

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 30, 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, Goodman,
Himmelblau, Mullen, Mayor Pro Tem Trevino

Absent: Councilmember Snell

The Invocation was given by Reverend James Gratten, Minister of Simpson United Methodist Church.

BEVERLY S. SHEFFIELD

The Council adopted a resolution signed by all Councilmembers and the Mayor, citing Mr. Beverly S. Sheffield for serving Austin in a most remarkable manner. Mayor McClellan called upon all citizens to join in expressing appreciation for his contributions. MR. BOB FINNEY, Vice-President of the Austin Community Foundation, told the Council that Mr. Sheffield has already accepted a position as Executive Director of the Foundation. The Council presented Mr. Sheffield a life-time pass to Barton Springs Pool. Mr. Sheffield expressed his appreciation to the Council.

NOBEL PRIZE WINNER

Mayor McClellan presented a plaque signed by all Councilmembers to Dr. Ilya Prigogine of the University of Texas faculty, who has recently been named as the Nobel Prize Winner in Chemistry. Both Mayor McClellan and Councilmember Himmelblau expressed their appreciation to Dr. Prigogine for his contribution. Dr. Prigogine thanked the Council for the award, stating that he was very happy to be a resident of Austin.

AUSTIN DISTRICT SPECIAL OLYMPICS WEEK

Mayor McClellan read a proclamation declaring the week of April 1-7, 1978, as Austin District Special Olympics Week in Austin, and called upon all citizens to join in applauding the special contestants to a victory far greater than athletic achievement...a victory of spirit which wins in all events. Mr. Steve Kinney accepted the proclamation on behalf of the Texas Cowboys. Mr. Kinney invited the Council to come to the Special Olympics.

CANCER CONTROL MONTH

Mayor McClellan read a proclamation declaring the month of April, 1978, as Cancer Control Month in Austin and urged all citizens to participate through increased support of the American Cancer Society and by learning the facts about cancer that are vital to personal protection from this disease. Mr. Gus Wulfman and Mr. Joe Goerge accepted the proclamation.

DANCE MARATHON '78 WEEKEND

Mayor McClellan read a proclamation declaring the weekend of March 31-April 2, 1978, as Dance Marathon '78 Weekend in Austin and urged all residents to demonstrate their humanitarian concern by generously contributing to this Marathon which benefits the essential work of the Muscular Dystrophy Associations of American, Inc. MR. JACK STEINBERG accepted the proclamation on behalf of the Silver Spurs.

SHRINE HOSPITAL BENEFIT DAY

Mayor McClellan read a proclamation declaring April 1, 1978, as Shrine Hospital Benefit Day in Austin and called on all residents to learn about and support the Texas Shriners in their quest to aid these crippled and burned children. MR. JOHN POPE accepted the proclamation on behalf of the Shriners.

CLASS RECOGNITION

Mayor McClellan recognized the fifth grade class of Hill School and their teachers Mrs. Hill, Mrs. Sue Wier and Mrs. Caldwell.

BOARDS AND COMMISSIONS APPOINTMENTS

Mayor McClellan announced that next week the Council will be making appointments to the following Boards and/or Commissions:

Dental Health Advisory Committee
Ongoing Goals Assembly Committee
Building Standards Commission
Citizens Traffic Safety Commission

Mayor McClellan stated that appointments for the above were scheduled for today but would be acted upon at next week's meeting of April 6, 1978, and also the regular appointments already announced for April 6 would be made.

EXECUTIVE SESSION ANNOUNCEMENT

Mayor McClellan announced that prior to reconvening the afternoon session of the Council meeting, the Council would be meeting in executive session under Article 6252-17, Section 2, Paragraphs (e), (f) and (g) of the Texas Revised Civil Statutes Annotated.

PIER

Councilmember Mullen moved that the Council adopt a resolution approving a request from MR. LOUIE L. RAVEN to construct a sixty-foot pier over Lake Austin, as recommended by the Navigation Board. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

EASEMENTS

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

A fifteen (15.00) foot Drainage and Public Utility Easement in Lot 1, Thom Farrell Subdivision, Travis County, Texas, locally known as 4715 South Congress Avenue. (Requested by Mr. Carl Newsome, P. E., agent for Mr. Bob R. Howerton, owner)

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

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

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

A ten (10.00) foot Public Utility Easement located in Parcel 1-A, Mrs. Clotilda Ida Mansbendel Subdivision as recorded in Volume 11, Page 86, of the Deed Records, Travis County, Texas, local address at the corner of West 38th Street and West Avenue. (Requested by Mr. William T. Carlisle, agent for Commerce Development Company.)

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

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

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

A 5 foot by 70 foot Electric and Telephone Easement being in the east 3 feet of Lots 22, 23 and 25, Block B of Raymond Subdivision, locally known as 1104-1108 West 6th Street. (Requested by Mr. Robert Barnstone, representative for Children's Publications, Inc.)

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

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

Noes: None

Absent: Councilmember Snell

LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing a License Agreement for the use of the sidewalk area in the 800 block of Lavaca Street for construction of a stairway and entrance into the west side of the Travis Building, locally known as 205 West 9th Street. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

BIKEWAYS

Councilmember Mullen moved that the Council adopt a resolution authorizing Capital Improvements Program, 5th and 6th Street Bikeways - entering into an agreement with the State Department of Public Transportation for construction of pavement markings, stripping, and incidental items and payment of the City's 20% share of the work. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

CHANGE ORDER

Councilmember Mullen moved that the Council approve a construction Change Order in the amount of \$15,500 to LARSON-PUGH, INC., for pavement and drainage improvements, William Cannon Drive from Brodie Lane to Manchaca Road, C.I.P. No. 76/62-21. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CHANGE ORDER

Councilmember Mullen moved that the Council adopt a resolution approving a Change Order in the amount of \$35,940 to DRAVO CORPORATION for high pressure piping for Decker Unit #2, C.I.P. No. 73/10-01. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

CONTRACTS

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

WESTINGHOUSE ELECTRIC CORPORATION	- Governor Valve Parts, Westing-
201 North St. Mary's Street	house Steam Turbine No. 2, Holly
San Antonio, Texas	Power Plant, Power Production
	Division. Items 1-4 - \$15,685.68

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

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

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

FALCON STEEL COMPANY	- CAPITAL IMPROVEMENTS PROGRAM -
4201 Old Denton Road	Galvanized Structural Steel,
Fort Worth, Texas	Electric Department.
	Items 1-7 - \$6,987.00

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

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

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

COMMERCIAL BODY CORPORATION
Fifth at Pedernales
Austin, Texas

- Passenger Bus, Vehicle & Equipment
Services Department
Item 1 - 1 ea. - \$13,300.00

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

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

Noes: None

Absent: Councilmember Snell

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

RANDALL & BLAKE, INC.
6000 S. Old Mill Road
Littleton, Colorado

- Truck Mounted Tree Mover,
Vehicle and Equipment Services
Department.
Item 1 - 1 ea. - \$14,500.00

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

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

Noes: None

Absent: Councilmember Snell

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

AMERICAN LIGHTING STANDARD
CORPORATION

- Poles and Luminaries, lighting for
Austin High School Tennis Center,
Parks and Recreation Department.
\$15,208.00

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

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

Noes: None

Absent: Councilmember Snell

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

Bid award:

- Heavy Construction Equipment,
Vehicle and Equipment Service
Department.

INGRAM MANUFACTURING COMPANY
540 Culebra
San Antonio, Texas

- Item Sheet CE-1 - 1 ea. @ \$16,599.00

RIVER CITY MACHINERY COMPANY
10411 North Lamar
Austin, Texas

- Item Sheet CE-2, Item 3 - 1 ea.
@ \$17,621.00
Item Sheet CE-3, Item 1 - 1 ea.
@ \$25,733.00
Item Sheet CE 3, Item 2 - 1 ea.
@ \$26,733.00
Total: \$70,087.00

HERTZ EQUIPMENT RENTAL
225 May Street
San Antonio, Texas

- Item CE-4 - 4 ea. @ \$4,345.00

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

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

Noes: None

Absent: Councilmember Snell

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

Bid Award:

- Light Construction Equipment,
Vehicle and Equipment Services
Department.

CENTRAL TEXAS EQUIPMENT COMPANY
127 East Riverside Drive
Austin, Texas

- Item CL-2 - 1 ea. @ \$3,650.00

DITCH WITCH OF CENTRAL TEXAS
9800 Gray Boulevard
Austin, Texas

- Item CL-3 - 1 ea. @ \$20,150.00
Item CL-7 - 1 ea. @ \$ 7,500.00
Total: \$27,650.00

HOLT MACHINERY COMPANY
9601 South Interregional
Austin, Texas

- Item CL-4-1 - 1 ea. @ \$28,276.19
ITEM CL-4-2 - 1 ea. @ \$25,938.64
Total: \$54,214.83

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

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

Noes: None

Absent: Councilmember Snell

LICENSE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing a License Agreement with the Missouri Pacific Railroad Company for the purpose of installing an 8-inch sanitary sewer main beneath said Railroad's right-of-way at Mile Post 184.8, Travis County, Texas. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

INTERLOCAL ASSISTANCE AGREEMENT

Councilmember Mullen moved that the Council adopt a resolution authorizing Interlocal Assistance Agreement for the Greater Austin Area Organized Crime Control Unit with Travis, Hays and Bastrop Counties. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

STREET CLOSINGS

Councilmember Mullen moved that the Council adopt a resolution temporarily closing the 2400 block of Pearl Street from 24th to 25th Street from 3:30 p.m. to 6:30 p.m., March 31, 1978, as requested by Mr. Ted Allen of Lambda Chi Alpha Fraternity. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Councilmember Mullen moved that the Council adopt a resolution temporarily closing the 2400 block of Pearl Street from 24th to 25th Street from 2:00 p.m. to 6:00 p.m., April 7, 1978, as requested by Mr. Michael W. Culwell of Sigma Alpha Epsilon Fraternity. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

COMMUNITY ACTION PROGRAM

Councilmember Mullen moved that the Council adopt a resolution accepting a \$12,000 increase in the level of approved funding for the Community Action Program from the Community Services Administration - Program Year October 1, 1977 through September 30, 1978. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

SETTING A PUBLIC HEARING
AUSTIN CITY CODE CHAPTER 45

Councilmember Mullen moved that the Council set a public hearing for April 20, 1978, at 7:30 p.m. to consider amendments to Chapter 45 of the Austin City Code regarding references to a specific zoning district; effect of petitions in interim-zoned areas; effect of negative vote of the Planning Commission on zoning requests; annexation of Planned Unit Developments (P.U.D.'s); and minimum lot requirements in "AA." The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

STREET NAME CHANGE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM MOUNT BONNELL DRIVE TO MOUNT BONNELL ROAD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

ITEM PULLED
STREET CLOSING

A resolution to close West 22nd Street temporarily between Nueces and Rio Grande on April 1 from 2:00 p.m. to 4:00 p.m. was pulled from the agenda.

ZONING HEARINGS

Mayor McClellan announced that the Council would hear zoning cases scheduled for 9:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

NATIONAL CONVENIENCE 3310 Northland Drive
STORES
By Gil Grovier
C14-78-014

From "A" Residence
1st Height and Area
To "LR" Local Retail, 1st H&A
RECOMMENDED by the Planning
Commission

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

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

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

ERNESTO
DeKERATRY
By Henry
DeKeratry
C14-78-016

12591-12593 U.S.
Highway 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

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

AUSTIN INDUSTRIES, 4501 Burleson Road
INC.
By Phil Mockford
C14-78-018

From "D" Industrial
1st Height and Area
To "D" Industrial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Trevino moved that the Council grant "D" Industrial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

THE CALCASIEU
LUMBER COMPANY,
ET AL
By Phil Mockford
C14-78-019

12949-12951 U.S.
Highway 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

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

NPC REALTY
COMPANY
By John Reynolds
C14-78-020

3200-3300 William
Cannon Drive

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

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

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

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.

RALPH D. RIVERA
C14-78-031

2501 Montopolis Drive

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

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

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

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.

DR. HENRY L.
HILGARTNER, JR.
By C. E. Baxter
C14-78-032

1300 Colorado Street
200 West 13th Street

From "C" Commercial
3rd Height and Area
To "C-2" Commercial
3rd Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Trevino moved that the Council grant "C-2" Commercial, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

MOCKINGBIRD HILL,
LTD., ET AL
By Morris Olguin
C14-78-035

10511-10621 North
Lamar Boulevard

From "DL" Light Industrial
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

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 LBJ COMPANY,
ET AL
By Tom Curtis
CI4-78-038

13803-13817 U. S.
Highway 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

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

WAYNE DAYTON
CI4-78-040

9200 Burnet Road

From "DL" Light Industrial
1st Height and Area
To "C-2" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Trevino moved that the Council grant "C-2" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

LAMAR SAVINGS 3801-3803 Hillbrook Drive From "O" Office and
ASSOCIATION 5916 Mountain Climb Drive "LR" Local Retail
By Stanley Adams also bounded by Dry Creek 1st Height and Area
C14-78-041 Drive To "A" Residence
 1st Height and Area
 RECOMMENDED by the Planning
 Commission

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

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

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

CHARLES H. 6616 South Congress From "GR" General Retail
MORRISON, ET AL Avenue, also bounded by 1st Height and Area
C14-78-017 William Cannon Drive To "C-1" Commercial
 1st Height and Area
 RECOMMENDED by the Planning
 Commission

CHARLES WERTZBACH, President, Pleasant Hills Neighborhood Association, stated to Council his association is not against the proposed liquor store, but does not want "C-1" zoning where there is so much undeveloped land, because of apprehension of what else may come in the future. He asked that this application be granted as recommended with a restrictive covenant to roll back to "GR" General Retail if any other use other than the liquor store goes on the site. Mayor McClellan asked Mr. Morrison how he felt about this and he was in agreement.

Councilmember Goodman moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission, with a restrictive covenant to roll back to "GR" General Retail for any other use. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

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

DENNIS E. COWAN, 1709 Koenig Lane
ET UX
C14-78-023

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to dedi-
cation of 10 to 15 feet of
right-of-way on Koenig Lane.

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

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

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

LOVDIA JURECKA 2003 Montclair
By William Swail Street
C14-78-033

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to short
form subdivision combining subject lot
with lot on Lamar Boulevard, including
dedication of five (5) feet of right-of-
way on Montclair Street.

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

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

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

CHARLES G. TRENCK-
MANN, ET AL
By Terry Sasser
C14-78-034

801-907 West Ben White
Boulevard, also bounded
by Radam Lane and James
Casey Street

From "A" Residence
1st Height and Area
To "C" Commercial,
"GR" General Retail,
"O" Office and
"A" Residence

1st Height and Area
RECOMMENDED by the Planning
Commission, as amended,

subject to dedication of additional right-
of-way for extension of Radam Lane and
Emerald Forest Drive. Recommend driveway
access from subject tract to Emerald
Forest Drive.

Councilmember Mullen moved that the Council grant "C" Commercial, "GR" General Retail, "O" Office and "A" Residence, 1st Height and Area District, as recommended by the Planning Commission, as amended, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

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

JAMES EICHELBERGER
JR., ET AL
By Roane Puett and
A. S. Duncan
C14-77-159

4300-4365 Duval Road

From Interim "AA" Residence
1st Height and Area
To "BB" Residence
1st Height and Area

RECOMMENDED by the Planning
Commission, subject to five
feet of right-of-way on the existing
Duval Road and approximately thirty-five
(35) feet for the proposed extension of
Duval Road.

Mr. Lillie, Director of Planning, gave a presentation with slides. Mr. A. S. Duncan, representing applicant, stated the tract had originally been set aside by MoPac Railroad as industrial and people had known this when they bought their homes there. He said the proposed apartments will not abut any private property, and they want to build desirable apartments for those who work west of Balcones and 183. Mr. Richard Davis, representing people in opposition, stated that the erection of apartments would create a traffic problem in an already congested area of Duval. He presented a petition of 172 names, asking that the tract remain "BB" Residence. WILLIAM A. SAYLE, representing Balcones Woods Homeowners Association, stated re-zoning would add to the problems already existing of too much traffic and not enough police or fire protection.

VAL SCHRADER, representing Mesa Park Homeowners, objected to the increase in traffic, urged the Council to vote against, and read a letter from a neighbor, MR. FURTH, who is also against the re-zoning. ROANE PUETT stated there are definite plans for expansion and improving Duval Road. He said apartments are occupied by people and some zoning policies discriminate against people who are apartment dwellers who have the same rights as single-family dwellers. He said there should not be another Riverside Drive area concentration of apartments, but they should be scattered over the City...it is good from a City-planning viewpoint. The Mayor asked if there had been discussion of a middle ground plan; Mr. Lillie said he did not know. Councilmember Cooke asked if the widening or straightening of Duval Road is recommended by the Planning Commission. Mr. Lillie said it could become 4 lane but is unscheduled now. There was discussion of the type of development allowed for different zoning, drainage, and whether the Planning Commission had considered "A," to which Mr. Lillie replied, "No." Councilmember Himmelblau said that the City has some good apartment complexes and she does not fear having one as proposed.

Motion

Councilmember Cooke moved that the Council grant "BB" Residence, 1st Height and Area District, as recommended by the Planning Commission, with a restrictive covenant of maximum of 20 units per acre, and subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

Abstain: Councilmember Goodman

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, subject to conditions, and a restrictive covenant of a maximum of 20 units per acre, and the City Attorney was instructed to draw the necessary ordinance to cover.

Motion

Councilmember Cooke moved that the Council have the Planning Commission and staff bring back a report concerning Duval Road to see if it should be prioritized in this year's Capital Improvements Program. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

Abstain: Councilmember Goodman

A. L. EXLINE, JR.,
M. D.
By Doren Eskew
C14-78-013

Rear of 3210 King Street

From "B" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a
restrictive covenant limiting
the use of "O" Office to
parking only, plus uses
permitted by "BB" Residence.

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

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

Noes: None

Absent: Councilmember Snell

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

Later in the meeting, MRS. SARAH WILLIAMS appeared and asked if she could object to the zoning. She had not been able to get to the Council meeting earlier. The Mayor asked the Council if they wanted to reconsider the decision.

Motion

Councilmember Himmelblau moved that the Council reconsider zoning case C14-78-013. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

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

Mr. Lillie gave a presentation with slides. Mrs. Williams appeared before Council and said she wanted the neighborhood protected from spot zoning. John Meinrath, Assistant City Attorney, told her that there was a restrictive covenant attached to the zoning change and that notices are sent to residents within 300 feet of a zoning change. Mrs. Williams thought signs should be erected also. MR. DANNY WOMACK, representing Dr. Exline, stated that use of this small piece of land for parking would take the cars off the street. After further discussion concerning the method of notifying a neighborhood concerning zoning changes contemplated, the following motion was made:

Motion

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion was seconded by Councilmember Himmelblau.

Friendly Amendment

Councilmember Himmelblau offered a friendly amendment to include in the motion that a six-foot fence shall be erected on the east side of the lot. The friendly amendment was accepted. Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and with a 6' fence to be erected on the east side of the lot, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARCE AND ARAMINTO
MORROW

By P. M. Bryant
C14-78-029

5300 Thunder Creek Road

From Interim "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to dedi-
cation of five (5) feet of
right-of-way on Thunder Creek
Road.

Mr. Lillie gave a presentation with slides, and said that this zoning would be compatible with the rest of the zoning which is "GR" General Retail along the highway.

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

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

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

PROVIDENT DEVELOP-
MENT COMPANY, ET AL
By Robert Davis
C14-77-061

McCarty Lane and Old
Fredericksburg Road

From Interim "AA" Residence
1st Height and Area
To "A" Residence
1st Height and Area (Tracts
1, 2, 3, and 8)
"LR" Local Retail
1st Height and Area (eastern-
most 165 feet of Tract 7)
"O" Office
1st Height and Area (remain-
der of Tract 7)
"GR" General Retail
1st Height and Area (Tract 6)
"B" Residence
1st Height and Area (Tract 5)
"GR" General Retail
6th Height and Area (Tract 4)
as amended.

NOT Recommended by the Planning
Commission. RECOMMENDED by the Planning
Commission "A" Residence on Tracts 1, 2,
3 and 8; "LR" Local Retail on the eastern-
most 165 feet of Tract 7; "O" on the
remainder of Tract 7; and "GR" General
Retail on Tract 6, as amended; and "A"
Residence on Tract 4 and the southwestern
portion of Tract 5 to line up with Tract
4 and "AA" Residence on the remainder of
Tract 5, all 1st Height and Area.

Mr. Lillie reviewed the application by use of slides. The Mayor said she understands the applicant does not agree with the alternate recommendation. MR. DAVID ARMBRUST appeared before Council representing the applicant. He said that his client concurs with staff and Planning Commission's recommendations for Tracts 1, 2, 3, 6, 7 and 8, and request approval of the recommendations on those tracts. He said the objection to including Tracts 4 and 5 is that they did not know the proposed use of the tracts. He said that their purpose is to let people know what the zoning is before they buy their houses. They have hired a site planner to develop a site for these two tracts with appropriate buffering that might be required. As a result he asked Council to return these two tracts for further consideration to the Planning Commission in order to give Provident Development time to present them with a site plan, and meet with the neighbors if they wish.

Motion

Councilmember Himmelblau moved that the Council uphold the Planning Commission's recommendation, except for tracts 4 and 5, which will be sent back to the Planning Commission. The motion was seconded by Councilmember Cooke,

MR. ALLEN FORD, 4701 Circle Oak Cove, Western Oaks development, appeared before Council to urge them to adopt permanent zoning for Tracts 4 and 5 on the basis that any other type zoning other than a low density residential in that area would be inappropriate. Mr. Ford said there is already sufficient shopping

areas. Mayor McClellan told Council that if they go ahead and do what the Planning Commission recommended, the applicant can still come back at any time with a different request.

Substitute Motion

Councilmember Goodman moved that the Council grant "A" Residence, 1st Height and Area on Tracts 1, 2, 3 and 8; "LR" Local Retail, 1st Height and Area District, on the easternmost 165 feet of Tract 7; "O" Office, 1st Height and Area District, on the remainder of Tract 7 and "GR" General Retail, 1st Height and Area District on Tract 6, as amended; and "A" Residence, 1st Height and Area District on Tract 4 and the southwestern portion of Tract 5 to line up with Tract 4 and "AA" Residence, 1st Height and Area District on the remainder of Tract 5, as recommended by the Planning Commission; and if the applicant wants to make any other changes they can do so at any time. The motion was seconded by Mayor McClellan.

Mr. Armbrust said that rather than go through filing fees again, he would rather Tracts 4 and 5 be sent back to the Planning Commission. Councilmember Goodman told him that with this motion, Council is formalizing this process and giving the applicant about 90% of what they are asking for. Councilmember Mullen asked what difference it would make if Council went the way Mr. Armbrust requested. Mr. Goodman and the Mayor pointed out that this would give them what they want and they can come back at any time without any delay.

MR. PHIL EVANS, 6902 One Oak Road, Western Oaks, appeared before Council to state he concurs with the Planning staff's decision and the Planning Commission to deny re-zoning request for Tracts 4 and 5.

MR. MARVIN SOARD, 6904 One Oak Road, told Council that he wanted to see the Planning Commission's recommendations adopted.

Roll Call on Substitute Motion

Roll Call on the substitute motion to uphold the recommendation of the Planning Commission, showed the following vote:

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

Noes: Councilmembers Cooke, Himmelblau

Absent: Councilmember Snell

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District on Tracts 1, 2, 3, and 8; "LR" Local Retail, 1st Height and Area District on the easternmost 165 feet of Tract 7; "O" Office, 1st Height and Area District on the remainder of Tract 7; and "GR" General Retail, 1st Height and Area District on Tract 6, as amended; and "A" Residence, 1st Height and Area District on Tract 4 and the southwestern portion of Tract 5 to line up with Tract 4; and "AA" Residence, 1st Height and Area District, on the remainder of Tract 5, and the City Attorney was instructed to draw the necessary ordinance to cover.

C. C. COOK, ET AL
C14-78-021

1801-1811 Rutland Drive

From "LR" Local Retail
1st Height and Area
To "GR" General Retail
1st Height and Area
(Tracts 1 and 2)

NOT Recommended by the Plan-
ning Commission

RECOMMENDED "GR" General
Retail, 1st Height and Area
on Tract 1.

Mr. Lillie reviewed the application by use of slides. Mr. Lillie said the reason for Planning Commission's recommendation is the adjacent residential development to the east and northeast. "LR" Local Retail is more restrictive in its uses and if the applicant or owner wishes to put a "GR" General Retail use in that area, he can do so by Special Permit filed with the Planning Department. The applicant, Mr. Lillie stated, does not agree with the recommendation of the Planning Commission. MR. C. C. COOKE, partner in the 14-1/2 acres that is zoned "LR" Local Retail as well as the area they have made application for re-zoning to "GR" General Retail. He said the tract in question was 1-1/2 acres, lying between an existing convenience store on the corner on the east, and "D" Industrial on the west. Proposed use is for a self-service car wash designed to be adjacent to the convenience store, with the latter's owner approval. He said he has heard no dissension from anyone. He said "GR" General Retail on just the westernmost part is not economically practical for the car wash since it would mean tapping the sewer line across the street at a cost of \$1,500 plus paving break. He said that he does not understand who the Planning Commission is trying to protect, because if anyone thought they would be hurt, they would be at the meeting.

Motion

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District, on the whole tract (Tracts 1 and 2). The motion was seconded by Councilmember Cooke.

Councilmember Goodman asked the reason for the Commission's action. Mr. Lillie commented he does not like to second guess the Commission's action but the easternmost portion is directly across from the residential subdivision. The "GR" General Retail is more permissive zoning than Local Retail. The convenience store is permissible in "LR" Local Retail, so he believes the Commission felt "LR" Local Retail is most appropriate, and if a "GR" General Retail use is proposed, it can be done by special permit with notices and public hearing.

Substitute Motion - Failed

Councilmember Goodman made a substitute motion that the Council accept the recommendation of the Planning Commission. The motion, seconded by Mayor Pro Tem Trevino, failed to carry by the following vote:

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

Roll Call on Original Motion

Roll Call on the original motion to grant "GR" General Retail on both Tracts 1 and 2, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Noes: Councilmember Goodman, Mayor Pro Tem Trevino

Absent: Councilmember Snell

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

L. L. COX
By C. B. Carpenter
C14-78-005

12126-12440 U.S. 183
11835-12011 Jolly-
ville Road

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
2nd Height and Area
NOT RECOMMENDED by the Planning
Commission

RECOMMENDED "A" Residence on
the easternmost 50 feet; "O" Office on
50 feet adjacent to the "A"; "O" Office
on 120 feet along Jollyville Road and
"GR" on the remainder of the tract, all
1st Height and Area, subject to restric-
tive covenant providing for a six foot
privacy fence along the east property line
and a conservation easement on the "A"
buffer strip, and limiting the driveways
along Jollyville Road to two.

Mr. Lillie reviewed the application by use of slides. He said the Planning Commission felt that the zoning for "GR" General Retail was appropriate on this tract but felt there were several conditions they should place on it in relation to the subdivision. He then described the recommended conditions. He said the applicant agrees with all but two of the provisions and wants to discuss them with Council.

MR. CHARLIE CARPENTER, representing Mr. Larry Cox, appeared before Council to say Mr. Cox, after living on the land 40 years, wants to use it to its best use. Mr. Carpenter then passed out to Council the proposed usage of the land. (City Clerk did not receive a copy.) He said they proposed a mini-mall for the site, but are hampered with only two driveways on Jollyville Road. They also are concerned with the maintenance of the 50-foot strip. Councilmember Goodman said that the 50-foot buffer is a natural area and would need no maintenance. Mr. Goodman stated that he feels a 50-foot buffer is a little excessive.

Motion

Councilmember Goodman moved that the Council grant "A" Residence on the easternmost 50 feet; "O" Office on the 50 feet adjacent to the "A"; "O" Office on 120 feet along Jollyville Road, and "GR" General Retail on the remainder of the tract, all 1st Height and Area, subject to conditions, as recommended by the Planning Commission, except instead of a 50-foot buffer, there will be 15 feet of "A" buffer, with a fence between "A" Residence and "O" Office. The motion was seconded by Councilmember Mullen.

JEANNETTE BLEDSOE, representing the Northwest Oaks Neighborhood Association, stated that they are opposed to "C" Commercial zoning and that the plan is to have a shopping center on the site, which is not "mini" but larger than Northcross Mall. They support the Planning Commission's recommendation except for the two entrances on Jollyville Road. She said the neighborhood feels there is enough of a traffic problem there already. Ms. Bledsoe also feels there should be a 6-foot privacy fence between the buffer area and "O" Office zoning.

BILL BREWER, who lives on Arabian Road, urged Council to adopt the recommendations of the Planning Commission.

MRS. FRANK R. STEVENSON, Arabian Trail, asked Council to concur with the Planning Commission. Following discussion concerning the width of the buffer, the following friendly amendment was made:

Friendly Amendment to the Motion

Councilmember offered a friendly amendment that there be 20 feet for "A" buffer. The friendly amendment was accepted by Councilmember Goodman. Roll call on the motion showed the following vote:

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

The Mayor announced that the change had been granted to "A" Residence on the easternmost 50 feet; "O" Office on 50 feet adjacent to the "A"; "O" Office on 120 feet along Jollyville Road; and "GR" General Retail on the remainder of the tract, all 1st Height and Area District, subject to conditions, except with an "A" buffer of 20 feet instead of 50 feet; and a fence between "A" Residence and "O" Office; and the City Attorney was instructed to draw the necessary ordinance to cover.

AUSTIN PROFESSION-
AL AUDIO
By Chester L. Spaw
C14-78-027

64 East Avenue, also
bounded by Rainey
Street and River Street

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT RECOMMENDED as amended, by
the Planning Commission

Mr. Lillie reviewed the application by use of slides. Councilmember Himmelblau said that one member of the Planning Commission thought that some of the testimony they heard was not valid from people who were opposed to the zoning change. CHESTER SPAW, the applicant, appeared and said he operates a small air conditioning business. He sub-contracts all of his installation, such as electrical, plumbing and duct work, so he said his work is primarily sales. He said he is buying 64 East Avenue with the hopes of operating his business from that address. Mr. Spaw said there will be no traffic, as he goes to the customers. He will fix up the outside of the house with repairs and new paint, but will not re-do it as a business. He does not intend to re-sell it for use as a Chamber of Commerce Information Center or an office for the Community College as some people have rumored.

MS. MILDRED MILLER appeared and said she supports the zoning change.

MS. SUSAN BARRY appeared and showed slides and spoke against the zoning change. In answer to her charges that the neighbors do not want the zoning change, Councilmember Cooke said he had received a resolution in Spanish and English from all the people living around 64 East Avenue stating they are not opposed to the zoning change. When Mayor Pro Tem Trevino said he had not seen the resolution, Mr. Spaw told him he had the original, and that he had not found any opposition. Mayor Pro Tem Trevino pointed out that he concurs with the Planning Commission's decision. He said that a lot of the property in the area is owned by absentee landowners, and the wishes of tenants should not be denied. He is afraid that if tenants' wants are ignored, that eventually the single-family dwellings will be deleted from east Austin.

Motion

Mayor Pro Tem Trevino moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion was seconded by Councilmember Goodman.

Substitute Motion

Councilmember Himmelblau moved a substitute motion that the Council grant "GR" General Retail, 1st Height and Area District, subject to a roll back to "A" Residence, 1st Height and Area District, if the house is not used as outlined by Mr. Spaw. The substitute motion was seconded by Councilmember Cooke.

Mayor Pro Tem Trevino said that, in fairness to the applicant, some of the slides shown by Ms. Barry had nothing to do with this zoning case, but were houses miles away.

GLADA MARIN appeared before Council to state that she is a friend of PETE MARTINEZ, who lives on Rainey Street. He opposes the zoning because he thinks it would destroy the integrity of the neighborhood. Mr. Spaw replied that Pete Martinez had told him he is in favor of the zoning change and had asked Mr. Spaw if one of his sons could work for him.

Mayor McClellan asked Mr. Spaw if he would agree to a restrictive covenant. Mr. Spaw said he would because he does not intend to re-sell the property.

Roll Call on Substitute Motion

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

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

WELLS-LaRUE HOUSE
Inge Walling
Whitaker, owner
C14h-78-003

912 West 26th Street

From "B" Residence
2nd Height and Area
To "B-H" Residence-Historic
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Trevino moved that the Council accept the finding of fact and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

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

LESER HOUSE
Felipe Latorre,
owner
C14h-78-004

3506 West Avenue

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

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

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.

RECESS

Council recessed for lunch at 12:20 p.m. and resumed the meeting at 2:15 p.m.

ZONINGS DENIED

H. C. McGARY	620 Applegate Road, also	From Interim "AA" Residence
C14-78-015	bounded by Motheral Drive	1st Height and Area
		To "C" Commercial
		1st Height and Area
		NOT Recommended by the
		Planning Commission

Mr. Lillie reviewed the application by use of slides.

Motion

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission, and DENY the zoning. The motion was seconded by Mayor Pro Tem Trevino.

MR. H. C. McGARY, the property owner, appeared before Council to state that his land is surrounded all around by "C" Commercial and does not understand why he cannot get "C" Commercial zoning as the lot is not good for a residence. He said he cannot even get a loan to build a house there. Councilmember Himmelblau asked if the Planning Commission had considered anything other than to deny. There was some discussion as to what surrounds the land in question. Councilmember Goodman asked what the equipment rental zoning is. Mr. Lillie replied that it's use is non-conforming "AA".

Roll Call on Motion

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

The Mayor announced that the change had been DENIED.

S. W. RUFF LAND	Rear of 7439 North	From "A" Residence
DEVELOPMENT TRUST	Lamar Boulevard, also	1st Height and Area
By Fred Juby,	bounded by Crestland	To "C" Commercial
Trustee	Drive	1st Height and Area
C14-78-036		NOT Recommended by the
		Planning Commission

Mr. Lillie reviewed the application by use of slides. MR. RAYMOND TUBBS, working as a builder to develop this land said the driveway in question would not be used commercially.

Councilmember Cooke moved that the Council uphold the recommendation of the Planning Commission and DENY the zoning change. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

The Mayor announced that the zoning change had been DENIED.

CARL M. SMITH,
INC.
CL4-78-037

3215 Hampton Road

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

Mr. Lillie reviewed the application by use of slides.

MR. CARL SMITH appeared before Council to state that 3215 Hampton Road is his father's residence. He is old and sick and Mr. Smith needs to spend a lot of time with him. He requests the zoning change because he is a public accountant and wants to put a desk, his typewriter, and books in the house and conduct his business while he is caring for his father. He said he does not plan to turn the house into apartments and that the house will be sold when his father dies. Councilmember Goodman asked him what sort of objection had been raised to his doing this and Mr. Smith answered that people from Harris Boulevard had told him he had to change the zoning if he was going to work on his books there. Mr. Lillie stated that the ordinance provides that you must have "B" Residence zoning if you are going to have an office in the home. Mayor McClellan asked if there were any way Mr. Smith can be helped through zoning, so that he can be near his father and still do his work.

ROGER PINCKNEY, Friends of Eastwood, appeared before Council to say he sympathizes with Mr. Smith's problem, but to change the zoning would create a spot zoning situation in the neighborhood and all residents are opposed to that.

Mr. Lillie told Council that the Building Inspector informed him that if Mr. Smith were to office and live at the same address, it could be done under "B" Residence zoning. If he were to office there and not live there, it would require "O" Office. So, "B" zoning would not be helpful.

Motion

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission, and DENY the zoning change. The motion was seconded by Councilmember Cooke.

Councilmember Mullen asked if there were some way the Council could help "a person." He said it was strange the way they flip-flop. Sometimes property is more important than people and sometimes people are more important than property. Councilmember Goodman said that unfortunately the only thing they could do is to zone it "O" Office in the middle of a residential area. Councilmember Mullen and Mayor McClellan wondered if the neighborhood is opposed to granting "O" with a condition to roll back the zoning when it is not used for the purpose intended. Discussion followed whether or not this zoning change would be wise.

MS. GAY RATLIFFE, representing the neighborhood, said they opposed a change in zoning with a roll-back clause because a Council of the future will not know what the circumstances are and may grant permanent "O" Office zoning in their residential neighborhood. Assistant City Attorney John Meinrath said it had been brought to his attention that the advertising in the paper has been for "B" Residence zoning; and therefore, "O" Office zoning cannot be voted on today. The Council could grant a more restrictive zone, but could not grant a less restrictive one.

Roll Call on Motion to Deny

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

The Mayor announced that the zoning change had been DENIED.

ZONINGS POSTPONED

MILDRED AND ERNEST 10226-10314 U.S. 183
WALSTON
By Tom Curtis
C14-78-028

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Trevino moved that the Council POSTPONE the zoning until April 20, 1978 at 7:00 p.m. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the case had been postponed.

FOREST M. CRUSE,
SR.
By Dale O. Johnson
C14-78-025

2612-2614 South 1st
Street

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

Mayor Pro Tem Trevino moved that the Council POSTPONE the zoning case until April 6, 1978, at 9:45 a.m. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

The Mayor announced that the zoning case had been POSTPONED.

RUDOLPH WILLIAMS
C14-78-030

1906 East 18th Street

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

Mayor Pro Tem Trevino moved that the Council POSTPONE the zoning case until April 6, 1978 at 9:45 a.m. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor Pro Tem Trevino,
Mayor McClellan, Councilmember Cooke
Noes: None
Absent: Councilmember Snell
Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the zoning case had been POSTPONED.

ITEM POSTPONED
PUBLIC HEARING ON WRECKER BUSINESS

Councilmember Cooke moved that the Council postpone until April 6, 1978, at 10:00 a.m. a public hearing on the Ordinance amending Article VI of Chapter 34 of the Code of the City of Austin which regulates Towing and Wrecker Businesses. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

PUBLIC HEARING ON STREET VACATIONS

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WEST 34TH STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR ELECTRIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, 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: Councilmember Mullen, Mayor Pro Tem Trevino, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

HISTORIC MEDALLIONS

Councilmember Mullen moved that the Council approve of the medallions to be placed on structures in Austin that are zoned Historic, as presented by the Landmark Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

TAX EXEMPTION FOR HISTORIC PROPERTY

MR. JOE WELLS, member of the Board of Equalization, told the Council that their comments have already been submitted in writing (50% tax exemption) and they have nothing further to add. Mr. Jack Klitgaard, Director of the Tax Department, told the Council that his department had no specific recommendations and that they were in agreement with the recommendations of the Board of Equalization. In response to Councilmember Goodman's question on the \$35,000 revenue loss which will be incurred by the tax exemption, Mr. Wells indicated that the revenue loss would be made up with taxes obtained from other properties. Mr. Wells suggested that the Council take another look at the matter. Councilmember Mullen felt that it was important to obtain the views of people not closely involved with the matter and stated that the Board of Equalization has done this.

MS. ANNA DRAYER, a member of the Historic Landmark Commission, told the Council that her Commission's recommendations differed with that of the Board of Equalization. She indicated that a tax exemption would encourage the owners of historical structures to retain their buildings rather than tear them down. She also felt that this would help downtown revitalization.

Councilmember Goodman moved that the Council accept the recommendation of the Board of Equalization and place the matter on the agenda for April 13, 1978, for formal action. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

PUBLIC HEARING ON THE WIDENING OF RED RIVER STREET

Mayor McClellan opened the public hearing scheduled for 1:30 p.m. on the widening of Red River Street from 32nd to 38-1/2 Street, and consideration of a resolution approving the following contract:

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas
(all bids rejected)

- CAPITAL IMPROVEMENTS PROGRAM
Widening of Red River Street
32nd Street to 38-1/2 Street.
C.I.P. Nos. 75/62-07, 73/50-03
and 75/40-09.

DR. WILLIAM SHIVE told the Council that he had conducted a peak-hour traffic survey of cars traveling along Red River Street. He stated that, even with traffic diverting from Duval Street on to Red River Street as Red River becomes a major arterial, that amount of traffic flow along Red River would still not exceed the traffic estimates made in 1973. Dr. Shive indicated that there was enough doubt about traffic flow in the area that the project should be reconsidered. He stated that the width of the proposed street would turn Red River Street into another Airport Boulevard. Dr. Shive stated that the diversion of additional traffic from other areas on to Red River Street would be to the detriment of the adjoining neighborhood.

MR. JACK EVANS, President of the Hyde Park Neighborhood Association, told the Council that it would be difficult for Austin citizens to pick-up the tax burden for the project just because the University of Texas wanted to close down certain thoroughfares. He stated that the project would also inconvenience persons who work in the Central Business area who have to come to work from the north. Mr. Evans suggested that the City find a way to maintain major thoroughfares as public thoroughfares through the University. Mayor McClellan indicated that she felt the City should renegotiate with the University of Texas. She indicated that she was in favor of rejecting the bid.

MS. DOROTHY RICHTER told the Council that she was in favor of widening Red River Street as far as 26th Street. She felt that the project would be detrimental to the neighborhood. Ms. Richter urged the Council to work with the University of Texas on the matter.

MRS. BOB LONG felt that it was unnecessary to widen Red River Street because IH 35 was just a block east of the street. She also felt that the project would degrade adjoining neighborhoods.

MR. MILLS TANDY told the Council that there were 11 large oak trees located in the right-of-way for the project, which would have to be removed once the project is begun.

MR. DOUG BECKER told the Council that everyone in his area would probably be opposed to the project once they have more information about it. He asked for more time in order for neighborhood residents to be informed.

Mr. Tandy asked if Red River has been deeded to the University of Texas yet. Mr. John German, Director of Public Works, stated that the right-of-way between 19th and 26th Street currently belongs to the City and that it would have to first be vacated before it could be turned over to the University. City Attorney Jerry Harris indicated that the City is under a contractual obligation to vacate the right-of-way at the time the new Red River Street is relocated.

Motion

Councilmember Goodman moved that the Council close the public hearing, authorize a committee to be set up to visit with the University of Texas on this matter before they proceed any further, and adopt a resolution REJECTING the bids for the widening of Red River Street from 32nd to 38-1/2 Streets. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

In regard to a question from a lady in the audience, Mayor McClellan indicated that the Council will keep the public informed as to what discussions are held and what the outcome of those discussions are and what the options to the City are.

CLOSURE OF FREE ADMITTANCE ZILKER GARDEN CENTER

Mayor Pro Tem Trevino moved that the Council approve a request by MRS. ROGER G. PARKER, President of the Austin Area Garden Council, to close free admittance to the Zilker Park Gardens and Building on May 6 and 7, 1978, and provide that entry on those dates be by one dollar donation tickets only. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mayor Pro Tem Trevino
Noes: None
Absent: Councilmember Snell
Not in Council Chamber when roll was called: Councilmember Mullen

PRIMER FIESTA EL BARRIO

Councilmember Goodman moved that the Council approve a request from the East Austin Survival Task Force, East First Advisory Board and El Centro Chicano, to use Festival Beach, west of Fiesta Gardens, April 15 and 16, 1978, for the Primer Fiesta El Barrio, subject to the approval of the Parks and Recreation Department. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

Not in Council Chamber when roll was called: Mayor McClellan

RAINBOW HOUSE

MR. BOB GARRETT appeared before Council to discuss the Rainbow House located on Guadalupe Street. Mr. Garrett suggested that the management for the House be changed.

PUBLIC HEARING TO CONSIDER TREE ORDINANCE

Mayor Pro Tem Trevino opened the public hearing scheduled for 2:30 p.m. on consideration of the Tree Ordinance. Dr. Maureen McReynolds, Director of the Environmental Resource Management Department, told the Council that the Ordinance was developed by a citizens committee designated by the Council several years ago. The committee consisted of members from the Planning Commission and the Citizen's Environmental Board. The committee worked with the staff of the Engineering Department, Environmental Department, the City Legal Department, representatives from the Home Builders Association and various engineers and contractors. Dr. McReynolds indicated that the Ordinance has been reviewed by the Citizens Environmental Board and the Planning Commission. Both bodies have endorsed the Ordinance.

Dr. McReynolds stated that the Ordinance requires that if a tree is to be removed, a permit will be required. The trees covered under the Ordinance are trees that are 60 inches in circumference. The Ordinance provides that the City would hire an arborist within the City Engineering Department, who would be trained in the care and maintenance of trees. This person would review applications for tree removal permits and would advise on ways that trees can be preserved rather than removed. Dr. McReynolds indicated that the purpose of the Ordinance is to insure that large trees will be examined before they must be removed. She stated that the Ordinance provides for a waiver of departmental standards if it is possible to save a tree. Also, the Board of Adjustment is empowered by the Ordinance to grant variances for the purpose of saving trees.

Dr. McReynolds stated that the permits would be issued by the Engineering Department. No fee is required to remove a tree which is a hazard to life or property, or a tree that is diseased or dying. If a tree is on private property, Engineering Department would issue a permit, where the tree is located so as to prevent reasonable use of the land or to preclude access to the property. The

Engineering Department would also be authorized to issue a removal permit if there is a protected tree in a public right-of-way involved with construction maintenance or repair of facilities. Dr. McReynolds stated that the Board of Adjustment has authority to review the process by which the permitting is carried out in the Engineering Department. The Ordinance does not specify that permits to remove trees can be reversed by the Board of Adjustment. However, denial for permits can be appealed to the Board...Dr. McReynolds indicated that comments on tree protection during paving projects were addressed in the Ordinance as directed by the Council. She stated that there are two companion Ordinances to be considered. One is an amendment to the Subdivision Ordinance and the other is an amendment to the Zoning Ordinance, which allow the provisions of the Ordinance to be incorporated in those particular Ordinances.

The provision for the Zoning Ordinance provides that site plans which show protected trees would not require a separate permit. Under the Subdivision Ordinance, an aerial photograph of groups of trees is required to be submitted. Any tree that is to be removed at the time the Planning Commission approves the subdivision would not require a separate permit. Dr. McReynolds indicated that City Capital Improvements Program projects that would require the removal of protected trees would, prior to bid, be subject to a public hearing before the Board of Adjustment to outline specific trees to be removed and one permit would be issued for that particular project. There is a provision in the Ordinance that most of the administrative permits would expire if not used, one year from date issued. This would not apply to C.I.P. projects which would not be completed within one year.

Mayor McClellan announced that the Council would not vote today on the Ordinance at the request of Councilmember Jimmy Snell who was absent from the meeting.

Councilmember Himmelblau asked why the Board of Adjustment is the appellate Board. Dr. McReynolds indicated that there was a feeling that a Board of appointed citizens was needed to be involved in the various steps of the process. She stated that the two Boards which would be involved would be the Planning Commission and the Board of Adjustment. Dr. McReynolds stated that the work load of the Planning Commission is such that it could not add the additional function to its charge, whereas the Board of Adjustment had expressed a willingness to handle the appellate process. She stated that the idea for a separate review committee was dispelled in order to eliminate red tape. Councilmember Himmelblau did not feel that this function should be given to the Board of Adjustment.

MS. JEAN MATHERS stated that one of the main reasons for the Ordinance was to protect trees by allowing variances in certain City regulations. She indicated that set backs can be altered in order to save trees. Ms. Mathers stated that builders felt that it would eliminate much red tape and save time if the Board of Adjustment handled this function.

MR. MIKE SEGREST, Acting Director of the Parks and Recreation Department, told the Council that the City is currently paying one fourth the salary of the County Horticulturist. He stated that the County did not feel that tree inspection came under the duties of the Horticulturist and they would need additional funding to hire an arborist to do that particular work.

MS. SALLY WHITLIFF, representing We Care Austin, told the Council that her organization was in support of the Ordinance. She stated that they were in favor of the Ordinance for the following reasons:

1. The Ordinance streamlines the permit acquisition process.
2. The City is not exempted from the Ordinance.
3. It allows the Board of Adjustment to grant a variance for the purpose of saving a tree.

MS. MARGRET HOFMANN read the preamble to the Ordinance for the Council. Ms. Hofmann stated that many trees have great historical value and that steps should be taken to protect those trees. She stated that she viewed the Ordinance as a supplement to City Historic Zoning efforts.

MR. DANIEL LYNCH, Vice-Chairman of the Citizens Environmental Board, told the Council that the Board endorsed the Ordinance unanimously. Mr. Lynch felt that the list of trees included in the Ordinance could be changed. He also felt that there was a need for an arborist.

MS. JUDY POKORSKY, representing the Whispering Oaks/Cherry Creek Neighborhood Association, asked that the Council pass the Ordinance in order to protect trees.

MS. DOROTHY RICHTER stressed the need for the protection of trees. She encouraged the Council to support some kind of a tree Ordinance.

MR. MILLS TANDY told the Council that the cedar tree was a native tree to the central Texas area and that it has great biological significance. He stated that both the hackberry and cedar trees are the first to occupy an area after it has been cleared. He felt that the Ordinance was a step in the right direction.

MR. KEN ZIMMERMAN presented MR. BILL SCUDDER, architect, who spoke in behalf of the Austin Apartment Association of Austin. Mr. Scudder told the Council that he was in opposition to the Ordinance because it did not protect the tree and that it incurred more red tape. He said that there are not many trees in Austin that are 19 inches in diameter. Mr. Scudder stated that the Ordinance was written in an unknown tongue. He stated that he had read it and re-read it and did not come up with the same meaning twice. Speaking in a positive vein, he stated that the reason for the ordinance is to maintain Austin. Mr. Scudder felt that the Subdivision and Zoning Ordinances needed to be replaced. He suggested the writing of a comprehensive land Ordinance which takes everything into account.

MR. HOWARD FERGUSON appeared to say that the Ordinance is not strong enough but that it was better than nothing. It offers spotty protection to certain trees. He urged adoption of the Tree Ordinance but would like one that is more comprehensive.

Motion

Councilmember Cooke moved that the Council take action on the Ordinance on April 6, 1978, and close the public hearing. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

SOUTHLAND CORPORATION LEASE AGREEMENT

The Council had before it for consideration the execution of a lease agreement between the City of Austin and the Southland Corporation for a 7-Eleven Store at Lamar and Koenig Lane.

Councilmember Mullen said the lease agreement has been postponed because of Council's concern that it was not put out for bids. He said the staff did so legally by putting the bids in the newspaper. Now, they find they erred in not mailing out bids to other convenience stores. Councilmember Mullen thinks this is an unfortunate mistake and does not think it would be fair to Southland, who have twice opened up what they intend to do, to make them wait through another bid period. Councilmember Mullen said he is really disappointed that this happened.

Councilmember Mullen moved that the Council adopt a resolution to authorize execution of a Lease Agreement between the City of Austin and Southland Corporation for a 7-Eleven Store at Lamar and Koenig Lane. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

CONTRACT APPROVED
TRANSMISSION LINE STRUCTURES

The Council had before it for consideration approval of the following contract:

A. B. CHANCE COMPANY
12317 Almeda Road
Houston, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Galvanized Steel Transmission Line
Structures, Electric Department.
Items 1-26 - \$1,695,821.00

Councilmember Mullen expressed concern that so many people did not understand the specifications. Mr. R. L. Hancock, Electric Utility Director, stated that these are not conventional transmission line structures. He said the conventional ones are either broad-based poles or tapered ones as they have used in the urban area...or else they are what is termed narrow base structures. He

said these are two laced structures similar to the taper poles that are connected together with "X" braces and that is not a conventional approach. He said this approach was chosen because of a tight right-of-way situation and a difficult environmental situation with uneven terrain. Mr. Hancock said there was also concern for the mobility of the structures...getting them out on the right-of-way and getting them installed. As a result, it is not an off-the-shelf tower design. Many of the people who bid were bidding on an out-of-ordinary structure which their normal computer loading analysis needed to be modified. Consequently, in a number of the bids submitted, the structure submitted did not have adequate structural strength to meet the specifications. For that reason a number were disqualified. Four of the other bids were for alternate bids which involved changes in the specifications as they were outlined. As a result, about half of the bids submitted did not conform to the specifications. However, Mr. Hancock said the department had gone to great length in the preparation of the specs.

Councilmember Cooke moved that the Council adopt a resolution to approve a contract award to A. B. Chance Company, in the amount of \$1,695,821.00 for galvanized steel transmission line structures, for the Electric Department. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

FIREFIGHTERS MINORITY RECRUITMENT PROGRAM

Council had before it for consideration a contract with the International Association of Firefighters for a Minority Recruitment Program. Mayor Pro Tem Trevino said he does not want the City to get into the same situation with this program as they did with the Police Department. Fire Chief Kirkham stated that the program was brought to the City by the International Association of Firefighters, who are under contract with the Department of Labor and they offered to assist Austin in this effort with no obligation other than furnishing one staff member and being willing to delay the next class until they have had an opportunity to work with Austin. Mayor Pro Tem Trevino expressed concern that a state agency had criticized the police training program. Mr. Davidson, City Manager, said that the state agency will have nothing to do with the firefighter's program and cannot imagine that there will be any difficulties. Chief Kirkham said that even though the International Association of Firefighters concentrate on minorities, no one is stopped from participating in the program with them.

Mayor Pro Tem Trevino moved that the Council adopt a resolution to authorize a contract with the International Association of Firefighters for a Minority Recruitment Program. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

URBAN RENEWAL AGENCY/AUSTIN SYMPHONY SOCIETY LEASE

Mr. Leon Lurie, Executive Director, Urban Renewal Agency, stated that the amendment was requested by the Symphony Society to give the Society better control of the area. The Urban Renewal Board had recommended the amendment unanimously.

Motion

Councilmember Mullen moved that the Council adopt a resolution to approve the requested change. The motion was seconded by Councilmember Himmelblau.

City Attorney Harris stated that an additional amendment had been suggested that basically would require that any sub-leases of over 90 days would have to come back for approval by the lessor, either the Urban Renewal Agency or the City Council.

Amendment

Councilmember Mullen added an amendment that the lease agreement would be amended to allow for the additional area to be covered by the lease and to allow the Symphony Society to sub-lease to food or restaurant concerns.

Roll Call on Motion with Amendment

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

Noes: None

Absent: Councilmember Snell

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

BRACKENRIDGE URBAN RENEWAL PLAN CHANGE

The Council had before it as an emergency item a resolution considering the Urban Renewal Board's recommendation for a change in the Brackenridge Urban Renewal Plan; submitting the matter to the Planning Commission for review and recommendation in compliance with Article 1269L-3, V.T.C.S.; setting a public hearing to consider the change for May 4, 1978, in compliance with Articles 1269L-3 and 5421q, V.T.C.S.

Motion

Mayor Pro Tem Trevino moved that the Council adopt a resolution as presented and set a public hearing on the matter for 10:00 a.m., May 4, 1978. The motion, seconded by Councilmember Mullen, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

CENTER FOR PREVENTION OF FAMILY VIOLENCE

Council had before it consideration of submitting a grant application to the Law Enforcement Assistance Administration for the project entitled, "Center for the Prevention of Family Violence" in the amount of \$138,840 LEAA support for a 12-month period. (Requested by the Metropolitan Austin Criminal Justice Planning Unit.)

GENE DRAPER, Criminal Justice Planner, Metropolitan Austin Criminal Justice Planning Unit, appeared before Council to say the Law Enforcement Assistance Administration had recently announced availability of funds. LEAA intends to give three or four grants throughout the nation ranging from \$100,000 to \$300,000. Appropriate match level for the projects will be 90% Federal, 10% local cash in the first year; second year, 75% Federal, 25% local; the third year will be a 50/50 match. The Criminal Justice Division will be providing 10% of the local cash the first year, and will match 10% of the Federal dollars in the second and third year.

Councilmember Himmelblau moved that the Council adopt a resolution to authorize submission of a grant application to the Law Enforcement Assistance Administration for the project entitled, "Center for the Prevention of Family Violence" in the amount of \$138,840 LEAA support for a 12-month period. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan,
Councilmember Cooke

Noes: None

Absent: Councilmember Snell

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

ELECTRIC UTILITY RATE MANAGEMENT PROGRAM

Mr. Hancock, Director of Electric Utility; and Mr. Daron Butler, Budget Director, appeared before Council to answer questions regarding the ordinance to amend the 1977-78 Annual Operating Budget for additional personnel to implement the Electric Utility Rate Management Program. Mr. Hancock said this request asks for Council authority for three new position allocations in the Electric Department: a rate analyst, a translator operator and a meter electrician. Funding in the current year will come from a shift in another operational activity in the department and will not require additional funding authority. Funding for equipment that has to be purchased will come from under-runs in existing Capital projects.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1977-78 OPERATING BUDGET BY PROVIDING THREE ADDITIONAL POSITIONS IN THE ELECTRIC DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING AN ELECTRIC UTILITY RATE MANAGEMENT PROGRAM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Noes: None

Absent: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

SYMPHONY WEEK

Mayor McClellan read a proclamation designating April 3-9, 1978, as Symphony Week in Austin. MRS. JANE SIBLEY and MRS. PEGGY BROWN accepted the proclamation with their thanks.

SPECIAL STUDY BY PLANNING COMMISSION

MS. SUSAN BARRY appeared before Council concerning the action of March 16, 1978, referring a request of Mrs. Susan Barry to the Planning Commission. Mayor Pro Tem Trevino and Councilmember Himmelblau presented this item to Council. Mrs. Himmelblau said she had talked with Planning Director, Mr. Lillie, who had told her this area is being looked at in the study that Mayor McClellan and Councilmember Cooke have asked for in their revitalization program. She also said that all Councilmembers had received letters from four of the architects whose names were used last week, disclaiming any knowledge of association with this study.

Councilmember Himmelblau moved that the Council rescind the action authorizing the study which Council approved March 16, 1978. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

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

Noes: None

Absent: Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Goodman

Ms. Barry appeared and gave a slide presentation of the area.

FEBRUARY FINANCIAL STATEMENT

Mr. Monty Nitcholas, Finance Director, presented Council with the monthly financial statement for February, 1978.

ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following applications have been referred to the Planning Commission for recommendation and have been set for public hearing before the City Council on April 27, 1978.

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
BARROW CORPORATION By Leroy Lange C14-78-044	8101-8307 Brodie Lane, also bounded by Plantation Road, Dun- liegh Drive and Thomas Kincheon Street	From Interim "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area
CHESAPEAKE SOUTHWESTERN By Anthony George, Jr. C14-78-045	Rear of 8900 U.S. 183 (Research Boulevard)	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
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
IVY DEAN HUNT C14-78-047	12012 North IH 35, also bounded by Wren Avenue and Pollyanna Avenue	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area
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
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
RICHARD A. HABERMAN, TRUSTEE By Gary 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
TEXAS ASSOCIATION OF REALTORS By John Van Winkle C14-78-051	8416 North IH 35, also bounded by Barwood Park	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area

JENNIE FEE DAVIS By W. A. 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
TEXAS COMMERCE BANK, ET AL By John D. Byram 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
COTTON TEXAS, LTD, ET AL By Ras Redwine C14-78-054	U.S. 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
TEXAS STATE BANK, TRUSTEE By Bert Pence C14-78-058	North IH 35, Rutherford Lane, and US. 183	From Interim "AA" Residence 1st Height and Area To "C" Commercial and "B" Residence 1st Height and Area
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
SHIRLEY SLAUGHTER By Malcolm Robinson C14-75-068	1608 West 34th Street, also bounded by Jefferson Street and Glenview Avenue	From "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
JACK KELLY C14-75-114	300-302 West 42nd Street 4200 Avenue C	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
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
EARL HOWARD, ET AL By Richard Kammerman C14-77-174	1715-1721 West Avenue 707-719 West 18th Street	From "B" Residence 2nd Height and Area To "O" Office 2nd Height and Area (as amended)

WOODSTONE SQUARE DEVELOPMENT CO., INC. By Larry Niemann C14-78-039	3417-3423 Pecos Street, also bounded by West 35th Street	From "C" Commercial and "A" Residence 1st Height and Area To "BB" Residence 1st Height and Area
JOHNSON HOME American Legion Post #76, owner C14h-77-23	2201 West 1st Street	From "C" Commercial 1st Height and Area To "C-H" Commercial-Historic 1st Height and Area
OLD ZIMMERMAN HOME Settlement Club of Austin, owner C14h-77-36	1600 Peyton Gin Road	From "A" Residence 1st Height and Area To "A-H" Residence-Historic 1st Height and Area
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
THOMAS T. SMITH By Terry Bray C14-78-057	Middle Fiskville Road	From Interim "A" Residence 1st Height and Area To "C" Commercial 1st Height and Area
ORR-EAST HOUSE Charles Pantaze, owner C14h-78-007	307 East 2nd Street	From "C-2" Commercial 4th Height and Area To "C-2-H" Commercial-Historic 4th Height and Area
RATHER HOUSE Episcopal Theo- logical Seminary of the Southwest, owner C14h-78-019	3105 Duval	From "A" Residence 1st Height and Area To "A-H" Residence-Historic 1st Height and Area

ADJOURNMENT

The Council adjourned its meeting at 6:05 p.m.

APPROVED


Mayor

ATTEST:


City Clerk