City.

MR. BILL COTTON, developer, explained why their planning deviated from the 200 foot setback, and why it is not exactly as recommended. He said that there were environmental planners from Florida to look at the site, and several others. In the 94-acre tract that the shopping center is going on..the majority in the front of it is much deeper than 200 feet..are canyons. They will have to

go much further back. In the areas on Loop 360 where the cuts are made, there are a few flat spots 60 feet in the air and the property line is sometimes 190 feet from the edge of the bluff, with quite a distance to the pavement. If the hotel site were made to go 200 feet back from the property line, he would lose the entire building site. He said it is important to them to keep Loop 360 as a scenic area minus any bait house type of development.

Motion

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District on Tracts 1, 2, 7, 8 and 9 (with the exception of Tract 1, which should be "A" Residence as recommended by the staff); "GR" General Retail, 1st Height and Area District on Tracts 4, 5 and 6; "C" Commercial, 1st Height and Area District on Tract 3; with the 200 foot setback along Loop 360 designated from the paving, including the height as part of the footage subject to the review and approval by this Commission of both the subdivision and alternative methods suggested to meet the objectives of the Lake Austin plan; secondly, that the zoning also be subject to review by the Urban Transportation Commission of a traffic impact analysis, the results of which will be reviewed by the Planning Commission; and accept the recommendations of the Balcones Civic Association and the Council as well. (Transcript on file in the City Clerk's office). The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District on Tract 1 as recommended by the staff; "O" Office, 1st Height and Area District on Tracts 2, 7, 8 and 9; "GR" General Retail, 1st Height and Area District on Tracts 4, 5 and 6; "C" Commercial, 1st Height and Area District on Tract 3; subject to conditions, and accept the recommendations of the Balcones Civic Association and the Council as well; and the City Attorney was instructed to draw the necessary ordinance to cover.

HANNAH WILLIAMS,
ET AL
By Dennis Elmore
C14-78-059

3817-3825 Dry Creek
Drive

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

RECOMMENDED by the Planning Commission,
subject to a site plan for the proposed
use, to be approved by the Commission and
a restrictive covenant limiting the use
to a restaurant and beauty salon.

Mr. Lillie reviewed the application by use of slides. Councilmember Himmelblau said, "I was curious why they didn't put in a specification for a roll-back to "LR" Local Retail to match what is contiguous to it in case this usage ceases. I have no objection to what is proposed, but I would like the protection of a rollback." Councilmember Cooke said he agrees.

DENNIS ELMORE, representing Mrs. Hannah Williams, owner of the property, and also the Southland Corporation who has the lease-hold interest on the property, stated, "Right now, it is a closed 7-11 store, but there is a lease arrangement with Lois Baker and Roland Fuentes, subject to getting the zoning change."

MS. LOIS BAKER explained to the Council what is planned for the site and the reason the change is requested. She said they plan to put a beauty salon in the existing building and surround it with one or two other businesses that come under "LR", such as the sale of boutique items. Eventually a restaurant is planned. Essentially what they want is the privilege of doing anything under "LR" which is existing in the area now, and the one use, a restaurant, under "GR" General Retail. She said there has been no opposition to their proposals.

Councilmember Himmelblau said, "I have no objection to the way it's stated by the Planning Commission with a covenant. I guess I would like to see a rollback to "LR" Local Retail if the proposed usage ever ceases, mainly because I know what you can do in a "GR" General Retail, and it would be on the zoning maps, with the covenant." Mr. Lillie said that Ms. Baker's suggestion is easier to deal with to zone it "LR" Local Retail and limit the "GR" use to restaurant.

Motion

Councilmember Himmelblau moved that the Council grant "LR" Local Retail, 1st Height and Area District, with the only permitted use in "GR" General Retail to be a restaurant. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Later in the meeting Mr. Lillie stated: "The zoning case the Council looked at this morning on Dry Creek for Mrs. Lois Baker. The Council approved "LR" in that case and with the only permitted use in "GR" to be a restaurant. And what we need to do is grant "GR" General Retail, on that application with the only usage under retail being a restaurant and "O" permitted uses in "LR" Local Retail more restrictive uses would do it. It accomplishes the intent of the Council, and I just got my initials mixed up." Councilmember Himmelblau said that is what her original motion was this morning, and she was corrected on it. Mr. Lillie said the motion should be to grant "GR" and include only the restaurant as a permitted use in that zoning and then permit all uses in "LR" in more restrictive zoning districts. Councilmember Himmelblau said, "And then if it ceases to be a restaurant, it will roll back to "LR?" That's the way I wanted it this morning." "That will be fine," answered Mr. Lillie.

Motion

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, with limited use of a restaurant and uses to be those that are in "LR" Local Retail; if restaurant not opened, then it will revert to "LR" Local Retail, 1st Height and Area District. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, with limited use of a restaurant, and uses to be those that are in "LR" Local Retail; if restaurant not opened, then it will revert to "LR" Local Retail, 1st Height and Area District; and the City Attorney was instructed to draw the necessary ordinance to cover.

FIRST AUSTIN
INVESTMENT REALTY
By C. H. Chee
C14-78-043

5300 Hummingbird Lane

From Interim "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area District
NOT RECOMMENDED by the
Planning Commission. Recommend
ed "A" Residence, 1st Height
and Area District.

Mr. Lillie reviewed the application by use of slides.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

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

RICHARD A.
HABERMAN, TRUSTEE
By Bary Goehrs
C14-78-050

4500-5000 blocks of
Spicewood Springs Road

From Interim "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission "AA" Residence, 1st
Height and Area on both
Tracts.

Mr. Lillie reviewed the application by use of slides. MR. BILL WEDBERG of the Balcones Neighborhood Association, appeared before Council to state that the people in the neighborhood are concerned with improper development and possible noise from the traffic. He said they would like to see no development until the corridor is planned, and would prefer to see "AA" Residence zoning. He said they are also concerned about how Spicewood will be developed as a road.

MS. MARIA HUTH, who lives on Appalachian Drive, opposes the "BB" zoning. She said this area is now a woodland buffer for the houses and feels too many developments are being built in the area.

Councilmember Mullen moved that the Council grant "AA" Residence, 1st Height and Area District, on both tracts, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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

C. B. SMITH, SR.
AND C. P.
SANDERS
C14-78-022

606-611 Kawnee Street
608-611 Swanee Street

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

RECOMMENDED by the Planning
Commission 50 feet of "O" Office along the
north, a 65-foot strip of "O" Office be
established along the east, and "LR" Local
Retail be granted on the remainder of
Tract 1. In addition, an 8-foot privacy
fence be constructed adjacent to the Brown
property and that "LR" Local Retail be
granted on Tracts 2 and 3.

Councilmember Mullen moved that the Council grant 50 feet of "O" Office along the north; a 65-foot strip of "O" Office, 1st Height and Area District along the east; and "LR" Local Retail, 1st Height and Area District on the remainder of Tract 1, subject to conditions; and "LR" Local Retail, 1st Height and Area District on Tracts 2 and 3. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the change had been granted to 50 feet of "O" Office, 1st Height and Area District along the north; a 65-foot strip of "O" Office, 1st Height and Area District along the east; "LR" Local Retail, 1st Height and Area District on the remainder of Tract 1, subject to conditions, and "LR" Local Retail, 1st Height and Area District on Tracts 2 and 3; and the City Attorney was instructed to draw the necessary ordinance to cover.

April 27, 1978

TEXAS COMMERCE
BANK, ET AL
By Jay C. Tapp
C14-78-053

2018-2218 East Ben
White Boulevard
3500-3700 Woodward
Street
3400-3600 Parker Lane

From Interim "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "C" Commercial on
that portion of the tract along Ben White
to line up with the "C" Commercial district
on the west and to grant "O" Office on the
remainder of the tract subject to a
restrictive covenant for 10-foot environ-
mental easement in "A" Residence adjacent
to the park.

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District on that portion of the tract along Ben White to line up with the "C" Commercial district on the west, and "O" Office, 1st Height and Area District on the remainder of the tract subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District on that portion of the tract along Ben White to line up with the "C" Commercial district on the west, and "O" Office, 1st Height and Area District on the remainder of the tract, subject to conditions; and the City Attorney was instructed to draw the necessary ordinance to cover.

IVY DEAN HUNT
C14-78-047

12012 North I.H. 35,
also bounded by Wren
Avenue and Pollyanna
Avenue

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st Height and Area
for that portion within the City limits
subject to dedication of one-half of the
right-of-way to increase Wren Avenue from
50 to 60 feet.

Mr. Lillie reviewed the application by use of slides. He said there was opposition to this application, and the applicant does not agree with this recommendation nor the condition of the right-of-way.

DEAN HUNT appeared before Council to state, "I just want to go ahead and agree with the recommendation to have it zoned "O" Office with a question on the dedication of the five feet. There's a hugh oak tree on the southeast corner of this lot and I wonder if I designate this five feet, if the tree will stay or come down?" Mr. Lillie answered that it would be within the area dedicated but not necessarily within the paving area of the right-of-way.

April 27, 1978

MS. MARY HEISMAN, representing the Walnut Creek Neighborhood Association, stated that they go along with the recommended zoning.

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

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

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

JUNE S. OLIVER,
ET AL
C14-78-048

2503 Nueces Street

From "B" Residence
2nd Height and Area
To "C" Commercial
2nd Height and Area
NOT Recommended

RECOMMENDED by the Planning Commission "LR" Local Retail, 1st Height and Area subject to restaurant of no more than 55 seats be the only "LR" Local Retail use on the property; that all business activities conducted on the premises cease by 12 midnight; that restoration plans and any future remodeling be consistent with the early 20th century style of the house; that the signs and painting be in soft natural colors or black and white; and the sign not be illuminated with fluorescent or blinking lights and that any exterior lights should be turned off at midnight; that the property revert to "B" Residence if these conditions are not met.

Mr. Lillie reviewed the application by use of slides. Councilmember Cooke commented that when he read all of the conditions, he just couldn't believe it. Mr. Lillie stated that the applicant agrees with all the conditions but would like the zoning to revert to "O" Office rather than "B" Residence, if conditions are not met. He said that "O" Office is the zoning staff had recommended for the site. Councilmember Goodman said this would be less incentive for meeting the conditions.

MS. JUNE OLIVER, applicant said she had worked extensively with people in the neighborhood association who had suggested these conditions. They want to restore the house and live in the second floor apartment. They plan to operate a small restaurant on the first floor. However, because of the wording of the statement, they would be restricted to only a restaurant. They want to

keep themselves available to other options in the event something happens to their health and they can no longer run a restaurant. Councilmember Himmelblau explained that with the "LR" Local Retail, they will get "GR" General Retail usage with a Special Permit. In reply to Councilmember Cooke's query as to what "O" Office options are, Mr. Lillie replied that they are multi-family, "O" Office uses, and a limited number of retail uses.

MS. BETTY PHILLIPS, representing "Save University Neighborhood," told Council the change in zoning is acceptable to them with "O" Uses if the "LR" would revert to "B" Residence if conditions are not met. After discussion among Councilmembers, Mr. Lillie commented that these conditions are certainly complex, and difficult to know how it could be enforced.

Motion

Councilmember Goodman moved that the Council grant "LR" Local Retail, 1st Height and Area, subject to conditions, as recommended by the Planning Commission, except that if the conditions are not met, it revert back to "O" Office with the same conditions applying to the "O" Office, and if there are more violations, that it revert back to "B" Residence.

Councilmember Cooke said, "I just think we're going too far, Richard, I really do. I can go with the "O" but I can't see reverting back to "B" if they don't comply under "O."

Motion Amended and Seconded

Councilmember Goodman amended his motion to delete that it revert back to "B" Residence, if there are more violations. The motion was seconded by Councilmember Mullen.

MR. HENRY AULT, owner of the property with Miss Oliver, appeared before Council to state that the back part of the property they own is zoned "C" Commercial and it runs from Nueces to San Antonio with about a quarter of the property on Nueces Street zoned "B" Residence. He said they are asking for "O" because it would give them a little leeway for what they could do with the property.

A man who did not identify himself, said he lives across the street and is against the zoning change, but if it is changed, thought the incentive would be greater to maintain the property if it reverted to "B" Residence if conditions are not met.

Roll Call on Motion as Amended

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

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area, subject to conditions, and that the property revert to "O" Office if these conditions are not met; and the City Attorney was instructed to draw the necessary ordinance to cover.

April 27, 1978

OLD ZIMMERMAN
HOME
Settlement Club of
Austin, owner
C14h-78-036

1600 Peyton Gin Road

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

The Landmark Commission felt that it met Items a, b, c, g, h, i, k, l and m of the criteria required for Historic zoning.

Councilmember Cooke moved that the Council accept the finding of fact and grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

ZONING DENIED

JENNIE FEE
DAVIS
By W. McCormack
C14-78-052

1010 Daniel Drive
also bounded by
Dawson Road

From "A" Residence
1st Height and Area
To "O" Office
2nd Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides. He said the applicant was asking for the "O" zoning in order to use it for accessory parking for the restaurant which is being built.

MR. W. A. McCORMACK, representing the restaurant, said he was trying to alleviate a problem before it arises by planning for more parking. They particularly will need parking for the workers in the restaurant. Mr. Lillie commented that once you start zoning changes on a street, there is no stopping it. After further discussion by Councilmembers, the motion was made to deny.

Councilmember Goodman moved that the Council DENY the zoning change. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

The Mayor announced that the zoning had been DENIED.

ZONING POSTPONED

JOHNSON HOME
American Legion,
Post #76, owner
C14h-77-023

2201 West 1st Street

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

Councilmember Cooke moved that the Council POSTPONE the zoning case for 30 days. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

The Mayor announced that the case had been POSTPONED for 30 days.

RECESS

The Council recessed at 12:10 p.m. and returned to resume its meeting at 2:15 p.m.

M.I.G.H.T.

Councilmember Goodman moved that the Council adopt a resolution approving a request from Ms. Martha Arbuckle, representing M.I.G.H.T., for the Council to participate in Architectural Barrier Awareness Day, Monday, May 15, 1978. (A copy was not furnished to the City Clerk.) The motion, seconded by Councilmember Cooke, carried by the following vote:

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

AUSTIN CIVIC BALLET

Motion

Mayor Pro Tem Trevino moved to approve a request from MR. MICHAEL L. LOWE, Business Manager, Austin Civic Ballet, to use Auditorium Shores on July 4, 1978, for a fund-raising art show.

Councilmember Cooke expressed concern that granting of the request might interfere with other organizations which use the site location during this particular time of the year. City Manager Dan Davidson stated that they have been trying to arrange for Mr. Lowe to meet with the Jaycees in order to work out something on a cooperative basis that would not interfere with either event. He recommended that the Council postpone action until an agreement has been reached.

Motion Withdrawn

Mayor Pro Tem Trevino withdrew his motion to approve the request from the Austin Civic Ballet.

Motion

Councilmember Mullen moved that the Council postpone action on the request until an agreement is reached between the Austin Civic Ballet and the Austin Jaycees, as recommended by City Manager Davidson. The motion was seconded by Mayor Pro Tem Trevino. No vote was required to postpone action.

ART SHOW SALE

Councilmember Himmelblau moved that the Council approve a request from MS. JANIS TEMPLETON, Advisory/President-Elect, Beta Sigma Phi, Pi Ro Chapter, to use Auditorium Shores for an Art Show sale on July 29, 1978 and July 30, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

BANNER

Councilmember Cooke moved that the Council approve a request from MS. MARY JONES, Chapter Development Director, Arthritis Foundation - Capital Area Branch, to have a banner installed across Airport Boulevard, east of the Fox Theater at the entrance to Highland Mall Shopping Center from the last week of April through the third week of May. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

GUS FRUH PARK

Councilmember Himmelblau moved that the Council adopt a resolution, signed by all the Council members, that the portion of Barton Creek Greenbelt known as Horse Shoe Bend be renamed "Gus Fruh Park;" and that Thursday, April 27, 1978, be proclaimed as "Dr. Gus Fruh Day;" and to call upon all residents to acknowledge Dr. Fruh's many contributions towards the protection of our environment and natural resources. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Accepting the resolution was Mrs. Gus Fruh and her daughters. Mrs. Fruh introduced members of her family who were present at the meeting to the Council.

REPORT ON INTERMEDIATE AND LONG RANGE AVIATION NEEDS
(Airport Task Force Committee)

DR. S. H. DRYDEN, Chairman of the Airport Task Force Committee, spoke before the Council regarding the Airport Study Committee Report. The report read as follows

The City Council appointed the following persons to the Airport Task Force Committee on February 9, 1978:

Tom Backus	William L. Nolen, Jr.
H. C. Carter	Frank D. Phillips
Peter Coltman	Tom Searcy
Dr. S. H. Dryden	Ray Smith
Mrs. June Gough	Stacy Suits
Dick Hodgkins	Paul Tovar
Ralph Janes, Jr.	Dr. Milton Turner
Jay N. Miller	Charles P. Zlatkovich

Technical (advisory) members who assisted the Committee were as follows:

Sam Ashmore, Vice President, Texas International Airlines
Mrs. Emma Browning, President, Browning Aerial Service
Ken Cox, Vice-President, Ragsdale Aviation
John Dufficy, Airports Division Chief, Federal Aviation Administration
Col. Charles R. Peters, Vice Commander, Bergstrom Air Force Base

The purpose of the Committee appointed by the Mayor and Council was to address the following four issues:

1. A factual assessment of the current and projected statistical data as it effects the present operation at Mueller Airport.
2. The factual assessment as to the feasibility of pursuing the joint use concept at Bergstrom as previously recommended by the Committee and as adopted by two City Councils. (Members voted March 2, 1978, to postpone discussion of this issue in light of the letter received from Deputy Assistant Secretary of the Department of Defense, Joe Meis.)
3. An assessment of other airport location options that appear to exist for the City to serve aviation needs for the next 20-40 years.
4. What limitation on the amount of airport expansion can be allowed if the Airport is forced to remain at its present location.

During the initial meeting of the Airport Task Force Committee on February 23, 1978, members unanimously elected Dr. S. H. Dryden as Committee Chairman and Mr. Frank D. Phillips as Committee Vice Chairman. Members decided to schedule subsequent meetings every two weeks. Study sessions were held March 2, 1978, March 16, 1978, April 6, 1978, and April 20, 1978.

Although the Committee was given the deadline of May 9, 1978, to prepare its recommendations, we are pleased to report to the Council at this early date.

Study Committee Actions

At the March 2nd meeting, Mr. Ray Kusche, Vice-President of R. Dixon Speas, briefed Committee members on all current and past Airport Master Plan Study work conducted by their firm. After Mr. Kusche's presentation, discussion ensued on the possibility of joint use of Bergstrom Air Force Base. However, due to the information sent by Mr. Joe F. Meis, Deputy Assistant Secretary for Air Force Installations, the Committee believed that Bergstrom would not be available as a relocation site. The letter of refusal received by the City from Mr. Meis clearly simplified the Committee's decision on this matter.

On April 6, 1978, the Committee unanimously voted that the Master Plan Study Consultant's current and projected statistical data, as it effects present operations at Mueller Airport, be accepted and that the Consultant's high statistical data be accepted. In essence, this means that the Committee agreed with the growth projections made by the consulting firm, R. Dixon Speas.

In further action taken on April 6, 1978, the motion was made, seconded, and unanimously approved that Robert Mueller can continue to function at the present location through 1995. No official committee action was taken at this time regarding a future airport site.

The final Airport Study Committee meeting was held Thursday afternoon, April 20, 1978. At that time the motion was made by Mr. Ralph Janes and seconded by Dr. Milton Turner that the Committee recommend to the Council that they immediately undertake further site section work to determine a location for future air carrier facilities. The Committee was advised that Federal Aviation Administration funds were available for this type of work in the amount of 90% of project cost.

Mr. H. C. Carter suggested that any forthcoming site selection work not duplicate previous studies undertaken by the Consultant, but instead be concentrated to the north and northeast of Austin. Generally speaking, the Committee agreed with this thought. Mr. Janes added that the site selection study should not be conducted to the west of Austin or south around the Oak Hill area.

Mr. H. C. Carter made the motion, seconded by Mr. Paul Tovar, that the Committee recommend to the Council that the Capital Improvement Program for 1978/83, as submitted by the Director of Aviation, be undertaken, which would provide for immediate improvements in the terminal area to serve air carrier activities, as well as improvements to serve general aviation. This motion was unanimously approved by Committee members.

It was the Committee's desire to encourage the Council to move forward with these improvements as scheduled. Committee members believed that these improvements were imperative and that monies should be spent to provide necessary air carrier and general aviation facilities to serve citizens' needs in the immediate future.

Some of the most critical needs are terminal remodeling to accommodate additional airlines, remodeling of the screening area for more expeditious handling of the screening process, extension of the terminal ramp to the north and east to provide for additional airline departure lounges and cargo building space, baggage claim area expansion, lobby area expansion, and addition to the airline support area.

The Committee believes that the primary 12R/30L runway is adequate for the current family of air carrier aircraft now utilizing the airport.

The Committee further believes that the City Council should use extreme caution in funding future capital improvement projects in light of future relocation of air carriers, so as to minimize capital investments that the City may not be able to amortize.

It has been a pleasure for the Committee to serve the Council in this capacity and we sincerely hope we have been of assistance to you in making your critical decision regarding adequate airport facilities at Robert Mueller Airport to meet the public need now and in future years.

It has been my personal pleasure - and I know that I speak for the Committee - to have been a part of this most important decision making process."

Mayor McClellan thanked Dr. Dryden and the Committee for their work and hoped that the Council would take action now to not only accept the report but to instruct the staff to begin site selection work concentrating on the north and east of Austin, and apply for FAA funds for site selection. Dr. Dryden said the application must be submitted soon because now the City is eligible for 90% of the project cost and after July eligible for only 80%.

Motion

Mayor Pro Tem Trevino moved to accept the Study Report and dismiss the Committee with thanks for their efforts; instruct the staff to begin site selection work concentrating on the north and east of Austin; and to apply for FAA funding. The motion was seconded by Councilmember Mullen.

Friendly Amendment

Councilmember Goodman made a friendly amendment to not exclude other site locations and to rely on the consultant to make a determination. The amendment was accepted by Mayor Pro Tem Trevino.

Councilmember Cooke indicated that he wanted some attention given to improvements made to the C.I.P. items. He asked Mr. Roy Bayless, Director of Aviation, if the C.I.P. improvements included the concerns of the Air Traffic Controllers that the radar system be integrated into the Dallas and Houston systems. Mr. Bayless indicated that this was not included as a C.I.P. item. Mr. Bayless stated that sometime during May there is supposed to be Bright Tube Radar which will allow for better traffic control. He stated that there will also be some FAA equipment that will be coming into operation in the future.

Roll Call on Motion and Friendly Amendment

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

Noes: None

Councilmember Cooke added that the Council not lose sight of the C.I.P. items recommended by the Committee. Councilmember Goodman suggested passing a resolution urging the FAA to expedite the delivery of aviation equipment needed at Robert Mueller Airport.

CREEKCLIFFE

The Council had before it a resolution to make a decision on the following appeals:

1. 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 a Special Permit for a 26-unit townhouse (24 units granted) from Bill Clendenning, applicant. (C14p-78-009)

Mayor McClellan opened the discussion by calling Council's attention to the public hearing on the issue two weeks ago. Councilmember Cooke stated he would like to hear any points Councilmembers have on why Council should not deny the special permit, taking into consideration points that legal counsel has discussed with them. The Mayor stated: "Let me express this one thing, and that was that, I think the ordinance, Section 45-17 (h) (11) specifies certain conditions that must be met before a special permit may be granted for the location of townhouses in an "A" zone. Section 45-29 (d) specifies additional factors that must be taken into consideration, and the language is, 'granting or denying an application for a special permit,' and I think that entire section would be meaningless if the permit were required to be granted whenever the specific conditions of Section 45-17 are met."

Councilmember Goodman asked Jerry Harris, City Attorney, "Let me ask a few questions about the legal authority that we have got and the way in which we are using it in this. Is it standard for Texas cities to assign to their Planning Commissions the authority to pass on special permits?" Mr. Harris replied that, "I haven't taken a survey of Texas cities, so I don't know...I would assume they are. There are special exceptions, and special permits in zoning ordinances are somewhat characteristically alike, and sometimes Boards of Adjustments throughout Texas cities often pass on special exceptions. I do not know how many Texas cities also assign special permits review to the Planning Commission with appeal to the City Council." Mr. Goodman asked, "Can we find out just precisely where it is in the State enabling act that allows the Planning Commission to pass on special permits?" Mr. Harris answered, "We can take a look at 1011 a. I doubt that there is any specific authority in the zoning enabling legislation, Article 1011 a., etc., that says that special permit shall be handled in this particular way." Councilmember Goodman said, "I just want to know if the Planning Commission has the authority at all to pass on special permits, and I want to know where that is in the State enabling legislation." To which Mr. Harris replied, "I do not believe it is in the State enabling legislation. I believe this procedure has been upheld in Court cases, and I will be glad to do some legal research into that and bring it back to you."

Councilmember Cooke said that he thought it would be good to address factors regarding safety, fire hazards, and protection of adjacent property for flood or water damage. He thought that if there were factors brought out in the public hearing which do or do not address these factors, they should be brought out now. Councilmember Goodman referred to the Mayor's opening statement and asked Mr. Harris to review the conditions of 45-17 (h) (11) of the Austin Zoning Ordinance dealing with townhouses. Mr. Harris complied by reading, to Council, Section 45-17 (h) (11).

Mr. Goodman asked if the Creekcliffe project meets all of the requirements and the others listed in the ordinance. Mr. Lillie, Director of Planning, answered, "I can't tell you that, because I don't have all of the site plan with me, and I don't know whether we can tell you that. What we generally do is accept an application, and before it is released to the Building Inspection Department for a permit, all of those things must be on it." Councilmember Goodman stated, "We are acting here on an ordinance today, checking off on this special permit the criteria laid right there, just read out by the City Attorney. Our own staff person, whom you have been relying on throughout this whole process now says that we don't even know if it meets those specifications, and yet we are voting on it today? And that's another question. After, and assuming all those conditions have been met..I am very eager to see if they do meet all of those conditions. Why then would we take additional factors into consideration, and this is addressed to the City Attorney, in granting or denying these other factors. Why is it interpreted as to say that we must have a specific listed. It says in the ordinance, 'in granting or denying an application, these other factors shall be considered.' Where does it say in the ordinance that it must be specified?"

In reply to Mr. Harris' questioning of Councilmember Goodman's statement, Mr. Goodman said, "Where in the ordinance does it say that the Council, in rejecting or approving a special permit, must cite the particular factors on which that decision is based." Mr. Harris replied, "Councilman Goodman, that is the great weight of the authority, in my opinion, in the American jurisprudence, that in reviewing the application, even the legislative body must have standards in the ordinance so that an applicant in going through the process can have some idea what it is he has to do to obtain the permit, and that once you have got the standards, then I think it is the great weight of the authority in American jurisprudence that that application must be judged by those standards, and the applicant has a right to have it judged by the standards, and has a right to be told which of the standards he..." Councilmember Goodman broke in to ask, "Where in the ordinance does it say he has that right?" Mr. Harris answered, "Councilman Goodman, I said it is not in the ordinance. I say it is in the great weight of the American Court cases, which have decided cases along this nature."

Mayor McClellan said, "Let me pick up right there. You are talking about the great weight. I believe that the record supports denials of the permit for at least three of the reasons that are enumerated in Section 45-29 (d). 1. being traffic; 3. which is referenced there being flooding, and 4. noise and glare. Certainly it has encompassed a number of those referenced in item 9. I, too, you know, find nothing in the ordinance or the statute or the case law that requires that a special permit be granted unless the proposed use will have a greater effect on neighbors than uses permitted as of right now. However, I can see that such a requirement might be implied. Assuming this requirement does exist, I believe that denial can still be justified under at least, and should be, and I will reference this for the Minutes and for the future. Under at least two of the criteria that I just mentioned..and I just mentioned traffic, flooding, noise and glare..." Councilmember Mullen asked, "You are saying 1, 3, and 4, here." The Mayor continued, "1, 3 and 4, and I say..I was picking up with what Richard was saying about what..that I am not finding in the statutes, but if that is the truth..what Mr. Harris was referencing..if that is assumed, at least two of those criteria, you can still deny this special permit on the merits, referencing number 3, the flooding...with detached dwelling development, there should be open space and vegetation around every unit to catch rain water and

April 27, 1978

to help slow runoff. With the proposed development, there will be a continuous paved surface, nearly 600 feet long, providing no opportunity for that absorption. On the next part, speaking to noise, number 4., noise and glare. With the detached dwelling development, there would be a break between each unit..for two units certainly, if there are duplexes, permitting noise to dissipate in all directions. With the proposed development, there will be 3 units each 3 stories high, and almost 200 feet long. And this will keep noise from escaping to the east and deflecting all of it back to the Ridgelea neighborhood to the west. And finally, I want to say that I believe that all zoning power can be exercised only in furtherance of the public health, safety, morals and welfare, and that any action inconsistent with those public interests is invalid, no matter what the zoning ordinance says, and this...a grant of this permit is inconsistent with the public health, safety, morals and welfare, and I believe that it is, then I, too, think that would be subject to challenge in the Court, just as any unreasonable denial would be."

Councilmember Goodman stated, "Starting with your list of reasons for rejecting this special permit on the merits..I put that in the form of a motion."

Motion

Councilmember Goodman moved that the Council deny the special permit for reasons listed to reject special permits as follows: (1) traffic, (2) flooding and (3) noise and glare. The motion was seconded by Mayor McClellan.

Councilmember Goodman told Council he wanted to continue the discussion by asking a few more questions.

Mr. Harris asked, "Could I have the privilege of clarifying just briefly what my advice is to the Council on passing such an application? It may answer some of your questions. Could I have that privilege?" "Yes, sir," answered Councilmember Goodman.

Mr. Harris stated: "For the record, I would like to make this clear. All I am advising the Council is based on the testimony given at the public hearing, each of you should determine if the special permit application adequately addresses the concerns set out as factors in the special permit ordinance. If you determine that the application does not adequately address one or more of those concerns, I am merely recommending to the Council that they so state for the record. In addition.." Mr. Goodman said, "Well, we have been advised by staff that we don't even know if they meet these conditions or not." Mr. Dan Davidson, City Manager answered with, "No, sir. That's a little bit misleading, Mr. Goodman, because that's not what we are saying. You know, we didn't write the ordinance. The ordinance has been on the books. That's the way it works. You can't expect an applicant to have totally prepared plans and specifications on the entire project when they don't even know if it is going to be constructed. The ordinance was written so that if the Council passes the permit, and approves the project, the staff has an obligation to see that all those conditions are met, as the final plans are put together and as the permit is issued. So it is not as if..here we have a project at this time we don't know what the conditions are going to be. We never do on such a project, but we can tell you that if, regardless of what decision you make, if the project is to proceed, those conditions will be met." Mr. Goodman answered by stating, "We understand that, but when we

are asked according to the ordinance to make this decision, it is based on that criteria that is laid out, and it, unfortunately Mr. Davidson, doesn't have your explanation in it." Councilmember Mullen explained, "What he (Mr. Davidson) is saying is, they are going to be met, period."

Councilmember Goodman said to Council, "You are being asked to vote on a special permit today, and criteria has just been read to you a little while ago, and staff has told you they don't know whether or not they meet those conditions. How can you vote on that, when your argument the other day was in favor of this thing, that you had staff support in the facts." Councilmember Mullen replied, "If you will listen, he has told you that if the vote goes that way, these will be done. There is no question about that. That is a moot question, because they will be done, or they will not be built. And so, you are hunting for a very, very slight position that you don't have any substance to. So it will be done."

Mr. Harris continued with his advice to Council: "Secondly, my advice to the Council would be, if you determine that the special permit application is not in compliance with the ordinance insofar as providing all the information required in the ordinance, this could be grounds for denial. If you determine that some of the information..required information,is missing."

Councilmember Goodman interrupted with, "We cannot deny or approve right now. See this is the point...I don't mean to interrupt you, Jerry, but this... what you are reading right there, conflicts completely with what Mr. Mullen has said a few minutes ago. We cannot make that determination at this stage, and nowhere in the ordinance does it say we are allowed to make that determination without weighing it against these considerations here, and that it is taken care of later or it is not taken care of, however informally it operates."

Mr. Harris continued, "O.K., as I ended, I said this could be grounds for denial. Further, I would advise the Council, if you determined that some of the required information is missing, you could probably waive the information if you determine that no one is prejudiced by the lack of the information, and finally, my advice to Council would be, if you determine from the testimony that the application adequately addresses each of the factors and that the information provided is sufficient to make a judgement upon, then I would believe that under the law the applicant would be entitled to the permit. Thank you for letting me give my advice."

Mr. Goodman asked Mr. Clendenning, the applicant, "Does your plan meet the criteria that is laid out in the ordinance that Mr. Harris read?" Mr. Clendenning replied, "The level of detail that we have pursued at this point meets every ordinance and every requirement that we are aware of. Now there were some items which the department found...for example, we hadn't specified the location of garbage cans and some things of that nature. It is just very difficult in this stage of the plans to detail all that type of information. But all the requirements that are listed there are either in the detail that we provided or in our plans from the very beginning. They just may not be able to be specified in the amount of detail and working drawings that we furnished." Mr. Goodman said, "You heard the Mayor list the specific objections that are now included in this motion. In reference to number 3., flooding and so forth, how will your project differ from some other project insofar as containing the water?" Mr. Clendenning answered, "If I understand the requirements of the creek permit, we will be holding back more water than is presently held back in the

undeveloped state. All the water from the front side will be deflected into private gardens and then slowly allowed to percolate back into the creek." In answer to Mr. Goodman's question as to whether he had obtained a creek permit, Mr. Clendenning replied, "No, we have made application. We have not finished all the detail yet." Mr. Goodman asked Mr. Lillie, "This is standard procedure, Mr. Lillie, to get the special permit before the creek permit?" Mr. Lillie answered, "Yes, it is also subject to subdivision and until all those conditions have been met, the site plan is not released for building permit." Mr. Goodman said, "So here, once again, we can take this argument and say that because we don't know if he is going to be able to contain this water, and cause a flooding problem, because he doesn't have a creek permit, how then is this Council going to vote on this matter today, when there is a direct conflict with number 3.?"

Councilmember Mullen stated, "I know, I will tell you how I am going to vote on it, if I was to vote for it, is because I know the creek ordinance requires what has been stated and that will prevent less then water down to the creek than is now put into the creek. So on that basis, I don't have a problem with this. You are creating a problem where you are saying, 'what will happen?' What will happen by ordinance." Councilmember Goodman said, "Well what happened is right now with the evidence before us, we have a direct conflict with number 3., and you would be violating the law in passing the special permit." Councilmember Mullen asked, "Is that right, Mr. Harris? I don't want to violate the law, and I guarantee I don't want to violate the law by not passing it either, because past Councils have been through that and have been sued. So we have got to be right on this thing."

Mayor McClellan addressed Council, "I said in referencing what Mr. Harris has told us, and that's why I said even if you don't find it in an ordinance, if you assume some of these requirements, that's why I was specifically speaking to..in the point that we included in the motion, the difference between the townhouse development and if it were a duplex development, and the difference there in the run-off and the flooding." Councilmember Mullen asked, "Well is there more or less runoff in the townhouses as opposed to duplexes?" The Mayor replied, "Certainly included in my motion that with a detached dwelling development there would be more open space and vegetation around each unit to catch rain water and..." Mr. Mullen asked, "Is there more or less runoff, though, because then townhouses...does the creek ordinance speak to it, Mr. Lillie? Somebody..I am just curious about the creek ordinance as far as the retention of water. Does it matter if it is duplexes or townhouses what the difference would be as far as runoff?"

Mr. Charles Graves, Director of Engineering, told Council, "No, sir, they can handle it either way. I would comment that the amount of runoff is not the question, but the rate of runoff." Councilmember Mullen asked, "Would the rate of runoff be different?" Mr. Graves replied, "The rate can be slow in either case.....to the same degree." "Thank you. So that's not an argument." deducted Councilmember Mullen. Councilmember Goodman said, "I think the Mayor has cited pretty good argument, and we just have a difference of opinion," to which Councilmember Mullen answered, "I don't hear a difference of opinion. Our expert advice, the only one we have, says it can be, held the same weight." Mr. Goodman replied, "That's if you get the creek permit, which he doesn't have, and therefore, we can't act on this special permit today," to which Mr. Mullen replied, "If he doesn't get a creek permit, he can't build anything."

April 27, 1978

"I would like to ask one more question, Jerry," said Councilmember Goodman, "in connection with some of the legal restrictions or guidelines we ought to be following. In one of your memos to us, you said that a special permit must be granted, unless the proposed use will have a greater effect on neighbors and uses permitted as of now...so forth, in other words, contrasting with the duplex situation. That if we are going to allow duplexes, how can we deny the special permit for this townhouse project?"

Mr. Harris stated: "No, I didn't mean to say that at all, if that's the way it is interpreted, Councilmember Goodman. There are some cases that say that the effect of a proposed use on its neighbors will not support a denial of a special permit, unless the effect is greater than that of the uses permitted in the district without a special permit, and that is only to mean to say that if every impact the duplexes would have were exactly the same as the townhouses would have, then some Courts have held that it would be improper to deny the townhouses. Now, I never did mean to say anything about whether those effects would be the same. I said that testimony was relevant. I think it is up to you to make a judgement as to whether this is one of those cases where the effects of both those developments would be exactly the same. If they were, I would think that it would be hard put to justify denying the one. If you are saying, O.K., the flooding and duplexes is going to be this much, the same amount of flooding is going to exist for townhouses. But that is a factual judgement that, in my statement to you, that you have to make." "It is up to us to make that judgement," said the Mayor. "I might also reference for Council, the Bicentennial gift we were given this morning, that speaks to Shoal Creek, particularly, and the rapid development causing...talking about increased run-off from development, if not retained at the northern end, the holding pond problem continues to increase, complete channelization of the creek has become ineligible. I realize that it is maybe not particularly all that relevant, but I think there are some messages in there that speak exactly why...certainly you need to take into consideration these very special points.That's exactly why every comment I made spoke strictly to the permit, and it is up to the Council to grant or deny special permits, and we take into consideration those special points that have been enumerated for us, both in memo and verbally from Mr. Harris, and that's why I specifically spoke to...even though I think that the record supports certainly the denial on traffic, flooding, noise and glare, I went into detail. In speaking to the flooding and the noise and glare, and particularly on granting this special permit for townhouses, as opposed to what would be the use of that property otherwise. And I think it would be redundant to keep repeating myself on that, but I think that's all we are doing is denying or granting this special permit on the merits of this case only, and that's what's before us today."

Councilmember Cooke stated: "Mayor, I would like to comment that, you know, I think we have all been to the property and we have looked at and..not being in the construction business, it looks like.....that it would be an easy project to construct, and I think that you know, it is right on our creek bed and that is something that we want to preserve and it all...there has to be some consideration with regard to preserving it, although I don't think we can buy all of our creek bed in the City, but I think that if the neighborhood had their way, everything I have heard in the testimony, they not only don't want this project, they don't want any project at this location, and I think that's self-evident, whether you know, and they would prefer to have this as a park. On the other hand, with regard to the testimony that has been given as I have

heard it, where the developer could, if he doesn't get and comply with the townhouse, that he could consider alternatives which might be duplexes, which you directly or indirectly implied in some of your comments. I personally feel that the townhouse concept would be much better with regard to number 1., with regard to the safety of the motoring public. Our own..the people that I have to rely on with regard to testimony have said, with regard to 3., the protection of adjacent property in flooding, that there can be control with regard to whether it is duplexes, or townhouses, or whatever kind of development, and that seems to be the consternation that is before us. In regard to number 4., on the noise-producing element..I think as I said, we have all been out there and that is in kind of a bowl situation, but at the same time, where you say there would be breaks and would provide some deflection as far as noise and light and that kind of thing is concerned. I would also have to address the fact that with the trees and natural buffers on the other side of the creek, that they also provide breaks with regards to noise producing elements and glare of vehicle or stationary light, and so you know, it is a dilemma, but it is hard for me to say validly that each one of your points 1., 3. and 4., you know, that I can particularly address them with the kind of evidence that has been presented and say, yes, these are the things that would cause me to vote to deny the permit. And I appreciate your point of view. I just felt like I needed to express mine."

Councilmember Goodman said, "I would like to just review some of the requests, which I think we should have, and that is the first one, relating to the assignment of special permit authority to the Planning Commission." Mr. Harris told him, "That will be fairly easy to get, Mr. Goodman. Our exact ordinance went through the Courts in conjunction with the granting of the special permit for the Presbyterian Seminary, and so we have access to a lot of direct authority involving Austin's ordinance when that was contested when the Presbyterian Seminary went in north of the U.T. area, so we will be glad to comply with that." Mr. Goodman went on with, "I would like to know, does any other city in Texas have a Planning Commission that acts on special permits? I would like an explanation from the Legal Department on why these conditions are laid out in 45-17 (h) (11) in the ordinance, and why then we consider the other factors in Section 45-29 (d) in granting or denying an application."

Roll Call on Motion - Failed

(To deny the special permit because of three criteria of the Zoning Ordinance Section 45-29 (d) which pertain to traffic, flooding and noise and glare)

Mayor Pro Tem Trevino stated at the time of vote: "When elected officials establish laws, rules and ordinances under which all of us must be governed, when these laws are not applied evenly and consistently, then government is accused of being arbitrary and capricious. Government must never be allowed to be so. I have heard testimony pro and con on this issue, an issue with all the attendant emotions and politics, and now I am faced with my own conscience. I have but two choices, to do what is popular or to do what I think is right. I vote to uphold."

Councilmember Snell wanted the motion clarified as to what part of the resolution they were voting on, granting a special permit for a 24-unit townhouse project, or denying a special permit for a 26-unit townhouse. After some discussion, Mr. Harris said, "I think we should take a separate vote on each of these." The Mayor said that this vote is to deny the permit, period.

Roll call continued and the vote was:

Ayes: Mayor McClellan, Councilmembers Goodman, Snell

Noes: Mayor Pro Tem Trevino, Councilmembers Cooke, Himmelblau, Mullen

The Mayor announced that the motion had failed to carry.

The Mayor stated, "I think this would be redundant, but we can vote again. O.K., for the record, we will vote on these specifics. The first one was the appeal of the special permit for the 24-unit townhouse. We just did not pass the motion to deny that. ..If you want to have a motion on the 26 as opposed to the 24, which was Mr. Clendenning's request, for the 26 units rather than the 24 units, I suppose we could take a motion on that."

Motion - Died for Lack of a Second

Councilmember Mullen moved that the Council grant the 26 units. There was no second to the motion.

Motion - Passed

Councilmember Cooke moved that the Council adopt a resolution to grant 24 townhouse units, as recommended by the Planning Commission.

Friendly Amendment

Councilmember Himmelblau offered a friendly amendment to include accepting Mr. Clendenning's offer of a permanent easement in the motion.

Councilmember Goodman asked, "What easement is that? Can it be clarified for the record?"

MR. ROBERT NORRIS, representing Mr. Clendenning, appeared before Council to state, "Members of the Council, I am Robert Norris, representing Mr. Clendenning. In the discussions with the Parks and Recreation Department, all proposed locations of the final location of the Hike and Bike Trail that they now have under consideration are acceptable to Mr. Clendenning and these will be granted at the time the plat is approved by the Planning Commission, which is normal procedure."

Councilmember Goodman stated, "That's very gracious, you know, to offer these to the City and I sincerely mean that. After that easement was given up, how will that effect the area of land you are dealing with in planning these townhouses?" Mr. Norris replied, "It will not effect it."

Roll Call on Motion

Roll call on motion to grant 24 townhouse units with a permanent easement for Hike and Bike Trail showed the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Mayor Pro Tem Trevino

Noes: Mayor McClellan, Councilmembers Goodman, Snell

REPORT ON THE AUSTIN HOUSING ORDINANCE AND PROPOSED AMENDMENTS

MR. BILL DORMAN, Chairperson of the Building Standards Commission, told the Council that since the adoption of the new Housing Standards Ordinance for the City of Austin, the performance of the Housing Inspection Office and of the Building Standards Commission have been proved in several important respects. Mr. Dorman stated that the granting of the power to order demolitions to the Building Standards Commission has removed the burden of performing this routing governmental function from the already over-burdened shoulders of the Council, and has allowed it to be performed at the Commission except in special cases which are appealed to the Council. He stated that this has reduced the Legal staff load from 64 cases heard in the period between 1976-77 to only 9 cases this last year. Mr. Dorman noted that none of the appeals resulted in district court action by the Legal Department. He stated that the increase in staff size granted by the Council has led to a greater effectiveness and efficiency in preparing the case load of the Building Standards Commission. This has enabled the Commission to widen the latitude of its activity, in accordance with both existing provisions of the Ordinance and with the expanded powers of the Commission under the new Ordinance.

Mr. Dorman stated that the reorganized and redefined Building Standards Commission now includes greater technical expertise among its members. He stated that this has proven to be of greater service to those appearing before the Commission during the year since the adoption of the new Ordinance. Mr. Dorman stated that there has also been an increase in the number of units inspected by the Housing Inspection Office, which are subsequently repaired to minimum standards. This increase is attributed to the fact that the Ordinance provides a greater incentive to repair. These incentives have encouraged the property owners to seek out the technical expertise available to them through the inspection staff. As a result the staff has been able to provide greater counselling and guidance to owners of substandard properties. Mr. Dorman stated that the new Ordinance has also made a significant reduction in the average time between the point which a unit is declared substandard and the time of its repair or demolition. He stated that this time period has been reduced from approximately six months to about one month. Mr. Dorman stated that since the adoption of the new Ordinance, provisions giving the Housing Inspection Office the responsibility for overseeing house relocation, public discord over the quality of work on relocated or house moves has subsided. During this period, the Building Standards Commission has granted permission for 70 relocations and denied permission for one relocation. Mr. Dorman stated that the goals of the new Housing Standards Ordinance have not yet been fully accomplished. He stated that the accomplishment of these goals will require full implementation of the Ordinance. This will require the additional staff originally envisioned for this purpose. He stated that the report outlines what has been done in the past year. Mr. Dorman submitted to Council a list of proposed Ordinance changes which were drawn up by the Commission with help from the staff. He recommended that the Council adopt the changes.

In regard to Councilmember Himmelblau's inquiry about a fiscal note on the Ordinance, Mr. Lonnie Davis, Director of the Building Inspection Department, told the Council that they had hoped that a public hearing would be set to discuss the proposed Ordinance changes. He stated that they could then derive a fiscal note during the intervening time period and apologized for not having one already. He stated, however, that the proposed changes would not increase the

cost of operation in the Building Inspection Department. Councilmember Himmelblau stated that she was particularly interested in the additional cost in the notification. Mr. Davis stated that the only additional notification would be to neighborhood associations and that it would only be one mail out.

Mr. Dorman stated that the amendments to the Ordinance do not envision any new activity of any drastic sense. He stated that the corrections would make the Ordinance more clear and stronger.

Motion

Councilmember Snell moved that the Council set a public hearing on the amendments to the Austin Housing Ordinance on May 18, 1978, at 7:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

HUD APPLICATION FOR DESIGNATION OF NEIGHBORHOOD STRATEGY AREA (NSA)

The Council had before it for consideration, authorization to submit an application to HUD for designation of Neighborhood Strategy (NSA). Mayor Pro Tem Trevino asked whether or not the City could extend the boundary from First Street down to the river. Mr. Luther Polnau of the Planning Department indicated that the boundary could be extended.

Motion - Died for Lack of a Second

Mayor Pro Tem Trevino moved that the boundary line be extended to the river. The motion died for lack of a second.

Councilmember Snell felt that the Council needed to take a look at the entire area before extending the boundary. Deputy City Manager Homer Reed asked if there would be another opportunity for the Council to look at the boundaries after today. Mr. Polnau stated that once the proposal is submitted it would allow HUD to designate a certain number of Section VIII units for rehabilitation. He stated that this could only be in the designated target area. Mr. Polnau indicated that HUD would designate the number of units that Austin could have and, subsequent to that, the City can submit alternate boundaries for the NSA target areas or even other NSA target areas. He indicated that the application would help HUD determine how many Section VIII rehabilitation units will be allocated for Austin. Mr. Polnau stated that the Council would need to agree on the boundaries today in order for them to submit the proposal to HUD for approval. He stated that there will be an opportunity to amend the boundaries at a later date. Mayor Pro Tem Trevino asked how soon the Council could amend the boundaries. Mr. Polnau stated, "At any point, even after HUD has designated the number of Section VIII units that would be reserved for Austin."

Motion

Mayor Pro Tem Trevino moved that the Council adopt a resolution authorizing submission of an application to HUD for designation of Neighborhood Strategy Area (NSA); and to extend the southern boundary line from East First Street to the river; and study the boundary areas. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

MHMR RETARDATION CENTER

The Council had before it for consideration, an amendment to the FY 1977-78 City contract with the Austin-Travis County Mental Health-Mental Retardation Center. Mayor Pro Tem Trevino asked if the City had the authority to place conditions upon MHMR, that the neighborhood advisory committees be reinstated. Mr. Andy Ramirez, Director of the Human Resources Department, told the Council that the only requirement in the existing contract is that there be advisory committees. He told the Council that the Center was not requesting additional money but asking to switch money to address a new requirement to the contract. He felt that this was mostly a legal question.

Mr. Ramirez stated that the existing contract only calls for advisory committees, and did not call for any kind of specific advisory committee. He stated that the MHMR Board of Directors has decided to disband the geographical advisory committees and institute by program categories, a categorical advisory committee. Mr. Ramirez indicated that they reviewed the contract and felt that they could not rule on anything because the contract did specify the types of committees. Mr. Ramirez stated that this would be an amendment to the contract calling for a reinstitution of the geographical advisory committee.

Mr. Albert delaRosa, Assistant City Attorney, felt that the contract would have to be looked at very carefully to determine if the City has the authority to negotiate with MHMR on this particular point. Mr. Ramirez stated that it might be appropriate for the Council to pass a resolution asking the MHMR Board of Directors to reconsider the geographical advisory committees.

Councilmember Goodman asked what MHMR's plans are for establishment of the program committees. Mr. Ramirez stated that MHMR has established the categorical advisory committees. In regard to a question from Councilmember Goodman, Mr. Ramirez stated that there is one committee for each of the human development centers. Councilmember Goodman asked if any of these committees has communicated to the MHMR Board expressing their sentiments. Mr. Ramirez stated that the Rosewood and East First Street Advisory Committees have contacted MHMR, he did not know about the other committees.

MR. LARRY MILLER, Executive Director of MHMR, told the Council that the categorical committees have met and are actively involved in the process of determining target populations and programs, reacting to staff recommendations on target populations and programs.

Mr. De La Rosa stated that before he could give a legal opinion, he would need to examine the contract on the particular point in question. He stated that the Council would probably need to consider the item in the sense that the City needs to negotiate on the particular point.

Mayor Pro Tem Trevino felt that there was no sense in delaying the issue and wanted to know if the Council supported the input of the neighborhood advisory committees. Councilmember Himmelblau indicated that she wanted to see the new concept tried longer and see how successful it is. Councilmember Goodman indicated that he wanted to know why the MHMR Board decided to abolish the neighborhood committees, and if the programs committees were functioning better. Councilmember Snell indicated that he also wanted to see how the new concept worked and then maybe come back later and review the program. Mayor McClellan agreed with Councilmember Snell's comment and felt that it was not within the City's jurisdiction to place conditions upon MHMR. Mayor Pro Tem Trevino indicated that he was in favor of seeing how the new concept works. He also requested that a follow-up evaluation of the programs be done and that the Council get a report from the former advisory committees as to their comments about disbanding.

Motion

Councilmember Goodman moved that the Council allow the Center in its City contract, to have an amendment for a budget transfer of \$14,457 from City funds from Program Administration to the Houston Street Human Development Center. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmembers Snell, Cooke

AMENDMENTS TO THE C.I.P. AND THE OPERATING BUDGET

The Council had before it for consideration an amendment to the Capital Improvements Program and the Operation Budget to appropriate funds for the following purpose: Electric Utility Maintenance - \$418,000 (Utility Fund). Mayor McClellan pointed out that this item was for improvements to the Decker 1 Power Plant. Councilmember Goodman commented that this was a very regrettable occurrence and that other utilities around the country were also having problems with the same particular Westinghouse product, at a cost of millions of dollars.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1977-1978 OPERATING BUDGET BY APPROPRIATING \$418,000 TO THE ELECTRIC DEPARTMENT'S MAINTENANCE BUDGET; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman 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 Mullen, carried by the following vote:

April 27, 1978

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

CONSIDER REPEAL OF CAPITAL INCREMENT FEES INSIDE AUSTIN CITY LIMITS

The Council had before it for consideration repeal of Capital Increment Fees inside the Austin City limits effective April 30, 1978. Councilmember Goodman indicated that in reference to a report from the City Manager, the revenue from the Capital Increment Fee was higher than expected and that the City has already met the obligation required. He stated that they were moving up the date of repeal of the Capital Increment Fee based on the higher revenue.

In regard to a question from City Attorney Jerry Harris, Deputy City Manager Homer Reed indicated that the Ordinance could go into effect immediately.

The Mayor brought up the following ordinance for its first reading:

AN ORDINANCE REPEALING THE CAPITAL INCREMENT FEE FOR WATER AND WASTEWATER CUSTOMERS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilmember Goodman moved that it be passed to its second reading. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen

Noes: Mayor Pro Tem Trevino, Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Cooke

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

OPERATION OF MANSFIELD DAM

Mr. Charles Graves, Director of Engineering, addressed the Council, concerning the operation of Mansfield Dam. "The operation of the Marshall Ford, or Mansfield Dam, particularly during flood events, is a matter of interest to the community and all our neighbors downstream along the Colorado. The plan of operation when the Lake Travis level exceeds 681 feet mean sea level is the responsibility of the U. S. Army Corp of Engineers, which has now concluded a series of public meetings and workshops to receive suggestions from interested agencies and citizens. In the near future the Corp will announce its selection of a method of operation that will provide the maximum protection of both lakeside and riverside property. Preparation of flood control structures traditionally pitch the lake dwellers, whose interest is in lake levels, with downstream owners who are concerned with release rates. Both groups include some who have

invited disaster by building too low. Lake Travis residents, for example, generally concede that levels below 715 are occupied at the owner's risk. Most of the area is covered by inundation easements acquired at the time the dam was constructed, but there are numerous structures well below that level. Down river owners and developers along Lake Austin and Town Lake have had access to anticipated flood levels and release rates and some have chosen to play the part of a gambler.

"Austin's floodplain ordinances do not allow further construction below 100-year flood levels and have made low cost flood insurance available even to the most foolhardy of the earlier builders. Buildings below certain levels are generally described as encroachments. And there is a popular misconception that they substantially impede the flows by reducing channel capacity. The river will, in fact, carry approximately as much today as 20 years ago, but not without getting some adventurers wet. A few years ago, for example, 50,000 c.f.s. through Lake Austin was only an inconvenience. There are now some 14 homes that will sustain damage from the same release rate, driving Lake Austin to the same water levels as before. As release rates exceed 50,000 c.f.s. the extent of damages will increase rapidly. A flow exceeding 50,000 c.f.s. at Columbus would produce damage there. That figure includes not only the Mansfield Dam releases but all the inflows from Barton Creek, Onion Creek and the other tributaries entering the river between Lake Travis and Columbus. Barton Creek alone, for example, has a predicted 100-year peak rate of over 90,000 c.f.s.

"In other words, a safe program of releases through Austin, may result in severe damage downstream. Most of the Corp's plans are based on 30,000 c.f.s. rate which will hold damage to a minimum throughout Austin. Only if it is determined that a flood is going to result in Lake Travis' level rising above 715 should more than 30,000 c.f.s. be resorted to. Predicted rises above 715 provide the basis for release rates greater than 30,000 even though downstream structures will be damaged. The 100-year storm may require uncontrolled releases on the order of 215,000 c.f.s. causing catastrophic damage on Lake Travis and downstream as well. Computations of lake levels based on past storms, and on assumed future storms, may indicate maximum levels between 715 and 725. Depending on the base assumptions, as to the lake level when the storm might occur, on the length of warning and on the positioning of the theoretical storms movement across the watershed. Engineers of the Fort Worth District have been most objective in that they have made the assumption that reflects their best judgement and then projected the resulting lake levels. They have not followed the attractive but dishonest course of selecting a popular level and working backward to a set of assumptions. Frequent inter-agency meetings have resulted in fine-tuning the computations to the point that we consider it likely that 100-year flood levels on Lake Travis may approach the highly desired maximum of 715.. ...a considerable improvement from the 725 feared earlier, and a tribute to the ability of Federal, State and local technicians to interact effectively.

"There are many residents along the shores of Lake Travis and Lake Austin that cannot be granted immunity from catastrophic floods. Highly qualified and responsible Corp of Engineer officials will use the operating plan soon to be selected as a guide in making prudent decisions to minimize the frequency and intensity of flood damage in all the flood prone areas. Our recommendations are outlined in the report before you and are generally supportive of the Corp of Engineers' efforts to date. We do oppose the release of flood waters at any

rate that will damage downstream property when a lesser rate would not result in Lake Travis levels rising above 715. However, release rates to hold Lake Travis to 715 or as low as conditions will permit are inevitable, and owners downstream should understand that no plan can offer them 30,000 or even 50,000 c.f.s. maximum rates under all circumstances. They should not be spared at the expense of Lake Travis dwellers above the 715 level. Future technological advances that will reinforce the National Weather Service flood forecasting capabilities will tend to enhance the Corp plan by giving more time for response, thereby reducing the likelihood of damage from any given storm. We support continuing long-term efforts to develop sophisticated flood warning systems.

"This is the substance of the status of this study and we'll be glad to attempt any questions you might have."

Mayor McClellan said, "I think we should endorse the recommendations you have presented, Mr. Graves, so you can share that with the Corps of Engineers and all the appropriate agencies."

Motion

Councilmember Goodman moved that the Council endorse the recommendations as presented by Mr. Graves concerning the operation of Mansfield Dam. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke
Mayor Pro Tem Trevino

BRACKENRIDGE OFFICE BUILDING

Councilmember Goodman, who introduced the City Manager Report on the Brackenridge Office Building, said he had asked staff to put this item back on the agenda May 11, 1978. He said they were going to try to expand on the idea because there has been considerable interest in the plan.

ADJOURNMENT

Council adjourned its meeting at 4:15 p.m.

April 27, 1978

APPROVED Charles Keeton McClles
Mayor

ATTEST:

Grace Monroe
City Clerk