

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 3, 1972

10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Councilman Nichols presiding as Mayor Butler was absent. It was noted that Mayor Pro tem Love was also absent due to illness.

Roll Call:

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

Absent: Mayor Butler, Mayor Pro tem Love

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

APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meetings of January 20, and January 27, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Mayor Pro tem Love

44TH POLICE CADET CLASS PRESENTED

Officer Baldrige introduced the members of the 44th Police Cadet Class which will be graduated February 18th, becoming commissioned officers. The Council expressed pride in this fine group.

PROCLAMATION

Councilman Nichols, Presiding Officer of the Council, read a Proclamation designating Tuesday, February 28, 1972, "Women's Law Day" and presented the proclamation in behalf of Mayor Butler.

MR. JOE TERNUS COMMEDED

Councilman Dryden called attention to special recognition of Mr. Joe Ternus, Director of Traffic and Transportation, as being elected President of his Professional Organization.

Councilman Dryden moved the Council vote special recognition of Mr. Ternus for receiving commendation from his State professional group and for being elected President of the Texas Section of Institute of Traffic Engineers.

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

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

Noes: None

Absent: Mayor Butler, Mayor Pro tem Love

ZONING HEARINGS

Councilman Nichols announced it was 10:00 A. M., and the Council would hear the zoning cases scheduled for public hearing at this time. The following applications were heard and all interested parties were given time to express themselves:

GEORGE SCHUSTER III,
M. D.
By S. B. Schuster
C14-71-299

2302 Leon St.

From "A" Residence District First Height and Area to "B" Residence District Second Height and Area RECOMMENDED by the Planning Commission

Mr. Schuster represented the owner, Dr. Schuster. In order to remodel, it was necessary to request a zoning change.

Opposition was expressed by Mr. Sidney Donnell, questioning the measurement of the lot. If this is to be an apartment house, there will not be sufficient parking area. It would be untenable to live in the area if this is developed. It was explained that no particular plans were in the making other than remodeling the existing structure, and the zoning is necessary to bring the structures into conforming use.

Councilman Lebermann moved the Council grant the change to "B" Residence District as recommended by the Planning Commission ("B" Second Height and Area). The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Mayor Pro tem Love

Councilman Nichols announced that the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

SIMON OKON
By Kenneth Carr
C14-71-300

1906 Guadalupe St.

From "C" Commercial District Third Height and Area to "C-2" Commercial District Third Height and Area RECOMMENDED by the Planning Commission

Councilman Dryden moved the Council grant the change to "C-2" Commercial District Third Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Absent; Mayor Butler, Mayor Pro tem Love

Councilman Nichols announced the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
C14-71-305

1022-1046 Reinli St.
1015-1047 Clayton Ave.
5800-5920 Sheridan Ave.

From "A" Residence District First Height and Area and "C" Commercial District Second Height and Area to "B" Residence District Second Height and Area RECOMMENDED by the Planning Commission

Councilman Handcox moved the Council grant the change to "B" Residence District Second Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

AUSTIN BAKING
COMPANY
By John Selman
C14-71-312

5800 Airport Blvd.

From "C" Commercial District First Height and Area to "C" Commercial District Second Height and Area RECOMMENDED by Planning Commission

Councilman Handcox moved the Council grant the change to "C" Commercial District Second Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

M. H. CROCKETT, JR.
C14-71-315

Rear of 6301-6371
U.S. Hwy. 290

From "A" Residence District First Height and Area to "C" Commercial District Sixth Height and Area RECOMMENDED by Planning Commission

Councilman Handcox moved the Council grant the change to "C" Commercial District Sixth Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

B. F. McCOY
By Don Ferguson
C14-71-301

706-720 Cooper Dr.
713-725 W. Rundberg
Lane
9201-9331 No. Lamar

From Interim "A" Residence District First Height and Area to "C" Commercial District Second Height and Area RECOMMENDED by Planning Commission subject to a six foot privacy fence on the east boundary of the tract.

Councilman Lebermann moved the Council grant the change to "C" Commercial District Second Height and Area as recommended by the Planning Commission with the restriction of a privacy fence removed from the requirements. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

JEHOVAH'S WITNESSES,
ALLANDALE UNIT
By Jack Ledbetter
C14-71-304

5611 Clay Avenue

From "A" Residence District to "O" Office District RECOMMENDED subject to 10' right-of-way on Clay Avenue

Councilman Handcox moved the Council grant the change to "O" Office District as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

R. H. SNIDER, M.D.
By Bob Mann
C14-71-308

1301 W. Ben White
4100-4108 Banister Ln.
1301-1307 Morgan Lane

From "A" Residence District to "GR" General Retail District and "B" Residence District RECOMMENDED By Planning Commission subject to 5' right-of-way on Morgan Lane and right-of-way on Banister Lane to be determined by the Public Works Department; and a short form subdivision.

Councilman Dryden moved the Council grant the change to "GR" General Retail District and "B" Residence District subject to 5' right-of-way on Morgan Lane and right-of-way to be determined by the Public Works Department on Banister Lane and a short form subdivision. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOE CROW
C14-71-311

801-943 East Rundberg
Lane
9117-9321 I. H. 35
North

From Interim "A" Residence District First Height and Area to "GR" General Retail District Fifth Height and Area RECOMMENDED by the Planning Commission subject to sufficient right-of-way to bring it up to 90' on Rundberg Lane, to be determined by the Public Works Department

Councilman Dryden moved the Council grant the change to "GR" General Retail District Fifth Height and Area as recommended by the Planning Commission subject to sufficient right-of-way to bring it up to 90' on Rundberg Lane to be determined by the Public Works Department. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

FAIRVIEW BAPTIST
CHURCH
By Karl Lockhart, Jr.
C14-71-313

5600-5612 South 1st
Street
701 Stassney Lane

From Interim "A" Residence District First Height and Area to "LR" Local Retail District First Height and Area RECOMMENDED by the Planning Commission subject to right-of-way on Stassney Lane to be determined by the Public Works Department, and six-foot privacy fencing where the tract adjoins residential property

Councilman Dryden moved the Council grant the change to "LR" Local Retail District First Height and Area as recommended by the Planning Commission subject to contingencies. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

MANFRED KERELKE
By Paul Jones
C14-71-314

1301-1305 Newning

From "A" Residence District First Height and Area to "B" Residence District Second Height and Area RECOMMENDED by Planning Commission subject to a short form subdivision combining the two lots into one.

Opposition was expressed by Mr. Solomon.

Councilman Dryden moved the Council grant the change to "B" Residence District Second Height and Area as recommended by the Planning Commission subject to contingencies. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by

the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

C. L. REEVES
By Brian Schuller
C14-71-316

Tract 1
2201-2207 Woodland Ave.
1801-1815 Burton Drive

From "B" Residence District to "LR" Local Retail District

Tract 2
2009-2115 Woodland Ave.
1800-1814 Burton Drive

From "B" Residence District to "LR" Local Retail District

Tract 3
2008-2114 Woodland Ave.
171-41732 Burton Drive

From "B" Residence District to "LR" Local Retail District

Tract 4
2200-2206 Woodland Ave.
1733-1743 Burton Drive

From "B" Residence District to "LR" Local District RECOMMENDED by Planning Commission as amended subject to departmental requirements.

The need for parks in this area was mentioned.

The City Attorney stated Mr. Lillie had advised that there is only 10 or 11% of the property covered by the petition, and that would not require six votes. Mr. Friday representing the petitioners, was present, and described the situation of the residents.

Councilman Nichols moved the Council grant the change as recommended by the Planning Commission on Tracts 1, 2, 3, and 4 to "LR" Local Retail District. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Nichols announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

THE SALVATION ARMY,
Major Chambless
By Harold Legge

2700-2912 South 5th

From "A" Residence District to "O" Office District RECOMMENDED by Planning Commission subject to a restrictive covenant for use of a community center only, and right-of-way on South 5th Street to be determined by Public Works Department

Councilman Dryden moved this item be postponed until February 10th, at 11:00 A.M. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Council requested that Mr. Lloyd Lockridge appear before the Council.

Mayor Butler entered the Council Chamber at this time.

J. D. CONNOLLY
 C14-71-317

7105-7125 Ed Bluestein
 Boulevard (As amended)

From Interim "A" Residence District First Height and Area to "GR" General Retail District First Height and Area RECOMMENDED by Planning Commission on amended area, subject to a subdivision of the tract providing for the dedication of right-of-way for Beacon Dr., Purple Sage Dr., & Springdale Road as determined by the Public Works Department

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

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

Mayor Butler announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN BAKER
 NORTH HILLS CLUB
 TOWNHOUSES, A
 Planned Unit
 Development
 C814-71-008

A tract of land surrounded by North Hills Drive, Valley Side Drive, Hart Lane and East Hill Drive

From "B" Residence District First Height and Area to Planned Unit Development Unit RECOMMENDED by Planning Commission subject to departmental requirements requiring a 15-foot building setback on the rear lot line

Councilman Nichols moved the Council grant the change to Planned Unit Development Unit as recommended by the Planning Commission subject to contingencies.

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

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

Noes: None

Not in Council Room when Roll was called: Councilmen Lebermann, Handcox

Absent: Mayor Pro tem Love

Mayor Butler announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

DOLYE CHAPMAN
C14-71-295

5624 Woodrow Ave.

From "A" Residence District to "O" Office District NOT Recommended To "B" Residence District RECOMMENDED by Planning Commission subject to 15' right-of-way on Woodrow Avenue

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

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

Noes: None

Absent: Mayor Pro tem Love

Mayor Butler announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

KENNETH COLLINSWORTH
By Fairy Davenport

2804 South First St.

From "B" Residence District to "GR" General Retail District NOT Recommended to "GR" General Retail on 200' adjacent to So. 1st. Street RECOMMENDED by the Planning Commission subject to 6' privacy fencing on either side of the zoned area.

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

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

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

Absent: Mayor Pro tem Love

Mayor Butler announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN FELTER
By Holye Osborne
C14-71-309

1805-1811 South
I.H. 35

From "O" Office District
First Height and Area to
"GR" General Retail Fifth
Height and Area NOT Recom-
mended To "GR" General
Retail District Sixth and
Area RECOMMENDED by Plan-
ning Commission subject
to 25' building setback
from the rear property
line and a 6' privacy
fence on the rear property
line.

Councilman Dryden moved the Council grant the change to "GR" General Retail District Sixth Height and Area as recommended by the Planning Commission subject to contingencies. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Mayor Butler announced the change had been granted as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONINGS POSTPONED
February 10, 1972

B. M. HICKMAN
By D. W. Morris

2608-2610 Wheless Lane

From "A" Residence Dis-
trict to "B" Residence
District NOT Recommended
To "BB" Residence Dis-
trict RECOMMENDED by Plan-
ning Commission

The motion to grant "BB" failed to receive the required number of votes. Councilman Lebermann moved the Council reconsider the action and hear the application on February 10, 1972 at which time there would be a full Council. The motion, seconded by Councilman Nichols, carried by the following vote:

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

W. W. KNAPE
C14-71-298

1000-1006 East 52nd St. From "A" Residence Dis-
5201-5203 Harmon Ave. trict First Height and
1009-1015 East 53rd. St. Area to "C" Commercial
District Fifth Height and
Area NOT Recommended TO
"GR" General Retail Dis-
trict Fifth and Area
RECOMMENDED By Planning
Commission subject to 5'
right-of-way on Harmon
Ave. 5' right-of-way on
East 52nd St. and 5' ri-
ght-of-way on East 53rd.

Councilman Dryden moved this item be postponed until all members of the Council are present and Mr. Knape be notified to appear before the Council. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Friedman, Mayor Butler, Councilmen Nichols, Dryden,
Lebermann

Noes: None

Absent: Mayor Pro tem Love

Not in Council Room when Roll was called: Councilman Handcox

McMAIN, MABRY
POWELL, MONTANDON,
And MOFFETT

4500-4514 Avenue F
106-110 East 45th
Street

From "A" Residence Dis-
trict First Height and
Area to "B" Residence
District Second Height
and Area NOT Recommended
RECOMMENDED by Planning
Commission that the 3
lots adjacent to 45th
Street be granted "B"
Residence District First
Height and Area subject
to a short form sub-
division tying these lots
together and 5' of right-
of-way on Avenue F.

Mr. Truman Montandon stated the three lots belonged to three separate individuals, and he asked to hold this in abeyance until they could meet together. He stated the matter previously concerned only one lot; now there were three involved, and he asked for at least two weeks continuation. Mr. Lillie, Director of Planning, stated the zoning should be either denied or granted subject to the requirements, and leave it a pending case until the requirements are met, at which time it would return to the Council as an ordinance.

Councilman Dryden moved the Council postpone this hearing, with not date set. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Friedman

Noes: None

Not in Council Room when Roll was called: Councilmen Lebermann, Handcox
Absent: Mayor Pro tem Love

BOAT DOCK

Mayor Butler read a letter from Mr. J. R. Eure, 1700 Taylor Gaines, who was trying to put in a boat dock on Smoky Ridge, Lake Austin. The L.C.R.A. had raised the water last Tuesday. Although they had said the water would go back down, he was told today the water would not go back down. Mr. Eure will lose all of his material. He had called the Manager's Office, and was told it was up to the Council.

The filling of the lake was not to start until February 7th, it was reported. No doubt the water was raised due to the rains. The matter was turned over to Mr. Chuck Space to call Mr. Eure. Mayor Butler stated if the water came up enough to hurt any of those projects, the water should be let out.

TAX APPEAL DECISIONS

Chevy Chase South, Ltd.

Councilman Nichols moved that in the case of Chevy Chase South, Ltd., by John R. Braziel, the recommendation of the Board of Equalization be upheld (future office building site.) The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Dryden

Absent: Mayor Pro tem Love

Delwood Center

Councilman Nichols moved that in the case of Delwood Center, Inc., by Rogan B. Giles;

the acreage immediately adjacent to Interregional Highway, and which is presently \$1.50, be established at \$1.25; and that on the area known as O 8, which is the Delwood Center, Inc., .01 of an acre on the tax rolls presently at \$0.60 be set at \$0.50.

On the .84 acres, likewise, from \$0.60 to \$0.50; and on the Ditch from \$3750 to \$2500.

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

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilman Nichols

Noes: None

Not in Council Room when Roll was called: Councilman Dryden

Absent: Mayor Pro tem Love

Councilman Nichols stated this decision covers a two-year period, 1970 and 1971.

Mayor Butler stated a letter should be written to both parties reflecting the decision.

CITIZEN COMMUNICATION

Mr. Wroe Owens, President of Chamber of Commerce, expressed appreciation to the Council for its vote of confidence in the Chamber of Commerce in awarding the contract arising out of the Room Occupancy Tax. He reported on the progress that had been made in line with the contract. He introduced the volunteer Vice President in charge of Tourism, Mr. Charles Goodnight, and Mr. Banks Miller, Vice President in charge of Conventions. Mr. Dick Mathias introduced the professional staff, stating they were geared to take care of the items under contract to use these funds for developing the Convention and Visitor Industry. Those introduced were Mr. Gregory "Bones" Oldenburgh, who will become the manager of the Austin Convention Bureau; Mr. Ted White, Tourism; Mr. George Seagret, Director of Information for the Chamber of Commerce; and Mr. Michael Giles, full time administrative assistant.

TAX APPEAL

Mayor Butler opened the tax appeal hearing requested by Mr. Don J. Jackson on 18 pieces of his property.

3604 Balcones - Mr. Jackson stated he was bringing those properties to the Council as he thought these were gross errors. Mr. Jackson documented cost figures of his buildings. Mr. Klitgaard stated they were not measuring the cost but the market value of the property. Mr. Jackson had an independent appraiser research the area. Mr. Klitgaard stated it was assessed correctly and that Mr. Jackson was welcomed to the public records for comparison.

4413 Speedway - Mr. Klitgaard reviewed the area, which is an apartment, stating there are six lots, and improvements consisting of 24 units, and stated on these apartments the Board of Equalization made no change in the evaluation. The apartment has been appraised in accordance with the same system as applied to all like apartment houses. The Board felt the revenue produced by this apartment was well within the value estimate prepared by the Department. Mr. Jackson stated in 1969 the contract was \$100,000, and he asked for some depreciation. He would furnish his 1971 actual income if the Council so desired.

Withdrawn

3810 Medical Parkway
104 West Lola Drive

5210 Joe Sayers - Mr. Klitgaard reviewed this duplex. Mr. Jackson asked that it be left as it was last year, as he had added to it, and it would be revalued this year. Each side rents for \$120.00.

8016 Gault - Mr. Klitgaard reviewed this property. The following appeals will be classified as 4 - class. Mr. Jackson stated the land value doubled and the building went up \$1,000 full value. He had talked to an appraiser, and all the parcels to be discussed in this group would range in the neighborhood of \$2500 per lot. The duplexes are frame construction. The \$2500 per lot seems to be comparable with the Tax Department of \$2700. To be decided on later.

Mr. Jackson stated he was satisfied with the value on the improvements at the following locations:

2107 Ohlen Road
2105 Ohlen Road
2103 Ohlen Road
2101 Ohlen Road
2009 Ohlen Road
2007 Ohlen Road
2005 Ohlen Road
2213 Lanier Drive

Mr. Jack Klitgaard discussed the value of the land at the locations just checked off for improvements. The land was reappraised in 1971 to bring it up to the market value today.

2204 Lanier - At 2204 Lanier, there is a \$40.00 standard front foot unit which reduces to \$36.00 a front foot by virtue of the depth being less than 100'. Mr. Klitgaard did not believe reasonable duplex sites in the City could be found less than \$40.00, and this was in keeping with any assessment made on any land in the area. Mr. Jackson stated an average of \$2500 each would be a good price.

2301 Ohlen Road - This property was given an adjustment in the building value, by the Equalization Board and Mr. Jackson withdrew the appeal on the improvements, stating his rendition should be about \$130,500.00 as per his cost sheet. He was not withdrawing the land, which he purchased in 1969, and for which lot he paid \$10,000. Mr. Klitgaard stated in 1969, January 1st assessment, the property was in the process of being developed and subdivided, and there was a discount allowed until the best use of the property were determined. In 1970, it was appraised at \$0.40 per square foot in keeping with the appraisal of all comparable sites in the area. In 1971, it was in the area that was reworked and the value was raised up to \$0.75 the same as all others in the area.

Personal Property

Jackson Square Apts - Mr. Klitgaard reviewed the furniture and fixtures for the particular apartment house at 4413 Speedway. It was not submitted to the Department on the confidential return. Later in the year, Mr. Jackson did submit a return, after change of evaluation notices had been mailed. The Board had instructed Mr. Jackson to work with the Tax Department, but Mr. Jackson never came back and asked the Department to work with him as instructed by the Board. The assessment was sustained by the Board, and the Department believes it is well in line with assessments worked out the previous year on his apartments. Mr. Jackson reported that most of the furniture had been torn up or moved to other locations.

On the property at 4410 Avenue F, Mr. Jackson explained the figure used was that of what he had borrowed. He rendered at his cost, and he asked for depreciation. The property was put into service in 1969. Mayor Butler stated the Council would review these figures.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I TO APPROPRIATE FROM UNAPPROPRIATED GENERAL FUNDS AND CREDIT TO THE POLICE DEPARTMENT ACCOUNT AN AMOUNT TO BE EXPENDED FOR THE ESTABLISHMENT OF A POLICE LEGAL ADVISOR PROGRAM; AND DECLARING AN EMERGENCY.

Councilman Nichols moved the Council waive the rule requiring 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 Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols
Noes: None
Not in Council Room when Roll was called: Councilman Lebermann
Absent: Mayor Pro tem Love

Mayor Butler announced that the ordinance had been finally passed.

HEARING ON RATE INCREASE ON TAXICABS

The hearing on a petition from the Taxi Franchise Holders for rate increases and other amendments to the Code was opened.

Mr. Frank Denius represented Roy's Taxicab, and Mr. Troutman represented Yellow Cab and Checker Cab. Mr. Troutman referred to exhibits which were forwarded to the Council. The application requested an amendment to the Ordinance to effect the following rate increases:

Between 6:00 A. M. and Midnight	- 50¢ for the first 2/5 of a mile plus 10¢ for each additional 1/5 of a mile.
Between Midnight and 6:00 A. M.	- 75¢ for the first 2/5 of a mile plus 15¢ for each additional 1/5 of a mile.

The applicants asked that Section 34-18 of the Code - Maximum Age of Vehicles - be amended; that the present gross receipts tax of 2% be eliminated; and that the permit fee of \$100.00 annually be set at \$50.00 annually on activated permits and \$25.00 annually on inactivated permits, payable in advance. It was noted the gross receipts tax upon the bus system franchise holders had been eliminated, and a subsidy being paid by the City. In the last five years there had been one increase in taxicab rates -- a 10¢ per trip -- while every element of cost had increased. The drivers are under wage and hour law at \$1.60 with perhaps an increase to \$2.00. Mr. Troutman pointed out the decrease in taxi trips from 515,702 to 414,009, resulting in a loss of revenue to the Taxicab Companies. Possibly the shuttle bus and bus services from Model Cities might have affected this.

Discussion was held on the age of the cab as pertaining to the specially constructed Yellow and Checker Cabs which are constructed to last seven years. Mr. Troutman stated even with the increase the rate would still be under the fares in other cities in Texas.

Mr. Frank Denius generally supported the position taken by Checker-Yellow Cabs. They have reservations about rates according to certain hours of the day or night, and Roy's Company would be concerned about the meter changes. Mr. Robinette,

owner of Yellow and Checker Cabs, explained the process, and anticipated no problem. Their increase was based on the 12:00 Midnight to 6:00 A. M. Mr. Denius stated Roy's Taxi would support the rate from 6:00 A. M. to 12:00 Midnight. He also supported the six-year basis on taxicabs. He asked that the gross receipts be eliminated, and the permit fee be changed as recommended by Mr. Troutman. He reported that Mr. Velasquez with 30 permits sometimes leases the permits, and he had to try to collect the ad valorem taxes to keep the lessee in good standing. Mayor Butler inquired about the reduction of the \$100.00 fee to \$50.00 as the City was in the process of raising some of these fees.

Mayor Butler expressed concern over the older vehicles. Councilman Nichols did not believe the rates for different time zones would be favorable; and that perhaps an average should be considered for full time service. Councilman Dryden was aware in other parts of the country there was an added fare for late hours; and he did not believe these cab companies' investments were yielding a fair amount of return. The people who ride the cabs should pay. Mr. Robinette pointed out they were in competition with T.I., the Bus Company, and the Model Cities, who paid no transportation tax at all.

Councilman Lebermann stated he wanted the transportation entrepreneur to make a satisfactory return and that the people be well served. He moved that this hearing be continued for two weeks for more conversation with Traffic and Transportation and for additional time for study. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Friedman, Mayor Butler, Councilmen Dryden, Nichols, Lebermann

Noes: None

Not in Council Room when Roll was called: Councilman Handcox

CONTRACTS AWARDED

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

DITCH WITCH OF SOUTH TEXAS
(New Braunfels, Texas)

- One each Wheel-Mounted Trenching Machine
and One each Trenching Machine Trailed.
Budgeted Item for the Electric Department
Item No. 1 - \$5,190.00
Item No. 2 - \$1,025.00
Total - \$6,215.00
Net, F.O.B. Delivered

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

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

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Absent: Mayor Pro Tem Love

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

MOTOROLA C&E, INC.

- Handi-Talkie Radio Batteries and Battery
Chargers. For use by the Police Department. Items: 1-6, ALL Items - \$11,179.80
Net, F. O. B. , Delivered

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

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

BIDS REJECTED

The City Manager said the bids received for the Tennis Facilities Improvements were too high. By making some adjustments in specifications, it was felt they could get better bids. Councilman Dryden was interested in not slowing any tennis or soft ball activities.

Councilman Nichols moved the Council adopt a resolution authorizing the rejection of bids received on January 18, 1972, for Tennis Facilities Improvements at the Austin Recreation Center. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ANNEXATION HEARING

Mayor Butler opened the public hearing scheduled at 2:00 P. M., to consider certain areas for annexation. He invited all interested parties to be heard.

Mr. F. E. Gatliff filed a petition showing 17 property owners who opposed the annexation proceedings of the property located in the 32.60 acres of the J. M. Mitchell Survey and part of the James P. Wallace Survey number 18.

After all interested parties had been heard, the Council closed the Public Hearing and directed the administration to institute annexation proceedings to annex the following lands, The motion made by Councilman Nichols:

20.28 Acres of land out of the James Rogers Survey -
proposed MESA PARK, SECTION FOUR. (requested by owner's representative)

28.63 acres of land out of the Santiago Del Valle Grant -
proposed PEPPERTREE PARK, SECTION 2 and a portion of
Teri Road. (requested by owner's representative)

19.00 acres of land out of the William Cannon League -
proposed FLOURNOYS SWEETBRIAR SECTION X. (requested
by owner)

11.32 acres of land out of the Theodore Bissell League -
a portion of the C.T. BAKER SUBDIVISION. (tract one
requested by owner; tracts two and three initiated by
City)

55.30 acres out of George W. Davis and John Applegait
Surveys as follows:

- (1) 42.97 acres of land out of George W. Davis Survey - proposed QUAIL CREEK WEST, PHASE II, SECTION 7 and unplatted land out of John Applegait Survey. (requested by owner's representatives)
 - (2) 12.33 acres of unplatted land out of George W. Davis Survey. (initiated by City)
- 21.7 acres of land out of the Theodore Bissel League (initiated by the City)

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

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

After all interested parties had been heard, Councilman Nichols moved the Council close the public hearing and direct the administration to institute annexation proceedings to annex the following:

32.60 acres of unplatted land including a portion of old U. S. Highway 183 out of the James M. Mitchell Survey and the James P. Wallace Survey Nol 18. (initiated by City)

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Nichols, Friedman
Noes: Councilman Dryden
Not in Council Room when Roll was called: Councilman Lebermann
Absent: Mayor Pro tem Love

ANNEXATION ORDINANCE - 1ST & 2ND READINGS

Councilman Nichols moved the Council introduce and read the first and second times an ordinance annexing the following:

3.04 acres of land out of the James P. Wallace Survey - proposed WESTOVER HILLS, SECTION THREE PHASE SIX. (requested by owner's representative)

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

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

ZONING ORDINANCES

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: A 1,485 SQUARE FOOT TRACT OF LAND,

LOCALLY KNOWN AS 5601-5617 AIRPORT BOULEVARD,
FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL
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.

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

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

Councilman Nichols announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

RUNDBERG LANE PROPERTIES C14-71-105	510-600 E. Rundberg Lane	From Interim "A" Residence District First Height and Area and "GR" General Retail First Height and Area to "GR" General Retail First Height and Area
B. L. MINCE & W. R. COLEMAN C14-71-279	1501 Lupine Lane	From "A" Residence District to "B" Residence District
ALLAN SHIVERS, ET AL C14-71-184	1507-1511 Houston Street	From "BB" Residence District First Height and Area to "B" Residence Second Height and Area

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

- (1) A 1.18 ACRE TRACT OF LAND, LOCALLY KNOWN AS 510-600 EAST RUNDBERG LANE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) ALL OF LOT 12, EXCEPT THE NORTH TWO FEET AND THE EAST TWO FEET OF SAID LOT, BELLVUE PARK SUBDIVISION, LOCALLY KNOWN AS 1501 LUPINE LANE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
- (3) PART OF LOT 1, ALL OF LOTS 2 AND 3, BLOCK 10, BROADACRES SUBDIVISION, AND THE EAST ONE-HALF (1/2) OF THE VACATED JIM HOGG AVENUE, LOCALLY KNOWN AS 1507-1511 HOUSTON STREET, FROM "BB" RESIDENCE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING

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

CITY OF AUSTIN, TEXAS

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Absent: Mayor Pro tem Love

SHOAL CREEK MAINS TO BE CONSTRUCTED

Councilman Nichols moved the Council authorize the City Manager to sign the necessary documents for the construction of Shoal Creek Mains. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Pro tem Love

Not in Council Room when Roll was called: Councilman Lebermann

TRAVIS COUNTY AGREEMENTS AUTHORIZED

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to execute an agreement with Travis County to cooperate in the operation of the Personal Bond Program. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Absent: Mayor Pro tem Love

Councilman Dryden moved the Council adopt a resolution authorizing the City Manager to execute an agreement with Travis County to cooperate in the operation of the Veterans County Service Office. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Absent: Mayor Pro tem Love

PUBLIC HEARING SET

Councilman Nichols moved the Council set a public hearing on February 24, 1972 at 11:00 A. M., to consider certain amendments to Chapter 45 of the Austin City Code of 1967 (Zoning Ordinance). The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Lebermann

Absent: Mayor Pro tem Love

BOATDOCKS - REPAIR OR CONSTRUCTION

Councilman Nichols moved the Council adopt a resolution authorizing the repair of the following boatdock:

Repair on existing boatdock on the East 120 feet of Lot No. 6, Cedar Ranch, Lake View Acres Subdivision in Travis County and adjacent to Lake Austin - E. W. Wehman

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: Councilman Lebermann
Absent: Mayor Pro tem Love

Councilman Nichols moved the Council adopt a resolution authorizing the construction of the following boatdock:

Construction of a Shore Station Dock and Shore Station Boat
Hoist on Lake Austin, Lot No. 2, Manana Terrace, Travis County,
Texas - Lauren W. Hudgens

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: Councilman Lebermann
Absent: Mayor Pro tem Love

Councilman Nichols moved the Council adopt a resolution authorizing the construction of the following boatdock:

Construction of a boatdock on Lake Austin at Apache Shores,
Lot No. 82, Section 1, Travis County, Texas - Donald Ottmers

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: Councilman Lebermann
Absent: Mayor Pro tem Love

Mayor Butler stressed the importance of a stronger code on these lake structures, including Town Lake, to protect that valuable shoreline. Mayor Butler asked the Building Official to notify the Council when requests for building on Town Lake were filed. Councilman Nichols asked the City Attorney to check on the cantilever.

PURCHASE OF OIL

Councilman Nichols moved the Council adopt a resolution authorizing the continued purchase of fuel oil for the next sixty days and to continue the present contract for the next sixty days at 10¢ a gallon. The motion, seconded by Councilman Dryden, carried by the following vote:

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

BROWN AND ROOT OFFICIALS

Mayor Butler announced there were some executives from Brown and Root present. Mr. Ben Powell was spokesman.

Mayor Butler explained the situation with which the Council was faced is that the City had spent a great deal of money with this firm; and after spending approximately \$960,000 in fees on the Decker Project there is another \$4800 to correct a problem that had developed.

Mr. Powell, spokesman for Brown and Root, said they had done work for the City in construction fields for many decades. As to the Decker Creek project, Brown and Root did first a site study as to the location for this particular facility for a power plant with a water supply. That study resulted in a location on the Decker Creek site. The Company was paid a regular engineering fee. It was known to Brown and Root, as the City's engineers, and to the City of Austin as owner, that the power plant and spillway were located on a clay formation; and it was also known that the clay would swell when wet and shrink when dry. He described the design that when the movement in the soil occurred, there would be no major deformation of the whole project.

Last fall the Texas Water Commission made a check on the dam which showed there had been about 20% movement of some of the blocks. When this was brought to the attention of Brown and Root, they contacted Mr. Ralph F. Reuss, National Soil Service, who joined them in making a study of this problem. Mr. Powell proposed the method to use to work out the details, the exact steps to be taken, and to supervise the work to be done by the City's Street and Bridge forces. There is a very small amount of work to be done and the Texas Water Commission concurs with that procedure.

He outlined the proposals--one, that Brown and Root do the job on a lump sum of \$4800; and next, that they would do the work on a basis of direct man hours with overhead, but no fee above that. Brown and Root felt this was something that would occur and that would be taken care of in this general manner when it did happen, with engineering services under the normal standard terms of doing this kind of service.

Mr. Powell expressed concern in not having this Council or anyone under the impression that this was something unexpected, or was a result of poor engineering or erroneous engineering and that Brown and Root should correct their error of omission, which is not a fact. Brown and Root is interested in not having this Council or anyone feel that their work had been deficient in any manner, and expressed appreciation for the opportunity to come before the Council. He said they were paid for the engineering for the dam and spillway about 1/4 of a million--not a million dollars. Councilman Nichols noted the City had paid Brown and Root in the last 15 years an average of \$20,000 a month for engineering only. Mr. Powell stated, if the Council felt that the volume of business the City had given Brown and Root, would warrant a volume discount, they would be glad to do this; but not on the basis that they were correcting an error. Mayor Butler stated this was not the Council's intent.

Mr. Powell described the procedure to make the repair work by the City's Street and Bridge people; and that Brown and Root would have one of their men to stay with the crew for a couple of days. It was stated city employees could observe the procedure for future repairs.

Councilman Lebermann asked if there had been any diminution of structural integrity as far as this dam is concerned, and Mr. Powell stated there had not been any. Councilman Lebermann asked if this would be a continuing problem due to the nature of the subsoil. Mr. Powell stated it would. He said it could be the soil, but it could not be determined. Mr. Powell noted there was no critical problem, as the dam was designed so there would not be one, and the design is working out

as it should.

Councilman Dryden thanked Messrs. Powell, Morris, Weber, Blaschke, and Ruess for coming before the Council. He explained the cost of repairs seemed vague, as the Council did not have precise information as to what the firm was going to charge. He stated an engineer from Brown and Root should supervise this repair work. Mr. Powell agreed, stating the repair work should be consistent with the basic design of this structure. He said the Texas Water Board concurred with the method of work. Councilman Dryden pointed out the critical areas to Mr. Powell. Mr. Powell took note, stating on the various points Councilman Dryden had called to attention, would be checked out to see if anything could be done about them. Mr. Powell stated they would do the work for nothing; in no event would it cost more than \$2000 for the whole thing.

Councilman Nichols stated that Brown and Root are entitled to be paid for the work that they do. If it is \$4,800 he would want that amount paid. Also, he stated to the group that it had been worthwhile for them to come up, as they had given the Council additional information.

MODEL CITIES PROPOSAL - POSTPONED

Councilman Dryden moved the Council postpone the Model Cities Proposal designating an independent auditor to conduct audits of all Model Cities contract agencies as required by regulations of the U. S. Department of Housing and Urban Development until February 10th. The motion, seconded by Councilman Nichols carried by the following vote:

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

PAINTING OF MUNICIPAL COLISEUM POSTPONED

The Council postponed the item concerning the painting of the Municipal Coliseum until Mayor Pro tem Love returns, as he is interested in this item.

CITIZEN COMMUNICATION

Councilman Nichols said Mrs. Donald Fiegel had a proposal for a "litter" ordinance. He moved that the City Attorney contact Mrs. Fiegel and get her ideas and make a presentation to the Council.

COMMITTEE REPORTS TO COUNCIL

The Council received a report from Parks and Recreation Board regarding Caswell Tennis Center. The Council had no questions at this time.

ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: _____
City Clerk