

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting
July 27, 1978
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

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

Absent: None

JIMMY "THE GREEK" SNYDER

MR. BOB GOMEZ, representing Braniff Airlines, told the Council that the Civil Aeronautics Board finally signed the order authorizing Braniff to begin air service between Dallas/Ft. Worth and Las Vegas. He indicated that this service has been coupled with Braniff's service from Austin to Dallas, thereby giving Austin residents direct service to Las Vegas. Mr. Gomez then introduced Mr. Jimmy "the Greek" Snyder to the Council.

Mayor McClellan presented Mr. Snyder a Certificate of Citizenship, stating that they were delighted to have him in the City.

ASLEEP AT THE WHEEL

Mayor McClellan presented a resolution signed by the entire Council, to the Asleep At The Wheel band, calling upon all citizens to join in an expression for the entertainment and the recognition the band has brought to Austin. Accepting the resolution were RAY BENSON, CHRIS O'CONNELL and LEROY PRESTON who thanked the Council on behalf of the band.

APPROVAL OF MINUTES

Mayor Pro Tem Mullen moved that the Council approve the Minutes from the regularly scheduled Council Meeting of July 20, 1978, and the Special Called Meetings of July 20 and July 21, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

BOARDS AND COMMISSIONS APPOINTMENTS

Councilmember Snell moved that the Council make the following Boards and/or Commissions appointments:

Building Standards Commission - nominated by Councilmember Snell

Holly Bell Szilagyi to 6-1-80

William Dorman - reappointed to 6-1-80

Lee Kirk - reappointed to 6-1-80

Thomas Hatch, registered architect - reappointed to 6-1-80

Energy Conservation Commission - nominated by Mayor Pro Tem Mullen

Eugene Marcus Barnes to 7-1-80

James C. Fidler to 7-1-80

William Brant to 7-1-79

Ruben Ramirez-Mitchell to 7-1-79

Earl Podolnick to 7-1-79

Ethics Review Commission - nominated by Councilmember Cooke

Jack Hoffman - reappointed to 7-1-80

Parks and Recreation Board - nominated by Councilmember Snell

Lawrence Britton to 6-1-79

Environmental Board - nominated by Councilmember Himmelblau

Dr. Gerard Rohlich - reappointed to 7-1-79

Richard Shocket to 7-1-79

Gwen Sederholm to 7-1-79

Dr. Michael Humenick to 7-1-79

Commission on the Status of Women - nominated by Councilmember Snell

Dr. Janice May - reappointed
Tina Navarro - reappointed
Norene Thieme - reappointed
Mary Dudley
Beverly Larkam
Deborah Meisner
Lorraine Yancey
Latrica Rayfield

Airport Zoning Board - nominated by Mayor Pro Tem Mullen

Max Shields - no expiration date

Manpower Advisory Planning Council

No appointments made - announced for August 3, 1978

Dental Health Advisory Committee - nominated by Mayor McClellan

Appointed on an Emergency Basis with the following representatives:

Austin 10th District Dental Society

Dr. Ed White - reappointed
Dr. Sidney - reappointed
Dr. James Glenn - reappointed

Dental Hygienists Society

Penny Terrell - reappointed

United Way Board of Directors

Howard Pyle

Community Development Commission

Ramona Sosa

There will be another representative appointed August 3.

Austin Independent School District

Herma Esparza-Dawson - reappointed

Travis County Commissioners Court (rural low income)

Linda Carline - reappointed

Urban Renewal Board of Directors - nominated by Mayor McClellan

Charles Sampler - reappointed
Lew Troiano - reappointed
Leon Francisco
Lorraine Schatzki

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

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

Noes: None

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

Mayor McClellan also announced that the following Boards and/or
Commissions appointments will be made on August 3, 1978:

Arts Commission - 6

Electrical Board - 3

Solicitation Board - 1

Parks and Recreation Board - 2

Historic Landmark Commission - 1

Building Standards Commission - 1 real estate broker

Ethics Review Commission - 1 CPA

Heating, Air-Conditioning & Refrigeration Appeals Board - 2

Environmental Board - 2

Manpower Advisory Planning Council - 1

Dental Health Advisory Committee - 1 CDC representative

LAND ACQUISITION

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing the acquisition of certain land right-of-way and easements for Stassney Lane, Phase II, C.I.P. No. 73/62-30:

Eight tracts of land out of the William Cannon League. (30 Ltd.)

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

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

Noes: None

RELEASE OF EASEMENTS

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing release of the following easement:

A five (5.00) foot Public Utility Easement out of Lot 3-A, Northeast Terrace Subdivision, as recorded in Volume 2472, Page 7 of the Deed Records of Travis County, Texas. (Requested by Mr. B. F. Priest, Registered Public Surveyor representative for Northeast Investors Limited, owner).

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

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

Noes: None

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing release of the following easements:

Two (2) Public Utility Easements being all of the west five (5.00) feet and all of the south seven and one-half (7.50) feet of Lot 7, Block 8, Trailwood Village One at Travis County, locally known as 4605 Trail West Drive. (Requested by Mr. Lloyd Kile, owner of Lot 7).

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

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

LCRA AGREEMENT

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing entering into a land use and transmission line construction agreement with the Lower Colorado River Authority. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

CONTRACTS

Mayor Pro Tem Mullen moved that the Council adopt a resolution to approve the following contract:

ROBERT C. GRAY CONSTRUCTION COMPANY	- CAPITAL IMPROVEMENTS PROGRAM
P. O. Box 9442	Street, Drainage and Sidewalk
Austin, Texas	Improvements, HCD in Webberville
	Road from East 7th Street to
	Pedernales Street - \$137,414.50
	C.I.P. No. 78/62-14

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

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

Mayor Pro Tem Mullen moved that the Council adopt a resolution to approve the following contract:

CAPITOL BEARING SERVICE	- Parts for Traveling Water Screen,
93 Red River	Link Belt Model at Seaholm Power
Austin, Texas	Plant, Power Production Division.
	Item 1 thru 12 - \$14,742.02

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

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

WASTEWATER TREATMENT PLANT

Mayor Pro Tem Mullen moved that the Council adopt a resolution revising and approving the contract for maintenance and operation of the Wastewater Treatment Plant with the associated wastewater collection system related to Travis County's Utility District, Inc. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

WATER DISTRIBUTION SYSTEM MAINTENANCE

Mayor Pro Tem Mullen moved that the Council adopt a resolution revising and approving the contract for selling of water, operation and maintenance of the water distribution system in the Travis County Water Control and Improvement District No. 12. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

KOENIG LANE WATER RESERVOIR

Mayor Pro Tem Mullen moved that the Council adopt a resolution selecting the professional engineering testing services of Stapp-Hamilton and Associates, Inc., in connection with repair and restoration improvements for Koenig Lane Water Reservoir, Water and Wastewater Department. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

VAN PURCHASE

Mayor Pro Tem Mullen moved that the Council adopt a resolution submitting a request for supplemental Title III Older American Act funds in the amount of \$7,027 to the Capital Area Planning Council, Area Agency on Aging, for purchase of one passenger van. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SENIOR LUNCHEON PROJECT

Mayor Pro Tem Mullen moved that the Council adopt a resolution accepting additional Title VII Older American Act funds in the amount of \$16,553 from the Governor's Committee on Aging to supplement the Austin/Travis County Senior Luncheon Project; City in-kind match \$1,839. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

SOCIAL POLICY ADVISORY COMMITTEE

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing submission of an application to and acceptance of a grant from the Department of Health, Education and Welfare for \$95,399 to provide 12 months of staff support to the Social Policy Advisory Committee. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

BUDGET HEARING

Mayor Pro Tem Mullen moved that the Council set a budget hearing for August 8, 1978, at 7:30 p.m. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

PAVING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF ALAMO STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DEFINED, PERFORMED BY JACK A. MILLER, INC.; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (C.I.P. No. 75/62-20)

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

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

The Mayor announced that the ordinance had been finally passed.

OUT-OF-CITY SERVICE BY EMS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780615-D TO CORRECT THE FEE SCHEDULE FOR OUT OF CITY EMERGENCY SERVICE PROVIDED BY THE EMERGENCY MEDICAL SERVICES DEPARTMENT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Fee: \$50.00 plus 71 cents per mile)

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

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

The Mayor announced that the ordinance had been finally passed.

STREET NAME CHANGE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM THE CIRCLE TO MUSIC LANE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

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

A 14.92-ACRE TRACT OF LAND, LOCALLY KNOWN AS 6403-6615 JOHNNY MORRIS ROAD AND 6507-6615 LOYOLA LANE; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Morris Lane Partners, C14-78-103)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

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

A 5.0-ACRE TRACT OF LAND, LOCALLY KNOWN AS 13746-13756 U. S. HIGHWAY 183 NORTH; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS AND WILLIAMSON COUNTIES, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Donald S. Thomas, Trustee, C14-78-121)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its second and third readings:

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

APPROXIMATELY 28.84 ACRES OF LAND, BEING PORTIONS OF THE JAMES ROGERS SURVEY #19, THE JAMES P. WALLACE SURVEY #18, AND THE JAMES M. MITCHELL SURVEY #17; LOCALLY KNOWN AS 4504-4509 CELETA LANE, 4502-4500 CELETA LANE, 4501 CELETA LANE, 4507 CELETA LANE, 10109-10409 U. S. HIGHWAY 183, AND 10513-10605 U. S. HIGHWAY 183; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVING AN EFFECTIVE DATE. (Leon A. Schmidt Children's Trust #1, C14-78-090)

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

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

Noes: None

Abstain: Councilmembers Snell, Himmelblau

The Mayor announced that the ordinance had been finally passed.

ZONING HEARING

Mayor McClellan opened the Public Hearing scheduled for 9:45 a.m., on the following zoning application. Pursuant to published notice thereof, the following zoning was publicly heard:

EL CHICO REALTY 2610 South IH 35
CORPORATION
By Jack H. Brown
C14-78-087

From "GR" General Retail
1st Height and Area
To "GR" General Retail
2nd Height and Area
RECOMMENDED by the Planning
Commission subject to restrict-
ive covenant restricting
height to 45 feet.

Mr. Lillie stated that this public hearing had been postponed from a recent agenda at the request of Councilmember Himmelblau. It is a sign application for the El Chico restaurant. The applicant, he said, has agreed with the 45-foot covenant. Councilmember Himmelblau passed to Council some old pictures of I.H. 35, void of any signs. She said she objects to any addition to heights of signs on our corridors coming into town. She said she does not want to ask for a moratorium on signs on I.H. 35, but does not want to see the competition of signs going up and up. Mayor McClellan stated that this issue has already been fully discussed but asked the applicant if he had anything further to say.

MR. JACK H. BROWN, representing El Chico Realty, stated that the restaurant has continued to lose money at the same percentage rate as they have for the whole year. Having the sign heightened is their only recommendation for salvaging the restaurant. Councilmember Himmelblau told him he had no guarantee that a higher sign will salvage the restaurant. He said that they probably would know within 60 days after the sign is raised, whether or not the restaurant will be salvaged, in answer to a question by Councilmember Goodman. Mr. Brown said that 60% of their business is from off the freeway and they have no reason to think a higher sign will not bring in more customers. Councilmember Goodman stated, "Given the history of El Chico's record in this regard, I think it's a reasonable request, particularly when we have the restrictive covenant and a roll back, to disallow the sign height if the restaurant closes. Mayor McClellan pointed out that this is on the west side of I.H. 35 when driving north, looking toward the Capitol. Councilmember Goodman pointed out that they are only going up 10 feet more.

MS. JEAN MATHER, President, South City River Association, appeared to say that Austin should be concerned about the way their approach to the City looks.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Trevino, to close the public hearing and grant "GR" General Retail, 2nd Height and Area District, as recommended by the Planning Commission, with restrictive covenant restricting height to 45 feet and, subject to a roll back to 1st Height and Area if the restaurant ceases to operate.

Substitute Motion - Failed

Councilmember Himmelblau made a substitute motion that the public hearing be closed and the zoning be denied. The motion, seconded by Mayor Pro Tem Mullen, failed to carry by the following vote:

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

Roll Call on Motion

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

The Mayor announced that the change had been granted to "GR" General Retail, 2nd Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONING HEARINGS

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

WOODSTONE SQUARE 3417-3423 Pecos Street
DEVELOPMENT COMPANY, also bounded by West
INC. 35th Street
By Larry Niemann
C14-78-039

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

Councilmember Cooke moved that the Council grant "BB" 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 Cooke, Goodman, Himmelblau, Mayor Pro Tem
Mullen, Councilmembers Snell, Trevino, Mayor McClellan
Noes: None

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

CHARLES E. MARSH 1608 West 6th Street
By Robert Wilson
C14-78-106

From "B" Residence
2nd Height and Area
To "O" Office
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council grant "O" Office, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

WILLIAM J. JOSEPH
By Arthur Pihlgren
C14-78-107

5520 North Lamar (rear)

From "A" Residence
2nd Height and Area
To "C" Commercial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council grant "C" Commercial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 2nd Height and Area District, and the City Attorney has drawn the necessary ordinance to cover.

Mayor McClellan introduced the following ordinance, to be passed as an emergency measure:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 250-SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 5520 NORTH LAMAR BOULEVARD; FROM "A" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (William J. Joseph, C14-78-107)

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

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

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

CHARLES L. HANSON
ET UX
By Doug Fike
C14-78-109

12147-12105 Jollyville
Road
12614-12582 U. S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail and
120 feet of "O" Office 1st
Height and Area along Jolly-
ville Road
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council grant "GR" General Retail and 120 feet of "O" Office along Jollyville Road, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and 120 feet of "O" Office, 1st Height and Area District, along Jollyville Road, and the City Attorney was instructed to draw the necessary ordinance to cover.

AMERICAN GUARANTY 10600 Middle Fiskville
LIFE INSURANCE CO. Road
By George Colley
C14-78-110

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

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

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

Mayor McClellan introduced the following ordinance to be passed as an emergency measure:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 12, BLOCK 1, MOCKINGBIRD HILL SUBDIVISION, SECTION 2, LOCALLY KNOWN AS 10600 MIDDLE FISKVILLE ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.
(American Guaranty Life Insurance Co., C14-78-110)

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

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

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

H. C. CARTER
By Terra Firma
C14-78-111

6487-6537B Hart Lane

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

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

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

AUSTIN INDEPENDENT SCHOOL DISTRICT
By John C. Lewis
C14-78-112

4601 Guadalupe

From "C" Commercial and
"B" Residence
2nd Height and Area
To "O" Office
2nd Height and Area
RECOMMENDED by the Planning
Commission

Mr. Lillie reviewed the application by use of slides. MS. DOROTHY RICHTER, Hyde Park Neighborhood Association Zoning Chairman, appeared before Council to go on record of "Not disapproving something that is happening to Hyde Park for a change. Actually we think "O" zoning appropriate. Also want to go on record that we took the word of the applicant that trees will be saved, parking area will be studied, traffic will not be intrusive into the "B" side of it; it will be rather low usage being a Credit Union without a lot of traffic. We did not hold them to a site plan or to the environmental impact of anything there. I also want it to go on record that we were told that they would build there and wouldn't sell it for something else. So we do approve of this usage and think it's a lot better than the apartments that would have been built on the "B" side."

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

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

Noes: None

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

RICHARD E. PIGOTT 3817 Dry Creek
By David Armbrust
C14-78-113

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

Councilmember Cooke 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: Council members Cooke, Goodman, Himmelblau, Mayor Pro Tem
Mullen, Council members Snell, Trevino, Mayor McClellan

Noes: None

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.

ESTATE OF W. L. 3500 Block of Steck
MAYFIELD Avenue
By Maury Hood
C14-78-114

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

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

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

Noes: None

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

July 27, 1978

G. V. REEDY
By W. Stringer
C14-78-119

Rear of 2324 South
Lamar

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

Councilmember Himmelblau said she did not want a staff presentation on this but asked Mr. Lillie, Planning Director, "This looks like an illegal sized lot." Mr. Lillie answered, "This triangle is the rear of land which fronts on Lamar, if you can see the extension of lines to Lamar. I believe that is the only reason it is being zoned is that the rear portion is still "A" Residence." Mrs. Himmelblau asked why this wasn't picked up on the original zoning because "we have a policy against zoning illegal sized lots, do we not?" Mr. Lillie answered that the original zoning was done many, many years ago and "you can tell by the general pattern it was probably zoned 150 feet back and parallel to the right of way and the tract had extended beyond that and there was not consideration of the deep tracts at that time." Councilmember Himmelblau asked, "We do still have a policy of not zoning illegal sized lots, don't we?" Mr. Lillie answered, "Yes, ma'am, we sure do." Councilmember Himmelblau said she would move approval since this is going to be incorporated into the other tract.

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

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

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

DONALD S. THOMAS,
TRUSTEE
By Tom Curtis
C14-78-121

13746-13756 U.S. 183
North

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

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

July 27, 1978

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.

DONALD S. THOMAS
By Tom Curtis
C14-78-122

13819-13843 U.S. 183
North

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

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

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.

MICHAEL R. MACARI
By Craig Cregar
C14-78-123

Rear of 2005 South
Lamar Boulevard

From "A" Residence
2nd Height and Area
To "C" Commercial
2nd Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council grant "C" Commercial, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

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

July 27, 1978

PINKIE BRODIE,
FLOYD GOODRICH, JR.
AND BENNY E. JAY
C14-78-115

204-214 West Powell Lane
8200-8220 Guadalupe

From Interim "A" Residence and
"GR" General Retail
1st Height and Area
To "C" Commercial (approximately
265 feet) and "O" Office, 1st
Height and Area balance of
depth
RECOMMENDED by the Planning
Commission "C" Commercial, 1st
Height and Area on Tract 1; "O"
Office, 1st Height and Area on
Tract 2 with a 25-foot land-
scape buffer on the front of
Tract 1.

Mayor Pro Tem Mullen moved that the Council grant "C" Commercial, 1st Height and Area on Tract 1, and "O" Office, 1st Height and Area District on Tract 2, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

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

CENTRAL TEXAS
SERVICE CORP.
By Phil Mockford
C14-78-117

8206-8008, 8006-7628
and 7624-7616 Brodie
Lane, 3509-3501 and
3500-3510 Eskew Drive

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area (Tract 1);
"BB" Residence
1st Height and Area (Tract 2)
except for 150-foot by 150-foot
square of "LR" Local Retail, 1st
Height and Area on the south-
east fronting on Brodie Lane
and the remainder of Tract 2 to
"BB" Residence, 1st Height and
Area and Tract 3 to "BB"
Residence, 1st Height and Area
(as amended)
NOT Recommended

RECOMMENDED by the Planning Commission
"LR" Local Retail, 1st Height and Area on
Tract 1, deny the 150'x150' "LR" on the
southeast corner of Tract 2, and "BB"
for Tracts 2 and 3, but grant "A", 1st
Height and Area on Tracts 2 and 3.

July 27, 1978

Mr. Lillie, Director of Planning, reviewed the application by use of slides. MR. PHIL MOCKFORD, representing the applicant, appeared before Council to say the applicant had originally requested "LR" Local Retail on all tracts, but when he discovered there would be much opposition to this, he changed his request to the above. The amendment had been presented to the Planning Commission the night of their meeting with no chance to discuss it with staff. He felt that was one of the reasons it did not get approved that night. Councilmember Himmelblau stated, "The first time this was seen by the Planning Commission in 1975 there was a limitation on curb cuts on this property. If the zoning was granted today, would you accept that same type of limitation on curb cuts?" Mr. Mockford replied, "I think we would agree to limit the curb cuts if we can develop it in some way as 'BB' Residence." After further discussion, the above zoning was granted as requested by the applicant.

Councilmember Himmelblau moved that the Council grant "LR" Local Retail, 1st Height and Area District on Tract 1; "BB" Residence, 1st Height and Area District on Tract 2, except for a 150-foot by 150-foot square of "LR" Local Retail, 1st Height and Area District on the southeast fronting on Brodie Lane; and the remainder of Tract 2 to be "BB" Residence, 1st Height and Area District; and Tract 3 to be "BB" Residence, 1st Height and Area District (as amended), as requested by the applicant; plus applicant must work with the Department of Engineering on Curb Cuts and check Driveways with the Urban Transportation Department. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: Councilmember Snell

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District on Tract 1; "BB" Residence, 1st Height and Area District on Tract 2, except for a 150-foot by 150-foot square of "LR" Local Retail, 1st Height and Area District on the southeast fronting on Brodie Lane; and the remainder of Tract 2 "BB" Residence, 1st Height and Area District; and Tract 3 "BB" Residence, 1st Height and Area District (as amended), subject to conditions; and the City Attorney was instructed to draw the necessary ordinance to cover.

NAOMI SIMER WELCH 1710 Fortview Road
By Elizabeth
Swenson
C14-78-100

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st Height and Area
on lot fronting Fortview Road only, with
10 feet of right-of-way

Mayor McClellan asked if there was anyone present to be heard; no one appeared and applicant did not appear either. Councilmember Snell pointed out that it is very important for the applicant to be present when their case is heard and suggested that Council not act on zoning applications unless the applicant is present. "That way," he said, "maybe the applicants will start showing up. It is very important that they be here if questions need to be answered." Mayor McClellan said she agrees. Mr. Lillie said there has been an attempt to reach the applicant three or four times, but they have not been able to make contact.

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District on the lot fronting Fortview Road only, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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

FRED W. ADAMS
By Edward
Witkowski
CI4-78-104

1502 Fortview Road

From "GR" General Retail
1st Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides. Councilmember Himmelblau commented that the staff recommendation was to grant the zoning request. She said that this has been looked at for about five years, and asked him to tell her about the property behind it. Mr. Lillie said Morgan Lane is residential and there have been two zoning cases on Morgan Lane. The cases have been approved by Council as long as the access is to Fortview Road, so the zoning on Morgan Lane has been retained "A" Residence which does not permit commercial driveways into the residential area. The lots are large and there are some non-conforming uses in there.

EDWARD WITKOWSKI, operator of the billiard parlor on Fortview Road, said they are applying for the zoning change to make a lounge and game room. He pointed out to Council that he had checked with the City Clerk's office about the letters sent to the neighbors regarding the request to change zoning. They had sent 29 notices and only one indicated opposition so he feels the neighborhood is not against the zoning change. Councilmember Himmelblau said she saw nothing wrong with the request at all, because there was nothing in the area to harm. The only thing she asked was for the fence across the back of the property line be maintained.

Councilmember Himmelblau moved that the Council grant "C-2" Commercial, 1st Height and Area District, as requested by the applicant. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

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.

Zoning Withdrawn

ELIAS R. FERRIS
By Richard Ferris
C14-78-118

1720 Lavaca Street

From "C" Commercial
3rd Height and Area
To "C-2" Commercial
3rd Height and Area
NOT Recommended by the Planning
Commission

Earlier in the meeting, Councilmember Himmelblau moved that the Council permit withdrawal of the application. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

The Mayor announced that the zoning had been withdrawn.

Later in the meeting, MR. C. C. BALLINGER, who resides at 1800 Lavaca, made the following statement:

"It was already our understanding before coming here this morning that the petitioner may have withdrawn his application for a zoning change, but nevertheless we feel that you should be apprised of the facts in this matter so our position of the opposition will be on the record should the petitioner change his mind at a later date and request another hearing on this same issue. I am pleased to speak for the group before you this morning, not as a professional, but as a layman to demonstrate our opposition to the matter which we hoped would occupy your attention this morning before it was withdrawn. Will those from Greenwood Towers, 1800 Lavaca, who are present, please stand. (Members of the audience stood). Many of us appeared in person before your Zoning Commission meeting in formal session a short time ago to protest this same issue. So this is a matter we do not take lightly. It so happens that my apartment is directly across the street from the Pearl Street Warehouse...the petitioning establishment in this instance. So, my wife, who is also here this morning, and I can speak with some authority on the issues before you which clearly indicate that the zoning change as requested to a classification permitting liquor only should not be authorized by the City Council for the same reasons that the Zoning Commission refused the same request a short time ago even though it is in your power to reverse that decision. Here are some of the reasons for our protest:

"It has been clearly indicated that the owner of the property knowingly permitted the lessors, for several years, to conduct their business on a liquor only, no food basis, while their zoning classification clearly called for food and liquor. It is also evidenced that the owner has consistently shown more than a casual interest in leasing his property to homosexuals and lesbians or others who plainly relate to the so-called "gay" cause. And I submit to you, ladies and gentlemen, when you mix the boom-boom music noise which goes on interminably and regularly until 2 or 3 a.m. and cannot be sound-proofed out because the abominable noise escapes the ventilating system on the roof, with screaming and fighting on the streets as well. When homosexuals and lesbians and male prostitutes and drunks and dope-heads and dope-pushers, doing what homosexuals do when not in their closets, directly under our window in full view of everyone. All of this in spite of repeated petitions by us to the contrary, and in spite of countless complaints to the police, who have not responded in any positive way. If they are to be given the rights they are demanding, then let them share the responsibility for eliminating such animal behaviour from our streets. Such a mix is intolerable to us and we urge you therefore to reject this re-zoning request and also to see to it that the legal zoning classification assigned to the petitioner be rigidly enforced, remembering that this operation has been in blatant violation of the zoning code law for a long time. If it takes a new ordinance holding the building owner responsible for the zoning compliance of this lessor, then so be it. Thank you for your consideration and courtesy."

Mayor McClellan thanked Mr. Bollinger for coming and speaking and said, "Even though we have allowed withdrawal of that case, which means it can't be requested for another year, we will have the record reflect your testimony. We appreciate you and the other folks being here."

Councilmember Himmelblau asked, "Mayor can we ask that a copy of the neighborhood remarks be attached to the zoning file for the future?" Mayor McClellan answered, "Yes, so that if this does come back in a year or so, Mr. Lillie, see that the remarks will be on record, please."

Zoning Case Postponed

Councilmember Cooke moved that the Council postpone until August 3, 1978, the following zoning case:

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

2201 West 1st Street

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

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the zoning had been postponed.

Zoning Applications Denied

JUNIOUS J. ARRANT, JR. C14-78-108	1109-1111 East Riverside Drive	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area NOT Recommended by the Planning Commission
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Mr. Lillie reviewed the application by use of slides. He said that staff has received a petition representing 26% of the owners of land within 200 feet of the property, signed by property owners. Therefore, it will require six votes of the Council to overturn the valid petition.

MR. GRAY JOLINK, representing the applicant, appeared before Council to state that the site is unusual in its topography and as far as he can tell the property in question cannot be seen from the residential neighborhood, nor can it be seen from Riverside Drive. He said that the present zoning can never lead to useful development of the property because of the trees and only a duplex or a one single-family dwelling could be built because residents would not want to overlook two busy streets. He said his client wants to build some low density office buildings wherein traffic can get in and out of it other than at 8:00 a.m. and 5:00 p.m. because at those times, it would be impossible to get in and out because of the present traffic situation.

Councilmember Himmelblau asked how many feet the Highway Department will take off the proposed right-of-way on the front. Mr. Jolink said that at present that has not been set. She said it is difficult to look at intensified zoning at this time when the depth of the lot is not known. Mr. Lillie said that, in the Planning Commission Minutes, it is stated that 8.9 feet is planned as right-of-way acquisition.

MS. JEAN MATHER, President of South River City Citizens, appeared to state that they have quite a few people to speak. (Members of the audience stood up.)

MS. LOIS BAKER, 1304 Bonham Terrace, appeared before Council to present another petition to Council, making the petition representative of about 30% of the landowners within 200 feet. She is against the proposed zoning, and referred to a Court case which Travis Heights residents had fought to uphold, stating that Travis Heights is a residential subdivision for residential dwellings only. She mentioned the residents' opposition to increased traffic and believes the height of the lot makes it ideal for residential dwellings.

MR. BEVERLY LAWS, resident of Travis Heights, said he opposed the zoning application. He said they want to maintain the residential character of the neighborhood.

Mr. Jolink returned to the podium to say that everything else is zoned "O" Office on the corner of Riverside Drive and he cannot understand why this piece of property is not. He said that Mr. Arrant had advised him he would be satisfied with either "B" or "BB" zoning, so he could put a four-plex or something of that nature on the property instead of "A" which would limit him to a duplex. He requested Council to consider "B" Residence or "BB" Residence zoning if they deny the request.

Mayor McClellan asked the neighborhood if this would be all right; they replied negatively.

Councilmember Goodman stated that it would not be proper for Council to consider the request for "B" Residence or "BB" Residence zoning at this time because of the pending nature of the change in Riverside traffic.

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission, and deny the zoning request. The motion, seconded by Councilmember Snell, carried by the following vote:

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

The Mayor announced that the zoning case had been DENIED.

HARRY PETERSON &
FAMILY SPORTS,
INCORPORATED
By Phil Mockford
C14-78-116

2701 William Cannon

From "GR" General Retail
1st Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides. He said that in 1973, the Council, on the recommendation of the Planning Commission granted a cluster of zoning at the intersection of Westgate Drive and William Cannon Drive and until recently no development has occurred on these tracts. A bowling alley is now under construction on this site, under the current "GR" General Retail zoning district. This application is for "C-2" Commercial zoning, which would permit a lounge within the bowling alley. The application is for 640 square feet, the location to be within the bowling alley building. The Planning Commission made a motion to grant this application, but it failed 3-5. A petition has been filed and measured from the point of application within 200 feet, is not valid because it includes just under 7% of the property owners. A question has come up, and that is, if this zoning is granted, will it allow "C" uses by special permits on the adjoining tracts. Mr. Lillie continued, "I visited with Mr. Lonnie Davis, Building Inspector, and Mr. John Meinrath, Legal Department, on the question. There is consensus that if this zoning is granted that it would not permit "C-2" Commercial applications by special permit on the adjoining tracts. The reason is that this application is within the tract... there is space between this area to be re-zoned and the boundary along the line of the tract or the right-of-way of the streets adjoining. The language of the ordinance is that if the special permit is to be achieved on the adjoining tract, it has to be adjacent to or across the street from "C" Commercial zoning. And in this case, it would not be adjacent to or across the street because the tract is within the larger space. I am going to ask Mr. Davis to give us some written conclusion on that so the Legal Department can look at it but that is our conclusion this morning." Mayor McClellan said it is her understanding they do need the zoning for the use. Mr. Lillie said they would not need the "C-2" Commercial if food was 50% of or the primary sale in the lounge area.

MR. PHIL MOCKFORD appeared before Council to state that the purpose for the request of his client for a zoning change is to allow the sale of liquor for on-premise consumption. He said the granting of this would not be a threat to the neighborhood...the staff has recommended this application and Mr. Mockford's client feels it should be granted.

MS. MARILYN SIMPSON, representing the Whispering Oaks-Cherry Creek Area Neighborhood Association, appeared before Council to state that the issue at hand is not so much concern with selling mixed drinks to bowling patrons, but it is the neighborhood's concern that the bowling alley would become the only bar in Southwest Austin's residential area. As such the neighborhood is opposed to the zoning change. She commented that other bowling alleys in the City are operating with a lounge under less restrictive zoning and some opened up their businesses and began serving mixed drinks before the "C-2" ordinance was passed. This, she said, would mean they were "grandfathered" in. Councilmember Himmelblau stated, "I don't believe so, I think the "C-2" zoning has been in effect long enough. I don't think there have been any lounges with any of the bowling lanes, and I prefer that terminology thanks to the American Bowling Congress, rather than bowling alleys. I know that beer has been served for a number of years, but as for mixed drinks, no." Ms. Simpson stated that "when I was calling up to find out when these bowling alleys took out their mixed drinks permits, they were prior to the passage of the ordinance requiring the "C-2." Mrs. Himmelblau said, "There are only two in town, one is Bowl-O-Rama that's had their facility for about 2-1/2 years; the other is Highland Lanes that hasn't been opened but several years." Ms. Simpson said Bowl-O-Rama is in a "C" 2nd Height and Area, and "I do not have the actual date they got their mixed drink license, but it was prior to the passage of the 'C-2.'" Councilmember Himmelblau said, "I'm not going to dispute you on that, but I don't believe you." Councilmember Cooke asked for the passage of the "C-2" ordinance, and Ms. Simpson replied, "September 20, 1973." Councilmember Himmelblau asked someone from the staff to call Bowl-O-Rama and find out when they had their modification. Councilmember Goodman said that this is not relevant to the zoning case, and asked for the public hearing on this application to be continued.

(Later, Councilmember Himmelblau informed Council and the Council Chamber audience, "Concerning zoning for the Austin Bowl-O-Rama Bowling Lanes, they did not have "C-2" before the ordinance. They had a beer and wine license, and I just wanted it read into the record.")

MR. JOSEPH HORA, 2706 Alderwood Drive, appeared before Council to state his opposition to the zoning change. He said the neighborhood felt that if this zoning is permitted, then other businesses will enter the neighborhood and request "C-2" zoning. Mr. Mockford returned to say that both speakers intimated his client should have applied for this zoning before he bought the property. He said this is not practical because "you have to apply for the zoning on the whole lot if you don't have the specific area to apply on. "C-2" zoning would impact the whole neighborhood, but by doing it this way, the zoning is buffered by their own property.

Councilmember Goodman moved that the Council uphold the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

The Mayor announced that the zoning had been denied.

TRANSIT ROUTES

The Council had before it for consideration adjusting transit routes and/or schedules on the East 12th, Casis, Johnston, Burnet/Mesa, Montopolis, Balcones, Chicon, South 5th/Redd routes and the hours of operation for the Special Transit Services.

REV. J. R. WILLIAMS told the Council that they were concerned about the routings along some of the streets off of Webberville Road. Rev. Williams recommended that buses be sent to these streets, heading east to Ed Bluestein Boulevard. Mr. Joe Ternus, Director of the Urban Transportation Department, told the Council that he wanted to visit with Rev. Williams to find out what his request is specifically and then prepare a report to bring back to the Council. Mr. Ternus indicated the route changes were simply modifications to the existing routes where there have been some problems identified with the schedule.

MS. DOROTHY NANS presented the Council with a petition opposing the present busing routes. She stated that the former schedule was better than the present one.

Councilmember Cooke indicated that he wanted information as to what problems have arisen with the transit system. He stated that the proposal looked good on the surface but that he was starting to become concerned that it was working. Mr. Ternus pointed out that any time a change is made people are inconvenienced. He stated that they anticipated a 20% drop in ridership for the first month and a half, and that the drop had only been 8%. Mr. Ternus, in response to a question from Councilmember Goodman, stated that this 20% drop in ridership estimation was based simply upon a feel for the system. Mayor Pro Tem Mullen did not like the idea of making people wait while the Council continues to look into the problem, and he wanted to implement the item before the Council. Mr. Ternus stated that these particular problems indeed needed to be addressed.

Motion

Mayor Pro Tem Mullen moved that the Council approve the adjustments as submitted by the Urban Transportation Department. Councilmember Snell seconded the motion.

Ms. Nans stated that there is a need to reroute the Martin Luther King, Jr. Boulevard bus. Mr. Ternus indicated that he would look into this. Councilmember Goodman also felt that an assessment of the system was needed.

Roll Call On Motion

Roll Call on Mayor Pro Tem Mullen's motion, Councilmember Snell's second to adopt a resolution adjusting transit routes and/or schedules on the East 12th, Casis, Johnston, Burnet/Mesa, Montopolis, Balcones, Chicon, South 5th/Redd routes and the hours of operation for the Special Transit Services showed the motion carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

RECESS

The Council recessed at 12:09 p.m.

PUBLIC HEARING ON SPECIAL PERMIT

Mayor McClellan opened the public hearing scheduled for 10:30 a.m. on an appeal of the decision of the Planning Commission granting a Special Permit for Day Care Center located at 1105 South Meadows. Mr. Dick Lillie, Director of the Planning Department, stated that in May of this year, a request was made to zone a piece of property from "AA" Residence to "A" Residence to permit a day care center. He stated that the Council did approve the zoning to "A". Mr. Lillie indicated that a special permit was needed to allow the number of children to exceed 12, but that the special permit granted by the Planning Commission allowed for only 15. Mr. Lillie stated that the decision of the Planning Commission was being appealed to the Council due to the fact that the applicant wants a permit allowing 24 children in the center.

MRS. JANE VELICKA, owner of the Day Care Center, told the Council that the Planning Commission had recommended a circular driveway and sound screens for the center. In response to a question from Councilmember Goodman, Mrs. Velicka stated that the Planning Commission had limited the number of children to 15 and that the Council had limited the number to 24. Mr. Lillie stated that it was the staff's recommendation to the Planning Commission to limit the number of children to 15.

Motion

Councilmember Goodman moved that the Council limit the number of children to 15, upholding the recommendation of the Planning Commission. The motion was seconded by Councilmember Himmelblau.

Mayor Pro Tem Mullen felt that it would not help Mrs. Velicka if the Council went back on its original decision to allow 24 children. Mrs. Velicka indicated that they were trying to combine two houses with 12 children in each, into 24 children at just one house.

Substitute Motion

Councilmember Cooke moved that the Council limit the number of children to 24. The motion was seconded by Mayor Pro Tem Mullen.

Motion Withdrawn

Councilmember Goodman withdrew his previous motion to limit the number of children to 15 as recommended by the Planning Commission.

Roll Call on Substitute Motion

Roll Call on the substitute motion to limit the number of children to 24, showed the motion carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmember Cooke,
Mayor Pro Tem Mullen

Noes: Councilmembers Trevino, Goodman, Himmelblau

ZONING DENIED

The following zoning was publicly heard, pursuant to published notice thereof:

BREMOND & POPE
BUILDINGS
By Pat Conway
C14h-78-028

125-139 East 6th Street

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
4th Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie, Director of Planning, told Council that he had "placed before them references out of the Historic Zoning Ordinance that identify the declaration of purpose of the ordinance and also the criteria that are used by the Landmark Commission, Planning Commission and Council in the determination of Historic zoning cases. While the criteria speaks directly to the issues that the Landmark Commission look at in determination of whether or not to make a recommendation to Council the Declaration of Purpose does go beyond that and speaks to other things that Council should be aware of. They deal with stabilizing and improving property values, civic pride and beauty and accomplishments, strengthening the economy of the City, etc. Those are taken from the ordinance. Just a brief comment on the buildings. The request was made by Mr. Pat Conway on June 7th. He is a lessee in this half block. The buildings in this half block were constructed as early as 1847 and 1852. The most prominent building in the block is the Bremond Store Building. "We have a series of slides I want to show you. (Showed slides showing views of the buildings at various stages with modifications.) These buildings were reviewed by the Planning Commission July 5th and recommended "H" zoning not be granted on either building. I believe the vote was 6-3. A petition favoring the historic zoning was presented to the Landmark Commission with 649 signatures. A petition of over 500 signatures favoring the zoning was presented to the Planning Commission. Also a petition in opposition to the zoning containing 70 signatures. A petition has been filed by the owners of the west 57 feet of Lots 7 and 8 (the Bremond Building) so that a decision by the Council to zone the building "H" Historic, will require 6 votes.

Councilmember Goodman asked City Attorney Harris to talk briefly on his recommendation which had been given to Council earlier in the day. Specifically on the recommendation the Planning Commission review for appropriate findings of fact on the Bremond Building and that they hold public hearings on the Pope Building to complete this process. Mr. Harris stated, "It is true, in reviewing a letter that was sent to us pointing out several things about this particular case that we looked at it and tried to evaluate each of the points. The two points which we thought had some merit were the fact that the Planning Commission did not enter findings along with this decision and perhaps that they did not actually hold the public hearing on the Pope Building. The recommendation in the memorandum is really, "I suppose, a recommendation based on if we wanted to cure those two things, the way to do it would be to send down the Bremond Building for an entering of those findings without any further public hearing and then it could come back up rather quickly to the City Council. A public hearing could be held on the Pope Building or if everyone has lost interest in the Pope Building, the City Council could allow withdrawal of that or a portion of the application..or the Planning Commission could. I think there are other options available here. One option is if the applicant is of the opinion the entering of the findings is not really going to have any impact on the decision in this case that the applicant is mainly the interested party, and based on that the Council could proceed to hear all of the evidence of the facts of this case and render a decision."

Councilmember Cooke said they need to know whether to proceed with a public hearing or not by asking Mr. Conway some questions. He then referred to a letter from a citizen who pointed out what they thought were irregularities in the procedure before the Landmark and Planning Commissions. He asked Mr. Conway if he is aware of the letter. Mr. Conway said he was not. He said the letter stated the Planning Commission had not declared and completed all of their procedure requirements and finding of fact with regard to denial of the Bremond Building. Therefore, the case could be sent back. Mr. Cooke asked Mr. Conway if he felt all information has been open and clear and whether or not he feels he has had reasonable hearings. Mr. Conway replied, "I think I have been rudely treated at both hearings, but I think that everything that has been said is probably correct. And I will say that everything the opponents have said about the building is correct. The building is old, it needs help. But then my grandmother is not Farah Fawcett-Majors. I've seen pictures of her when she was a young girl and she was a doll. What you could do to restore the building, I don't know. I do know you can get federal aid because it is in an historic area."

Mr. Harris, "As the applicant in this case, I'd like to ask you a couple of questions:

1. Are you as the applicant ready to proceed today with a full hearing in the determination before the City Council?"

Mr. Conway replied, "I thought we were having that right now." Mr. Harris replied, "There has been some question raised about the Planning Commission not saying they recommended against the zoning." Mr. Harris repeated question 1 and Mr. Conway replied, "That's the reason I'm here." Mayor Pro Tem Mullen said, "The point is you have the right to send this back and stop this right now, we want to make sure you understand, and if you're not happy with the proceedings up to this point, you have the right to say you want it sent back." "Let's play ball," answered Mr. Conway.

Mayor McClellan asked Council if it was their desire to proceed with this public hearing. By unanimous consent, Council agreed to proceed.

Mr. Conway told Council, "Mr. Houston, who is the owner of the building will testify later, and everything he will tell you is correct. The building is old and needs help. It is not a particularly attractive building, but it has some character. I think 6th Street has character. The people at the Littlefield Building are not destroyers and they have offered me alternatives. My only question is, if you decide to grant the permit to devastate that area, do they have the money and commitment to put their garage in. The plans look pretty good, but we don't want an empty hole on 6th Street; that is the heart of Austin." He went into a discussion of parking already available and summed it up by saying he did not think more parking is needed. He said he wanted to see the Littlefield Building restored, but wondered how Council could talk about revitalization when they are destroying people. He did not think 6th Street would survive.

Councilmember Goodman asked a representative of the proposed parking garage and the Littlefield Building to answer some questions. CARL BURNETTE appeared, and Mr. Goodman said he is in favor of the parking garage as a means of revitalizing 6th Street, but asked if any thought has been given to incorporating the present buildings into the building of a parking garage. Mr. Burnette answered that they thought about it, but did not think it would be feasible. However, they do plan to use the material from the old buildings in the retail space of the new garage. But to erect a new building over the old one would be prohibitive cost-wise. In answer to Mr. Goodman's question as to whether a real effort had been made to incorporate the old buildings, MR. JOE HOLT, architect, appeared to say the old building would have to be destroyed and then rebuilt and that cost would be 1/2 to 1 million dollars. The cost of the parking garage will be \$1.3 million.

MR. BRYANT SCHENK, Vice-chairman of the State Historical Society appeared before Council and encouraged Council to grant "H" zoning and incorporate the building into the parking garage.

MR. KIRK D. LYONS appeared and presented a detailed history of the buildings, complete with slides, to Council. He asked that "H" zoning be granted and said that experts should be called in to uphold his findings concerning the historic nature of the building. Councilmember Goodman told Mr. Lyons that he should be very proud of his fine presentation.

MR. BILL BARR, a friend of Mr. Lyons appeared as President of the Walter Prescott Webb Historical Society, and said that the buildings are unique and that Council is also being asked to level Austin's oldest building. He pleaded with Council to show more wisdom than was evidenced in the Planning Commission's decision.

MS. SHANNOT SEDWICK of Esther's Follies and a 6th Street merchant, said that tearing down of the Bremond Building would take the revitalization spirit away. She asked Council to let it stand.

MR. PHIL CONNORS, 300 block of East 6th, asked that the zoning be granted and pictured what East 6th Street could be like with trolley cars, bicycles, and a pedestrian mall with limited vehicular traffic. It would be against this purpose to introduce a parking garage.

MS. P. K. STAVEN asked Council to grant "H" zoning and pointed to public support of revitalization.

MRS. INA RAY SMITH appeared before Council as a member of the Travis County Historical Society to say that progress must go on and is in favor of the parking garage, but asked that the Bremond Building be spared and incorporated into the garage building.

MS. NANCY GRIFFIN stated her views to Council and said that the building should be preserved as they are listed in the National Register as the oldest buildings in Austin.

MS. SUSAN BARRY, representing herself as a student of history, feels that the buildings should be saved.

MR. T. ELLIS told Council that Mr. Conway will not be present in the Council Chamber for the rebuttal and requested Mr. Ellis to be there for him.

MR. ALLEN MINTER, appearing on behalf of Carl Burnette, John Watson and Jim Casey, who have joined together in an attempt to restore the Littlefield Building. In order for them to return the building to the community as an economically viable place of business and pleasure, they need to obtain closely located parking. He said the parking will also accommodate the Driskill Hotel. There will be 501 spaces in all with 250 for the Littlefield Building, 125 for the Driskill Hotel and 126 for the public. He asked the Council to deny the zoning change to "H" for the Bremond and Pope Buildings because they have through the years of changes to their structures, lost any significant value for "H" designation.

MR. JOE HOLT, architect, showed slides and showed how the building has had several alterations. He opted for a parking garage with entrance and exit on Brazos. He said that this way there could be a pedestrian mall on 6th Street. He discussed the cost and economics of the proposed building and informed the Council that after 5 or 6 p.m. the building will be used by the public for parking. Mr. Holt pointed out that the architecture of the building in question is not particularly significant and that there are other buildings more worthy of preservation. Mr. Allen Minter returned to state that not every building located in a Historical District is of historical significance. He said that revitalization is good for strengthening the economy and to add tax revenue. It will incorporate and allow use of the older areas while bringing new life to the inner City. However, he does not think the Bremond Building embodies historical criteria that would warrant saving it.

MR. DAVID ARMBRUST, appearing for the owners, said the building is old, but he disagrees that it has historical significance. He said the owners have no intention of restoring the building. Councilmember Goodman asked when it was decided to let the building deteriorate. Mr. Armbrust said this is a natural process, and none of the people fighting for the "H" zoning have offered to pay to restore the buildings.

MR. WILLIAM HOUSTON, owner of the buildings, appeared before Council. He said that he and his sister are owners and the reason why the buildings were not kept up is that tenants could not afford to pay high rent.

MR. JOHN BERNADONI, representing the Paramount Theatre, appeared to state that he is all for restoration, but in some cases, people need to give a little bit to the issue at hand. He said that so far no one has appeared with money for restoration of the Bremond Building and the Pope Building. Mr. Bernadoni said he is in favor of the parking garage because theatre patrons do not have enough places to park in downtown Austin.

MR. CHARLES BEST, Austin Heritage Society, said that they are taking a public stand, which they have not done before, and urge the Council to vote against this "H" zoning. It is their feeling that parking adjacent to the Driskill Hotel and the Littlefield Building is necessary.

MR. LOUIS LAVES pointed out to Council that no business can survive without parking. This is the reason the stores like Sears and Penney's who were downtown left to go to the outskirts where there was parking available. He said Austin has already made the mistake of taking away parking areas and turning them into parks where the wino's can play at night. Downtown should not be stunted in its growth any more, and if the Council wants to help Austin, they should vote for the parking garage.

MR. STEVEN GELMAN, of Gelman's Department Store, said that his family owns the oldest business on East 6th...they have been there since 1926. He presented a petition to Council signed by all but four landowners in the area. The merchants on East 6th favor the parking garage and so do the customers. He asked Council to allow the parking garage and deny "H" zoning.

MRS. NEVENNA TSARNOFF TRAVIS, Texas System of Natural Laboratories, Inc., appeared before Council to strongly urge the building of a parking garage and deny "H" zoning. She said that today is tomorrow's history, and in order to have a strong revitalization plan, there must be a place for people to park downtown so that they may enjoy it.

MR. JOHN BARDADIS, Manager of the Driskill Hotel, said that more parking is needed for his hotel. They have re-done the ballroom and need more space for evening parking. He cited the revitalization of New Orleans as a comparison and said that some buildings there had to give way for more important structures in order to preserve the old.

MR. PHILIP CREER, Chairman of the Historic Landmark Commission, appeared before Council to say that he wanted to talk, but has been charged with a conflict of interest. He said he bought one stock certificate when the Driskill was being revitalized in order to help with the push to restore the hotel. The Council told him that he could speak. Mr. Creer went on to say that the issue before Council today is an emotional one. He said that neither he nor Mr. Conway is an expert on historic structures, but he feels the buildings being discussed are nondescript. The owner cannot restore them because the lessees cannot pay more rent. As it is, Mr. Creer feels the building is not of any particular architectural significance.

Councilmember Goodman stated to Mr. Creer that he has put in many hours of work preserving structures and asked him if he thought that the Bremond Building was the first brick building in Austin. Mr. Creer replied that he did not think so but that there would be merit to researching the authenticity of the building. Mr. Goodman asked which of the nine finding of fact statements pertained to the building. Mr. Creer answered, "a, b, f, g, h, i, k, l, m." Mr. Goodman asked Mr. Creer if there are any of the nine which he disagrees with. Councilmember Goodman said that certainly the building meets the first criteria, the character interest or value as part of the development heritage or cultural characteristics of the City of Austin, State of Texas, or the United States. Mr. Creer said he agrees with that. Mr. Goodman said the second is recognition as a recorded Texas Historical Landmark. Mr. Creer answered that the whole of 6th Street is so designated. Mr. Creer said he questions "f" because it has no architectural style, and "g" because he questions it portrays the environment of a group of people in history. Mr. Creer said he does not agree with "h" because it has not produced data of archeological value and of prehistoric interest. He said he does agree with "i" that it represents the economical and historical and ethnic, cultural heritage of the State. He also agrees with "k", significant of the person or persons who contributed to the cultural development of the City State or union, and that there is a plan to designate a whole city block to the Bremond family. As for "l," Mr. Creer feels the building is fast losing its value to the City and Mr. Goodman agreed with this. As a value of an aspect of community sentiment or public pride, Mr. Creer stated, "sentiment, yes, public pride, no." Councilmember Goodman summed it up and said that out of the 9, Mr. Creer does not agree with 3-1/2 and have other considerations about 1. Mr. Goodman asked Mr. Creer, if he were voting on this again in the Historic Landmark Commission, if he would have any reservations about his opinion. Mr. Creer answered, "No, sir, I would not."

Mayor Pro Tem Mullen stated, "It appears to me that 95% of the people who appear before us have some kind of financial interest in why they are here. And if Mr. Creer owned half the Driskill Hotel, he'd still have a right to speak."

Mr. Carl Burnette was the next person to address Council. He said that there would be no glee if the building comes down, but they should vote for the parking garage and make way to preserve the Littlefield Building and the Driskill Hotel.

Mr. Tuffly Ellis, Director, Texas State Historical Society, said it is a public necessity to preserve the buildings. He suggested that if the buildings were restored, 50% of the money could be obtained from the federal government. He said that people are needed downtown, not cars and did not feel a major retailer would ever enter the downtown business district again. Mr. Ellis continued that confidence must be restored in the Historic Landmark Commission and the Planning Commission so he asked Council to send the zoning back to the Planning Commission so there can be no question. He said historians and historical archeologists should be engaged to study the authenticity of these structures.

Councilmember Cooke referred to a letter from Mr. Ellis, received by Councilmembers and asked City Attorney Harris to address some of the points therein.

Mr. Harris said that "there are six points and one has already been discussed which was whether or not Mr. Creer had a conflict of interest. Based on the information which came to us," he stated, "I cannot say any conflict of interest existed. Mr. Ellis said he is going to submit this to the Ethics Commission and that's their job to delve into it further, so I'm going to leave that issue right there.

"The second issue that was raised was the fact that the Historic Landmark Commission had not, at the time they considered this particular case, officially adopted their own criteria for judging historic landmarks. As I understand it, they have utilized the criteria set out in the ordinance specifically for the Planning Commission and it is my determination that is, quite frankly, good enough. It is my understanding that when they did take the further step of adopting criteria, those are the criteria they basically adopted and so I can see absolutely no harm done if the building was judged under those same criteria.

"The third point I recall was raised was the point about the Planning Commission denying a postponement of the case. Of course, from a legal standpoint that's perfectly within the discretion of the Planning Commission as it is with the City Council to hear requests for postponement, and as courts hear requests for continuances and make a judgment in the discretion on those matters.

"The fourth question, as I recall, is the question about whether Mr. Jagger should have abstained because, as I gather the connection, that the architects that appeared here today, or some architect who was working on the proposed parking structure was a tenant in a building owned by Mr. Jagger or one of his concerns. Once again, under the Ethics Ordinance, Mr. Jagger is not a salaried employee of the Planning Commission and I don't see a violation there even if the matter or pecuniary interest, direct or indirect, is present there. I don't have all the facts, but there would have to be some direct relationship between Mr. Jagger receiving the money and this particular architect, who is a tenant of his, having this job and getting paid for it. It seems a little remote to me. I see no legal conflict of interest involved in that particular factual situation.

"The fifth point was the point that the Planning Commission did not make findings of fact which constitute the basis of their decision and we've discussed this point in our memo and as we stated at the beginning of this hearing, that if the City Council will believe that is important and should have been complied with, the Council could send the case back down to the Planning Commission, not for another public hearing but just for the entry for those findings of fact which form the basis of their decision based on what they heard at that particular time, and send the case right back up to the Council. That's why, when we started these hearings, we asked the applicant who began these proceedings if he wanted that done. I think the City Council indicated they were ready to honor that request and send it back but he said, no, go ahead and play ball. So I see no particular problem at this point except the City Council still has the option if they care to pursue it.

"The sixth and final point that I recall and have responded to in writing was the fact the Planning Commission did not make any decision or disposition on the issue of the historic zoning of the other building involved in this case. As I recall, the Historic Landmark Commission decided not to make a recommendation one way or the other on this particular case, and I suppose there could be some argument made at that point that maybe the case shouldn't have even proceeded on, but it did, and was put in the machinery, and the Planning Commission after hearing all the testimony on the Bremond Building, which seemed to get the focus of attention for various reasons, decided for whatever reasons to entertain a motion on this particular building without, as I recall the Minutes, did not call for any public participation. And to cure that I think it would be appropriate for the City Council to send it back down for public hearing if they care to do so. On the other hand, as I recall from the Minutes, the applicant before the Planning Commission requested that this part of the application be deleted and therefore, I think we show some lack of interest in pursuing that and so I think that presents the Council with some other options, so that if the applicant really feels that way, I don't think there's going to be any harm in voting on it or sending it back for full consideration. I think that's the option the City Council has, and that's all on this I would have on the points raised as I understand them."

Councilmember Goodman asked, "Was your concluding statement about all of the above saying in effect we can do whichever one we deem right?" "That's exactly right, Councilman," answered Mr. Harris.

Councilmember Goodman addressed Mr. Burnette and commended him and his partners for wanting to make an effort to revitalize the Littlefield Building. "In relation to the parking garage, I am still pretty confused," he continued, "as to whether or not there's been a real attempt to confirm whether or not the building was the first brick building in downtown Austin, and if so, whether it's worth saving. I think, this is just pure speculation on my part, that what has occurred is a superficial assessment of those two factors and the conclusion to go ahead and proceed. I think the denial of the postponement before the Planning Commission wasn't accidental, that it was engineered. I think all these letters which you have presented to us today weren't accidental. Among all the merchants, etc., there was a good political effort behind the move to get the parking garage approved. So then, as in so many matters before the Council, they are political, and I think this is one of them. I entered this job with an uncanny ability to count and sometimes it is only necessary to count to two, and in this particular case I think that is all that's necessary. I think it is important for the people to know that in a sense you hold all four aces..that is if only two members of this Council are persuaded that this is the first step downtown revitalization should take for our tenure for the moment, then two members can allow that parking garage to be built, and those historic or non-historic buildings, whichever they are, will be razed. Only two, because it will take, with your objections, six votes to override those objections. So then, in short, I'd like to know from you straight-forward, Lee, whether or not you have an interest in checking out the two factors I mentioned. (1) Whether or not they are worth saving, and we have heard conflicting sentiments on that, and (2) if they are, or if it is in relation to the Bremond Building specifically, whether you're willing to see if it can economically and feasibly be incorporated into your plan. If the answer to either of those questions is no, that you're not willing, I will not waste the energy of making

a substitute motion that we allocate City money for a one-week check of the historic value of these structures or any other delaying technique because I don't believe in delay if your intention is to proceed ahead irrespective of those two factors that I've listed."

Mr. Carl Burnette answered, "The approach to both sides of this question requires a political approach, not just our side. The other side had to expend a lot of energy to come up with the evidence they came up with. To answer your first question, we have tried in what we think is every feasible way to include the Bremond portion of the buildings in the parking structure and it won't work. The second part of your question, I think, was establishing the true historical nature of the building. We've done a lot of research on that and we feel like we have presented, through Joe Holt, the architect, what we feel like is the true history of that building." Councilmember Goodman said, "What I need to know from you is whether the testimony from Mr. Holt, the architect, is definitive and establishes the fact the buildings are not without historical value and should be demolished." Mr. Burnette answered, "That's our opinion after a lot of research." Councilmember Goodman then stated in view of this he would not offer a substitute motion which would cause an unnecessary delay. There was further discussion between them at this point. Mayor Pro Tem Mullen interceded and said there had been enough questioning, Councilmember Goodman had gotten the point across and Mr. Burnette had answered.

Motion

Councilmember Cooke moved that the Council close the public hearing and DENY "H" zoning for the Bremond and Pope Buildings, 125-139 East 6th Street. Councilmember Himmelblau seconded the motion.

Mayor Pro Tem Mullen referred to the statement by Councilmember Goodman that this is a purely political question and said, "I hope that all this Council will vote on what we consider, from our perspective, from whatever background we come from, the best for Austin on this issue and not how many votes we will win or lose. I think in good conscience that's the way I will vote and I think most of us will." Councilmember Goodman commented again, and then said he thought it would be bad to vote so hastily to demolish these buildings. Councilmember Cooke said he did not think this is something that has been "hastily" thrust upon Council. He said they have been hearing about this particular project for at least 60 days, so the deliberation today is not based on 3 to 4 hours of testimony. Councilmember Himmelblau stated, "I'd like to echo Mr. Cooke and also say that I know there are two of us in this room who worked on the "H" zoning ordinance that Mr. Ellis referred to, and I take historic preservation very seriously. But I also have to weight the good of downtown Austin and how I'm voting today." Mayor McClellan commented, "This historic zoning request is not an easy one. Revitalization of the central City is not an easy matter or a simple matter. No one ever believed that it would be. It's not a non-controversial matter, I think there are many people with diverse opinions and very valid concerns that are speaking on both sides of this particular historic zoning request. And, obviously, it becomes our job to balance all these matters, to look at the merits of the historic zoning request itself and you have some other historic structures involved in the proposed project for that area. I think you will find great unanimity of opinion from this Council about the special, unique character of 6th Street. It's not just the building, it is certainly the people. Sixth Street is people, however,

I think that parking garages are not just for cars, they are for people, and it provides more opportunities for more people to utilize and revitalize the downtown area. That's my position."

Councilmember Snell said he is very interested in progress for the City of Austin and the revitalization program. "I certainly want to support it. Many interesting comments have been made here today. I feel we should support this effort. I know we win some and we lose some, but I think this is something Austin needs. I would like to have more information, but I think we are guilty of postponing things too long and I would like to take action on this issue today."

Councilmember Trevino said the Mayor had expressed his feelings as well. He said he had wondered if there would be willingness on the part of the Council to see if they could delay for a week or so to establish once and for all if there is any historical value to this structure. It appears though that there will not be sufficient votes to allow an investigation. "Revitalization," he said, "of downtown Austin, means a lot to everyone. He said he would not ask Mr. Burnette or his associates to take any unnecessary delay or cost." "It would be tragic, wouldn't it," he asked, "if it does turn out to be the oldest building we had and that we didn't even allow it two weeks?"

Roll Call on Motion

Roll Call on Councilmember Cooke's motion, Councilmember Himmelblau's second, to DENY "H" zoning for the Bremond and Pope Buildings, showed the motion carried by the following vote:

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

Councilmember Goodman commented at the time of his vote, "I'd like to say that I intend on being there when the wrecking ball hits just to complete my sense of what we've done here this afternoon to know whether we've lost what was the first building to have true historical significance under that stucco."

PUBLIC HEARING ON WRECKER ORDINANCE

Mayor McClellan opened the public hearing scheduled for 10:45 a.m. to consider passage of the Wrecker Ordinance.

MR. RON SHORTES, representing the Office of Student Attorneys for the University of Texas, told the Council that a Wrecker Standards Commission is needed to deal with the Ordinance. He stressed the need for an objective forum that does not have to deal with the wrecking industry on a day to day basis. Mr. Shortes stated that a Commission would give individuals a method of recourse for appealing decisions made by the Police. He also stated that they were in support of a simple majority vote being necessary to pass or deny an item. Mr. Shortes indicated that they were in favor of giving the Commission the authority to close down a business if necessary.

MR. PHILLIP PATMAN, attorney representing the Independent Garagemen's Association, Austin Chapter, told the Council that his organization was in support of the proposed Ordinance. He stated that they were in favor of a Wrecker Standards Commission because the revocation of a person's operating license was a situation which raised the need for some procedural safeguards via due process. He stated that this kind of consideration could not be achieved in the context of an administrative decision.

MR. JOE MALACHIO, Chairman of the Wrecker Services Committee for the Independent Garagemen's Association, told the Council that they were in favor of alternative A of the Ordinance, requiring a simple majority vote to pass or deny an item, except in the case of revocation of a license which would require at least four votes of the Commission.

Motion

Councilmember Goodman moved that the Council close the public hearing and approve the revised Wrecker Ordinance. The motion was seconded by Councilmember Trevino.

Councilmember Goodman stated that this Ordinance concluded several months of work and would clean up the poundhauls considerably. Councilmember Trevino pointed out that work on the Wrecker Ordinance was originally begun three years ago by former Councilmember Lowell Lebermann. Mayor Pro Tem Mullen wanted to know how much staff time was involved in the licensing of wrecker operators. He suggested setting a cost for license fees which would pay for the projected staff time involved. Mayor Pro Tem Mullen asked the City Manager to bring back the Ordinance again in six months, to review the number of complaints lodged against wrecker operators and the amount of staff time involved with licensing. He stated that the Council could possibly reconsider the fees at that time.

Police Chief Frank Dyson told the Council that they were anxious for the Ordinance to be passed but that he was philosophically opposed to the creation of a new Commission. He stated that he was in favor of alternate B, requiring four votes of the Commission to pass or deny an item, inclusive of the revocation of licenses. Chief Dyson felt that the Commission would not serve a useful purpose. Mayor Pro Tem Mullen expressed concern over the threats that Commissioners would receive as a result of revoking a person's license to operate.

Councilmember Goodman pointed out that the cost for the Commission would be zero. He stated that regardless of whether it is a Commission or City staff, time would still be consumed in a revocation process. Councilmember Goodman indicated that he would be in favor of reviewing the Ordinance again in six months. He felt that anyone serving on the Commission would be aware in advance of the dangers involved with revoking a license. In response to a question from Councilmember Cooke, Mr. Patman assured the Council that about 95% of the wrecker industry in Austin is in favor of the proposed Ordinance.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 BY REPEALING ALL PROVISIONS OF ARTICLE VI THEREOF, AND BY SUBSTITUTING AN AMENDED ARTICLE VI THEREFOR; DEFINING TERMS; PROVIDING FOR PERMITTING OF TOWING COMPANY/WRECKER BUSINESSES AND INSPECTION AND CERTIFICATION OF WRECKERS USED IN THE SAME; REQUIRING THAT TOWING COMPANY/WRECKER BUSINESSES PERMITTED TO DO BUSINESS WITHIN THE CITY LIMITS OF AUSTIN BE LOCATED WITHIN SAID CITY LIMITS WITH CERTAIN EXCEPTIONS; REQUIRING THE MARKING OF WRECKERS WITH BUSINESS OR OWNERSHIP IDENTIFICATION; REQUIRING INSURANCE TO BE CARRIED BY WRECKER SERVICES; PROVIDING FOR REMOVAL OF WRECKED OR DAMAGED VEHICLES ON THE PUBLIC STREETS; PROVIDING FOR USE OF WRECKER SELECTION FORMS AND WRECKER ROTATION LISTS; PROHIBITING THE SOLICITATION OF TOWING COMPANY/WRECKER BUSINESSES ON PUBLIC STREETS; PROHIBITING THE INTERCEPTION OF POLICE BROADCASTS; REGULATING THE TOWING OF VEHICLES FROM PRIVATE PARKING LOTS AND FROM PRIVATE PROPERTY; PROMULGATING CERTAIN DUTIES OF PERMITTEE; REGULATING FEES AND CHARGES FOR WRECKER SERVICE; PROVIDING PROCEDURES FOR ADMINISTRATIVE AS WELL AS JUDICIAL ENFORCEMENT OF THESE PROVISIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Roll Call on Motion

Roll call on Councilmember Goodman's motion, Councilmember Trevino's second, that the Council close the public hearing, waive the requirement for three readings and finally pass the Ordinance, not including the alternatives relating to Commission voting procedures, showed the motion carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

During roll call, Councilmember Cooke commended Councilmember Goodman for the work his office has done on the Wrecker Ordinance. He noted that the work on the Ordinance has been going on for three years and that, while he had some reservations about it, for lack of a better alternative he would vote yes. Also during the roll call, Councilmember Goodman indicated that if corrections to the Ordinance are in order within six months, he would be open to reviewing the Ordinance again.

Motion

Councilmember Goodman moved that the Council accept alternative A of the Ordinance, requiring a simple majority vote to pass or deny an item, with the exception of revocations of licenses which will require no less than four Commission votes. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Motion

Later in the meeting, Councilmember Goodman moved that the Council set the expiration date for old wrecker permits at December 31, 1978, and the effective date for new permits at January 1, 1979. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

AREA STUDY APPROVED

Mayor McClellan brought up the following zoning case to be heard. Pursuant to published notice thereof, the following zoning case was publicly heard at 6:30 p.m.:

PECAN SPRINGS
AREA STUDY
By City of Austin
C14-78-064

Bounded to the north by
Turner Lane, to the south
by M.L.K. Boulevard, to
the west by Springdale
Road, to the east by Ed
Bluestein Boulevard

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

Mr. Lillie, Director of Planning, appeared before Council to say that several months back both the Planning Commission and the City Council received interest on the part of these associations to have an area study done and to determine the feasibility of converting the interim zoning that's there into permanent zoning. The Planning Commission, after notices were sent and participation by the associations in mailings, held a public hearing. The results of that public hearing were to proceed to zone the Interim "A" Residence zoning to permanent "AA" Residence and to delete all other references to cases or to land that had permanent zoning already established by the Council, zoning that ranged from "BB" Residence to "C" Commercial, already approved by Council after notice and public hearing. And so the application that comes to you this afternoon is to proceed with the zoning, all of the Interim "A" land to permanent "AA" zoning. For the past several weeks "we've also held meetings with representatives of the neighborhood and major property owners in the area. They have a cooperative agreement that they want to present to you."

MR. MERWIN JOHNSON, Chairman of the Planning and Zoning Committee of the Pecan Springs Integrated Neighborhood Association, presented a joint proposal worked out by the Open Space Landowners in this property and the two neighborhood associations effected. There is an overlap between our association and the University Hills Homeowners Association. They established that all parties into the area want to see it developed. What the associations want is an "AA" zoning floor which would give all the property owners petitionary rights and zoning protection in that area. This would also give stability to the area. The proposal is as follows:

"The parties agree to jointly petition City Council for "AA Residential" zoning on the areas of this case now zoned "Interim A," with the following qualifications:

1. That City Council delay for 120 days zoning action on the open space land listed below, pending completion of a detailed master plan for the whole area, which master plan is to be acceptable to the respective landowners and the two neighborhood associations; and
2. That City Council proceed after a period of 120 days to zone the itemized land "AA Residential" unless other zoning is deemed preferable according to the completed master plan.

The following tracts of land are subject to the delay:

184 acres owned by Mr. Richard Dale Seiders and the Seiders Trust
159 acres owned by Mr. R. B. Lewis
31.4 acres owned by Nash Phillips/Copus
17.5 acres (two tracts) owned by Mr. John E. Miller
6 acres owned by Mr. Bobby Dockal
5.2 acres owned by Mr. Albert Carlson

Each of these landowners has submitted a letter of abeyance according to which he will not subdivide or build on the itemized land during this delay. To help produce the master plan, Mr. Richard Seiders has employed the firm of Holford and Carson to work with the landowners and neighborhood associations. Once completed to the satisfaction of all parties, the master plan will be submitted to the Planning Commission and go through normal zoning process on the way to City Council."

"The rest of the areas, to the north and south are largely residential areas already," Mr. Johnson continued, "and we ask for 'AA' as of today, or whenever, on those."

MS. JOAN BARTZ, Zoning Chairman for University Hills Homeowners Association, appeared before Council and said they are serious about following through on the 120-day study. They hope Council will agree to the "AA" zoning, specifically on the area in the northern portion, which is the bluff because those are already active homesites or platted to be homesites. People in the area need the protection of permanent zoning which is not possible with Interim "A."

MR. BOB SNEED of Nash Phillips/Copus appeared before Council and thanked the neighborhood associations for their cooperation in this, and said there is a lot of developing that they want to do in the area.

MR. ODUS CRUMLEY, President, Austin Board of Realtors, appeared before Council and said that he represents a property owner at 4613 Springdale Road. "The owner," he said, "feels the highest and best use for the property is not 'AA' and does not request a zoning change at this time, and would not entertain any zoning change unless the highest and best usage for that property can be arrived at. Then they would go through proper channels with application on their own behalf." Mr. Crumley then switched hats, and as President of the

Austin Board of Realtors, he discussed the zoning of the property in the light of construing it as a zoning roll back and therefore, it would be a bad precedent. He said another thing that should be considered is out of town interests that are lending money on property that is zoned to a higher degree than "AA." This is vacant land people are investing money on on the basis of zoning. He said that when you roll back a zoning area it puts the fear in the mind of someone in the financing business, and they do not want to put up money for vacant property. "Therefore," Mr. Crumley said, "the Austin Board of Realtors is against any change in the zoning of the property without the request of the individual property owner." Mayor Pro Tem Mullen asked why the property at 4613 Springdale was not asked to be included in the 120-day moratorium.

Councilmember Cooke commented that when property comes into the City it should be zoned permanently then, and not given interim zoning. At the same time, he thinks that if an attempt to zone an entire area, and he does not think this is the only one being deliberated over, Council should look at their area for some kind of permanent zoning and that relates, too, to their ability to petition the Council. He said that there probably always will be disagreement between land owners who own open-space areas and residential areas. Mr. Cooke said everyone should be included in a moratorium and let the neighborhood discuss the problems. Mayor Pro Tem Mullen said he agrees.

MR. BILL CARSON, Hoferd and Carson, explained why Mr. Crumley's client or other small tracts might have been left out. In the initial deliberations with neighborhood groups, they had proposed that all undeveloped land in this area be left out. The neighborhood group felt that possibly there were some loopholes and few safeguards saying, "everything is left out." He stated they said, "We would like anyone who wants their property left out to come and agree with us to withhold any development action during this plan producing period." He said they have signed agreements by these people to participate in the master plan and not to engage in any development for 120 days.

Councilmember Cooke stated that all he wanted to be sure of was that anyone who wanted to participate in the master plan would be allowed to do so.

Mr. Lillie, when asked by the Mayor, said the Council should go ahead and proceed to zone the areas that have been suggested, and "we'll bring an ordinance back to you and pass the "AA" only." All property owners who have undeveloped land ought to participate in the planning process whether they are the small ones or the large ones. He said he thought all Mr. Crumley had to do is come under some agreement with the group and join in the process.

Mayor Pro Tem Mullen said, "If he doesn't sign the agreement that means he's "AA." "Yes, during that 120-day period, because you're not passing an ordinance...just delaying 120 days any zoning action," answered Mr. Lillie. Councilmember Goodman said that the most important point that could be brought to light at this time is that this is an interim zoning problem all the time, the lack of right to petition on the part of citizens who live in the areas zoned Interim "A." Mr. Goodman said that this is essentially the model that will be used as the Council advances through the City area by area. This is just where Council is starting. In the long run, he continued, this will keep Councils from experiencing headaches over lack of petition.

Mr. Crumley returned to say his client has been very ill for a long time, and, therefore, he probably would not be interested in signing a six-month moratorium on the use of his property because he has it on the market for sale now. And he would like to dispose of the property as soon as possible.

Councilmember Goodman said that if Mr. Crumley was asking for an exemption for his client, he would be willing to include it in a motion. Mr. Merwin Johnson returned to state he did not think any property should be exempted. Mr. Lillie said Council could leave Mr. Crumley's client Interim "A" If they want, or permanent "A," or they can zone it "AA" and allow him to come back with an application at any time for re-zoning. Or he can join the planning process that is taking place. Mr. Johnson said they would welcome the client's full participation in the planning process.

There was further discussion among Councilmembers, Mr. Johnson, Mr. Crumley and Ms. Bartz.

Mayor McClellan asked Mr. Lillie what sort of notices have been sent out regarding this zoning, and he replied that notices have been sent to all property owners according to the ordinance, just like in any zoning hearing. (Mrs. Grace Monroe, City Clerk, informed the Mayor that about 800 notices were sent to property owners regarding the zoning.)

Mr. Harris said, "We may be getting more cases like this, and I think in the case of the individual property owner who comes in response to the notice to a zoning request on his property, whether its instituted by him or the City.. when the individual property owner comes up the Council should be zeroing in on what that person's property should be zoned. That's what the law requires. You almost can't get away from the concept of permanent zoning the way the statutes are written at the current time. And I think this is a beautiful way if these people will agree to this planning, etc. But in all these mass cases when we send the property owners notices as to what the Council is considering....an ordinance that will take him out of interim zoning and getting him into what the law calls permanent zoning. So that determination should be gone into at the current time as to what this person's property should be zoned. If he does not want to join like the others do, we have an individual piece of property here which the Council is being asked to get into permanent zoning."

Council thought they should hear the case of Mr. Crumley's client. Mr. Crumley said they are waiting to find out what the purchaser of his client's property wants, when they have a purchaser. He said that the Planning Department "beat them to the punch" in asking for a zoning change. Mr. Johnson returned to the podium and said that after discussing it with Mr. Sneed, representing the open space landowners, they have agreed to exclude Mr. Crumley's client's property and to proceed with the ordinances effecting the rest of the property.

Councilmember Goodman moved that the Council close the public hearing and grant "AA" Residence, 1st Height and Area District, (amended area) as recommended by the Planning Commission, excluding property at 4613 Springdale Road. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, (amended area), excluding property at 4613 Springdale Road, and the City Attorney was instructed to draw the necessary ordinance to cover.

PUBLIC HEARING ON FY 1978-79 GENERAL REVENUE SHARING FUNDS

Mayor McClellan opened the public hearing scheduled for 11:00 a.m., on the proposed uses of FY 1978-79 General Revenue Sharing funds estimated at \$4,830,614. The Mayor indicated that this would be the first of two such public hearings. Councilmember Trevino stated that he was asked by Mr. Al Golden, Chairperson of the Arts Commission, and Mr. Don Roth, spokesperson for the Commission, to read the following comments into the record:

Don Roth:

"The attached list (See Appendix I listing persons and organizations represented who were present for the public hearing.) indicates arts groups representatives who were present at 11:00 this morning for the hearing on General Revenue Sharing funds. Additional representatives in groups indicated a desire to attend but were unable to do so. I have been delegated spokesperson for these groups. We simply wish to indicate our appreciation to the City Council for the past support of the arts in Austin, through General Revenue Sharing and other City monies. This support has been essential to the development of the arts in Austin and thereby the continued high quality of life which attracts people to our City. We hope that this support, so essential to life in Austin, will continue. I believe that Al Golden, representing the Arts Commission, will speak more specifically to arts funding for fiscal year 1978-79."

Al Golden:

"The Arts Commission also wishes to express its thanks on behalf of the entire arts community for the funding which has enabled the arts to become an integral and important part of our community, a partner in the joint efforts of the City and citizens to work together to create and preserve an essential part of the uniqueness that is Austin's. Lest you doubt the success of the partnership, let me remind you of: 1) the huge crowds on both sides of Town Lake and their obvious appreciation of the Fourth of July symphony concert; 2) the crowds at Zilker Park hillside throughout the summer; 3) the tremendous number of people who have enjoyed summer concerts downtown and in all our parks; 4) the enrichment brought to our special population; 5) the 100,000 plus people who Laguna Gloria has every year; 6) the cooperation that has developed between business and the arts; 7) countless other moments that enrich mind and soul. The arts are one, good business, and two, an essential City service. The past supporters appreciate it and your future and continued support is necessary in keeping Austin..Austin."

Mr. Daron Butler, Director of the Research and Budget Department, stated the purpose of the first public hearing on General Revenue Sharing is to hear input from the citizens, and that this is the first of two hearings, the second of which has been traditionally held by the Council as part of the hearings on

the Annual Operating Budget. Mr. Butler cited the amount of money that will be available to the City, in the amount of \$4,830,614 and stated that the City has almost absolute discretion as to the way in which it allocates the funds. The federal government simply requires that the application of funds not be discriminatory in its effect.

Mayor McClellan asked if the City would be receiving any less money. Mr. Butler stated that last year there had actually been two entitlement periods to allocate in one year. This caused a decline of about \$1 million between the previous fiscal year and the upcoming fiscal year. He pointed out, however, that the City was not being penalized in any way. Mr. Butler stated that the Planning Commission has proposed the use of \$1,965,000 in General Revenue Sharing funds for Capital IMprovements Projects, and that the Council has made a commitment to allocate \$761,500 for the East 6th Street Multi-purpose Center. In response to a question from Councilmember Trevino, Mr. Butler stated that 60% of the funds will be used for operations and 40% will be used for capital. Councilmember Cooke noted that this is a change from the past where all of the funds have been dedicated to operating.

Councilmember Cooke moved that the Council close the public hearing. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

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

PUBLIC HEARING ON BRACKENRIDGE URBAN RENEWAL PLAN

Mayor McClellan opened the public hearing scheduled for 11:30 a.m., to consider the Urban Renewal Board's recommendation for a change in the Brackenridge Urban Renewal Plan. The Mayor noted that this would be in conjunction with the City Manager's report on the City-owned building at 15th and Trinity Streets.

Mr. Joe Morahan, Director of the Property Management Department, stated that this particular tract was originally designated in the Brackenridge Urban Renewal plan as a P-1 district. This is an open-space district which does not provide for any buildings. Mr. Morahan pointed out that all of the buildings were scheduled to be removed but that an office building located on the tract was determined to be still suitable for public use. Mr. Morahan indicated that a change in the Urban Renewal plan to a P-2 district is needed so the building can be used as a City facility. He stated that the requested change covers the office building, the parking lot, and a small historic building located on the corner of the intersection. The conveyance of the property from the Urban Renewal Agency to the City, will contain a deed restriction whereby the buildings are permitted to be used for their useful life but that they cannot be replaced. At such time as the buildings live out their useful life and are removed, then the property would go into Waterloo Park. Mr. Morahan stated that they recommended approval of the change from P-1 to P-2.

In response to a question from Councilmember Trevino, Mr. Morahan indicated that the City of Austin would determine how the buildings would be used. City Manager Dan Davidson indicated that they will be working on more thorough recommendations and would be returning to the Council to request a more specific use at a later time. Councilmember Trevino stated that the City needed to maintain this option with Urban Renewal.

MR. GERALD McPHAIL told the Council that consideration needed to be given to senior citizens. He felt that Austin owes a debt to the senior citizens who have helped build the City in the past.

MS. ELOISE CABINESS told the Council that they would appreciate the City's help in not blocking the progress of volunteer work done at the Old Bakery, located near the tract.

MS. LUCILLE PREBBLE spoke in favor of retaining volunteer activities currently being conducted in the Old Bakery Building. Mayor McClellan felt that the City should retain jurisdiction over the use of the building.

MS. MOSELLE ROBERTSON told the Council that the Senior Aide Program located in the Old Bakery was greatly needed for the senior citizens of Austin.

MS. CECILIA PEARSON also spoke in favor of retaining the Old Bakery building.

MS. DIANE BEST, President-elect of the Old Bakery Board, spoke in favor of the Old Bakery. She stated that they would have no objections to sharing the building with some other City Department.

Mayor Pro Tem Mullen moved that the Council close the public hearing and change the Urban Renewal Plan from P-1 to P-2 on the City-owned building at 15th and Trinity Streets. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

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

Mayor McClellan added that she wanted to see the Senior Aide Program at the Old Bakery retained.

BLACK HISTORY MONTH IN AUSTIN

MR. DOUG SIVAD, Executive Director, Austin Opportunities, Inc., appeared before the Council to request City funding for a black production at the Paramount Theatre, February, 1979, to conclude Black History Month in Austin. Mr. Sivad pointed out that they were trying to raise funds for an East Austin Culture Center, which will house various branches of the arts. He stated that he has spoken to Mr. Al Golden, Chairperson of the Arts Commission, who suggested that he appear before Council to acquire permission to submit their proposal to the Arts Commission.

Mayor Pro Tem Mullen moved that the Council refer the funding request to the Arts Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

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

Noes: None

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

During roll call, Councilmember Snell stated that he hoped that the efforts of the organization would continue. He felt that the Culture Center would be beneficial to both East Austin and the City as a whole.

COMMUNITY PARK AND PLAYGROUND

The Council had before it for consideration, a request from MR. PETER J. FEARS to discuss a community park and playground for Swede Hill neighborhood, to be located on City-owned property at 14th and Waller Street. Mr. Fears asked that the City allow him to use the land as a neighborhood greenbelt area and recreation area. Mr. Fears indicated that there would be no increased liability incurred by the City, and that there would be no adverse legal precedents as long as the area remains an undedicated park. Mr. Fears stated that the neighborhood would pay for all construction and labor on the subject land but that they wanted some assurance from the City that the land use would not change within the near future. He stated that they want access to the water that was there, an extra street light, to purchase dirt through the City at a premium rate and the City to mow the area regularly.

In relation to the request for an additional street light, Mayor McClellan indicated that the City would not be able to commit any funds to the project until budget time. City Manager Dan Davidson asked if the Council wanted the Parks and Recreation Board to look into the matter. Mr. Davidson felt that there would be a commitment of City resources, even though the neighborhood has assumed current renovation of the area. Mayor Pro Tem Mullen suggested placing a sign on the property designating that the area is not a park. Councilmember Snell felt that the park was greatly needed for the area and stated that he would be in favor of referring the matter to the Parks Board.

Councilmember Snell moved that the Council instruct the City Manager to bring back a report next week on the park and playground for the Swede Hill neighborhood. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

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

PUBLIC FACILITIES FOR HANDICAPPED

MR. MICHAEL FERNANDES, Psychotherapist for Handicapped Citizens, requesting to discuss public facilities for the handicapped, did not appear to speak before the Council. City Attorney Jerry Harris indicated that Mr. Fernandes would notify the City Clerk the next time he wished to speak before the Council.

WASTEWATER RATES ON UTILITY BILLS

Mr. Monty Nitcholas, Director of the Finance Department, indicated that there was a problem on Mr. Blake Johnson's bill, but that it had already been corrected.

SOUTH TEXAS NUCLEAR PROJECT COSTS

MR. WAYNE HUFFMAN, a financial analyst, appeared before the Council to discuss an analysis of the South Texas Nuclear Project costs. Mr. Huffman suggested that a study be undertaken to analyze the \$47 million cost overruns on the South Texas Nuclear Project. He stated that in 1976, the estimated cost of STP (South Texas Project) was \$180 million which was up about \$19 million from the original estimate of \$161 million. The original estimate was made around November, 1973. Mr. Huffman indicated that he had done a cost analysis in 1976, and that at that time the cost increases appeared to be reasonable in light of the various cost indices available at the time. However, he stated that the most recent cost increases for the project are a little more difficult to explain. Mr. Huffman stated that there is an additional \$28 million now which brings the total cost increase up to \$47 million. Since August of 1975, none of the cost indices have increased at such a rate as to justify the \$28 million increase. Mr. Huffman stated that this is cause for further examination to determine what is the explanation for the cost increases and also what sort of increases if any can the City expect in the future. Mr. Huffman cited the following three possibilities relating to the cost increases:

1. The events which caused the increases were totally unforeseeable at the time the August, 1975, estimate was made.
2. The events were foreseeable, in which case it would be to the advantage of Austin to assure that in the future these types of events are taken into account in making cost estimates, so that the cost estimate available is the best representation of what the final cost of the project will be.
3. The costs are not justified when compared with prevailing prices and procedures for the construction of nuclear plants.

Mr. Huffman stated that he was worried about the fact that the project manager is Houston Lighting and Power. He pointed out that HL&P's rate structure provides no incentive to hold down construction costs. Mr. Huffman felt that, given the size of Austin's investment, it was advisable for Austin to closely monitor the cost of the project. He stated that periodic audits are conducted on the project, but that these are more in the nature of assuring that the work billed has been performed. He stated that whether the work is cost effective is another matter, and deserves close attention.

Mr. Huffman requested the Council to authorize a study which would cover the following items:

1. The validity of the cost increases of the project, inclusive of how these cost increases compare with the inflation of relevant materials and labor costs;
2. Are the cost increases justified by the terms and procedures established by the party.

Mr. Huffman stated that another part of the study would be on the probable future cost increases of the project. Covered under this would be:

1. What are the probable increases and future costs of materials, labor and fuel; and
2. What effect are existing and proposed regulatory requirements likely to have on future costs.

Mr. Huffman stated that another area of the study would be on the payment of the fuel core. He stated that this could be discussed before the Electric Utility Commission where the fairest method of payment for the fuel core could be determined. Another part of the study would be a comparison with alternative energy sources, and under this would be discussed:

1. What is the current total cost per million BTU of nuclear, coal, lignite, oil and gas; and
2. What is the projected trend in these costs.

The study would look into the projection of Austin's base load energy needs, based on the projected growth of the service area and the lead time required to design and construct various types of power plants to service these needs. The final aspect of the study should cover the contractual aspects, such as the contracts requirements should Austin choose to reduce or eliminate its participation in STP. Mr. Huffman stated that he would rely on the cooperation of the City Legal Department for the answers to these questions.

Mr. Huffman stated that, as for his own credentials to conduct the study, he has had extensive experience in financial analysis, involved with commercial and investment banking in New York, and since being in Austin, has done a number of studies and has done work for most of the major, private companies in Austin. He stated that in order to do the study, it would be necessary to have the cooperation of the City staff, especially in the Legal Department. He stated that the study should take about three months, and could be less if the Council decided to call an election on the South Texas Project. Mr. Huffman indicated that he would request a fee of \$25,000 for the study, and asked that about \$10,000 of this be given in advance payment. He stated that the cost of the study, however, would be less than .1 of 1% of the \$47 million cost increase.

City Manager Dan Davidson made mention of a memo which indicated that last November the project manager, Houston Lighting and Power, contracted with a firm called Management Analysis Company in order to review the project. Mr. Davidson

stated that some of the information compiled by this company would have to be utilized in conducting any kind of a study. Mr. Davidson also stated that the participants received a recommendation from Arthur Anderson and Company in April, that an internal audit group should be established. He stated that this is in the process of being done right now. Mr. Davidson indicated that through the work of the management company and a task force, a report will be made available in September or October evaluating some of the cost factors, schedule requirements, schedule progress and the cost associated with the construction schedule. Mr. R. L. Hancock, Director of the Electric Utility Department, has further estimated that the report will reflect possibly an additional increase in the overall project cost. Mr. Davidson stated that the Council has asked him to outline some of the factors they would like to see considered and that, in accordance with City policy, the work proposed by Mr. Huffman would be opened up to competitive bidding. He stated that they would do their best to have a report to the Council by next Thursday. He said that he would share this report with Mr. Huffman as soon as it is prepared.

Mr. Huffman indicated that the results of the additional study being performed for Houston Lighting and Power would be useful in conducting his own study. Mayor Pro Tem Mullen stated that he would like Mr. Huffman to reconsider his bid for the work. Mr. Huffman indicated, however, that the study would entail a great deal of work. He stated that the type of study he would conduct would differ from that done by an auditor. In response to a question from Councilmember Himmelblau, Mr. Huffman stated that if certain project expenditures were found to be unjustifiable, then Austin would have the alternative of going to Court on the matter. City Manager Davidson indicated that he wanted to talk further with Mr. Huffman next week. Councilmember Cooke pointed out that action on the project would have to be taken soon in light of the close time frame involved with the project. Mr. Huffman agreed with this, citing the possibility of a referendum on the project in the latter part of October. Mayor Pro Tem Mullen suggested that Mr. Huffman return to the Council next week in order to review his proposal again. City Manager Davidson indicated that he would have a report ready for the Council by next week, after meeting with Mr. Huffman. Councilmember Goodman made the following statement for the record:

"I'm in favor of getting on with this just as soon as we can. I see the time frame about, as I heard Wayne summarize it just a few moments ago, as obviously tight. And, I'm hopeful that by next week, the Council will have enough of the blanks filled in to where we'll be able to act on this matter in a positive fashion."

DANCE REQUEST

MR. A. S. KELLER, representing Aqua Festival, appeared before Council to request permission to conduct a dance on the west side of the auditorium from 9:00 p.m. until 12 midnight, July 29, 1978.

Councilmember Cooke moved that the Council approve the request of the Aqua Festival to hold a dance on the west side of Municipal Auditorium. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

Mr. Keller presented the Council with skipper pins for the 1978 Aqua Festival.

RELOCATION OF ROSEWOOD ZARAGOSA PUBLIC LIBRARY

The Council had before it for consideration, a report from the Austin Public Library Commission on the relocation of the Rosewood Zaragosa Public Library. Mr. David Earl Holt, Director of the Austin Public Library, stated that on June 20, the Austin Library Commission met and decided that the Rosewood Zaragosa Library be relocated at the Govalle shopping center. Councilmember Himmelblau asked if there would be any objection to withholding action on the Govalle Library until budget time in September. She felt that it would be unwise to enter into a new facility until the budget is reviewed. In response to a question from Councilmember Trevino, Councilmember Himmelblau stated that she would be in favor of closing down the Rosewood Zaragosa Library for the present, and take no action on relocating the Library at the Govalle shopping center until the budget is reviewed. She felt that there would be no purpose in keeping the Rosewood Zaragosa branch open since the use had dropped so low.

MS. MARTHA COTERA, a member of the Library Commission, told the Council that 92% of the persons that the Rosewood Zaragosa branch serves are minorities, and that the area has a high population density of 3.4 persons per housing unit. She stated that if the Rosewood Zaragosa branch is closed, the remaining branches serving the Chicano community would receive less funding than just one branch in south Austin. Ms. Cotera made a comparison of funding levels for the various branch libraries in Austin.

Mayor McClellan stated that she also wanted to see this matter postponed until budget review. She felt that full consideration of the matter can be given at this time. The Mayor stated that she would want to keep Rosewood Zaragosa for the time being, and make the decision about the Govalle branch at budget time.

Mr. Holt pointed out that the space for the new branch library is available at this time. In response to a question from Mayor Pro Tem Mullen, Mr. Holt stated that an annual amount of \$46,494 would be saved if the Rosewood Zaragosa Library is closed down. Mayor Pro Tem Mullen suggested paying \$500 to the renter of the Govalle space in order to retain the location for two months. Councilmember Trevino was opposed to closing down the Rosewood Zaragosa Library, stating that during budget time if the Council decided to not locate a new library in the Govalle site, they would end up with no library at all. Mayor Pro Tem Mullen pointed out, however, that the number of persons who used the Rosewood Zaragosa Library did not warrant it staying open anyway. Councilmember Cooke suggested to Ms. Cotera that she come back during budget time with specific figures on the usage of the Rosewood Zaragosa Library. Mr. Holt indicated that the present lessor at the Govalle location wanted to void his contract on the space, thereby making the space available for relocation of the library. He stated that the owner of the space wanted some kind of commitment from the City by the end of the summer.

ITEM POSTPONED
EAST AUSTIN MULTI-PURPOSE CENTER

At the request of City Manager Dan Davidson, the Council postponed for two weeks, authorization of acquisition of certain land for the East Austin Multi-Purpose Center C.I.P. No. 76/91-03:

2.17 acres of land out of Block 1, Outlot 21, Division "0"
Government Outlots. (Margaret Wolf Hart)

CONTRACTS APPROVED

The Council had before it for consideration, the following contract:

J & J MARINE DIVING CO., INC. 113 Lipton Street Pasadena, Texas	- Confirmation of Emergency Diving and Dredging Operations for Shell Removal and Cleaning of Decker Plant Intake Canal - \$25,000
---	--

City Manager Dan Davidson asked Mr. G. C. Pokorny, Assistant Superintendent of the Electric Utility Department, to make a slide presentation of the proposed work. Mr. Pokorny told the Council that they hired a diver to go down and make an inspection of the Intake Canal, and that clams were found to be blocking the Intake Canal for the Decker Plant.

Councilmember Goodman moved that the Council adopt a resolution approving the above contract with the J & J Marine Diving Company, Inc. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Council also considered approval of the following contract:

HAWTHORNE CONSTRUCTION, INC. P. O. Box 95 Llano, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Construction contract for Physical Fitness Room Addition, Doris Miller Auditorium - \$64,688.00 C.I.P. No. 78/86-25
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Councilmember Snell asked why materials were being changed for the Physical Fitness Room. Mr. Al Eldridge, Director of the Construction Management Department, told the Council that used materials would be gotten from the South Austin Recreation Center. He stated that allowances for this were made in the original bid on the project. Mr. Eldridge stated that there was money for Alternate No. 2.

Councilmember Snell moved that the Council adopt a resolution approving the above contract with Hawthorne Construction, Inc., with Alternate No. 2. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

PUBLIC HEARING SET
TEXAS YOUTH COUNCIL SPECIAL PERMIT

Mayor Pro Tem Mullen moved that the Council set a public hearing for September 21, 1978, at 7:00 p.m., on an appeal of the Planning Commission's decision to grant a Special Permit to the Texas Youth Council to operate a house for boys at 2704 Salado, Case No. C14P-78-037. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

MR. STEVE ROBINSON spoke in behalf of the Travis House.

FINANCIAL AUDIT

The Council had before it for consideration appointing an independent auditor of the City for the year ending September 30, 1978. City Manager Dan Davidson indicated that he would not have a prime recommendation to give to the Council until next week. Councilmember Himmelblau asked what companies have sufficient staff in Austin to do the work. Mr. Monty Nitcholas, Director of the Finance Department, said that all of the companies have local offices and are staffed here. However, some of the companies would be using personnel from the San Antonio area and the Houston area. He stated that the two firms that have the most people staffed in their local office are Arthur Anderson and Company, and Peat, Marwick and Mitchell Company. Mr. Nitcholas stated that, in both cases, all of the work will be done out of the local offices. Councilmember Himmelblau asked if any of the applicants had other audits currently being done out of town. Mr. Nitcholas stated that he did not know. Councilmember Himmelblau asked what companies would have the most experience in conducting a municipal audit. Mr. Nitcholas stated that most all of the companies have persons who have worked on municipal audits.

Councilmember Himmelblau moved that the Council adopt a resolution appointing the Peat, Marwick and Mitchell Company to perform the financial audit of the City for the year ending September 30, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

WATER SKI LIFT CONCESSION

The Council had before it for consideration a request from MS. TINA TROCHTA for a Water Ski Lift Concession. City Manager Dan Davidson stated that if the City could inspect the facility and its specifications, the concession could be constructed from a sound engineering and design standpoint. Mr. Davidson stated that he could not find anything wrong with this particular concept, and felt that the proposal would be an ideal utilization for the lagoon in Fiesta Gardens. Mr. Davidson recommended that the Council hold a public hearing to gain input on the proposal. Ms. Trochta indicated that she had a meeting with the majority of the East Austin Neighborhood Association, and that flyers were sent to neighborhood residents and merchants, inviting them to the meeting. Ms. Trochta asked that the following statement be read into the record:

"Having been raised in the area but yet somewhat of an outsider, I have never been received more beautifully than I have from these people. Paul and Sam and Zeke and, I can't remember the rest of the people, the give and take, the questions, the receiving of me personally, of the project, the concept, they thought it was wonderful. I got the equivalent to a standing ovation after the meeting, which, if I get nothing else, to me is reward enough. But I have to, in all conscience, try to follow, both from a business sense, to represent Dr. Lessell to get the project somewhere in this vicinity, but at the same time, to try and stay sensitive to the requests of the neighborhood. If this isn't something they can live with, I would like to in some way follow those dictates. Just a few moments ago when Paul came in, I visited with him and there are some alternatives that could possibly be worked out at a later date to put it in the lagoon. They still do like the concept, but they're concerned with the activities in the area, they're concerned with the boat races, the people, and he admitted that if they had not had the boat race problem, that this is something that they think they probably would have really seriously looked into."

Councilmember Goodman did not think that Ms. Trochta had picked a good site to begin with, because of area problems in the past. He asked if she would be agreeable to continuing negotiations with the staff and looking into alternate sites. Ms. Trochta indicated that they had two alternate sites, which they were prepared to accept if the Fiesta Gardens lagoon location proved unfeasible. She stated that at this point she needed some kind of positive response from the Council. Mayor McClellan felt that Ms. Trochta would have to hold a public hearing before going ahead with the project. In response to a question from Councilmember Goodman, Mr. Davidson indicated that he saw value in continuing negotiations with Ms. Trochta in order to work out some of the problems. Councilmember Goodman stated that he was concerned about the safety of the operation, how much experience the City had in the area of ski lifts and what type of protection the City could receive in any type of concession contract. Ms. Trochta stated that the two alternate sites have been studied by engineers. She stated that the concession agreement which has been drawn with the City, has built-in insurance coverage protecting the City from any claims. Mr. Davidson felt that a public hearing would be in order. Mayor McClellan agreed also that a public hearing should be held before a decision is made.

Motion

Councilmember Goodman moved that the Council instruct the City Manager to come back to the Council with a timetable. The motion was seconded by Councilmember Cooke.

Councilmember Himmelblau asked what the proposed hours of operation would be for the ski lift concession. Ms. Trochta indicated that the concession would be a semi-evening project, particularly in the summer.

Roll Call on Motion

Roll Call on Councilmember Goodman's motion, Councilmember Cooke's second, to adopt a resolution instructing the City Manager to continue working with Mrs. Trochta and to come back to the Council with a timetable, showed the motion carried by the following vote:

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

Noes: None

Abstain: Councilmember Trevino

POLICE TRAINING GRANT

Councilmember Goodman moved that the Council adopt a resolution authorizing submission of an application to the Texas Department of Highways and Public Transportation for a Police Training Grant in the amount of \$12,503.42. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

In response to a question from Councilmember Himmelblau, Police Chief Frank Dyson stated that the two officers who have previously gone through the training program are still with the Austin Police Department.

CONTRACTS

The Council had before it for consideration the following contracts:

- | | |
|---|--|
| Bid Award: | - Athletic Equipment for Parks and Recreation Department: |
| ROOSTER ANDREWS SPORTING GOODS
3901 Guadalupe Street
Austin, Texas | - Items 2, 3, 5, 9, 10, 12-24, 26-28, 32, 37, 38, 44-46, 48, 50, 51, 53-56, 60, 61, 63, 65, 66, 68, 69, 71, 73, 76, 95, 97, 98, 104, 106, 107, 109-111, 114, 115, 117, 119, 121-123, 125, 126, 131, 136, 137, 139-141, 144-149, 151-154, 156, 160, 161, 163, 164, 167, 169, 181-184 - \$24,619.07. |
| SELECT SERVICE & SUPPLY CO.
2905 East Amwiler Road
Atlanta, Georgia | - Items 1, 4, 6-8, 11, 25, 29-31, 33, 35, 36, 39-43, 47, 57-59, 61a, 62, 64, 67, 70, 77, 83-93, 96, 99, 105, 112, 113, 116, 120, 124, 127-130, 132-134, 138, 142, 150, 157-159, 162, 165, 166, 168, 170, 171, 175, 178 - \$21,110.62 |
| PERSENAIRE PARKS & PLAYGROUND
6610 Harwin Drive, Suite 115
Houston, Texas | - Items 34, 81, 82, 101-103 - \$4,541.70 |
| VAUGHAN & ASSOCIATES, INC
2852 Walnut Hill Lane
Dallas, Texas | - Items 49, 52, 108 - \$3,272.92 |
| TEXAS STRINGING
8201 Brookview Road
Austin, Texas | - Items 72, 75, 78, 79, 80, 100 - \$2,966.25 |
| CASWELL PRO SHOP
2312 Shoal Creek Boulevard
Austin, Texas | - Items 74 and 94 - \$1,607.50 |

Councilmember Himmelblau felt that the City should not purchase some of the equipment listed in the contract. Mr. Michael Segrest, Acting Director of the Parks and Recreation Department, indicated that the various athletic equipment would be distributed throughout the City. Mr. Segrest pointed out that the bid requests were merely estimates for equipment, and that they may or may not buy all of the items listed.

Councilmember Goodman moved that the Council adopt a resolution approving the contracts for athletic equipment for the Parks and Recreation Department. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: Mayor Pro Tem Mullen

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Mullen indicated that he voted no because he was not sure if the contract amount was more than last year. Mr. Segrest stated that the actual purchases will be contingent upon the budget that is approved.

ROBERT MUELLER MUNICIPAL AIRPORT

The Council had before it for consideration confirmation for emergency repairs on the apron at the Robert Mueller Municipal Airport. Mr. Charles Graves, Director of the Engineering Department, indicated that the project required the removal of defective work at the airport and its replacement. He stated that they were of the opinion that the contractor should do this at his cost. Mr. Graves stated that the contractor disagrees and they were requesting approval of proceeding on an emergency basis to pay the contractor under protest, so that the City does not have to involve itself in the question and delay on completion of the project. In response to a question from Councilmember Cooke, Mr. Graves stated that two gates have already been repaired and that the third gate will be repaired by tomorrow morning. He said then there will be a week to 10 days delay before beginning on the west side of the concourse and the other three gates located there. Mr. Graves pointed out that the cost of temporary repairs was \$25,000.

Councilmember Goodman moved that the Council adopt a resolution confirming emergency repairs on the apron at the Robert Mueller Municipal Airport. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

TEXAS COUNCIL ON CRIME AND DELINQUENCY

The Council had before it for consideration, a request from MR. JOHN ALBACH, representing the Texas Council on Crime and Delinquency. Mr. Joe Liro, Assistant City Manager, stated that on the Council's request, the Manager's Office had drafted recommendations on the City acting as a pass-through agency for a Criminal Justice Division grant. He stated that Mr. Albach's proposal should be regarded as a preliminary inquiry to the CJD (Criminal Justice Division), and not as an application. Mr. Liro stated that if the Council does approve the grant, it will render the City liable for any CJD audit exceptions that might be incurred by the program. Mr. Liro stated that they recommended that if the Council approves the request, it make provisions in the budget for an audit to be done. He stated that the CJD grants usually acquire additional match monies in increasingly larger amounts. He stated that the proposal contains no plan for obtaining local support in the future years of the grant. Mr. Liro stated that the proposal provides for technical assistance to programs in other Texas cities, and that the program is not strictly a local program.

Mr. Liro stated that the Manager's Office recommended that the City not become sponsor for the proposal, and that Travis County would be a more appropriate sponsor due to its constitutional concern with criminal justice programming. He stated that this would also be consistent with earlier Council decision to transfer criminal justice planning function outside of the City's jurisdiction.

Mr. John Albach indicated that they were informed by the Governor's Office that Travis County could not legally sponsor the program. He stated that the program would be operated almost entirely within the City limits of Austin. As to additional funding, Mr. Albach stated that it was always difficult to tell where future funding will come from. Mr. Albach hoped that the City would agree to sponsor the project. He stated that there is no assurance whatsoever the CJD will fund it. He stated that CJD doesn't have any categories for crime victims, only offenders. Councilmember Goodman asked Mr. Albach exactly what action he wanted from the Council. Mr. Albach indicated that they wanted a resolution from the City indicating that they would approve the project and serve as prime sponsor. He stated that first year cost to the City would be nothing.

Motion

Councilmember Goodman moved that the Council approve the request for the City to serve as prime sponsor for the project. The motion was seconded by Councilmember Snell.

Councilmember Himmelblau expressed concern over the fact that the Council was going against staff recommendation. Councilmember Goodman pointed out that sponsoring the program would require no financial commitment on the City's part at this time at all. Mr. Albach pointed out that they have assumed all along that the Council would have another chance to review the program when an actual application is formed. He pointed out that the request at this time was merely for a proposal and not an actual application.

Roll Call on Motion

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

Noes: None

ELECTRIC GENERATING PLAN

The Council had before it for consideration directing the City Manager to bring back options which would enable the City to complete an electric generating plan without the necessity for any additional bond authority. The Council considered both short term and long term effects on the cost the ratepayer must bear and the over all effect on fuel diversification needs.

In response to a question from Mayor McClellan, City Manager Dan Davidson indicated that he could return to the Council with options within 2 to 3 weeks. Councilmember Cooke stated that he would be in favor of looking at alternatives but hoped the Council would not proceed with the anticipation of coming up with something unrealistic. Mayor McClellan felt that the Council has not explored what all the options are, and therefore needed to do this.

Councilmember Cooke moved that the Council instruct the City Manager to bring back options which would enable the City to complete an electric generating plan without the necessity for any additional bond authority. The motion, seconded by Mayor McClellan, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

UTILITY BILLS

The Council had before it for consideration requesting that staff analyze the possibility of identifying on each utility bill that portion of the payment which is transferred to the general fund. Councilmember Cooke indicated that there was a need to delineate on each utility bill, where the money collected was being directed to. Deputy City Manager Homer Reed asked if implementation was being requested for October 1. Councilmember Cooke stated that for the time being he was merely requesting staff analysis. Mayor Pro Tem Mullen questioned what the cost in computer time would be to implement the program. Mr. Reed indicated that this could be addressed within the report. He stated that it will be a fairly complex matter, requiring some changes in policy. Councilmember Cooke felt that the public cannot become aware of the billing policy until they make the matter crystal clear through a continuous, repetitious bill. Mayor McClellan suggested having a mail out which would explain utility bills. Mr. Reed told the Council that staff could do an analysis of the proposal without any significant expense.

Councilmember Cooke moved that the Council instruct the City Manager to bring back a report analyzing the possibility of identifying on each utility bill that portion of the payment which is transferred to the general fund. The motion, seconded by Councilmember Snell, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

OFF-PEAK PRICING

Councilmember Cooke moved that the Council instruct staff to furnish Council with a monthly report on the current status of the new off-peak pricing system comparing actual statistics with the projections made before the new rate structure went into effect. The motion was seconded by Councilmember Goodman and the motion carried by a consent vote. This item was introduced to the Council by Councilmember Himmelblau.

WATER AND WASTEWATER LINE OVERSIZING

The Council had before them that any water and wastewater line that requires City participation in the form of oversizing should require review and recommendation by the Planning Commission and approval by the City Council. Councilmember Himmelblau moved that the Council refer this to the Subdivision Process Task Force for immediate reponse. The motion, seconded by Councilmember Goodman, carried by the following vote:

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

This item was introduced to the Council by Councilmember Himmelblau.

WORK SESSIONS

Councilmember Snell moved that the Council establish the following calendars for City Council work sessions on the 1978-83 Capital Improvements Program and the 1978-79 Annual Operating Budget:

CAPITAL IMPROVEMENTS PROGRAM

Work Sessions:

Friday, August 4	3:00 p.m.
Monday, August 7	3:00 p.m.
Wednesday, August 9	3:00 p.m.
Monday, August 14 (if needed)	3:00 p.m.

Public Hearings:

Wednesday, August 16	7:00 p.m.
Thursday, August 31	7:00 p.m.

OPERATING BUDGET

Work Sessions:

Wednesday, August 30	2:00 p.m.
Tuesday, September 5	2:00 p.m.
Tuesday, September 12	2:00 p.m.
Wednesday, September 13 (contract agencies)	2:00 p.m.

Public Hearings:

Thursday, September 14	7:00 p.m.
Thursday, September 21	7:00 p.m.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

ITEM WITHDRAWN
SOUND TRUCK REGULATION

The City Manager withdrew his report on Sound Truck Regulation, to be given at a later date.

CITY-OWNED BUILDING
BRACKENRIDGE URBAN RENEWAL

The City Manager's report on the City-owned building at 15th Street and Trinity Street was previously covered during the public hearing to consider the Urban Renewal Board's recommendation for a change in the Brackenridge Urban Renewal Plan.

ITEM WITHDRAWN
BETHANY CEMETERY

The City Manager withdrew his report on the Bethany Cemetery, to be given at a later date.

WATER SKI LIFT CONCESSION

The City Manager's report on the Water Ski Lift Concession was previously covered under resolutions.

ITEM WITHDRAWN
1978-83 CAPITAL IMPROVEMENTS PROGRAM

The City Manager with drew his report on the 1978-83 Capital Improvements Program, to be given at a later date.

ADJOURNMENT

The Council then adjourned at 11:05 p.m., CST.

July 27, 1978

APPROVED

Carole Keeton McCluskey
Mayor

ATTEST:

Grace Monroe
City Clerk

APPENDIX I

July 27, 1978

PERSONS PRESENT AT THE 11:00 A.M. PUBLIC HEARING ON GENERAL REVENUE SHARING FUNDS:

<u>NAME</u>	<u>ORGANIZATION REPRESENTING</u>
John Huke	Trinity House Gallery
Sarann Smith Huke	Trinity House Gallery
David Dailey	Austin Repertory Theatre
George Brashears	Austin Repertory Theatre
Lawrence Miller	Laguna Gloria Art Museum
John Bernadoni	Paramount Theatre
Don Roth	Austin Symphony
Jo Lynn Hoffman	Austin Parks & Recreation
Deanna Stevenson	Women and Their Work
Gene Menger	Invisible, Inc.
Tom Zigal	Interart/Public Art
Jim Fisher	O. Henry & Elizabeth Ney Museums
Bronson Dorsey	Arts Commission
Ed Jungbluth	Arts Commission
Al Golden	Chairperson, Arts Commission