

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 23, 1971
10:00 A.M.

Council Chambers, City Hall

The meeting was called to order with Mayor Butler presiding.

Roll call:

Present: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Absent: Mayor Pro Tem Love

The Invocation was delivered by MR. LYNN ANDREWS, City Manager of the City of Austin.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of November 11, 1971, and delay the consideration of the Minutes of November 18, 1971, until the December 9th meeting. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

EASEMENT RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing partial release of an easement and accepting the dedication of additional area for easement out of Lot 7, Block A, SOUTH LAMAR SQUARE. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

STREET NAME CHANGE

Councilman Nichols moved the Council adopt a resolution authorizing the following street name change:

Mountain Quail Drive to MOUNTAIN QUAIL ROAD from the south line of Quail Creek West Phase II, Section 7, northeasterly to 140 feet northeast of Oak Hollow Drive.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

BUILDING SETBACK

Councilman Dryden moved the Council authorize a 15 foot building setback for a commercial structure (restaurant) at 6000 Airport Boulevard - Dr. Walter Meyer, lessee. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

BOAT DOCK - APACHE SHORES

Councilman Nichols moved the Council adopt a resolution authorizing construction of a boat dock on the part of Lake Austin known as Apache Shores, Lot #689-J. L. O'Brien, owner. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

ADMINISTRATIVE SPACE - BROWNING AERIAL SERVICE

After discussion with the Director of Aviation, Councilman Nichols moved the Council adopt a resolution authorizing Browning Aerial Service to provide approximately 1300 square feet of administrative space to house the Airways Facilities Sector offices of the Federal Aviation Administration. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

EMINENT DOMAIN PROCEEDINGS

Councilman Nichols moved the Council adopt a resolution authorizing Eminent Domain Proceedings for right-of-way for MoPac Boulevard on the following property:

21 Margranita Crescent

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

Councilman Nichols moved the Council adopt a resolution authorizing Eminent Domain Proceedings for right-of-way for MoPac Boulevard on the following property:

19 Margranita Crescent

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

WATER ENHANCEMENT FUNDS

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to apply to the Texas Water Quality Board for Water Quality Enhancement Funds. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman
Noes: None
Absent: Mayor Pro Tem Love
Not in Council Room when Roll was called: Councilman Handcox, Mayor Butler

ENGINEERING CONSULTANTS - GARRISON PARK

Councilman Lebermann moved the Council select Hale and Associates as Engineering Consultants for site improvements at Garrison Park. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman
Noes: None
Absent: Mayor Pro Tem Love
Not in Council Room when Roll was called: Councilman Handcox, Mayor Butler

LEASE - NUTRITION EDUCATION PROGRAM

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to execute a lease for Unit B, 1700 Montopolis Drive as office and classroom space for the Model Cities Nutrition Education Program operated by the Austin-Travis County Health Department. (\$135.00 a month. Model Cities and Federal Funds) The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman

Noes: None

Absent: Mayor Pro Tem Love

Not in Council Room when Roll was called: Councilman Handcox, Mayor Butler

PAYMENT - AUSTIN TRANSIT

Councilman Dryden moved the Council adopt a resolution authorizing payment to Austin Transit Corporation for transit service during the month of October, in the net amount of \$10,693.26. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman

Noes: None

Absent: Mayor Pro Tem Love

Present, but not voting: Councilman Handcox, as he had not heard the discussion.

Not in Council Room when Roll was called: Mayor Butler

EASEMENT ACQUISITION

Councilman Dryden moved the Council authorize acquisition of an electric easement between Hamilton Substation and Jett Substation. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,

Noes: None

Absent: Mayor Pro Tem Love

Present, but not voting: Mayor Butler, as he had not heard the discussion

Councilman Nichols noted this was \$5,000.00 under the appraisal.

SEWER LINES TO PROPERTY IN DECKER LAKE VICINITY

Mr. Richard Baker represented Lumbermen's Investment Corporation regarding the sewer line proposed to be constructed between the sanitary sewer plant on 19th Street and a tract of land consisting of 600 acres south and west of Decker Creek. He listed the various steps taken by Mr. Joe Crow, broker, Lumbermen's Investment Corporation, and himself, in pursuit of assurance that the sanitary sewer would be available to the 600 acre tract; and in service by the time

Lumbermen's was ready to subdivide. On this assurance, through the Director of Water and Waste Water, that funds were budgeted and the sewer scheduled for completion by October or November, Lumbermen's purchased the 600 acre tract. On October 28th, Lumbermen's Investment Corporation was advised the line would not be bid, and the line would not be constructed as anticipated and represented to Lumbermen's. Mr. Baker stated the L.I.C. had done all a developer could do and they request that the Council instruct the City Manager to proceed with bids on this sewer line and let the contracts at the earliest date, so that they could proceed with the subdivision in accordance with the original representation and understanding by the Director of Water and Waste Water.

Councilman Nichols stated the Council was just before changing the policy, and this request probably would be the last one to come under the present policy. The people at Decker Lake have requested sewer lines be furnished them under a new policy, and he asked if it would be possible to tie on to this line. The City Manager said it would be possible for them to pump over with a lift into this line. Councilman Nichols inquired about the easements, and Mr. Baker stated easements in their development plan would be provided where requested by the City, and they would take the line to the edge of their property.

Mayor Butler stated if this line were put in, it would not imply that those people could pump into this line, as that will come under the record to show that there is no consent either implied or expressed that this policy is going to continue, as a new policy must be studied and formulated.

Mayor Butler noted there was property on both sides of this line before it reaches the L.I.C. property, and repeated there is no implication these owners and developers will be able to tie on to this line without a charge; and this should be pointed out.

Councilman Nichols moved that the City Manager be authorized to enter into a contract and construction for this line and further stated that it is going to only that 600 acres (as pointed out in blue on the map on the wall); and as pointed out by the Mayor, the points in between are not affected; the points beyond are not affected, and this is simply living up to an agreement made by one of our employees as to installing this line in the area in which it is requested. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

The City Manager stated he wanted to point out for the record and to publicly note, that this line is not in an approved Capital Improvement Program; and by this Council action, the Council is in effect saying that this will be an item of the 1971-72 Capital Improvement Program. In answer to Councilman Dryden's inquiry, the City Manager stated by the time the contract is let, the Council would have taken action on approving the funds.

REFUND CONTRACT POLICY HEARING

Mayor Butler opened the hearing on the Refund Contract Policy of the City as scheduled for 2:00 P.M.

Councilman Friedman, instead of reading his Resolution, expressed the need to have the facts from both proponents and opponents. He said his proposal basically is a three-year phase-out of the present rebate system; and a new type of program would be initiated whereby the City would go into the area of repaying the builder for the first 7 1/2 feet of pipeline laid in the lot.

The hearing was opened to the public.

Mr. Tom Bradfield, Chairman of the Land Planning Council of the Austin Home Builders Association, acted as coordinator for the proponents of the present Refund Contract Policy, who are the most knowledgeable in the City considering capital improvement purchase contracts.

Mr. Bill Williams discussed the Utility Refund Policy noting this really is a sales contract, by which the City receives full title to the lines, paying the developer 3/4 of the water revenue generated from his particular subdivision until 90% of the cost is repaid to the developer with 3% interest on the unpaid balance. Only revenue from the subdivision is used to pay the developer, and the City never pays for lines not providing some reasonable revenue. He reviewed a prior policy by which the City extended water lines 100 linear feet to a new customer. Experience revealed many of the lots served by lines installed by the City were vacant, and no revenue was being produced from them. It was observed also that the City was paying cash for installation of lines before any revenue was realized.

After study, a new policy was adopted providing that the developer install the lines in his subdivision, and the City would pay him five times as much revenue each year as the amount of income from the subdivision until he was repaid 100% of the cost of the lines. Later the rate was reduced to twice the amount of revenue, relieving the City from paying for lines until they produced some revenue, and to spread the City's cost over seven years.

The present policy was adopted in 1953 to spread the payout for the lines over a number of years and to insure that the City would not pay for lines which produced no income. Because of the longer period of payout, provisions were made for the interest payment.

Under this policy the City experienced an orderly growth, is not surrounded by satellite cities and the entire utility system serves the whole community. Developers asked for annexation for utility services rather than their operating their own water and sewer districts. A highly compact and an efficient combined utility system, with a high ratio of customers per mile of line has been built up. The cost of these lines, under this policy, need not be added to the home buyers' costs. With this policy in effect, the City utility system is financially stronger than ever in its history, increasing its net worth 13% per year compounded. Interest rates on outstanding balances on these contracts is much lower than the rate the utility system would pay for funds. Annual payments of principal and interest on these contracts are not more than 3% of the total annual operating and maintenance expenses, and principal interest payments paid on the outstanding bonds.

Austin policy compares favorably with policies in other Texas cities.

He said after a study he found not more than 30% of the gross revenue from subdivisions is required for operation and maintenance within the new subdivisions. This reflects the net revenue in the subdivisions of 70% or more instead of 50% applicable to the City-wide system. The net revenue from average subdivisions will pay all costs of the City for the lines in about 18 years, and the probable life of these lines is more than 100 years. Regarding interest paid by the City, he stated it would be unfair to deprive the developer of the use of his money for a period of 10-25 years, which would result in higher costs for the lots sold to future home buyers.

Mr. David Barrow, member of the Land Planning Council of the Homebuilders Association, stated the present refund contract is fair to subdividers and beneficial to the City; and it should not be revised downward or discontinued. He pointed out that subdividers donate about 20-30% of their land for the streets, pave, and provide curbs, gutters, and drainage. The City makes small payments in case of excess sizes of the lines. The subdivider puts in the water and sewer facilities at his expense, and upon completion assigns complete ownership to the City. The City thus is engaged in a very profitable utility business.

Mr. Tom Curtis, Attorney representing the building industry and several independent clients, listed other factors contributing directly and indirectly to the City under the present system. Developers, because of the partial repayment feature, have not been encouraged to open up subdivisions outside the City limits and jurisdiction. He named the many codes under which the developers are guided, all resulting in good, sound growth. In San Antonio, over 100 privately owned water systems are in operation. When those areas are annexed, the City would pay 100% fair market value for those facilities.

Mr. Larry Niemann, Attorney for the Austin Association of Homebuilders, pointed out the advantages of this contract policy to Austin home buyers, stating that without the refund contract, the increased cost of installing these lines would be added to the purchase price of the lots, crippling the low income home buyers; and forcing home builders to buy lower quality housing.

Mr. Joe K. Wells, Austin Clearing House Association, stated the present policy is a good one, emphasizing unparalleled growth of the City; U.S. News and World Report and other publications cited Austin as one of the most desirable places in the United States to live. The City assures uniform high quality utilities through this policy. He believed that the practice of using refund contracts for orderly expansion of the utilities is the soundest, fairest and least expensive method to finance the growth of the City. Developer financing through any other method is more expensive and priorities can become involved with individual interests.

Mr. Leo Herzog, President of the Austin Board of Realtors, read a Resolution passed by the Board, favoring continuance of existing utility refund contract policies, as the City has grown in an orderly and economical manner.

" WHEREAS, The members of the Austin Board of Realtors, under the Code of Ethics by which they function, are charged with responsibility in their relations to the public to keep informed as to movements affecting real estate in the community so that they may contribute to public thinking on matters of land use, city planning, and other questions affecting property interests; therefore be it

RESOLVED, That this Association, by unanimous vote of its Directors, to on record as favoring continuance of existing financial policies, commonly referred to as utility refund contracts, of the City of Austin, policies we feel are in the best interests of all the people;

RESOLVED, That it is the sense of this Association that the existing financial policies have enabled the City of Austin to grow in an orderly and economical manner;

RESOLVED, In order to insure the continued growth of Austin housing at prices affordable by the general public, we strongly urge the City Council of the City of Austin to continue the existing financial policies. "

Mr. James Patterson, Savings Institutions' Clearing House of Austin, filed a Resolution adopted by the Board of Directors, going on record as favoring continuance of the present refund contract policies; and because the traditional purpose of their industry is to promote thrift and to encourage home ownership, that they feel their views concerning housing are shared by the majority of members of this community. Through workable policies and cooperative attitudes by departments of the City involved in the production of housing, developers and builders have made great strides in producing new homes which have provided more people with attractive and functional housing. To discontinue this policy would be contrary to the interests not only of those directly involved in housing, but to all people of Austin. In order to insure the continued expansion of Austin housing at prices within the reach of the people, and to continue to encourage a strong home building industry, they urged the Council to reject any efforts to discontinue utility refund contracts. It was signed by six Savings and Loan Associations.

Mr. Wroe Owens, Vice President of the Chamber of Commerce, emphasized facts, conditions and the value of the current City policies regarding subdivisions development, and urged the Council's careful consideration. He called attention to Austin's extensive, orderly and superior growth, which has been recognized and complimented by use as a model for other cities. Austin has a competitive edge in attracting builders and home building capital; and it has been able to exercise greater control over developments beyond the City limits which otherwise would be hard to enforce. The City has forestalled incorporation of an encircling ring of satellite communities, and privately-owned water districts and sewerage systems. Since the utility system receives the income from the sale of electricity and water, it should purchase and own its distribution system. The Chamber of Commerce urged that the dividends from the operation of the utility system that is paid for the benefit of the citizens of Austin into the general fund be kept at its historical percentage. The Austin Chamber of Commerce supports a business-like approach to the utility system, and the records show that the approach has been successful, noting the recent favorable price Austin had just received on the sale of its utility bonds. The Chamber of Commerce also supports all proven policies that provide for orderly growth and development of the City.

A representative of the Northwest Austin Civic Association, spoke as a proponent; also as an opponent. He spoke at this time to maintain the policy and utilize it for a strong point, and to improve on it to provide a better place to live. He would speak about an amendment later.

Opposition

Mrs. Kenneth Ashworth, President of the League of Women Voters, stated the issue on the utility refund contract is the relationship between the private and public sectors on the installation of water and sewer lines in subdivisions. To what extent Austin's growth is the result of the refund policy and to what extent it is a natural logical growth could be debated and probably never resolved. Whether a refund policy of 90% plus 3% interest is necessary to achieve these purposes with ever increasing demands for City services, must be determined. The growth of Austin is no longer in question. Orderly growth is controlled by planning, and through the many codes. She argued that a subdivision should bear a large proportion of its costs since its residents benefit from other non-subdivision improvements -- parks, swimming pools, and libraries -- for which older citizens and residents have already paid. School Bonds are paid for by all citizens; yet new schools are built primarily to serve students in subdivisions.

The League reviewed practices of other cities and found that most cities participated to some extent in the cost of subdivision improvements; but no other city pays interest. A 90% refund is considerably higher than any other city studied. It is maintained that since a municipally owned water-sewer facility operates at a surplus that the developer be reimbursed for his capital investment. It is equally as valid to argue that this is a cost of development to be borne by the developer and home buyer. The water revenue last year showed a surplus of \$7,000,000. Subdivisions benefit from lower property taxes, because the surplus is turned over to the General Fund. The City's needs are no longer those of the early 50's. Today Austin's natural beauty must be preserved; parks and open spaces must be provided; housing for low income families is needed; water quality needs to be maintained, and problems of urban runoff attacked. The League of Women Voters concluded that the original purpose of the refund policy has outlived its usefulness, and the effect of this policy now is that it is very expensive for the City. The League believes that the present level of refund is no longer necessary; that the money expended by the City for this purpose would be better employed in other areas. They ask the Council to seriously reconsider the refund policy. Their recommendation was that the interest payment be dropped, and the refund policy be altered, either by reducing or dropping the refund as an incentive for specific needs such as park land, housing for low income families by private and non-profit groups.

Mr. Chartier Newton, representing the Sierra Club, listed their interests as (1) Monies involved might be better used to maintain or enhance the fine natural environment of Austin; (2) The present rebate system is inequitable from a social standpoint, as it takes money from the poor man and puts it in the pockets of the affluent, and (3) The growth of Austin is such there is no longer need for artificial stimulation such as the water-sewer refund system. As to No. 2, he alleged the subdivision owner was not paying his own way, as the same water rate is charged for the non-home owner, the long-time home owner, the elderly, and the low income citizens who help pay the bill for those in Northwest Austin for their water systems. People declare they move to Austin because of its good environment, and not because of certain subdivision standards. He felt this matter was worthy of submission to a public referendum. Councilman Dryden took issue with Mr. Newton's allegation of the poor paying for these installation, stating his theory would hurt the poor man most, in securing a down payment and meeting higher monthly payments. Mr. Newton suggested revitalizing the center of the City.

Mrs. Edith Buss, Chairman of the Travis County Democratic Women's Committee, gave credit to the Refund Policy on its stimulating orderly and rapid growth and preventing installations of small water and sewer districts around Austin. The Committee is convinced that State legislation has empowered cities with control of development within a five mile radius to handle these problems. She pointed out the burden of financing the refunds plus the 3% interest affects water rates which are borne by all users of water. Once a contract is paid off, there is no lowering of water and sewer rates. She considered the utility profits as a form of taxation. The Travis County Democratic Women's Committee recommended (1) Discontinuing the 3% interest on all future contracts; (2) Phase out or greatly reduce refund contracts for on-site water and sewer lines put in by developers; (3) Study the role of the City in providing utilities, and determine if it is to be a service or a method of raising funds for the budget; (4) Coordinate planning with all City and County agencies to provide for sound development of low cost housing, parks in all sections of the City, and School sites in new subdivisions.

Mrs. Sandra Dupuy, speaking on environment, listed her interest as health rather than environmental hazards, and suggested that an incentive refund contract policy should produce results which being about health, sense, order, and economy for the City. She endorsed a program similar to that proposed by Mr. Hauns, Northwest Austin Civic Association, to attach incentives for the developer to provide land at an initial cost, out of some of these funds for parks, special and community facilities, and consider some reduction in the amount of financial drain which the figures indicate are taking place. Mr. Valentino Perez made inquiries as to why Austin had the 90% figure, and why Austin depends on this type of development to cause its growth.

Mr. Russel Fish quoted the figure of \$2,000,000 annually on these refund contracts, and asked if the City Could afford it. The two million dollars equals or exceeds the entire budget of the Parks and Recreation Department. The \$2,000,000 annually being paid goes to a very few people or organizations, and he wished the Council Godspeed in efforts to find another way to handle this problem.

Rebuttal

In rebuttal, Mr. Larry Niemann said Austin's quality of growth and environment is in some respect due to this pattern of success represented by the refund contract policy. He noted San Antonio gradually and in piece-meal eliminated their refund contract; and as pointed out, they have over 100 independent satellite water and sewer systems producing no revenue. Many of those cities incorporated and are producing no ad valorem taxes. He emphasized that revenues only from the particular subdivision in question would go to pay for the water main extensions. If the policy was abandoned or reduced, there would be no reduction in the water utility rate. The Austin Home Builders Association believes the confusion about the refund contract was due to misunderstanding and lack of facts. Councilman Friedman and Mr. Niemann discussed the policy at length. Councilman Friedman was concerned about \$10,500,000 of rebate contracts outstanding now, calling for over \$250,000 interest each year. Topics under concern were that the lots with utility lines were sold at prices to cover the costs, and then the subdivider billed the City for 90% of the price, and the unfairness of compelling a developer to donate capital assets free of charge to the City's money making utility business.

Mr. Niemann filed with the Mayor and members of the Council copies of a Resolution of the Austin Association of Homebuilders, reading the Resolution into the record, and endorsing the present refund contract policy.

Mrs. Dupuy read excerpts from a Thesis covering the 1953 refund policy, representing both sides of the question today.

The City Manager said this is one of perhaps 100 policies to be determined in order to finance the total City government. He had furnished to the Council all the figures involved in this situation; however, he would be glad to make a deeper study if the Council desired.

Motion

Councilman Friedman moved that the City of Austin, in its refund contracts, cut the percentage of pay as of January 1, 1972 to one half the present rate, and eliminate the 3% interest charge on the unpaid balance. Furthermore, that on January 1, 1973, the remaining rate be cut once again in half; and that on January 1, 1974, the remaining rate be eliminated entirely; and at that point the City initiate a policy of paying for the first 7 1/2 linear feet of pipe or water and sewer line placed on a lot. It is not a total removal of the City participation from the developer. Councilman Friedman filed a copy of the total resolution.

Mayor Butler announced if there were no second, the motion would fail. No second was received.

Councilman Dryden made a motion that the present refund contract policy be continued as it is at present. Mayor Butler stated there was no change, and remains the same.

ZONING ORDINANCE

The Council had before it an ordinance covering the following zoning changes:

FRANCIS E. BENOIT
AND HERNDON C.
BAILEY, JR.
C14-70-001
(portion of area study)

401-403 E. St. Elmo Rd.
4501-4509 Luck singer Ln.
4517-4533 Luck singer Ln.

From Interim "A"
Residence, First
Height and Area
To "D" Industrial,
First Height and
Area

ODAS JUNG
C14-70-001
(portion of
area study)

711 E. St. Elmo Rd.
4311, 4315 & 4319
Terry-O-Lane

From Interim "A"
Residence, First
Height and Area
To "D" Industrial,
First Height and
Area

GMC SEARCY TRUCKS,
INC.
C14-70-001
(portion of
area study)

4416-4500 I.H. 35 So.

From Interim "A"
Residence, First
Height and Area
To "D" Industrial,
First Height and
Area

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Dryden, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love
Present, but not voting: Councilman Nichols

Reconsideration of Zoning Ordinance

Later in the meeting, Mrs. Betty Hargraves appeared before the Council concerning the zoning tracts on East St. Elmo Road, Lucksinger Lane, Terry-O Lane, and I.H. 35 South, and asking the Council to rescind its prior action, as she had two petitions to file requesting reconsideration of the portion of the Area Study covering the property bounded by Lucksinger Lane, East St. Elmo Road, Terry-O Lane, and the south boundary line of the area study. The petitioners were asking for "B" Residence, First Height and Area District as a buffer zone between the industrial uses along East St. Elmo and the residential area, and a fence along St. Elmo Road.

The Planning Director, Mr. Lillie, was to notify the property owners in the area of the date for reconsideration of this zoning -- December 16, 1971.

Mayor Butler introduced the following ordinance:

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

(1) LOTS 1, 2, 3 AND 4, ST. ELMO INDUSTRIAL SUB-DIVISION NO. 2, LOCALLY KNOWN AS 711 EAST ST. ELMO ROAD; 4311, 4315, AND 4319 TERRY-O LANE, FROM INTERIM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; AND;

(2) A 7.47 ACRE TRACT OF LAND, LOCALLY KNOWN AS 4416-4500 SOUTH I. H. 35, FROM INTERIM "A" RESIDENCE DISTRICT TO "D" INDUSTRIAL DISTRICT; ALL OF 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. (Odas Jung -- C14-70-001, GMC Searcy Trucks, Inc. -- C14-70-001)

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilman Dryden, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love
Present, but not voting: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT 1, BLOCK 2, PORTER SUBDIVISION, LOCALLY KNOWN AS 1213-1215 MONTOPOLIS DRIVE; 6300 PORTER STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL 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. (Charles Villasenor -- C14-70-128)

Councilman Nichols noted this case is over a year old. It was stated there were conditions to be met, and they have been cleared recently. The responsibility is upon the property owner to meet the conditions.

Discussion was held on timing the conditions for the zoning requests, as adjacent property owners may not be aware of what had taken place years before, and conditions at that time may not be in line at the future date.

The City Manager suggested that he get a recommendation on these zoning requests.

Councilman Lebermann asked for a resolution on this new policy of establishing a deadline for conditions to be met before passed on to the Council for final action.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Lebermann, Friedman, Handcox, Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love
Present, but not voting: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

ANNEXATION HEARING SET

Councilman Dryden moved the Council adopt a resolution setting a public hearing at 2:00 P.M., December 9, 1971, to consider annexing the following: (requested by owner's representative)

13.21 acres of land out of the John Applegait Survey - proposed WINDSOR HILLS SECTION FOUR.

Councilman Nichols asked about an island that has not been included in the annexation. The City Manager stated this was included and would be before the Council on December 9th for introduction and first and second readings. (43 acres) Councilman Nichols inquired about an additional area to the west and south of the 13.21 acres (bounded by Childress on the south; Faylin Drive on the east, and

the present City limit line on the west) pointing out the possibility of creating a hole in the doughnut. Councilman Nichols asked that this area be started.

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

Councilman Dryden moved the Council vote that when the field notes are ready, that the City Attorney be notified and have it placed on the Agenda. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

HEARING ON MASTER PLAN CHANGE

At 3:00 P.M., Mayor Butler opened the hearing scheduled for that hour on the request for a change in the Austin Development Plan filed by Mr. Frank L. Thompson for the Austin Ready Mix Concrete Company on a two acre tract in north-west Austin, south of old U.S. Highway 183, approximately 1/2 mile west of the proposed West Loop. The Planning Director pointed out on the map the tract involved, on Balcones Drive, Research Boulevard, North West, and West Loop. He pointed out 2500 acres designated for industrial development, and described the various uses developed before the area was incorporated, mainly, manufacturing and warehousing. The predominant use is vacant and scattered homes. He pointed out the developments established at this time. He stated this particular area falls within the area that is in a residential pattern, and the staff recommended that this request be denied and the Planning Commission accepted that recommendation with the idea that the applicants might work out some other plans with the staff. It might be possible for them to come in with a temporary use for a five or ten year period without changing the plan.

Mr. James Spenser stated that because of economics, a ten year period would be more favorable to them, as the site would not be suitable for a permanent installation. Councilman Dryden asked if the sewer line in this site could be used by other developers. The Assistant Director of Water and Waste Water Utilities, described the location of the main, leaving 183 at quite a long distance, and it would be impracticable for this area to be serviced by the Texas Instruments Plant. Councilman Dryden explained to Mr. Spencer that the City was formulating a policy to serve big main sewer lines, and pointed out that he might have to put in his own sewer mains. As sewer was not available in this area, this development would need septic tanks, and he wanted it understood that the City would not be asked to furnish a large sewer line.

The City Attorney stated this use could be continued as a nonconforming use. As to a ten year contract, Councilman Dryden said he could not vote for a 10-year term.

Motion

Councilman Dryden moved the Council vote that the non-conforming use be allowed for five years. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox
Noes: None
Absent: Mayor Pro Tem Love
Not in Council Room when Roll was called: Mayor Butler

(No change in the Master Plan was made)

REQUEST WITHDRAWN - WILL GARWOOD

The Mayor announced that the request from Mr. Will Garwood regarding clarification of a Restrictive Covenant dated October 9, 1969, and recorded in Volume 377, Page 1331, Travis County Deed Records covering 135.578 acres, was withdrawn.

REPORT - NAVIGATION BOARD

Councilman Dryden moved the Council receive the report of the Navigation Board, sustain the recommendation of the Board and authorize the lowering of Lake Austin to a minimum depth of 12 feet (15 feet if possible) from January 7, 1972 to February 7th. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

ABANDONED PROPERTY ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967, PROVIDING PRODECURES FOR THE IMPOUNDING, STORAGE, AND SALE OF ABANDONED MOTOR VEHICLES; ESTABLISHING STANDARDS FOR DECLARING CERTAIN PERSONAL PROPERTY TO BE ABANDONED AND A PUBLIC NUISANCE; PROVIDING A COMPREHENSIVE PRODECURE FOR THE IMPOUNDING, STORAGE, AND DISPOSITION OF ALL SUCH PROPERTY; MAKING IT UNLAWFUL FOR ANY PERSON TO INTERFERE WITH OR ATTEMPT TO PREVENT THE IMPOUNDING OF AN ABANDONED VEHICLE UNDER THIS ARTICLE; DECLARING THE PRESENCE OF INOPERABLE MOTOR VEHICLES ON PUBLIC PROPERTY OR STREETS ILLEGAL AFTER TWENTY-FOUR HOURS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 711028-F, ENACTED BY THE CITY COUNCIL ON OCTOBER 28, 1971, BY CORRECTING THE LOCAL ADDRESS OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox
Noes: None
Absent: Mayor Pro Tem Love
Not in Council Room when Roll was called: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

PAY SCHEDULES - CIVIL & GENERAL

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING PART 2 AND PART 3 OF ORDINANCE NO. 700928-A SO AS TO PROVIDE FOR AN INCREASE IN THE MONTHLY BASE SALARY OF CIVIL SERVICE EMPLOYEES SERVING IN CLASSIFIED POSITIONS IN THE POLICE AND FIRE DEPARTMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; DECLARING AN EMERGENCY; AND FIXING AN EFFECTIVE DATE; (SAID ORDINANCE NO. 700928-A WHICH IS HEREBY AMENDED BEING ENTITLED "AN ORDINANCE PROVIDING FOR THE CLASSIFICATION OF ALL POLICEMEN AND FIREMEN; ASCRIBING A CIVIL SERVICE CLASSIFICATION NUMBER TO EACH CLASSIFICATION; PROVIDING FOR DUTY ASSIGNMENTS UNDER SUCH CLASSIFICATIONS; ESTABLISHING BASE SALARIES; PROVIDING FOR EXPERIENCE SALARY INCREASES; PROVIDING FOR LONGEVITY PAY FOR SUCH CLASSIFIED EMPLOYEES; PROVIDING FOR THE CONTINUATION OF CIVIL SERVICE EMPLOYEES PERFORMING THE DUTIES OF SUCH CLASSIFIED POSITIONS AT THE TIME OF THE ADOPTION OF THIS ORDINANCE WITHOUT HAVING

TO TAKE A COMPETITIVE EXAMINATION FOR SUCH POSITION; PROHIBITING UNAUTHORIZED FILLING OF POSITIONS; REGULATING PROMOTIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND FIXING AN EFFECTIVE DATE.")

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Noes: None
Absent: Mayor Pro Tem Love
Not in Council Room when Roll was called: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

(Councilman Nichols asked the City Manager to furnish some information about changing the shifts of the Police Department)

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE NUMBERED 700924-D PASSED BY THE CITY COUNCIL ON SEPTEMBER 24, 1970, BY REVISING THE BASIC PAY SCHEDULE THEREOF; AMENDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox
Noes: None
Absent: Mayor Pro Tem Love
Not in Council Room when Roll was called: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

TRANSFER OF FUNDS

Mayor Butler introduced the following ordinance:

AN ORDINANCE TRANSFERRING FUNDS FROM THE PREVIOUSLY APPROPRIATED SPECIAL APPROPRIATION FOR EMPLOYEES' PAY INCREASES TO CERTAIN DEPARTMENTAL ACCOUNTS IN ORDER TO EFFECT THE PREVIOUSLY APPROVED ACROSS THE BOARD PAY INCREASE OF \$75 PER MONTH FOR ALL CIVIL SERVICE EMPLOYEES AND \$50 PER MONTH FOR ALL GENERAL CITY EMPLOYEES AND TO CONTINUE THE PREVIOUSLY ESTABLISHED PRACTICE OF MERIT INCREASES, LONGEVITY PAY AND STABILITY PAY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

STUDY OF LAW ENFORCEMENT PLANNING

DR. WILLIAM HAZARD appeared before the Council for further presentation of a study concerning Law Enforcement Planning by Southwest Institute for Planning and Sociometrics. He reviewed in more detail the Staff Organization under his supervision, and the estimated cost, which would be shared by the Criminal Justice Council. The City's share is \$46,000.00.

The City Manager, Mr. Andrews, said he could not recommend negotiations with this firm at this time due to cost factors. Mayor Butler noted the head of the Community Council felt they could not recommend this proposal at this time, as they had not studied it enough.

The Council discussed the matter at great length. Councilman Dryden moved that the Council not enter into this contract at present. Mayor Butler asked that more time be given the Council to assimilate this whole program.

BOGGY CREEK - HEARING

Mayor Butler explained to the interested groups that this matter had been thoroughly discussed before the Council at two other occasions and this is the third time for considering it, as some citizens had not been aware of the other meetings.

Mr. Charles Graves reviewed the matter in detail, and outlined the engineers' plans to coincide with an ecological pattern as well as an engineering project. The banks were being sloped, and a bank protection built, with the property owners abutting certain areas of the creek to participate in the cost. Mr. Shane did not want to participate, and the area abutting his property will be deleted from the contract.

Mr. John Lacks (1717 Giles) wanted the plans to proceed as outlined by the Department of Public Works. About five or six adjoining property owners concurred with Mr. Lacks. Councilman Friedman inquired if and suggested that the creek be cleaned up without channelization. Mr. Lacks feared flooding, and still went along with the recommendation of Public Works. Mr. Knowlen saw no reason for any one's opposing this proposal. Mr. Don Berman stated Mrs. O'Day and the Audubon and Sierra Club agreed that something has to be done, but they were not certain as to what. He presented slides, indicating the Channelizing was not the better way to handle this; that natural grass would prevent erosion. He stated the cost would be \$15,000 to Channelize behind eight homes, and asked what the cost would be to improve the whole creek, stating they would bankrupt the City while destroying its beauty.

Mr. Shane (1715 Giles) stated he was being forced to remove a wall he placed in back of his home to prevent erosion, while his neighbor has constructed a dam.

Mrs. O'Day feared that the natural beauty of the creek was going to be destroyed if the City's plan for drainage were carried out. If the residents would get a project going and clear the creek by themselves, they could preserve the beauty of the creek, she believed. Councilman Dryden and Councilman Lebermann were interested in this effort of the neighbors' getting together and clearing the creek.

Much discussion was held. Councilman Handcox moved the Council adopt a resolution to accept the bid of the low bidder and proceed as recommended by the Public Works Department. (Austin Engineering Company for channel improvements) The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

CONTRACTS

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

AUSTIN ENGINEERING

- Electric Street Light Ductline and Concrete Foundations on Northland Drive from Balcones Trail to Shoal Creek Boulevard - \$27,981.80. (Completion time of 90 calendar days; Capital Improvement Program)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

Councilman Dryden moved the Council adopt a resolution awarding the following contract:

LOREY'S FIRE PROTECTION SERVICE

- Fire Fighting Hose - \$10,302.30

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

REQUEST TO CONSTRUCT SANITARY SEWER LINE
IN NORTHWEST AREA

Mr. Richard Baker, representing Baker-Jones-Crow, appeared in the interest of construction of a new sewer line shown on the plan by Mr. Curtis Johnson. In 1968, '69, and '70, Baker-Jones-Crow acquired 2400 acres of land in the northwest area, and engaged a professional planner, and the plan drawn was approved by the Planning Commission. An oral agreement was entered into between Baker-Jones-Crow and the City under conditions that Baker-Jones-Crow would provide the engineering and the City would construct the trunk line along Loop 360 and that Baker-Jones-Crow and other developers in the area would pay for the force mains and pump stations to transmit the waste water through this line into existing sanitary facilities. In accordance with this agreement they proceeded with plans and specifications which have been on file with the City for a long time; land had been annexed, and a preliminary subdivision plat filed. A site was sold to the Austin Independent School District, lines developed, curbs, gutters; slabs are going down and houses are under construction and this line is needed. They were notified the line would not be bid. Not only Baker-Jones-Crow are affected, but Mr. Wallace Mayfield, Mr. Bill Milburn (Vista West No. 3) and Mr. Barrow. Those developers had prorated the costs of the force mains and lift stations in their own organization. It was his understanding if the line were not available at the time they were ready to tie on to it pumper trucks would be placed at the end of the existing line so the houses could be occupied. It was stated some of the developers do not have all of their land within the existing City limits, nor does Baker-Jones-Crow have all of its land which will be served by this system within the City limits.

The City Manager stated at the time the commitment was made, the area pointed out by the Assistant Director of Water and Waste Water was all inside the City limits and he explained what the developers could do with a lift station and force main and pump over to an existing sewer line in the City. The City has never participated in a force main of this nature. He stated a permanent line would be provided in the future. Mayor Butler stated if the Council approved this on the basis of a prior commitment they could in all good faith approve it restricting it to current land within the City limits.

The Mayor stated the Council could honor only and approve only to the extent of the commitment and the intent up to now with no implied or expressed intent to go any further to serve any other areas.

Mr. Baker stated Mr. Milburn and Mr. Barrow were brought into the picture and Mr. Wallace Mayfield, because of the apparent agreement that was to be worked out in connection with the payment of the cost of the force main and lift station, and it was to include their land that could be served by this line whether it was within or out of the City. That was the agreement understood by them at that time.

Councilman Dryden did not want to make a commitment in the absence of Mr. Currington on the acreage not within the City now.

Mr. Currington was called in to the Council meeting to discuss the agreement between these gentlemen to build this one sewer line. Mr. Currington stated as to the Area covered the agreement was to serve all the area of Baker-Jones-Crow, and pointed it out on the map. He stated they were talking about properties outside of the City limits, as the only acreage within the City is that of Baker-Jones-Crow, and the other areas when developed will be brought in. The City Manager asked as to what commitment was made. Mr. Currington stated they had

discussed with Mr. Schmidt these particular areas on both sides of the loop, including land of Messrs. Mayfield, Milburn, Barrow, and Baker-Jones-Crow, who all agreed that two lift stations would be built, their putting up their prorata share based on the acreage to be served, and they would build a lift station and a force main at no cost to the City. Other than the 41 acres of Mr. Mayfield, Mr. Currington estimated there would be about 400 or 450 acres. He stated the land he pointed out could be served under this development.

Mr. Baker stated this was discussed in 1969-70. When it was determined the treatment plant would not be contracted in the area, none of the land was annexed. This proposal was submitted as an alternate. Councilman Dryden stated if they could okay the building of this line for \$125,000.00, if this would include the houses which are being constructed now. Mr. Baker stated that would serve the houses under construction. Councilman Dryden stated if the Council approved this, they were not making any further commitment. They are inside the City limits now. Mr. Baker explained the pro-rata cost was being shared but they do not have their land within the area. It is important to them, even though their land is not annexed, that they know that their property would be served by this line as it was a part of the over-all agreement.

The City Manager stated the commitment had to be made in the last six or eight months. He stated the developers would build the two lift stations and force main, but the City would operate them.

Councilman Dryden observed the line would cost \$125,000.00, and these other developers are taken to the City limits, the City would have to build lines.

After more discussion, Councilman Dryden moved the Council vote to go ahead and put this line in. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

ANNUAL TAXICAB REPORT

The Council received the annual Taxicab Report. The question of the Airline Cab was brought up, and the City Manager said the Airline Cab Company is owned by a City Employee and cannot be franchised. Mr. Ternus requested a hearing to be conducted on the future Airline Cab Company franchise.

Councilman Nichols moved the Council set 2:00 P.M., December 16, to hear the Airline Cab Company. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

EXTENSION OF SEWER EXTENSION IN WILLIAMSON CREEK AREA

Mr. Robert Sneed represented Mr. Buford Stewart, and Mr. Dick Rathgeber. He stated the proposal made previously was that there would be established a policy for extension of sewer lines outside of the City limits of Austin in view of the requirements now being made by the Federal Government, and the Texas Water Quality Board. They had proposed that the City obtain 55% of funds from the Federal Government, 25% from the State, and that the persons requesting the extension would put up 20%. Also they had suggested that the Council not extend unless there was a reasonable showing that there would be development in the area of growth and number of subdivisions in place. This particular line was estimated at \$280,000.00; and it was discussed with the City Manager that they would pay 25%; and that in turn they would receive a number of permits to tie on to the other lines for their property. This would be calculated on the basis of \$80.00 per permit for each family unit. This would also include the cost of the approach main up to the subdivision. When it was annexed it would come under the refund contract policy. The cost they bear is the \$80.00 per unit.

Councilman Nichols moved the Council vote to instruct the City Manager to bring in the formal document that will show that the Council had approved this extension of sewer between the City and Mr. Stewart and Mr. Rathgeber, and this document is to be brought to the Council December 9th. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Handcox, Mayor Butler

Noes: None

Absent: Mayor Pro Tem Love

Not in Council Room when Roll was called: Councilman Friedman

ZONINGS SET FOR PUBLIC HEARING JANUARY 6, 1972

The City Manager reported that the following zoning applications had been referred to the Planning Commission for recommendation and had been set for public hearing on January 6, 1972:

DAVID B. BARROW
By Jeryl Hart
C14-71-238

Tract 1
7835-7919 Mesa Dr.

Tract 2
7921-8009 Mesa Dr.

Tract 3
7834-7938 Mesa Dr.

Tract 4
4101-4131 Spicewood
Springs Road
7940-8044 Mesa Dr.

Tract 5
8011-8045 Mesa Dr.
4021-4059 Spicewood
Springs Road

From Interim "A" Residence,
First Height and Area
To Tr. 1 - "BB" Residence,
First Height and Area
Tr. 2 & 3 - "B" Resident,
First Height and Area
Tr. 4 & 5 - "GR"
General Retail, First
Height and Area

✓ H.E.B. GROCERY CO. By John Selman C14-71-250	4816-5000 Turner Dr. 6834-6924 Ed Blue- stein Blvd.	From Interim "A" Residence, First Height and Area To "GR" General Retail, First Height and Area
✓ FRANK SIFUENTEZ C14-71-253	903 Montopolis Dr.	From "A" Residence To "B" Residence
W. H. COLLINS & JIMMY PACE C14-71-255	2200 San Antonio St.	From "B" Residence, Second Height and Area To "O" Office, Second Height and Area
THOMAS GUNTER C14-71-281	2001 Anderson Ln.	From "A" Residence To "O" Office
LEATHA ARNOLD By Mrs. Frank Stewart C14-71-282	3004-3008 So. 1st St.	From "A" Residence To "GR" General Retail
LEROY BEDNAR C14-71-284	4109 Marathon Blvd.	From "A" Residence To "O" Office
HARRY PETERSON By Phil Mockford C14-71-285	8729-8923 Burnet Rd. 9007-9049 U.S. 183	From Interim "A" Residence, First Height and Area To "DL" Light Industrial, Third Height and Area
JOE MILICIA By Estella White C14-71-287	2208 E. 13th St.	From "A" Residence To "B" Residence
IRVING DOCHEN C14-71-288	4105 Bellvue Ave.	From "A" Residence To "O" Office
ROBERT JORDAN By Dinan & Co. Realtors C14-71-289	4109 Bellvue Ave.	From "A" Residence To "O" Office
JOE PUSTEJOVSKY By John Selman C14-71-291	2001,2003 Mathews Lane	From "A" Residence To "LR" Local Retail
TERRELL TIMMERMANN By John Selman C14-71-292	601 Franklin Blvd. 5306,5308,5310 Guadalupe St.	From "A" Residence To "B" Residence
THE QUINCY LEE CO. By Richard Baker C14-71-293	6209-6415 Springdale Road	From Interim "A" Residence, First Height and Area To "B" Residence, First Height and Area

ADJOURNMENT

At 7:10 P.M., Councilman Dryden moved the Council adjourn. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler
Noes: None
Absent: Mayor Pro Tem Love

APPROVED: Ray Butler

Mayor

ATTEST: Elaine Woolley

City Clerk