

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 31, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Linn

Absent: Councilmember Trevino, Lebermann

The Invocation was delivered by Dr. Harold Kilpatrick, 4514 Caswell Avenue.

ACTIVITY SPONSOR DAY

Mayor Pro Tem Snell read a proclamation stating that many teachers in the Austin Independent School District are committed to serving as activity sponsors of student clubs and organizations; performing as planner, counselor, evaluator, consultant and promoter of parental and community involvement. Therefore, April 5, 1977, is proclaimed Activity Sponsor Day in Austin. All schools, community leaders and parents are urged to express appreciation for activity sponsors and support student activities as resource persons and guardians. Accepting the proclamation were Austin Independent School District sponsors and students.

BARBER SHOP HARMONY MONTH

Mayor Friedman read a proclamation designating the month of April, 1977, as Barber Shop Harmony Month in Austin and urged all citizens to extend best wishes to the Chord Rangers Chapter of the S.P.E.B.S.Q.A. for continued success in promoting barber shop quartet singing. Joe Picciandra, President of S.P.E.B.S.Q.A., local chapter, accepted the proclamation with his thanks. Fred G. Klerekoper also accepted with his thanks.

## NAVY'S RUN AGROUND DAYS

Mayor Friedman proclaimed Saturday, April 2, 1977, and Sunday, April 3, 1977, as NAVY'S RUN AGROUND DAYS, when the Navy Enlisted Scientific Education Program unit of the NROTC at the University of Texas will conduct a marathon run of 180 miles this weekend to benefit three youngsters being served by the Capital Area Rehabilitation Center. Mayor Friedman called on all citizens to join him in recognizing this outstanding exhibition of assistance for rehabilitation center youngsters in our community. Accepting the proclamation with their thanks were Captain Thomas Solen and Officer Candidate Sharon Crowder.

## JAMES "MULKEY" OWENS DAY

Mayor Friedman read a proclamation declaring March 31, 1977, as JAMES "MULKEY" OWENS DAY. Mr. Owens has been honored as Austin's Most Worthy Citizen by the Austin Board of Realtors for his outstanding civic contributions and community involvement during 1976. Mayor Friedman urged all citizens to join in honoring Mr. Owens for his spirit of civic duty and usefulness to others.

Mr. Owens introduced his daughter, Sandra Schurr, of Louisville, Kentucky, and his daughter, Cynthia Owen, of Houston, Texas. He thanked the Mayor and City Council for the honor bestowed upon him. Moe Terrell spoke for the Austin Board of Realtors and expressed their happiness at being able to participate in this annual activity. Mr. Bill Blood, Chairman of the Committee to select Austin's Most Worthy Citizen, said he was most pleased to have Mr. Mulkey as this year's Most Worthy Citizen.

## ZONING HEARINGS

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

CENTEX FURNITURE  
OUTLET  
By Carl F. Paul  
CL4-77-010

10206 North IH 35

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

Mr. Lillie reviewed the location by use of slides.

Councilmember Linn moved that the Council grant "DL" Light Industrial, 1st Height and Area, as recommended by the Planning Commission, but excluding the west 25 feet. The motion, seconded by Councilmember Hofmann, carried by the following vote: (Applicant was present)

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

Noes: None

Absent: Councilmembers Lebermann, Trevino

Not in Council Chamber when roll was called: Mayor Friedman

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

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BETTY W. PELLIS & STEVEN & CHERIE J. DEUTCHMAN C14-77-016	911 West 23rd Street 2208 Pearl Street and also bounded by West 22-1/2 Street	From "B" Residence 2nd Height and Area To "A" Residence 1st Height and Area (Tract 1) "BB" Residence 1st Height and Area (Tract 2) RECOMMENDED by the Planning Commission
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Mr. Lillie reviewed the location by use of slides. Roll back zoning was requested by the owners. Applicant was present.

Councilmember Linn moved that the Council grant the change to "A" Residence, 1st Height and Area District on Tract 1, and "BB" Residence, 1st Height and Area District on Tract 2, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Councilmembers Lebermann, Trevino

Mayor Friedman announced that the change had been granted to "A" Residence, 1st Height and Area District on Tract 1, and "BB" Residence, 1st Height and Area District on Tract 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. GEORGE R. FELTER ESTATE By Deborah James C14-77-014	9204 Brown Lane	From Interim "AA" Residence 1st Height and Area To "DL" Light Industrial, 1st RECOMMENDED by the Planning Commission subject to the dedication of 15 feet of right- of-way on Brown Lane
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Mr. Lillie reviewed the location by use of slides. Applicant was present.

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

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

Noes: None

Absent: Councilmembers Lebermann, Trevino

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

JOHN D. & BETTY  
J. POPE  
C14-77-015

704 West St. Johns  
Avenue

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to the  
dedication of 15 feet of right-  
of-way on St. Johns Avenue and  
a restrictive covenant pro-  
viding for a 6-foot solid  
privacy fence or hedge along  
the east property line.

Mr. Lillie reviewed the location by use of slides. Restrictions were acceptable to the applicant. Applicant was present.

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

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

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

At this point Councilmember Lebermann entered the Council Chamber.

CULLUM COMPANY  
By Houston E.  
Holmes, Jr.  
C14-69-145

4301-4541 Springdale  
Road  
4600-4616 F.M. 969  
(M.L.K. Boulevard)

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "LR" Local Retail  
1st Height and Area

Mr. Lillie reviewed the location by use of slides. Applicant was not present.

Councilmember Linn moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission, and subject to right-of-way (small triangle at MLK Boulevard and Springdale, approximately 224 square feet). The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

Abstain: Councilmember Lebermann

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

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JOHN W. BRADLEY,           4206 South 1st Street  
JR.  
C14-77-004

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended  
RECOMMENDED "O" Office, 1st  
Height and Area on the western-  
most 5 feet and "C" Commercial  
1st Height and Area on the  
remainder of the tract.

Mr. Lillie reviewed the location by use of slides. Applicant was present.

Councilmember Himmelblau moved that the Council grant the change to "O" Office, 1st Height and Area District on the westernmost 5 feet and "C" Commercial, 1st Height and Area District on the remainder of the tract, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: Councilmember Linn

Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District on the westernmost 5 feet and "C" Commercial, 1st Height and Area District on the remainder of the tract, and the City Attorney was instructed to draw the necessary ordinance to cover.

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C. L. HAGOOD  
By Ricky B. Turner  
C14-77-013

7801 Martin Luther  
King, Jr., Boulevard

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "C" Commercial, 1st  
Height and Area on the area of  
the building and "LR" Local  
Retail, 1st Height and Area  
on the remainder of the tract.

Mr. Lillie reviewed the location by use of slides. Applicant was present.

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District on the area of the building and "LR" Local Retail, 1st Height and Area District on the remainder of the tract, as recommended by the Planning Commission. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District on the area of the building, and "LR" Local Retail, 1st Height and Area District on the remainder of the tract, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY COUNCIL

By Planning Department  
C14-77-019

Blocks bounded by  
2801-3111 Lyons Road,  
704-850 Tillery Street,  
2800-3112 Gonzales  
Street (East 7th  
Street), and 701-851  
Pleasant Valley Road

From "D" Industrial  
3rd Height and Area  
To "A" Residence  
1st Height and Area (as  
amended)  
NOT Recommended  
RECOMMENDED by the Planning  
Commission 3 motions, as indicat-  
ed below

Motion 1: To deny "A" Residence, 1st Height and Area District, but  
grant:

- a. "GR" General Retail, 1st Height and Area District on Lot 24, Chernosky Subdivision, No. 14, owned by John Carrizales;
- b. "LR" 1st Height and Area on Lot 1, Chernosky Subdivision, No. 14, owned by John L. Prado, Jr.;
- c. "LR" Local Retail, 1st Height and Area District, on Lot 22, Block 1, Chernosky Subdivision, No. 11, owned by Felix Rodriguez; and

- d. "A" Residence, 1st Height and Area on all remaining properties excluding the properties indicated in later motions.

Motion 2: To grant "A" Residence, 1st Height and Area District, as amended, on Lot 25, Block 6, Chernosky Subdivision No. 12, owned by Betty Easton.

Motion 3: To lay on the table the motion to deny the request of the City Council for a zoning change from "D" Industrial, 3rd Height and Area District to "A" Residence, 1st Height and Area District, as amended, on Lot 2 through 6, Block 1, Lots 13 and 14, Block 2 and the adjoining vacated Brass Street and alleys in the G. M. Brass Subdivision owned by Continental Water Conditioning Company, subject to a letter authorizing the City to enforce a site plan to be reviewed by the Planning Commission March 8, 1977.

Mr. Lillie reviewed the location by use of slides. Applicant was present.

Councilmember Linn moved that the Council deny "A" Residence, 1st Height and Area District, but grant "GR" General Retail, 1st Height and Area District on Lot 24, Chernosky Subdivision, No. 14, owned by John Carrizales; "LR" Local Retail, 1st Height and Area on Lot 1, Chernosky Subdivision, No. 14, owned by John L. Prado, Jr.; "LR" Local Retail, 1st Height and Area District, on Lot 22, Block 1, Chernosky Subdivision, No. 11, owned by Felix Rodriguez; and "A" Residence, 1st Height and Area District on all remaining properties, excluding the properties indicated in later motions (Motion 1); and (Motion 2) to grant "A" Residence, 1st Height and Area District, as amended, on Lot 25, Block 6, Chernosky Subdivision No. 12, owned by Betty Easton. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Lot 24, Chernosky Subdivision, No. 14; "LR" Local Retail, 1st Height and Area District on Lot 1, Chernosky Subdivision, No. 14; "LR" Local Retail, 1st Height and Area District, on Lot 22, Block 1, Chernosky Subdivision, No. 11; and "A" Residence, 1st Height and Area District on all remaining properties excluding the properties indicated in later motions; and granted to "A" Residence, 1st Height and Area District, as amended, on Lot 25, Block 6, Chernosky Subdivision, No. 12, as recommended by the Planning Commission (with exception of Motion 3), and the City Attorney was instructed to draw the necessary ordinance to cover.

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The Council heard and DENIED the following zoning change:

WALTER WENDLANDT ET AL C14-77-009	1611 West Ben White Boulevard	From "GR" General Retail 1st Height and Area To "GR" General Retail 2nd Height and Area NOT Recommended by the Planning Commission
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Mr. Lillie reviewed the location by use of slides. Applicant was not present.

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

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

The Mayor announced that the zoning had been DENIED.

The following zoning change was WITHDRAWN:

AMERICAN BANK, EXECUTOR By Ed Padgett C14-76-106	904 West 23rd Street, also bounded by West 24th Street	From "B" Residence 2nd Height and Area To "B" Residence 3rd Height and Area (as amended) NOT Recommended by the Planning Commission
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Mr. Lillie reviewed the location by use of slides. Applicant was not present.

Councilmember Linn moved that the Council agree to the withdrawal of the zoning case. The motion, seconded by Councilmember Hofmann, carried by the following vote:

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

The Mayor announced that the zoning case had been WITHDRAWN.



The following zoning case was POSTPONED:

KINGSTIP  
COMMUNICATION,  
INC.  
By Donald Bird  
C14-77-005

1904 Pearl Street

From "B" Residence  
2nd Height and Area  
To "O" Office  
2nd Height and Area  
(amended area)  
NOT Recommended by the  
Planning Commission

Mr. Lillie reviewed the location by use of slides. Applicant was present. MR. DONALD E. BIRD, representing Kingstip Communication, Inc., said he had an idea that may solve the problem concerning parking which he thought would be agreeable to the opposition to the zoning request. He said it was possible he might have a solution that would not require any re-zoning.

Councilmember Lebermann moved that the Council POSTPONE their decision until April 14, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the zoning had been POSTPONED until April 14, 1977.

#### PENDING ZONING CASES

BOBBY DENTON  
C14-71-008

1110 Justin Lane  
6901-6905 Grover  
Avenue

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

Councilmember Linn moved that the Council DISMISS this pending zoning case. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the case had been DISMISSED.

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CITY NATIONAL BANK  
By Douglas Batson  
C14-72-145

6902-6926 Ed Bluestein  
Boulevard

From Interim "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area (Tract 1)  
"BB" Residence  
1st Height and Area (Tract 2)  
(as amended)

NOT Recommended

RECOMMENDED by the Planning  
Commission "GR" General Retail

1st Height and Area on the first 500' subject to a 6-foot privacy fence along the east property line of "GR" General Retail tract, and "BB" Residence, 1st Height and Area from the eastern boundary of the "GR" General Retail to the proposed extension of Lazy Creek Drive through this property, subject to a 6-foot privacy fence where adjoining "A" Residence, a subdivision providing for the extension of Lazy Creek Drive, a 70-foot east-west street from Lazy Creek Drive to Ed Bluestein Boulevard and the proper termination of Durango Pass with the remainder of the property to be zoned "A" Residence, 1st Height and Area.

Councilmember Linn moved that the above pending zoning case be DISMISSED. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote: (Applicant was present)

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

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the pending case had been DISMISSED.

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JAMAIL PROPERTIES,  
INC., CROCKETT T.  
ENGLISH & THELMA  
BROWN VALENCIA  
By Martin Boozer, Jr.  
C14-72-207

802-808 South 1st Street  
900-912 South 2nd Street  
and 700-710 Christopher  
Street

From "BB" Residence and "A"  
Residence 1st Height and  
Area

To "B" Residence  
2nd Height and Area

NOT Recommended

RECOMMENDED by the Planning  
Commission "B" Residence, 2nd Height and Area to the middle of East Bouldin Creek, subject to a restrictive covenant limiting the density to "B" Residence and the access to South 1st Street and a Subdivision.

Councilmember Linn moved that the above pending zoning case be DISMISSED. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the case had been DISMISSED.

DAVIS & DANZE, INC. 1100-1104 West 38th  
By Martin Boozer, Jr. Street  
C14-72-206 3800 Medical Parkway

From "C" Commercial  
1st Height and Area  
"A" Residence  
1st Height and Area  
"GR" General Retail  
1st Height and Area  
To "C" Commercial  
2nd Height and Area  
(as amended)

RECOMMENDED as amended by the  
Planning Commission, subject  
to right-of-way from Medical Parkway to bring it  
to 70 feet, a 5-foot sidewalk easement on Medical  
Parkway, right-of-way on West 38th Street to be  
determined by the State Highway Department and a  
subdivision

Councilmember Linn moved that the Council DISMISS the above pending  
zoning case. The motion, seconded by Mayor Pro Tem Snell, carried by the follow-  
ing vote:

Ayes: Councilmember Linn, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Hofmann, Lebermann  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning case had been DISMISSED.

MARGARET E. HAYES,  
MR. AND MRS. KENNETH  
GLANDER, AND MR.  
AND MRS. R. A.  
RAISZ  
C14-72-178

1502-1512 Wheless  
Lane

From "A" Residence  
1st Height and Area  
To "B" Residence  
2nd Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "B" Residence, 1st  
Height and Area subject to a  
subdivision and 10 feet of right-  
of-way on Wheless Lane.

Councilmember Linn moved that the Council EXTEND the above pending  
zoning case, deleting subdivision requirements. The motion, seconded by  
Councilmember Himmelblau, carried by the following vote: (Applicant not present)

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

The Mayor announced that the zoning case had been EXTENDED, deleting subdivision requirements.

JACQUELYNE TIEMANN 4100-4232 Ed Bluestein  
By Richard Baker Boulevard  
C14-72-202

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
5th Height and Area  
RECOMMENDED by the Planning  
Commission, subject to a sub-  
division combining the two  
tracts into one.

Applicant was not present.

Councilmember Linn moved that the Council EXTEND the above zoning case, with deletion of the subdivision provision. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

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

The Mayor announced that the pending zoning case had been EXTENDED, with deletion of the subdivision provision.

DOUGLAS DUWE, JOE 8515-8525 North Lamar  
SPARKS, ROBERT DAVIS, Boulevard, rear of  
HARPER HUDDLESTON, southside of 200-500  
MARY S. BROWER, block of San Jose Street  
TRUSTEE & DR. ROBERT  
HAZELWOOD  
C14-72-181

From "A" Residence  
1st Height and Area  
To "C" Commercial  
6th Height and Area (Tract 1)  
"B" Residence  
6th Height and Area (Tract 2)  
"BB" Residence  
1st Height and Area (Tract 3)  
NOT Recommended

RECOMMENDED by the Planning Commission "C" Commercial,  
6th Height and Area on Tract 1, except for a 25-foot  
strip of "B" Residence, 1st Height and Area on the  
east property line, subject to a 6-foot privacy  
fence where adjoining residential or mobile home  
development and a subdivision; "BB" Residence, 1st  
Height and Area on Tracts 2 and 3, subject to a  
6-foot privacy fence on the north and east property  
lines of both tracts and a subdivision providing for  
the dedication and improvement of Guadalupe Street  
through Tracts 2 and 3.

Councilmember Linn moved that the Council REFER the above pending zoning case back to the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote: (Applicant was not present)

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

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the zoning case had been REFERRED BACK.

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JOHN D. BYRAM  
By Robert Sneed  
C14-72-203

4234-4418 and rear  
of 4100-4232 Ed Blue-  
stein Boulevard  
4101-4427 Tannehill  
Lane

From "A" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
"B" Residence  
1st Height and Area  
"LR" Local Retail  
1st Height and Area and  
"GR" General Retail  
1st Height and Area  
(as amended)

RECOMMENDED by the Planning  
Commission as amended subject  
to a subdivision and one-half  
of the varying right-of-way on  
Tannehill Lane to bring it to  
60 feet and sufficient right-  
of-way to bring Tracor Lane to  
60 feet.

Councilmember Linn moved that the Council EXTEND the ~~above~~ pending zoning case, but deleting the subdivision requirement, and leaving the right-of-way requirement as stated. The motion, seconded by Councilmember Lebermann, carried by the following vote: (Applicant was present)

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

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Himmelblau

The Mayor announced that the zoning case had been EXTENDED, deleting the subdivision requirement, but leaving the right-of-way requirement as stated.

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RICHARD L. MATZ,  
TRUSTEE  
C14-72-239

Pleasant Valley Road  
and East Riverside Drive

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area (Tracts  
1, 2, 4, 5, 8 and 9)

"B" Residence  
2nd Height and Area (Tracts  
3, 6, 7, and 10)

NOT RECOMMENDED

RECOMMENDED by the Planning  
Commission "GR" General Retail,

1st Height and Area on all of Tract 1 and on Tract  
2 to form an alignment with zoning to the east,  
"BB" Residence, 1st Height and Area on all of  
Tracts 3, 7, 8, and 10 and on the north 340 feet of  
Tract 6 to align with zoning to the west, "LR"  
1st Height and Area on Tracts 4, 5 and 9 and "A"  
Residence 1st Height and Area on the remainder of  
Tract 6, subject to a subdivision providing for  
the planned extension of Oltorf Street through this  
property.

Councilmember Linn moved that the Council EXTEND the above pending zoning case, deleting the subdivision requirement. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote: (Applicant was present)

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

Noes: None

Absent: Councilmember Trevino

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

The Mayor announced that the zoning case had been EXTENDED, deleting the subdivision requirement.

#### PUBLIC HEARING ON MINIMUM HOUSING ORDINANCE

Mayor Friedman opened the public hearing scheduled for 11:00 a.m. to consider the Minimum Housing Ordinance.

MR. LONNIE DAVIS, Director of the Building Inspection Department, stated that the Department supports the ordinance but there would be a limitation of enforcement with the personnel they presently have. He reviewed 3 proposals for the enforcement of the ordinance as follows:

1. Proposal I: The ordinance would be passed with no change in personnel within the division. Sections of the ordinance concerning landlord-tenant responsibilities, occupied structures and move permits, could not be enforced effectively. There would be a decrease of about 30% in present inspections, repairs and demolish figures.

2. Proposal II: Staff in the division would be increased from six to 21 over a three to four-year period. Enforcement would increase as the staff increased.
3. Proposal III: Staff would be increased by 15 personnel immediately instead of the phased approach.

MR. KEN ZIMMERMAN of the Austin Association of Home Builders asked if the ordinance covered owner-occupied structures and Mr. Davis replied that it did. Mr. Zimmerman was concerned over the extermination provision in the ordinance and its effect on the contract between landlord and tenant. Mr. Davis stated that the provisions of the ordinance must be met regardless of the terms in the contract. Mr. Zimmerman stated that his organization would prefer to have the right to appeal to the City Council rather than have it end at the Building Standards Commission.

In Section 40-13, Mr. Zimmerman asked if some standard could be foreseen to decide when to apply paint or other coating to an exterior surface of a structure to prevent decay. Mr. Davis stated that there was not a standard that applied to Item (7) of that section.

In response to Mr. Zimmerman's question regarding bathroom floor covering, Mr. Davis stated that the ordinance did not refer to ceramic tile. Asphalt or vinyl tile would be acceptable.

Regarding Section 40-15, Mr. Zimmerman asked if that section took away the right for a landlord to draft a lease to the effect that he was not responsible for a property's condition beyond a stipulated period if the property was in proper condition at the time the lease was signed. Mayor Friedman stated that he did not think that there was anything to prevent the landlord from entering into a lease which spelled out the responsibilities of who would pay for improving conditions. It would ultimately be up to the landlord to see that the work was done, but the contract could be drawn so that the tenant was aware that any conditions arising after certification at the initial move-in would be the tenant's responsibility.

Mr. Zimmerman suggested that the Council adopt a resolution which would set out in laymen's terms the intent of the proposed ordinance to the extent that it would prevent unrealistic or harassment situations.

Mayor Friedman invited Mr. Zimmerman to submit his questions or recommendations to Mr. Davis or the Council in writing so that there would not be any misunderstanding.

MR. MALCOLM SMITH, attorney representing Mr. Viktorin and Mr. Earl Bradford, Austin housemovers, spoke before the Council. He stated that his clients were concerned about the moving of houses as specified in Article 14 of the ordinance. He felt that the Building Inspection Department should continue to approve or deny building permits rather than the Building Standards Commission. He said that this procedure would cause delays in getting building permits. He suggested that the Building Inspection Department handle all permit applications and approvals or denials and also be responsible for posting signs on the property and giving notification to residents within 300 yards of the property. Then, if any complaints did arise, they could be forwarded to the Building Standards Commission.

In regards to Section 40-42, Mr. Smith stated that the requirement of a relocated house having to meet the same qualifications as a new house was very hard. He suggested that the Building Standards Commission be allowed to grant a variance when it came to approval of relocated houses.

In regards to Section 40-35, Restoration, Mr. Smith stated that the mover should not be held responsible for restoration of a house and that that responsibility fell upon the owner of the house.

Mr. Smith also questioned the section of the ordinance which stated that if renovation of a house exceeded 60% of the assessed value of the house, the permit would be denied. He felt that this restricted the amount of improvements that a person could make on a house.

Mr. Smith also cited the stipulation that a building permit could be denied on the grounds of incompatibility with the neighborhood. He felt that this section was vague and needed clarification.

Mr. Smith stated that the requirement which calls for a person to refile a building permit application if that person does not follow a previously determined time-schedule would create problems due to all of the departments a person would have to go through to again gain approval for the building permit.

Mr. Smith felt that there should be a seven-day posting period after initial approval to acquire input from the neighborhood. He said that the signs should be posted on the day following the granting of the application.

Mr. Smith concluded by saying that responsibility for maintaining clean conditions in the area should be upon the owner, and not the mover. The Mayor asked him to submit his recommendations in writing.

MR. RUSS WARD of the Austin Apartment Association spoke before the Council. He felt that the ordinance was over-extending, effecting not only slumlords but the good landlords who did not need to be legislated. He stated that there were a number of members of the Austin Apartment Association who would be willing to help work out the details of the ordinance with the City.

MR. STEVE KALLALA, President of the Austin Apartment Association, spoke before the Council. Mr. Kallala indicated that one of the main problems with the ordinance was that his association was not involved in its creation. He stated that they wanted to help write the ordinance as long as it did not prevent good landlords and tenants from existing harmoniously within the city.

MR. LEON WHITNEY, an apartment owner, spoke before the Council. He suggested that the Council contact local civic associations prior to moving any old houses. He recommended that the City ordinance be in accordance with the current State housing law that is pending passage in the State legislature. He felt that the ordinance penalized all the property owners, not just the slumlords.

MR. JOHN JASSLE, JR., recommended that the Council move to table the ordinance and Mayor Friedman stated that the motion would be out of order.



MS. MARY OGDEN stated that there were too many controls and penalties aimed at property owners and that most of the protection pertaining to housing was geared for the tenant and none for the property owner. She pointed out the older houses that could not meet 1977 building standards should be retained for shelter for persons who could not afford high rent. She asked that the Council reconsider the ordinance to minimize the amount of controls imposed upon the property owners.

MR. CHUCK WATTEES of 1406 Cotton Street spoke before the Council. Mr. Wattles supported the concept of a retaliatory clause in the ordinance which would give the tenant the right to make a complaint.

MS. SALLY SHIPMAN, Chairperson of the Building Standards Commission, stated that she felt the ordinance was a very positive statement. She did not agree to the stipulation which allowed final decisions to be made by a citizens board. She felt that the public should have the right to appeal to their duly elected officials.

MS. RUTH EPSTEIN of the Travis County Democratic Women's Committee spoke before the Council. She indicated that they were also opposed to the Council giving final authority to an appointed board and supported some sort of appeal before the Council. Ms. Epstein stated that it needed to be more clearly defined as to what constituted compatibility of a particular house being moved into a neighborhood.

MR. JOHN HARMS commented that the residents in the area should have some say before a house is moved into their neighborhood. Ms. Epstein stated that she objected to residents getting together and objecting to a particular style of house moving into their neighborhood.

Ms. Epstein complained that there was no method of appeal a resident could utilize if he had any objections to a house being moved into his neighborhood. Mr. Harms stated that the Building Standards Commission would be the proper forum by which a person could make an appeal. Mr. Harms commented that the Commission could deny a building permit to a substandard house even if that house met zoning requirements.

MR. JAMES RYAN stated that there was no recourse for a tenant living in substandard housing other than a civil law suit. He felt that some kind of recourse stipulation should be written into the ordinance. Mayor Friedman stated that whatever recourse the Council considered would also have to be resolved in the Courts.

The Council recessed at 12:10 p.m.

Mayor Pro Tem Snell then continued the hearing on the Minimum Housing Ordinance at 2:00 p.m., stating that Mayor Friedman would be late for the meeting.

MR. BOOKER T. MOORE, a housemover for 47 years addressed the Council. He stated that because he could not comply with the rules and regulations of the ordinance, he was going out of business. He felt that the entire system was for the vagabonds and the honest workers didn't get any consideration.

MR. MOE TERRELL, President of the Austin Board of Realtors, spoke before the Council. He stated that he wished to take the ordinance before the Austin Board of Realtors and then return to the Council with their suggestions. Mr. Terrell recommended that the ordinance might be delayed until pending Federal energy regulations were laid down.

MR. SCOTT KRAMER, Marketing Representative for the Austin Housing Authority, Section 8, spoke before the Council. He stated that there had to be a commitment on the part of the Council to coordinate all the various housing programs. He felt that unless a commitment was made to help people acquire rehabilitation grants and funding, any rehabilitation attempt would be futile. He pointed out that the City could be victimized by mass abandonment of property because persons could not afford to develop on the land. He also questioned the fact that no more than 5 blood relatives could inhabit a residence. He felt that this should be checked into because it tried to legislate life styles. Mayor Pro Tem Snell indicated that Mayor Friedman was working to help rehabilitate some houses but that it would not be tied in with that particular ordinance.

MR. JOHN HARMS stated that one of the committee recommendations to the Council was that the Building Standards Commission be allowed to elect a sub-committee from its members that could look into private and public financing sources for home and neighborhood rehabilitation. Mr. JIM ROCK stated that there was nothing in the ordinance about 5 blood relatives only living in a single residence.

MS. PEGGY DUNLOP felt that an ordinance was needed that would help tenants. She was in support of Section 40-15 of the ordinance which prevents landlords making retaliatory evictions.

MR. ROBERT QUINONEZ, President of the Austin Tenant's Council, spoke before the Council. He stated that they endorsed ordinance No. 77, especially the landlord-tenant responsibilities. He felt that the ordinance would give the City the authority to enforce minimum standards.

MR. MARK RHINEKIN, real estate broker, spoke before the Council. Mr. Rhinekin asked why the rule requiring reading of an ordinance on three separate days was suspended. City Attorney Jerry Harris explained that this was standard procedure and that it did not mean that the Council would pass the ordinance that particular day.

Councilmember Himmelblau moved that the hearing be continued until April 14, 1977, at 11:00 a.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

## STREET VACATION

At 12:15 p.m., Mayor Friedman opened the public hearing on vacating the following street; and passage of the ordinance:

MARTIN AVENUE, a street fifty (50.00) feet in width and containing 7,748 square feet of land, and extending from the south line of East 55th Street in a southerly direction 155 feet more or less, to the east right-of-way line of the H & TC Railroad. (Requested by Cicily Simms, Attorney-at-Law, representing Mr. Wilson Raven, owner of property on both sides of Martin Avenue)

Mayor Friedman brought up the following ordinance for its first reading.

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF MARTIN AVENUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR SANITARY SEWER PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Linn  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Councilmembers  
Himmelblau, Lebermann

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

Later in the day Mr. Frank Franks appeared in opposition to the street vacation, but after an explanation of the matter, he understood his property was not effected and he withdrew his objection.

## SERTOMA ARTS AND CRAFTS FAIR

Councilmember Linn moved that the Council approve the request of Mr. Dan Valdez, President, Northwest Sertoma Club of Austin, permitting them to use Auditorium Shores for their Semiannual Arts and Crafts Fair, Saturday and Sunday, April 2 and 3, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

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

## REBUTTALS TO THE 1974 ARGUMENTS AGAINST FLAT ELECTRIC RATES

Mrs. Shudde Fath appeared as a private citizen to offer rebuttals to the 1974 arguments by the City Administration against a flat electric rate. She said if her suspicion is correct that the flat rate used in the 1974 study was too high and therefore generated 10 or 11 million dollars more than actual rate, the so-called impact shown in the report are invalid. The too high flat rate would overstate percentage increases to large customers and understate percentage decreases to small customers. Even without a too high flat rate, she said, the impact of flat rate increases or decreases in June 1974 has little relation to the impact of a flat rate today. The fuel cost adjustment has increased 350% during the past 3 years, she continued, and a flat rate today would cost smaller percentage changes in the total bill.

Mrs. Fath requested the Council to pass a resolution requesting the City administration to use City employees for a computer run to determine the percentage decreases or increases by customer classes if a flat rate had been in effect during the 12 months ending on February 28, 1977, and report complete results back to this Council on March 31. The computer run should assume a \$5.00 monthly minimum bill and then determine the flat rate by dividing the remaining dollars billed for the past 12 months by the remaining kilowatt hours billed. The assumed flat rate plus the \$5.00 monthly minimums must produce the same amount of total dollars as did existing rates. This computer run, said Mrs. Fath, will very likely show the need for a grandfather clause to permit all-electric customers without heat pumps to retain present all-electric rates for at least 10 years and at least the six cold months. For that reason, she continued, there should be at least two more computer runs; one, keeping existing rates for all-electrics only from November to April, and the other keeping existing rates all-electric for the entire year.

Motion - Died

Councilmember Linn moved that the Council instruct the staff to perform the initial computer run of Mrs. Fath's proposal and that it be brought back to the Council. The motion died for lack of a second.

## RELEASE OF EASEMENTS

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

The north nine (9.00) feet of the south fifteen (15.00) foot Public Utility Easement and the East five (5.00) feet of the west ten (10.00) feet of the Drainage and Public Utility Easement in Lot 8A, Block O, The Woodland Village of Anderson Mill, Section II, Phase 2, Lot 8A and 8B Block "O", a subdivision in Williamson County, Texas. (Requested by Jerry B. Hale, President of Hale & Associates representing Lumberman's Investment Corporation, owners of said subdivision)

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

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Friedman  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

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

A fifty (50.00) foot Electric Easement that traverses Lot 1, Greenway Plaza, Section One, and unplatted land, out of the John Applegait Survey, in the City of Austin, Travis County Texas, and a twelve (12.00) foot Electric Easement that traverses unplatted land in the City of Austin, Travis County, Texas.  
(Requested by Mr. John M. Pennington, Attorney, representing Mr. C. J. Ellis and Mr. Don R. Mullins Interests, owners of all the above described property)

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

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Friedman  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

#### CONTRACT AWARDS

Councilmember Himmelblau moved that the Council adopt a resolution to award the following contract:

C. L. SYSTEMS, INC  
81 Norwood Avenue  
Newtonville, Massachusetts

- Bar Code Labels, Austin Public Libraries. Six (6) month Supply Agreement including an option for an additional six months.  
Item No. 1- \$15,499.98

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

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann  
Noes: None  
Absent: Mayor Friedman  
Not in Council Chamber when roll was called: Councilmember  
Lebermann

Councilmember Himmelblau moved that the Council adopt a resolution to award the following contract:

AUSTIN ROAD COMPANY

- Construction of Economic Development  
Administration Local Public Works  
Sidewalk Program Phase I.

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

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember  
Lebermann

GUARD RAILS ON LOOP 1

Councilmember Himmelblau moved that the Council adopt a resolution to authorize the reimbursement to the State Department of Highways and Public Transportation the sum of \$10,819.80 for costs incurred in installing additional guard rails on Loop 1. (CAPITAL IMPROVEMENTS PROGRAM) The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

ENGINEERING TESTING SERVICES

Councilmember Linn moved that the Council select the SHILSTONE ENGINEERING TESTING LAB., INC. to perform engineering testing services for construction of the Interim Facilities Pump Station at Williamson Creek Wastewater Treatment Plant (CAPITAL IMPROVEMENTS PROGRAM). The motion, seconded by Councilmember Trevino, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

DISPOSITION OF SUBSTANDARD STRUCTURES

Councilmember Linn moved that the Council approve a recommendation from the Building Standards Commission that the Law Department take proper legal disposition of the following substandard structures which have not been repaired or demolished within the required time, with the exception of "j" which is withdrawn because owner is complying with the law and repairing the structure:

- |   |  |
|---|--|
| a. 2306 South 2nd Street                        | Thomas D. Smith, owner                                 |
| b. 2305 East 8th Street                         | Jesse Gamboa, owner                                    |
| c. 2008 East 11th Street                        | William M. Johns, owner                                |
| d. 602 & 604 West 30th Street                   | J. J. Hildinger Estate, owner<br>c/o Mrs. B. M. Baxter |
| e. 1125 (C) Berger                              | Alejandro L. Calderon, owner                           |
| f. 7104 Bethune Avenue<br>(Commercial Building) | Leroy Smith, owner                                     |
| g. 4912 Broadhill (A&B)                         | Ignacio Loreda, owner                                  |
| h. 3405 Gonzales Street                         | H. Randall Hood, owner                                 |
| i. 1149 Shady Lane<br>(Accessory Building)      | Frederick B. Bille, owner                              |

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

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Linn, Trevino  
Noes: None  
Absent: Mayor Friedman  
Not in Council Chamber when roll was called: Councilmember Lebermann

Councilmember Linn moved that the Council withdraw the following item:

- j. 3129 East 12th Street (C) John Gould, owner

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

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

#### PUBLIC HEARING SET

Councilmember Himmelblau moved that the Council set a public hearing for April 21, 1977, to amend Chapter 45 of the Austin City Code to provide a new definition for "bar," "cocktail lounge," "night club," "restaurant," and "office"; amending "SR" district zoning; amending requirements for off-street parking; amending requirements on temporary signs; modifying setback requirements for certain signs; and amending building height requirements. The hearing is set for 8:00 p.m. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Hofmann, Linn, Trevino, Mayor Pro Tem Snell,  
Councilmember Himmelblau  
Noes: None  
Absent: Mayor Friedman  
Not in Council Chamber when roll was called: Councilmember Lebermann

## PUBLIC HEARING ON HILL COUNTRY AMBULANCE REQUEST

Councilmember Linn moved that the Council adopt a resolution to set a public hearing for April 7, 1977, at 10:30 a.m. on the Hill Country Ambulance request for a non-emergency ambulance vehicle franchise. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

## ELECTION CANVASS

Councilmember Linn moved that the Council adopt a resolution to set a meeting on April 4, 1977, at 10:00 a.m. to canvass the result of the April 2, 1977, City Council election. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

## ANNEXATION PUBLIC HEARING

Councilmember Linn moved that the Council adopt a resolution to set a public hearing for April 21, 1977, at 8:30 p.m. on annexation of the following:

21.635 acres of land out of and a part of the T. J. Chambers Grant, in Travis County, Texas. (Requested by David B. Barrow, Jr., Vice President of Austin Corporation, owners)

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

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann



## RETIREMENT AND PENSION ORDINANCE

Mayor Pro Tem Snell introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 4, OF ARTICLE IX, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTIONS; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE AND DECLARING AN EMERGENCY," AS PASSED BY THE CITY COUNCIL ON OCTOBER 10, 1940, AND AS AMENDED FROM TIME TO TIME THEREAFTER, BY CHANGING THOSE PARTS OF AFORESAID ORDINANCE TO EFFECTUATE THE FOLLOWING; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor Pro Tem announced that the ordinance had been finally passed.

## ZONING ORDINANCE AMENDMENTS

Mayor Pro Tem Snell 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:

TRACT 1: A 10.067 ACRE TRACT OF LAND, SAVE AND EXCEPT A 0.99 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 16.53 ACRE TRACT OF LAND BEING COMPRISED OF A 14.25 ACRE TRACT OF LAND, A 1.294 ACRE TRACT OF LAND, AND A 0.99 ACRE TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 7007-7109 ED BLUESTEIN BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (City National Bank of Austin, C14-76-083)

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

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Snell introduced the following ordinance:

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

LOTS 4, 5, 6 AND 7, BROZ ADDITION, LOCALLY KNOWN AS 1605-1611 DUNGAN LANE, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, 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. (Chester Schultz, Melvin M. Speir, Otto H. Lentz, et ux, Cyril M. Saxton, et ux, B. T. Webb, A. Roy Thomas & E. C. Thomas; C14-76-096) (A Roy Thomas and E. C. Thomas Property only)

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

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

Noes: None

Absent: Mayor Friedman

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor Pro Tem announced that the ordinance had been finally passed.

#### SMOKING ORDINANCE

Councilmember Hofmann made a motion to pass the Ordinance prohibiting smoking in serving line areas of cafeterias through the Second and Third readings. The motion was seconded by Mayor Pro Tem Snell. Councilmember Hofmann indicated there were some people present at the meeting who would like to speak concerning the ordinance.

Councilmember Himmelblau said she had received a letter asking for a change in wording in the smoking ordinance, Section 12-41.1. and asked someone to speak about it.

JAY JOHNSON addressed the Council, stating he was the author of the letter. He is Senior Vice-President of the Austin Restaurant Association and informed the Council of their support of the ordinance. He went over several of the points concerning the ordinance that had been solved. He said he did not think there had been an assessment of the effect of the wording of the draft on the food industry. He did not think the staff or the people proposing it understood that every MacDonald's, Burger Chef, Whopper Burger, Taco Bell, Kentucky

Fried Chicken, 2-J Hamburgers, etc., is going to be effected. He said the big question was the definition of the word "package" and there is no definition of "package" in the ordinance. "Serving counter" he said, "is any place in this city where food is transferred from one side of a counter to another. If you will stop and think, that is almost every place in this city. There was no difference in standing in line to use a pay phone and smoking, and standing in line removed from the food...you will not actually contaminate food. We do see in a cafeteria line where there is open food, or in a buffet line where people are serving themselves, that cigarettes should not be used. Employees cannot smoke in those areas, so customers should not be allowed to either. Who will enforce this ordinance if you place it on every establishment in this city? The answer has come back that the Health Department will enforce this with the existing staff. Frankly, I don't think they are going to be able to cover even one section of this town on an obvious enforcement basis. We don't want to go in to a citizen's arrest system." He felt that there has been a request to do some massive enforcing that we are not equipped to deal with. He asked the Council to search their conscience before they pass an ordinance that the restaurant owners are going to have to live with and that the City is going to have to enforce. He said all they would have to do is post a sign, but he felt that wasn't the solution to the problem. Speed limit signs do not solve speeding problems.

Mayor Friedman asked if Mr. Johnson still stood by the request for the wording of the ordinance as requested in his letter. He replied affirmatively. They were asking for the insertion of a comma and the deletion of one word.

MRS. WOODRUFF from the Department of Public Health said they had worked on the ordinance and they support it as written. Councilmember Himmelblau asked her if she had seen the amendment as written. She said she had not. Mayor Friedman read the ordinance in question to her:

"Use of tobacco in any form is prohibited in food service establishments in serving lines, at serving counters where seating is not provided, or at self-service counters. Notice to this effect shall be posted in such areas."

The Mayor pointed out that the comma after "lines" and the word "serving" were the deletions requested by Mr. Johnson for the Austin Restaurant Association. Mrs. Woodruff said the Health Department was equipped to deal with the change requested. She said the difference was between packaged and unpackaged food.

Councilmember Linn said she felt if the word cafeteria were inserted, then the regulations would be limited. Mayor Friedman pointed out that the ordinance started out by saying cafeterias, only, and suggested putting the word "cafeteria" back in the ordinance to specify what is being talked about. Mrs. Woodruff said the Health Department had no definition for "cafeteria" and preferred an operational definition. The closest they could come to it is "a counter where food is served unpackaged". After further discussion of the wording, she defined the enforcement of the law. Food establishments are inspected a minimum of four times a year and would become a part of the routine inspection. She said the checking would consist of the posting of the signs.

Mayor Friedman read the revised ordinance again and asked Mrs. Woodruff if there was any problem with it. She said no. He then asked Mr. Johnson if the ordinance with his suggested revisions was still agreeable to him. Mr. Johnson replied that the only thing he was saying was that obviously the Health

Department can enforce the ordinance to keep people from smoking. He said quarterly inspection is like the Police Department only being out on the street four times a year to enforce the speed limit. Mayor Friedman asked him again if he agreed with the wording he had presented. After some discussion trying to clarify just what was wanted in the wording by Mr. Johnson, Mayor Friedman suggested the following proposal for wording of the ordinance:

"Use of tobacco in any form is prohibited in food service establishments, in serving lines at counters where seating is not provided, or at self-service counters where food is unpackaged (or unwrapped)."

Mr. Johnson asked if we had a definition in the Health Code for "packaged." Mayor Friedman asked City Attorney Jerry Harris to research the word "packaging" and bring back the definition at the next Council meeting.

MRS. RICHTER appeared to say she did not expect the City to send out all its police and health authorities to the food establishments. She said, "Give us the non-smokers something to point to and ask smokers to please observe. I really can't see any grave enforcement of this, even signs, but I do think it's important that the managers recognize the need for the sanitation thing. I don't know why they got so picky over cafeteria. Frankly, I think they are trying to pick it to death hoping it will die before it ever gets out," continued Mrs. Richter. "That's why we're trying to talk about areas that have unpackaged foods," commented Mayor Friedman. "That's fine with me," Mrs. Richter replied. "It's just all I wanted in the very beginning, but I do feel like the customer needs that protection. If you have it for the employee, that he can't smoke where there's open food, there's no reason why the customers on the other side of the counter can't do it."

Mrs. Richter went on to say, "They mentioned about cafeterias having places designated for smoking and non-smoking. That's in the seating and eating area. There are no cafeterias with signs in the lines and that's all we're asking for."

RICHARD JACKSON, representing the Texas Restaurant Association, said he had discussed the ordinance at length with Mr. Johnson and his own association attorneys. He said his concern was the areas effected. If the ordinance was to discourage the contamination of one person's food by another, then they support it. He pointed out that they were concerned about the definition of the word "packaging." He gave an example of receiving food that was in a bag, but not enclosed on all four sides. He wondered if that area would have to be posted for no smoking.

MARY SMITH, speaking as a private citizen, indicated she is in favor of the ordinance.

Mayor Friedman then made the following suggestion for the wording of the ordinance:

"Use of tobacco in any form is prohibited in food service establishments where the food is unpackaged or is directly handed to the person ordering or picking up that food in serving lines, at counters where seating is not provided, or at self-service counters. Notice to this effect shall be posted in such areas...and part 3 remains the same."

Councilmember Linn asked why we could not just put up a sign which read "No Smoking in Serving Areas."

Mrs. Richter returned to respond that it seemed like the discussion was getting "picky." Mayor Friedman replied that the Council had gotten the gist of what she had started talking about over a year ago. Mrs. Richter said she had been very patient. "What will all these people think", she continued, "when I come back with a whole big ordinance?"

Motion - Died

Councilmember Linn made a motion that the ordinance be passed as proposed. Councilmember Hofmann asked which form she was proposing. She replied:

"Use of tobacco in any form is prohibited in food service counters where seating is not provided, or at self-service counters. Notice to this effect shall be posted in such areas."

Mayor Friedman pointed out that was what was on the agenda and asked if there was a second. The motion died for lack of a second.

Substitute Motion

~~The following was brought up to pass on second reading:~~

Ses. 12-41.1. Prohibiting the use of tobacco

Use of tobacco in any form is prohibited in food service establishments where the food is unpackaged or is directly handed to the person ordering or picking up that food in serving lines, at counters where seating is not provided, or at self-service counters. Notice to this effect shall be posted in such areas.

Mayor Friedman brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF AUSTIN OF 1967, BY AMENDING SECTION 12-64(r); ADDING THERETO A SECTION 12-41.1; PROHIBITING USE OF TOBACCO IN ANY FORM IN AREAS OF FOOD PRODUCT ESTABLISHMENTS WHERE UNPACKAGED FOOD IS PREPARED, PACKAGED, OR DISPLAYED; PROHIBITING USE OF TOBACCO IN ANY FORM IN SERVING LINES, AT SERVING COUNTERS AND AT SELF-SERVICE COUNTERS WHERE FOOD IS UNPACKAGED, EXCEPT AT SERVING COUNTERS WHERE CUSTOMER SEATING IS PROVIDED IN FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR POSTING OF NOTICE OF SUCH PROHIBITIONS; AMENDING SECTION 12-37 BY ADDING THERETO A DEFINITION FOR "UNPACKAGED FOOD"; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Trevino moved that it be passed to its third reading. The motion was seconded by Mayor Friedman.

Councilmember Linn said that with her motion they could let the City Attorney prepare for them a motion that gave the definitions that are needed and an alternate can be brought back to the next Council meeting. Mayor Friedman replied it could be done either way, but he suggested they get as close to what they wanted while everyone was together.

Roll Call on Substitute Motion

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

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

BOAT RACES ON TOWN LAKE

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967, SECTION 29-13, BY CLARIFYING THE EXISTING PROHIBITION AGAINST THE OPERATION OF MOTORBOATS ON THE COLORADO RIVER BETWEEN TOM MILLER DAM AND THE DAM AT PLEASANT VALLEY ROAD; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino told the Council: "The matter before us has been discussed fully during numerous Council meetings; we have heard from various segments of the community. I believe that the Council requires no further elaboration of the pro's and con's, before considering the ordinance which I have introduced. Therefore, I move that the Council waive the requirements for three readings, declare an emergency and finally pass the ordinance, to be effective January 1, 1978. I also ask that the Council direct the City Manager to work with all parties concerned to locate possible alternate sites for the boat races in the Austin area. In addition, the Manager should prepare a fiscal impact statement for each of the sites proposed."

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

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

The Mayor announced that the ordinance had been finally passed, to become effective January 1, 1978.

## HOUSE MOVING ORDINANCES

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 31-9 OF THE AUSTIN CITY CODE OF 1967; ESTABLISHING A NEW DEPOSIT FEE FOR THE MOVING OF BUILDINGS; PROVIDING NEW ESCORT FEES FOR THE MOVING OF BUILDINGS AND OVERSIZE LOADS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR THE REGULATION OF PRIVATE ESCORT SERVICES FOR THE MOVING OF BUILDINGS AND OVERSIZE LOADS; ESTABLISHING FEES FOR PRIVATE ESCORT SERVICES; ESTABLISHING FEES FOR THE SERVICES OF CITY EMPLOYEES IN CONNECTION WITH THE MOVING OF BUILDINGS AND OVERSIZE LOADS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

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

Noes: None

Not in Council Chamber when roll was called: Councilmember Lebermann

The Mayor announced that the ordinance had been finally passed.

## ZONINGS SET FOR PUBLIC HEARING

The City Manager reported the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing April 28, 1977:

BUSTER T. CAPUCHINO  
By Hector F. Fabela  
C14-77-024

2000 East 1st Street  
also bounded by  
Aransas Street

From "C" Commercial  
1st Height and Area  
To "C-2" Commercial  
1st Height and Area

CITY COUNCIL  
By Planning  
Department  
C14-77-019  
(part)

3004-3024 Gonzales  
Street

From "D" Industrial  
3rd Height and Area  
To "A" Residence  
1st Height and Area  
(as amended)

WILLIAM J. JOSEPH,  
ET AL  
By Arthur Pihlgren  
C14-77-032

5500 and 5534 North  
Lamar Boulevard  
800-816 Houston Street

From "C" Commercial  
1st Height and Area  
To "C-2" Commercial  
1st Height and Area

JLP DEVELOPMENT  
CORPORATION  
C814-77-002

3731 Steck Avenue

From "BB" Residence  
1st Height and Area  
To 74 single-family townhouse  
units and 120 apartment units  
called, "SUMMERWOOD II"

#### ADJOURNMENT

The Council meeting was adjourned at 3:45 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk