

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 2, 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, Love, Friedman, Handcox,
Mayor Butler

Absent: Councilman Lebermann

The Invocation was delivered by REVEREND PAUL GROUT, Faith United Methodist Church.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of August 26, 1971. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Handcox,
Mayor Butler

Noes: None

Absent: Councilman Lebermann

ZONING REQUESTS

The Mayor opened the zoning hearings scheduled for 10:00 A.M. and the Council publicly heard the proponents and opponents present to present their opinions on both sides; and the Council, after much consideration, GRANTED the following zoning applications and instructed the City Attorney to draw the necessary ordinance to effect the zoning:

SAM J. HAGE

5900-5908 Manor Rd.

From "LR" Local Retail

By H. D. Motsenbocker

2800-2806 Sweeney Lane

To "GR" General Retail

C14-71-176

RECOMMENDED by the
Planning Commission

Councilman Dryden moved the change to "GR" General Retail as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

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

At this point COUNCILMAN LEBERMANN entered the Council Chambers.

LAVACA ANNEX LIMITED	1411-1419 Lavaca St.	From "C" Commercial 3rd
By Robert P. Dunnam	219-221 W. 15th St.	Height & Area
C14-71-180		To "C-2" Commercial 3rd
		Height & Area
		RECOMMENDED by the
		Planning Commission

Mr. W. W. Stevens represented the Christian Science Church in opposition.

Councilman Nichols moved the change to "C-2" Commercial 3rd Height & Area be granted as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

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

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

COCA-COLA BOTTLING	9416-9612 F.M. 1325	From Interim "A"
COMPANY OF FORT		Residence 1st
WORTH By George		Height & Area and
D. Van Houten		"D" Industrial 1st
C14-71-182		Height & Area
		To "D" Industrial 1st
		Height & Area
		RECOMMENDED by the
		Planning Commission

Councilman Dryden moved the change to "D" Industrial 1st Height and Area be granted as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

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

LAWRENCE FRED GALL
C14-71-185

4305 So. 1st St.

From "A" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the change to "GR" General Retail as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

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

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

JAMES SAMON
By Herman L.
Baker, Jr.
C14-71-187

5418-5422 Manchaca Rd.

From "GR" General Retail
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

Councilman Love moved the change to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

DON WEST
By Richard Baker
C14-71-114

6709-6741 Cooper Ln.
6706-6738 So. 1st St.

From Interim "A" Residence
1st Height & Area
To "GR" General Retail
1st Height & Area
RECOMMENDED by the
Planning Commission
subject to subdivision

Councilman Nichols moved the change to "GR" General Retail 1st Height and Area be granted as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

AUSTEX DEVELOPMENT
COMPANY, LTD.
By W. T. Williams, Jr.
C14-71-166

1201-1401 Rutland Dr.

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

RECOMMENDED by the
Planning Commission as
amended subject to the
building setbacks and
the landscape plan as
submitted.

Councilman Nichols moved the change to "GR" General Retail 1st Height and Area; "LR" Local Retail 1st Height and Area; and "B" Residence 1st Height and Area be granted as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox
Noes: None
Present but not voting: Mayor Butler as he owns property in the area.

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

LELAND E. WILLINGHAM
C14-71-183

2609-2621 Buell Ave.

From Interim "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the
Planning Commission
subject to 5' of r-o-y
on Buell Avenue from the
eastern lot.

The Director of Planning, Mr. Dick Lillie, reviewed the application thoroughly. Mr. H. A. Culpepper (8211 Stillwood) was not particularly opposing the zoning, but the uncleanliness of the area. He distributed pictures showing a definite need for a thorough cleaning up, one picture including a chemical toilet on the lot. The City Manager described the unpaved street, and noted heavy traffic, mostly trailer trucks. He said he would investigate and get the area cleaned up.

Councilman Love moved the change to "C" Commercial 1st Height and Area be granted as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

REX A. FULLERTON
 By Raymond Campi
 C14-71-189

7901 Tisdale Dr.
 1304-1306 Anderson Ln.

From "A" Residence
 To "LR" Local Retail
 RECOMMENDED by the
 Planning Commission
 subject to a 5' r-o-w on
 Anderson Lane.

Councilman Handcox moved the change to "LR" Local Retail be granted as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

CROCKETT HEIGHTS,
 INC.
 C14-71-191

Tract 1
 806-837 Stassney Ln.

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

Tract 2
 Rear of 806-837
 Stassney Lane

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

RECOMMENDED by the
 Planning Commission
 subject to privacy

fencing where adjoining "A" zoned property; a dedicated 60' street with 44' of paving from Stassney Lane into Tract 2, to be cul-de-saced; the cul-de-sacing of Cherry Park and Cougar Drive to exclude vehicular access to this tract; 20' r-o-w on Stassney Ln. and subdivision.

Mr. John Selman agreed to conditions set out except the cul-de-sac on Cougar Drive.

Councilman Love moved the change to "GR" General Retail 1st Height and Area on Tract 1; and "BB" Residence 1st Height and Area on Tract 2 be granted as recommended by the Planning Commission with the exception of the cul-de-sac on Cougar Drive. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail 1st Height and Area on Tract 1; and "BB" Residence 1st Height and Area on Tract 2 as recommended with the exception of the cul-de-sac on Cougar Drive, and the City Attorney was instructed to draw the necessary ordinance to cover.

ANDERSON LANE
JOINT VENTURE
By Maurice Doke
& John Selman
C14-71-194

Rear of 1908-2104
Anderson Lane

From "O" Office
To "GR" General Retail
RECOMMENDED by the
Planning Commission
subject to 64' building
set back line on north
side; a 6' privacy fence
on the north property
line; & subdivision.

Councilman Nichols moved the change to "GR" General Retail as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ZULA MEDFORD
By John Selman
C14-71-195

2915 Hampton Road

From "B" Residence
2nd Height & Area
To "O" Office
1st Height & Area
RECOMMENDED by the
Planning Commission
subject to 10' r-o-w on
Hampton Road and up to
5' of r-o-w on E. 30th
Street.

Councilman Nichols moved the change to "O" Office 1st Height and Area as recommended by the Planning Commission subject to a 5' of r-o-w on Hampton Road and up to 5' of r-o-w on E. 30th St. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office 1st Height and Area as recommended subject to 5' of r-o-w on Hampton Road and up to 5' of r-o-w on E. 30th Street and the City Attorney was instructed to draw the necessary ordinance to cover.

JERRY WALLACE
By Tom Watts
C14-71-192

Rear of 1102-1208
Rutland Drive

From "BB" Residence and
"LR" Local Retail
To "LR" Local Retail
RECOMMENDED by the
Planning Commission
subject to subdivision
and the rollback of
zoning of the tract
located to the north
from "LR" to "BB".

Councilman Dryden moved the change to "LR" Local Retail be granted as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Handcox
Noes: None
Present but not voting: Mayor Butler as he owns property in the area.

The Mayor announced that the change had been granted to "LR" Local Retail as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

JOE GILBRETH
C814-71-04

1631-1741 Royal Hill
Drive
2800-3018 Parker Ln.

PLANNED UNIT DEVELOPMENT
RECOMMENDED by the
Planning Commission
subject to departmental

requirements and a detailed landscape plan.

Councilman Love moved the Council grant the Planned Unit Development as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced the Council had granted the Planned Unit Development as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ESTATE OF E. J.
SCHUTZE
By Harrison-Wilson-
Pearson
C14-71-175

3911 Red River St.

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission
subject to short form
subdivision.

Councilman Nichols moved the change to "B" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

C. W. BASQUETTE
By John Akin
C14-71-177

1801-1811 Ford St.
1800-1906 Goodrich Ave.

From "A" Residence
To "B" Residence
NOT Recommended by
the Planning Commission
RECOMMENDED "BB" subject
to 5' of r-o-w on Ford
St. and 5' of r-o-w on
Goodrich Ave.

Councilman Love moved the change to "BB" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "BB" Residence as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

JESSE MITCHELL C14-71-181	7005 Guadalupe St.	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission RECOMMENDED "BB"
------------------------------	--------------------	---

Mr. Jesse Mitchell, representing himself, did not want the "BB" as recommended by the Planning Commission, as he would be one unit short of what he proposed. Under "B" 14 units could be constructed.

Opposition was expressed by Mr. Ray Richey, 7003 Guadalupe, based on inadequate access into this area in that the drive is within three feet of his house; and even the concrete linings are knocked over as people drive out of the duplex. He would not object to other units, if there were a 4' privacy fence or some protection for his property. The Planning Director reported the ordinance requires when parking is adjacent to residential property that a 4' privacy fence be constructed. Mr. Mitchell said he would build a fence 14' from his duplex, to the property line which would be 19' all together.

Councilman Nichols moved the change to "BB" Residence 1st Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Love, carried by the following vote:

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

The Mayor announced that the change had been granted to "BB" Residence 1st Height and Area as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ALLAN SHIVERS, ET AL By Dan Felts C14-71-184	1507-1511 Houston St.	From "BB" Residence 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission RECOMMENDED "B" 1st Height & Area subject to a 64' building setback on the east property line.
---	-----------------------	--

Mr. Lillie suggested that the condition of the creek bank be worked out with Mr. Graves, Public Works, as well as the Building Official.

Councilman Nichols moved the change to "B" Residence 1st Height and Area as recommended by the Planning Commission subject to solution of the creek bank problem with a 10' set back as opposed to 64' set back. The motion, seconded by Councilman Love, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area as recommended by the Planning Commission subject to a 10' set back as opposed to 64' set back on the east property line, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARY LEE SCHOOL &
ROBERT L. CRUMP
C14-71-188

Tract 1
418 Crockett St.
Tract 2
415-419 Crockett St.
2100 Hodges St.

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission
RECOMMENDED "BB"
subject to a restrictive
covenant for use of
boardinghouse facilities,
to revert to "A" if this
use is discontinued.

Councilman Nichols moved the change to "BB" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "BB" Residence as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONINGS WITHDRAWN

FRITZ BROCKMAN
By Glenn Cortez
C14-71-193

2106-2110 Anderson Ln.

From "A" Residence
To "GR" General Retail
NOT Recommended by the
Planning Commission
RECOMMENDED "GR" except
for the northerly portion
of the tract from the
south r-o-w line of
North Plains Drive extended
to be retained as "A",
and subject to 5' r-o-w
on Anderson Lane.

Mr. Glen Cortez, Attorney for the applicant, was not in agreement with the Planning Commission's recommendation. The Director of Planning reviewed the application, reporting the Commission approved of zoning on the front portion of the tract, but objected to zoning the north area which would permit access from the subdivision into a commercial tract, and commercial traffic then would use minor residential streets. It was recommended to retain "A" on the north prohibiting access from the right of way line on to the west end to the south line of a 30' easement on the east end.

Mr. Cortez said this land had been in this family for many years, and is under contract of sale, which requires access to the rear. He said the question is the depth of the "GR" and this access. The access necessary is minimal and is about 10 to 12' between the ditch and property line. The Traffic Department had regarded this as no jamor problem as long as there was 150' on Anderson Lane. Mr. Cortez distributed pictures of the area and proposed access. Across the street there is a large 1300' depth of "GR" zoning, and they are asking for only 300'. A tract immediately east of this property was zoned "GR" this morning. As to the right of way on Anderson Lane, Mr. Cortez said if the sale went through, they would dedicate the right of way. He offered an alternate -- that a strip of "A" be maintained as there would be a dead area not even good for parking.

Mayor Butler stated the point had been brought up in addition to the 5' of "A" Zoning that there be a covenant or guarantee or some instrument so there would not be access there either now or in the future. Mr. Cortez stated he would need to discuss this with his clients. The matter was postponed until the afternoon session.

Mr. Cortez, in the afternoon meeting, stated the question was whether or not his client could accept the restriction of access on to the northwest. It is necessary to have this access, and without it, he is unwilling to accept the proposal. Mr. Cortez asked the Council to reconsider and grant the entire area "GR"; or in the alternative grant the north part "B" so that there would be access.

Comparisons were made to other shopping centers with two or more accesses, and Councilman Dryden said it would seem most of the traffic from this tract would exit into Anderson Lane, but it would not be impractical that they could be allowed to drive on North Plains.

The Planning Director stated the granting of zoning to the north would not prohibit commercial buildings or apartments, with primary access to the residential street. Councilman Love stated this commercial use, exiting traffic into a residential street would be different from those with outlets on IH 35 and Cameron Road, arterials.

Mr. Cortez, representing the applicant, stated at this time, he would request permission to withdraw the zoning application.

Councilman Handcox moved the case be withdrawn. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Friedman, Handcox, Mayor Butler
Noes: None
Not in Council Room at roll call: Councilman Lebermann

The Mayor announced that the application had been WITHDRAWN.

- - - - -

AUSTIN NATIONAL
BANK
By Dan Felts
C14-71-190

1000-1002 Catalpa St.
1191-1193 Curve St.

From "B" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

Councilman Nichols moved the Council allow the applicant to withdraw his application. The motion, seconded by Councilman Love, carried by the following vote:

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

The Mayor announced that the application had been WITHDRAWN.

ZONING APPLICATIONS DENIED

The Council publicly heard the following zoning applications; and after thorough discussion and presentations on both sides of the question, voted to deny the following zoning requests:

HOWARD D. PRINGLE
By Phil Mockford
C14-71-186

5605 Montview St.

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission
subject to 5' of r-o-w
on Montview.

The Director of Planning, Mr. Dick Lillie, gave a resume of the application, stating that zoning was occurring in the area, and the remainder of the street would go to more intense uses -- apartments. No one represented the applicant.

Mr. Earl Combs, 5600 Montview, opposed, as the interior street was narrow and the lots across the street were not developed desirably. Councilman Dryden stated it does not appear that this street could accomodate a change of zoning. Mrs. John Anderson, with investment property at 5607, favored the zoning.

Councilman Nichols moved that the zoning request be granted subject to 5' of right of way. The motion failed to receive a second.

Councilman Dryden moved the Council deny the zoning request. The motion, seconded by Councilman Love, carried by the following vote:

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Handcox, Mayor Butler
Noes: Councilman Nichols

The Mayor announced that the change had been DENIED.

PAUL BARROWS
By William E. Denham, III
C14-71-174

3804 Speedway

From "B" Residence
2nd Height & Area
To "GR" General Retail
2nd Height & Area
NOT Recommended by the
Planning Commission

Councilman Nichols moved the Council deny the zoning request. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

C. BEN HIBBETTS
C14-71-178

Rear of 1200-1208
Parker Lane
Rear of 1705-1717
Riverside Dr.

From "LR" Local Retail
2nd Height & Area
To "C-2" Commercial
2nd Height & Area
NOT Recommended by the
Planning Commission

Councilman Love moved the Council deny the zoning request. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change had been DENIED.

COLORADO HILLS
ESTATES, INC.
By Tom Watts
C14-71-196

Rear of 1862-1932
Burton Drive

From Interim "A" Residence
1st Height & Area
To "BB" Residence
1st Height & Area
(as amended)
NOT Recommended by the
Planning Commission as
amended.

Mayor Butler announced there was a letter asking this be withdrawn, and that the application be amended and presented later. Those in opposition were not agreeable to the withdrawal of this application. The case was then called to be heard.

Mr. Eugene Nelson lead the opposition. The Director of Planning gave a history of the development of the area in line with amendments of the Master Plan from low density to medium density, to permit apartment uses, and subsequent requests for zoning changes on adjoining land, plus filing of subdivision plats and amendments. The Planning Commission, when the zoning of this application and special permit came before it, reflected back on the earlier commitment between the property owners and the land owners in the subdivision, noting that the conditions had not changed, the commitment was still valid, and then recommended denial of the request. The special permit is being held pending zoning.

Mr. Tom Watts, representing the applicants, outlined the presentations before the various Planning entities, in obtaining approval of the revised

preliminary plan. The owner in obtaining the original "BB" had written the property owners a letter committing himself to a tier of duplex lots along the boundary of the existing subdivision. Mr. Dobson can develop duplexes or town houses on the land backing up to these lots. Mr. Watts was willing, if necessary, to amend the application to accomplish alternates --

To go back to the Planning Commission with the original application, or
 Amending this application to provide a 100-110 strip of "A", with an access through the cul-de-sac or a dedication street, or
 To bring in a planned Unit Development, using "BB" uses on portions zoned "BB" and providing duplex uses on the "A".

In closing, Mr. Watts outlined again the alternate, describing the area from which a 60' street would be taken; and leaving a strip 110' deep for duplexes. He asked for approval as requested; or to permit the amending of the area where there would be only 110'; to send the matter back to the Commission or to work with Mr. Nelson and others further and arrive at something agreeable or withdraw the request.

Mr. Nelson recalled 20 angry opponents appeared to protest when this was before the Zoning Board, but they could not be present today. Colorado Hills was developed under low density, and it was anticipated this area would continue in that type of development. These \$30 - \$45,000 homes now are in a noose of apartments. He referred to the compromise with Mr. Dobson, and read the letter of December, 1969, to the Council from Mr. Dobson, regarding the creation of a buffer strip on the northern most portion of the 5.7 acres -- all the way across to be designated for duplexes and town houses, and the remainder to be for apartments.

Under consideration also was the agreement of the neighbors and the Planning Commission of December 17, 1969. The influence of the apartments on the plateau will affect all of the people adversely.

After consideration, Councilman Dryden moved the Council deny the zoning request. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Love, Lebermann, Friedman, Mayor Butler
 Noes: None
 Not in Council Room at roll call: Councilman Handcox

The Mayor announced that the change had been DENIED.

ZONING APPLICATION POSTPONED

The Council postponed the following zoning application for one week, until September 9, 1971:

J. G. WEBSTER, JR.
 C14-71-179

2404 Winsted Ln.

From "A" Residence
 To "BB" Residence
 NOT Recommended

HEARING ON APPEAL BY MR. DON SEARS REGARDING
SECURITY GUARD LICENSE

At 11:00 A.M., Mr. Don Sears was scheduled for a hearing to appeal the decision of the Chief of Police in the rejection of a Security Guard License. The notice of this hearing, mailed to Mr. Sears, was returned "unclaimed", and the known telephone number was reported as "out of service". Councilman Dryden moved the Council vote that the request be denied, and that the record reflect that the report of the Chief of Police had been filed with the City Clerk for evidence in this hearing. The motion, seconded by Councilman Love, carried by the following vote.

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

ACQUISITION OF LAND - MO-PAC

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac Expressway - Phase 4 - as follows:

31 Margranita Crescent - (Partial Acquisition; Average of
W. R. Walker, et ux Appraisals is \$3,121.00)

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac Expressway - Phase 4 - as follows:

2517 Winsted Lane - (Partial Acquisition; Recommended
Thomas C. Wommack, et ux value is \$2,430.00)

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

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

Councilman Nichols moved the Council adopt a resolution authorizing the acquisition of certain land for the MoPac Expressway - Phase 4 - as follows:

3002 Funston - (Partial Acquisition; Recommended
S. F. Sanderson, et ux value is \$695.00)

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

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

CITY'S SHARE OF ACQUISITION COSTS

Councilman Dryden moved the Council authorize payment to Travis County for the City's share of acquisition costs in the amount of \$12,741.30, for Parcel 87, Loop 360. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ACQUISITION OF LAND FOR BRACKENRIDGE HOSPITAL EXPANSION

Councilman Dryden moved the Council authorize the acquisition of the following land for the Brackenridge Hospital Expansion Project as follows:

1306-1318 Red River Street (Average of appraisals is \$109,165.00)
(2 Parcels)
(C. R. Hamilton and Walter L. Bartosh)

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

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

Mrs. Reed Bock was interested in the improvements on here property at 1316 Red River, requesting that the building known as the Antique Exchange at 1316 Red River not be demolished for a period of 90 days, that the City Manager be instructed to preserve the building in its present status and that it not be vandalized but kept locked. She had a proposal for the building for the city as a whole. The City Manager stated the 90 day extension posed no problem, but the building would be vacant and subject to vandalism. Mrs. Bock wanted assurance of funds, which hinge on the Parks and Recreation reaction. It was pointed out the Recreation Budget had already been considered, and this activity was not included. Councilman Dryden wanted clarification of the request that the Parks and Recreation Department purchase the building and move it to 12th and Red River. The Council informally agreed to Mrs. Bock's request for a 90 day extension on this building.

SOUTHWESTERN BELL TELEPHONE COMPANY
EASEMENT AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing an easement for Southwestern Bell Telephone Company across City owned property at the southwest corner of West 1st Street and Congress Avenue. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CONTRACT - TEXAS WATER DEVELOPMENT BOARD

Mr. Curtis Johnson explained these analyses are chemical as opposed to bacteriological analyses. The Water Development Board would have no program applicable in this area for these bacteriological analyses. Mr. Johnson, Assistant Director of Water and Waste Water, gave schedules for the sampling at the water plants as well as on Town Lake. In answer to Councilman Nichols' inquiry, Mr. Johnson stated these bacteriological samplings would register pollution. Five samples per week are taken that will give the bacteria content plus four additional samples per week that also would give the bacterial content. This schedule has been in effect about three years.

Mr. Burman, local Sierra Club, questioned the quality of water in Town Lake in that it was of low quality, and he contended it to be unwise to spend money other than sampling the creeks to determine where the pollution came from.

Councilman Love moved the Council adopt a resolution authorizing the City Manager to enter into a certain co-operative contract between the City of Austin and Texas Water Development Board in the amount of \$1,464.00 for a program of water analysis. The motion, seconded by Councilman Dryden, carried by the following vote:

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

REPORTS ON CONDITION OF TOWN LAKE AND LAKE TRAVIS

Councilman Lebermann reported that on Lake Austin, from an area near Westwood Club, to about 500 yards up the lake towards Mansfield Dam, there was an odor as coming from an open sewer. Mr. Johnson, Director of Water and Waste Water, stated he would check on this immediately.

Mayor Butler reported in Town Lake there was a terrible amount of flotsam, and suggested getting a crew to clean it up quickly. The City Manager said he would proceed with haste, and noted the rains had really filled the lake with weeks, trees, boards, and other debris.

1971-72 BUDGET

The Council set the following dates for reviewing the 1971-72 Budget:

6:30 P.M., Tuesday, Sept. 7 - Department Heads
6:30 P.M., Wednesday, Sept. 8 - Council Study

CONTRACTS AWARDED

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

MILLER CONCRETE, INC. - For miscellaneous drainage improvements in three locations: Shoal Creek Blvd., F. M. 1325 and Colorado Street Alley,

Contract 71-Db-119 - \$13,113.20
(30 working days for completion;
Engineer's estimate: \$13,000.00;
Capital Improvement Program)

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

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

Noes: None

Not in Council Room when Roll was called: Councilmen Love and Lebermann

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

ALLIED PAINTING COMPANY - For the renovation of Brackenridge
Hospital School of Nursing

Councilman Dryden asked that the contract regarding Brackenridge Hospital be brought up before the Council at this time. Councilman Nichols had some inquiries to make -- (1) who is the Allied Painting Company, and (2) why Allied Painting Company should involve themselves in electric wiring, etc. The Director of Construction Engineering, Mr. Al Eldridge, explained the specifications were so designed, that also as electrical contractor could have obtained a painting sub-contractor. He said Allied Painting Company had done good work, is an Austin based contractor, and can make bond. Mr. Eldridge stated he would get the name of the owner of Allied Painting Company.

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

Ayes: Councilmen Dryden, Love, Lebermann, Friedman, Mayor Butler

Noes: Councilman Nichols (until he knew the name of the owner)

Not in Council Room when Roll was called: Councilman Handcox

The Council recessed until 2:00 P.M.

The Council resumed its business at 2:00 P.M.

ANNEXATION ORDINANCE - PASSAGE DEFERRED

The Council deferred until September 16th, 1971, the final passage of the following annexation ordinance:

39.5 acres of land, more or less, out of the Theodore Bissel Survey - unplatted land and a part of Jones Road. (initiated by City)

The City Attorney reported that Sunset Valley, in order to assure the property owners that there would be no apartment development, does not wish to release all of the area which is being requested for annexation.

VACATING PORTION OF SCENIC DRIVE

The City Manager explained the request of Mr. John D. Byram, to vacate a portion of Scenic Drive. He suggested considering this seriously and perhaps issuing a license for a fence rather than vacating half of a 50' street. Mr. Sam Perry represented Mr. Byram, and outlined his plans for building access to the dock facilities, fencing and landscaping. Mr. Byram would provide an agreement that any time the Council wanted the area back, the owner would have to rededicate and reconvey the area. Also Mr. Byram will pay taxes on the vacated portion. The City Attorney and City Manager recommended a license agreement, authorizing temporary use until the City might need the area, at which time the owner would remove all improvements within 30 days. The City Attorney stated it could be stipulated that taxes would be paid on the property. Councilman Nichols moved the Council adopt a resolution instructing the City Manager and City Attorney to draw the license agreement to accomplish what the Council had been discussing here. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

ZONING ORDINANCE

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 A, SOCIETY HILL SUBDIVISION, LOCALLY KNOWN AS 3515-3607 SPICEWOOD SPRINGS ROAD, FROM INTERIM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE 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. (Dr. Mark Kleiman, Miss Blossom Podolnick, and Harry High -- C14-71-130)

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, Love, Lebermann, Friedman, Handcox,
Mayor Butler

Noes: None

The Mayor announced that the ordinance had been finally passed.

ENFORCEMENT OF LEASH LAW

Dr. G. D. Carnes, spokesman for a number of guide-dog users, asked for rigorous enforcement of the leash ordinance. He listed the problems posed by the loose dogs, the possibility of a Rabies epidemic, and stated the present procedure makes it difficult to secure protection from these loose dogs. He believed many people are not aware of any leash ordinance, and suggested that something more active than at present be done with lots of publicity affirming that there is a law and that is to be enforced. People riding bicycles carry ammonia and water

guns for protection and the dog problem is growing worse. He urged the Council to take action and rigorously enforce the law.

The City Manager, Mr. Andrews, gave a report of the recent proposal. He said out of 30,000 dogs only 7,000 were licensed, and this indicated a lack of education of the owners. Included in the Budget for Council approval are two additional units for dog control. Animal Control Wardens will be in uniform and will have refresher courses in this work. A part time Veterinarian will be on hand to check for rabies at the Shelter. The Public Information Officer is working on this matter and part of the educational program will be advice as to where the public could obtain licenses. There will be a new radio frequency for the cars. With expansion of the Shelter within a few weeks, the ordinance could be enforced. Councilman Nichols suggested that the maximum fine be applied to violations of this ordinance. He believed if this \$200 fine were set, the dogs would be taken care of. It was suggested by members of the Council that warnings be given that the Ordinance is to be enforced using a \$200.00 fine.

**TAX APPEAL TO BE HEARD 11:00 A.M.
SEPTEMBER 9, 1971**

Councilman Nichols moved the Council set the tax appeal of Mr. Charles E. Nemir to be heard at approximately 11:00 A.M., September 9, 1971. (Parcel Numbers 2-1502-0902 and 2-1502-0903). The motion, seconded by Councilman Love, carried by the following vote:

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

**REQUEST FOR A FIRE PROTECTION CONTRACT WITH CITY
FOR UNANNEXED PROPERTY**

The City Manager, Mr. Andrews, suggested since Mr. Arthur R. Tieman had requested annexation, the Council might ask him to pay full taxes for this service, as though he were annexed. Councilman Nichols moved the Council authorize the City Manager to enter into a Fire Protection Agreement with Mr. Arthur R. Tieman; the pay shall be determined as the equal of taxes, and the charge shall be determined by Mr. Klitgarrd, Tax Assessor, appraising the property in his normal method of doing business, and whatever the taxes would be, that would be the amount of the Fire Protection contract. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ESTABLISHING NEW TIME PERIODS FOR VARIOUS SCHOOLS

The Traffic Engineer reported there was a change in hours at specific schools, and he was requesting that the Ordinance be amended to provide for these changes.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41 OF THE AUSTIN CITY CODE OF 1967, BY CHANGING THE TIMES DURING WHICH CERTAIN MAXIMUM PRIMA FACIE SPEED LIMITS ARE IN EFFECT AND BY ADDING PORTIONS OF CERTAIN STREETS UPON WHICH CERTAIN MAXIMUM PRIMA FACIE SPEED LIMITS ARE ESTABLISHED; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY; AND DECLARING AN EFFECTIVE DATE.

After discussion, Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately for the following schools:

Hill School	Winn School
Zilker School	Allison School
Pecan Springs School	Andrews School
Odom School	
Barrington School	

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

OFF STREET PARKING REGULATIONS

The City Manager, Mr. Andrews, reported the "down town area" would be reduced, and a procedure which would apply throughout the City would be established. The new "down town area" would be 20% of the other regulations. The area proposed is 150' south of 1st street to 11th street. The Building Official stated this is a highly congested area where parking garages are provided to a certain extent; and if 20% of the required amount is provided there is some customer and employee parking. In answer to Councilman Nichols' inquiry, the Building Official said he would prefer to see "no parking" in the area, stating most of the business is walk-in traffic; and with the present facilities, he believed the available parking would be sufficient.

After discussion, Councilman Nichols moved the Council vote that in the area of 150' south of 1st Street to 11th Street, and from Lavaca Street to San Jacinto, that the off street parking regulations be waived. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

It was stated an ordinance would be brought in to delete the portion from the present ordinance, and to include the appeal to the Board of Adjustment.

The Building Official said two more requests would be forthcoming at the next Council meeting. The Educational Building on East 7th, and one at 2708 Guadalupe.

Councilman Dryden noted the off street parking requirement was being changed, and he recalled recently the Council asked Gracy Title Company to provide a certain number of spaces, and since it is the same area, the Council should let them know about this change. Councilman Dryden moved the Council vote that Gracy Title Company be advised that they would be required to comply only with the recommendations of the new ordinance. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Mayor Butler noted that people do quite a bit of construction before they come to the Council for a zoning change. As to personnel to check these cases, the Building Official, Mr. Dick Jordan, said he was asking for five additional people in the 1971-72 Budget.

REVISION TO SHUTTLE BUS ROUTES
TRANSPORTATION ENTERPRISES, INC.

The Director of Traffic and Transportation, Mr. Joe Ternus, stated he had met with the Student-Faculty Shuttle Bus Committee, concerning these routes, and he reviewed the various routes of the shuttle bus service. Mr. Dan Felts represented Transportation Enterprises, Inc. Discussion began with the Company's not following the closed door policy, and picking up passengers at various locations not designated in the Shuttle Bus Route. Mr. Felts was not aware of a provision in the ordinance specifying the stops or the closed door policy. He stated they would not be picking up anywhere along the intermediate routes. It was not their purpose to serve between points along the Expressway. He did not think the Company had been in violation of the ordinance; once a passenger boarded the bus, he would be discharged at the University. The City Manager, Mr. Andrews, stated he was coming back to the Council with a report on this matter.

In regard to violations, Mr. Felts stated he would bring this to the attention of the owners, but he did not know of any provision prohibiting a student on Speedway from boarding the bus and being discharged at the University. Mr. Felts asked that the Council act on the limited question on whether or not to extend this route that is on Route "8" and postpone until information can be assimilated about a closed door policy on the routes. Councilman Dryden suggested taking action on what was before the Council today. On the other items, he stated that Mr. Felts should be more informed and meet with Mr. Andrews who has information on which Mr. Felts is not informed and get these things corrected.

Mr. Jobe Nelley, Student Faculty, stated it was their decision to ask T.E.I. to amend their franchise with the City to take in the Parker Lane area, Woodland down Royal Crest to Riverside.

Councilman Nichols stated he would delete the Speedway area from his motion with the idea that this route will not be in operation. If this were acted upon today, he thought the closed door policy should be acted upon.

After lengthy discussion, Councilman Nichols moved that on Area "8" the right be granted to Transportation Enterprises, Inc., to extend the services, now marked in red which is the Elmont Drive area; but between these areas and the University of Texas, they shall observe the ordinance and shall maintain a closed door policy. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Councilman Friedman moved that the Council grant permission to Transportation Enterprises, Inc., to run the shuttle bus services on Routes "0", "4", and "7", pending further discussion on the closed door policy. The motion, seconded by Councilman Nichols (with the idea two weeks from today, that the Traffic Engineer, and these people come back to the Council with a recommendation as to a closed door policy), carried by the following vote:

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

Noes: None

ADJOURNMENT

The Council adjourned at 4:25 P.M.

APPROVED: Ray Butler

Mayor

ATTEST: Edwin Woodley

City Clerk