

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 6, 1972
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Pro Tem Love presiding.

Roll Call:

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

The Invocation was delivered by REVEREND JOHN WOODALL, Community Christian Church.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of the 23rd of March, 1972. The motion, seconded by Councilman Handcox, carried by the following vote:

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

PROCLAMATION

Mayor Pro Tem Love read a Proclamation naming April 9-15 as "BOY'S CLUB WEEK IN AUSTIN", and urged that the theme of Boy's Club Week "We're the only next generation you've got" be kept in mind. The Proclamation was presented to Mr. Ernie Staggs, Director of the Austin Boy's Club.

ZONING HEARINGS

It being 10:00 A. M., Mayor Pro Tem Love announced that Council would hear the zoning cases scheduled for public hearing at this time. The Director of Planning reviewed each case, locating them in the area, describing the uses of surrounding property, and adequacy of streets.

WILL THURMAN, JR.
C14-72-018

5111-5305 Wasson Road

From "GR" General
Retail to "C" Commer-
cial RECOMMENDED by
the Planning Commission

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

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

Mayor Pro Tem Love 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.

JOE LONG
 By Tom Cherry
 C14-72-022

4309 Avenue D

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

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

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

Mayor Pro Tem Love 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.

ALLANDALE ESTATES
 DEVELOPMENT CO.
 By Phil Mockford
 President Wiley D.
 Pringle/Paul Green
 C14-72-026

8639-8831 Shoal Creek
 Boulevard

From "B" Residence to "D" Office RECOMMENDED by the Planning Commission

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

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

Mayor Pro Tem Love 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.

RAY YATES
 By R. W. Stuart
 C14-72-034

7531 Burnet Road

From "GR" General Retail to "C" Commercial RECOMMENDED by Planning Commission

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

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

Mayor Pro Tem Love announced that the change had been granted as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

C. L. REEVES

504 Swanee Drive

By Robert Davis

C14-72-036

From "BB" Residence to "B"
 Residence (as amended)
 RECOMMENDED (as amended)
 by Planning Commission

Councilman Nichols moved the Council grant the change from "BB" Residence to "B" Residence (as amended) as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

C. L. REEVES

2101 Burton Drive

By Robert Davis

C14-72-037

From "B" Residence to
 "C-2" Commercial
 RECOMMENDED by Planning
 Commission

Councilman Nichols moved the Council grant the change from "B" Residence to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love 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.

E. G. CARLSON

1008-1034 Hwy. 183

By William Wells

C14-72-039

From "C" Commercial to
 "C-2" Commercial as
 RECOMMENDED by the
 Planning Commission

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

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

Mayor Pro Tem Love 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.

JOHN T. SCHNEIDER,
JR.
C14-72-004

700-702 Blackson Ave.
7401-7405 Martin Ave.

From "A" Residence to "GR" General Retail (as amended) RECOMMENDED as amended subject to 5' of right-of-way on Blackson Avenue and 5' of right-of-way on Martin Avenue and a subdivision combining the 2 lots into one tract.

Councilman Nichols moved the Council grant the change from "A" Residence to "GR" General Retail as amended by the Planning Commission recommended subject to 5' of right-of-way on Blackson and 5' of right-of-way on Martin and a subdivision combining the 2 lots into one tract. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Handcox, Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler, Councilmen Lebermann, Friedman

Mayor Pro Tem Love 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.

BURT E. DALLAS
C14-72-017

1905 Koenig Lane

From "A" Residence to "O" Office as Recommended by Planning Commission subject to 10' of right-of-way on Koenig Lane

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to 10' right-of-way on Koenig Lane. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Handcox

Noes: None

Absent: Mayor Butler, Councilmen Lebermann, Friedman

Mayor Pro Tem Love 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.

MRS. ANNA SCHOENERT
By Kirk Williamson
C14-72-020

4504 Speedway

From "A" Residence First Height and Area to "B" Residence Second Height and Area RECOMMENDED by Planning Commission subject to 5' right-of-way on Speedway.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "B" Residence Second Height and Area as recommended by the Planning Commission subject to 5' of right-of-way on Speedway. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Friedman entered Council Chambers at this time.

Mayor Pro Tem Love 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.

MRS. M. G. CRADDOCK
 By Chris Crow
 C14-72-024

108 E. 38th St.

From "A" Residence First Height and Area to "B" Residence Second Height and Area RECOMMENDED by Planning Commission subject to 10' of right-of-way on E. 38th

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "B" Residence Second Height and Area as recommended by Planning Commission subject to 10' of right-of-way on E. 38th Street. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love 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.

WILLIAM G. WOLFE
 C14-72-025

3800 Speedway

From "B" Residence to "O" Office RECOMMENDED by Planning Commission subject to 15' of right-of-way on W. 38th.

Councilman Nichols moved the Council grant the change from "B" Residence to "O" Office as recommended by the Planning Commission subject to 15' of right-of-way on W. 38th Street. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love 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.

JOHN HENRY JOHNSON
 By John Carter, Jr.
 C14-72-027

1201-1203 Haskell St.
 47-49 3/4 Waller St.

From "A" Residence to "B" Residence RECOMMENDED by Planning Commission subject to 15' right-of-way on Haskell.

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Councilman Nichols moved the Council grant the change as recommended by the Planning Commission from "A" Residence to "B" Residence subject to 15' of right-of-way on Haskell. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love 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.

JOHN FOSTER
By Steve Price
C14-72-028

801 Montopolis Drive

From "A" Residence to "GR" General Retail RECOMMENDED BY Planning Commission subject to 2 1/2' right-of-way on Montopolis Dr.

Councilman Nichols moved the Council grant the change as recommended by the Planning Commission from "A" Residence to "GR" General Retail subject to 2 1/2' of right-of-way on Montopolis Drive. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted from "A" Residence to "GR" General Retail as recommended and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM BOWMAN
By Robert Bowman
C14-72-029

1505-1507 W. 35th St.

From "A" Residence to "LR" Local Retail RECOMMENDED by Planning Commission subject to a subdivision combining the two lots into one tract.

Councilman Nichols moved the Council grant the change from "A" Residence to "LR" Local Retail as recommended by the Planning Commission subject to a subdivision combining the two lots into one tract. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love 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.

W. C. KENNEDY
By John Selman
C14-72-030

924-934 E. 51st St.
5101-5107 Bennett Ave.

From "A" Residence First Height and Area to "B" Residence Second Height and Area RECOMMENDED by Planning Commission on amended area, subject to subdivision combining the lots into 1 tract, 15' right-of-way on 51st. & 5' of right-of-way on Bennett Avenue.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "B" Residence Second Height and Area recommended by the Planning Commission on the amended area, subject to a subdivision combining the lots into 1 tract, 15' of right-of-way on 51st St. & 5' of right-of-way on Bennett Avenue. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted from "A" Residence First Height and Area to "B" Residence Second Height and Area as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ELIGIO ACOSTA
By Robert Guerra
C14-72-033

803 Montopolis Drive

From Interim "A" Residence First Height and Area to "GR" General Retail First and Area RECOMMENDED by Planning Commission subject to 2 1/2' right-of-way on Montopolis.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to "GR" General Retail First Height and Area as recommended by the Planning Commission subject to 2 1/2' right-of-way on Montopolis. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love 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.

CULLERS & NUTTER,
INC.
By Robert Nutter
C814-72-001

A tract bounded on the northeast by Steck Ave. on the northwest by Greenslope Dr. and on the Southeast by Forest Mesa Drive

From "A" Residence First Height and Area to Town-house development, PLANNED UNIT DEVELOPMENT, RECOMMENDED subject to departmental requirements

Councilman Dryden moved the Council grant the change from "A" Residence First Height and Area to Townhouse development, Planned Unit Development recommended by the Planning Department subject to departmental requirements. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted as recommended by the Planning Department and the City Attorney was instructed to draw the necessary ordinance to cover.

CLEAR CREEK
 PROPERTIES, INC.
 By Carl Morris,
 Vice-President
 C14-72-040

Rear 1823-2001 No.
 Bluff Dr.
 2001-2219 No. Bluff
 Drive

From Interim "A" Residence
 First Height and Area to
 "MH" Mobile Home First
 Height and Area RECOMMEND-
 ED by the Planning Com-
 mission subject to sub-
 division

Mr. Dick Lillie, Director of Planning, displayed a map and showed the location of a mobile home subdivision. The applicant intends to develop these tracts as a mobile home park under the new Mobile Home Park Ordinance. Both the Staff and the Planning Commission recommend approval of the zoning.

Mr. Carl Morris, Vice-President of Clear Creek Properties, Inc., stated he owned one-third interest in Clear Creek Properties; Messrs. Vernon B. Kroger, and W. E. Archer, Jr., own one-third interest each. All are local people.

A realtor, representing Mr. Charles Blankenburg who owns 88 acres on Bluff Springs Road, stated Mr. Blankenburg would like to have this postponed until he could have a study made, as he is opposing the trailer development.

After discussion, Councilman Nichols moved the Council uphold the recommendation of the Planning Commission and grant the zoning change subject to subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Lebermann entered Council Chambers at this time.

WILLOWCREEK HILLS
 K. S. Wendler, Pres.
 By Robert Davis
 C14-72-038

2207-2215 Woodland Ave.
 1800-1801 Willow Creek

From "B" Residence to "
 "LR" Local Retail NOT
 Recommended RECOMMENDED
 to a southern line that
 will be the continuation
 of the tract to the
 immediate west and ex-
 tending along said line
 to Willow Cr. Dr. subject
 to subdivision to dedicate
 the full right-of-way of
 80' for Woodland Ave. to
 Willow Creek Drive

Mr. Richard Baker stated although it appears the Planning Commission did not recommend the zoning, it is his opinion that the request was recommended by the Planning Commission subject to conditions. The developer agrees to the conditions imposed, and is in the process of complying with those conditions.

Mr. Dick Lillie, Director of Planning, described the property under discussion, and pointed out a portion of an extended line, and the portion that should be left as is. Mr. Baker explained this was an oversight at the time of application on the basis of improper field notes. It was intended to be contiguous with the south line. No opposition appeared to be heard.

Councilman Nichols moved the Council grant the zoning change from "B" Residence to "LR" Local Retail subject to a southern line that will be the continuation of the tract to the immediate west and extending along said line to Willow Creek Drive subject to subdivision to dedicate the full right-of-way, consisting of 80' for Woodland Avenue to Willow Creek Drive, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love 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.

JESSE J. BRADY
 By John Selman
 C14-71-035

2426-2434 Bluebonnet Ln. From "A" Residence to
 2500-2512 Del Curto Rd. "B" Residence NOT Recommended RECOMMENDED "BB"
 Residence subject to 10'
 of right-of-way on Bluebonnet Lane and 5' to 10'
 of right-of-way on Del Curto Road.

Mr. John Selman representing the applicant, Dr. Brady, owner, stated he had entered into a contract to sell 2.9 acres out of his 3.6 acreage, subject to "B" zoning. The clients believe "B" is proper, even though the Planning Commission had recommended "BB". Dr. Brady does not believe the full "B" zoning could be used, because of the area involved and the way the property is situated, but at this time, rather than coming up with a full plan on the exact number of units and placing a restrictive covenant on the property, they ask that "B" zoning be granted. Next door to this property is a non-conforming mobile home park. In the neighborhood there are 28 apartment units, "O" zoning, and fourplexes.

Mr. Lillie, Director of Planning, stated the first response to this matter by the staff was to deny the case, because the zoning occurring in this immediate area fronts on Lamar which is a major arterial street. Because of the character of the neighborhood, the staff felt that the zoning should be retained. The 40 units possible under "B" seemed high, and the Planning Commission recommended "BB". The recommendation before the Council is for 20 units per acre on the "BB" zoning.

Mr. Edwin Sanders, 2503 Southland Drive, expressed opposition due to the portion of Bluebonnet Lane and Del Curto Road both going into South Lamar, a main

artery for all traffic coming out, especially during school hours. He discussed the traffic lights on Bluebonnet and South Lamar.

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence subject to 10' of right-of-way on Bluebonnet and right-of-way not to exceed seven feet on Del Curto Road, as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love,
Councilman Lebermann

Noes: None

Absent: Mayor Butler

Mayor Pro Tem Love announced that the change had been granted from "A" to "BB" as recommended by the Planning Commission and the City Attorney was instructed to draw the necessary ordinance to cover.

ROBERT L. OGDEN
C14-72-023

Tract 1
1600 W. 5th St.

Tract 2
1602 W. 5th St.

From "C" Commercial Second Height and Area to "C-2" Commercial Second Height and Area
From "B" Residence Second Height and Area to "C" Commercial Second Height and Area RECOMMENDED subject to subdivision combining the two lots, 15' of right-of-way on W. Lynn St. and 30' building setback on W. 5th St.

Mr. Lillie, Planning Director, stated in an effort to be more fair to the adjoining abutting property owners, the right-of-way is 15' from each side rather than all coming off of the west side. The application should be amended to this extent, which would, in effect, be 15' of right-of-way and 10' building setback. Both lots are treated separately, but they came in as a single application; and at this time it was not felt that there should a restriction or a requirement for joint use.

After discussion, Councilman Nichols moved the Council grant the change from "C" Commercial, Second Height and Area to "C-2" Commercial Second Height and Area on Tract 1, and from "B" Residence Second Height and Area to "C" Commercial Second Height and Area on Tract 2 subject to the 15' of right-of-way on West Lynn and 10' building setback on West Lynn, as recommended by the Planning Commission. (It was pointed out the setback line on West 5th is 25' under the ordinance.) The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Dryden,
Nichols

Noes: None

Absent: Mayor Butler

Mayor Pro Tem Love 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 Denied

KAY MEANS
MURCHISON TRUST
By Steve Harris
C14-72-019

3509 Lawton Avenue

From "A" Residence to
"C" Commercial NOT Recom-
mended by Planning Com-
mission

Mr. Jerry Harris, Assistant City Attorney, pointed out it would take six votes to over-ride the negative recommendation of the Planning Commission.

Mr. Wroe Owens noted the property backed up to "C" Commercial and was surrounded on two sides by Commercial. There is a one-man business operation now, and the neighbors do not object to this change. One neighbor who has a retail establishment is objecting. Councilman Dryden pointed out a commercial venture is being operated in a little frame house in the area, and there is parking adjacent to the property.

Opposition was expressed by Mr. Archie Mueller. It was pointed out Mr. Mueller's parking lot was in violation of the City Code. Mr. Mueller, who owned the commercial property on 35th Street and Lawton, reviewed the deed restrictions, running to 1972.

Councilman Dryden moved the Council grant the request, subject to restrictions and right-of-way. The motion, seconded by Councilman Nichols, failed to carry by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love
Noes: Councilmen Lebermann, Friedman, Handcox

BROOKS HILL
By James Watson
C14-72-031

7313-7409 Lamar Blvd.

From "O" Office to
"C" Commercial NOT Recom-
mended by Planning Commis-
sion

Mr. Dick Lillie, Director of Planning, described the area and reviewed the history of this zoning, in that zoning on North Lamar was about 150' in depth in 1965. In 1966 there was a 250' extension approved. Included in that application was the rear portion, which is the tract now under consideration. The rear portion was zoned "O" as a buffer to the adjoining residential area. The Staff and Planning Commission was of the opinion the "O" was still appropriate zoning for this tract.

Mr. Brooks Hill, applicant, said he wanted to develop a complete commercial program designed around a cul-de-sac. He offered to revise the request from "O" to "C" to include a 50' buffer zone on the north, east, and south, and include restrictions that all construction be a brick veneer or masonry construction.

Mrs. Croslin, 5806 Westslope Drive, owns four rent houses there and spoke in opposition to this change as it is cutting into a residential area.

Councilman Friedman moved the Council uphold the Planning Commission and deny the zoning. The motion, seconded by Councilman Handcox, failed to carry by the following vote:

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

Postponed

NON-COMMISSIONED
OFFICERS LIFE
INSURANCE COMPANY
Albert H. Cobb,
President
By Myers K. Parsons
C14-71-306

3803-3805 Duval Street
506-508 E. 38th Street

From "A" Residence to
"B" Residence RECOMMENDED
as amended by Planning
Commission subject to
20' of right-of-way on
E. 38th St., 5' of right-
of-way on Duval, & 5'
sidewalk easement on
Duval.

The City Attorney, Mr. Don Butler, noted a petition which would call for six votes.

Councilman Nichols moved teh Council postpone consideration of the application for one week (to be on the Agenda for April 13). The motion, seconded by Councilman Dryden, carried by the following vote:

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

COUNTRY FAIR

Councilman Nichols moved the Council grant the request of the Travis County Democratic Party for the use of City owned tract of land adjacent to Auditorium-Coliseum to hold a Country Fair, April 29, subject to the conditions of today's new resolution on hcarges for City faciliites; their making necessary arrangements with a concessionaire; and making satisfactory arrangements for cleaning up. The motion, seconded by Councilman Handcox, carried by the following vote:

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

BANNER - AUSTIN PEACE ACTION COMMITTEE

Councilman Friedman moved the Council authorize a banner at 19th and Guadalupe on April 17th-24th for the Austin Peace Action Committee. The motion, seconded by Councilman Handcox, carried by the following vote:

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

ENGINEERING SERVICES

Councilman Nichols moved the Council select Forrest & Cotton as the Engineering Services in connection with the following Capital Improvements Program Project

Construction and installation of approximately 11,500 feet of concrete steel cylinder pipe (water line) from Davis Water Treatment Plant No. 2 Pump Station north-

westerly to F.M. 2222 - Project No. 4068. (Estimated construction cost is \$900,000)

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

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Dryden

Noes: None

Absent: Mayor Butler

Not in Council Room when Roll was called: Councilman Lebermann

CONSTRUCTION AND MAINTENANCE AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing the City Manager to accept the Construction and Maintenance Agreement for the widening of East 1st Street from I. H. 35 to Congress Avenue. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Dryden, Nichols

Noes: None

Absent: Mayor Butler

Not in Council Room when Roll was called: Councilman Lebermann

UT OFFICE BUILDING - 7TH & COLORADO

Councilman Nichols moved the Council adopt a resolution approving the application of THE UNIVERSITY OF TEXAS to construct an office building on the southwest corner of Seventh and Colorado Streets:

Underground pedestrian tunnel, running south across the alley connecting with the Claudia Taylor Johnson Building along with a 36-inch utility tunnel, south across the alley connecting with the same building.

A 36-inch utility tunnel east across Colorado Street to connect with O'Henry Hall.

Ramps extending out under the sidewalk area a distance of ten feet (10') or to the curb line in Seventh Street in connection with underground parking garage with entrance from Colorado Street.

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

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love

Noes: None

Absent: Mayor Butler

Not in Council Room when Roll was called: Councilman Lebermann

\$1,000 TO C.A.P.C.

Mayor Pro Tem Love introduced the following resolution:

AN ORDINANCE AMENDING ORDINANCE NO. 710909-I TO APPROPRIATE FROM UNAPPROPRIATED GENERAL FUNDS AND CREDIT TO A CERTAIN SPECIAL SERVICES ACCOUNT AN AMOUNT TO BE EXPENDED TO THE CAPITAL AREA PLANNING COUNCIL; SUSPENDING THE RULE

REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

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

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

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

ZONING ORDINANCES DELAYED ONE WEEK

Councilman Dryden notes these zoning cases were heard in 1969, and have been pending until certain conditions were met, and he wanted a little more information on this application. Mr. Dick Lillie explained the application was approved by the Council for apartment zoning on the southeast corner of 13th and Chestnut, right-of-way has been dedicated.

Councilman Nichols moved the Council defer action for one week on the following until all members of Council are present:

BILL MILBURN C14-89-042	1208-1210 Chestnut Ave. 2301-2305 E. 13th St.	From "A" Residence to "BB" Residence
LOUIS A. JOSEPH C14071-004	9108-9120 No. IH 35	From "A" Residence to "C" Commercial

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

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

CHARGES FOR USE OF CITY FACILITIES

City Attorney Butler read the resolution establishing policy regarding payment of costs for certain parks and recreation facilities and services. The intent of the resolution is to establish a policy of requiring the users of the facilities or services in question to pay the actual cost thereof and the resolution shall be construed so as to effect that end. Councilman Lebermann emphasized that this is not the intent to set a charge for the usual and customary free use of park and recreational facilities by the general public, where the user is making only that use and requiring those services customarily provided to the general public. He also pointed out this fee would be just for the cost, and there is no intention to make a profit.

After discussion, Councilman Lebermann moved the Council adopt a resolution establishing appropriate charges for use of City facilities. The motion, seconded by Councilman Handcox, carried by the following vote:

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

APARTMENT "OPEN LOUNGE" ORDINANCE

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 IN THE FOLLOWING PARTICULARS: (1) AMENDING SECTIONS 45-18 AND 45-19 TO ALLOW, BY SPECIAL PERMIT, THE SALE, HANDLING, AND COMSUMPTION OF ALCOHOLIC BEVERAGES IN DESIGNATED RECREATION AND SOCIAL AREAS OF APARTMENT HOUSES CONTAINING ONE HUNDRED SEVENTY-FIVE OR MORE UNITS AND APARTMENT DEWLLING GROUPS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS: AND DECLARING AN EMERGENCY.

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance through its second and third readings. The motion, seconded by Councilman Friedman, carried by the following vote:

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

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

STREET PARTY - ROUND UP WEEK

Councilman Lebermann moved the Council grant the request of the Sigma Alpha Epsilon Fraternity for the closure of Pearl Street between 25th and 24th Streets on April 9, 1972, for a street party as a part of Round Up Week. The motion, seconded by Councilman Nichols, carried by the following vote:

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

ADJOURNMENT

The Council adjourned at 11:45 A. M.

APPROVED: _____

Mayor Pro Tem

ATTEST: _____

City Clerk