

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 7, 1972
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

The Invocation was delivered by REVEREND DON REDMUND, Texas Methodist Foundation.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of November 16, 1972, with the addition of the name "Grover Williams" as Vice-President of Trinity Testing Laboratories on Page.2. The motion, seconded by Councilman Friedman, carried by the following vote:

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

SPECIAL RECOGNITION

Mayor Butler announced a large number of people were present to recognize Mr. Burnet "Blondie" Pharr. Mayor Pro Tem Love read the Resolution signed by the Mayor and all Council members, enumerating the achievements accomplished by Mr. Pharr in developing champions and promoting tennis, serving as the Manager of Caswell Tennis Center, and in assisting the Parks and Recreation Department in administering the Caswell Tennis Center, serving the residents of the City of Austin in the finest tradition of public service and committing himself to a job well done in the Management of Caswell Center. The citizens were urged to join in the expression of appreciation and commendation of Mr. Pharr for his skill and developing many young tennis champions.

RECOGNITION OF FIRE DEPARTMENT RECRUITS

Mayor Butler welcomed the group from the Austin Fire Department, stating they would soon be graduated, and would become a part of the best Fire Department around.

ITEMS NOT TAKEN UP

The following three items were not taken up by the Council at this time:

1. Cemetery rates.
2. Use of PVC pipe by the City of Austin
3. Navigation Board Report on Lowering of Lake Austin.

ZONING HEARINGS

The Mayor announced it was 10:00 A. M. and the Council would hear the zoning cases scheduled for this time.

FOREST S. PEARSON
C14-72-243

623-625 W. 37th St.
622-624 Maiden Ln.

From "A" Residence
To "B" Residence
RECOMMENDED By Planning
Commission

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

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

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

JAGGER ASSOCIATES,
INC.
By Robert Davis
C14-72-268

Timberline Drive

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

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

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

CAMERON ROAD CHURCH
OF CHRIST
By Dale Ossip Johnson
& Bill Burnette
C14-72-269

Rear of 6012-6102
Cameron Road

From "A" Residence
First Height and Area
To "O" Office Second
Height and Area
RECOMMENDED by Planning
Commission

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

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

The Mayor announced that the change had been granted from "A" Residence First Height and Area to "O" Office Second Height and Area as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

KASH-KARRY, INC.
By John H. Akin
C14-72-242

Rear of 6202-6212
Manchaca Road

From "A" Residence
To "GR" General Retail
RECOMMENDED by Planning
Commission subject to
subdivision to identify
the tract and combine
it with the "GR" General
Retail tract fronting
on Manchaca Road, and a
6' privacy fence along
the west boundary line.

Councilman Nichols moved the Council grant the change from "A" Residence to "GR" General Retail as recommended by the Planning Commission subject to a subdivision to identify the tract and combine it with the "GR" General Retail tract fronting on Manchaca Road, and a 6' privacy fence along west boundary line. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

O. H. HAVEMAN, ET UX
By Nuel Childs
C14-72-247

1406 Hether St.

From "A" Residence
To "O" Office
RECOMMENDED by Planning
Commission subject to
5' right of way on
Hether Street

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to 5' right of way on Hether Street. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

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

RAYMOND C. PILLACK
ET UX
C14-72-251

South end of Shirley
Street

From "A" Residence
To "B" Residence
RECOMMENDED subject to
6' privacy fence where
abutting "A" Zoning and
prohibition of access
to Irma Drive

Councilman Nichols moved the Council grant the change from "A" Residence to "B" Residence as recommended by the Planning Commission subject to a 6' privacy fence where abutting "A" zoning and prohibition of access to Irma Drive. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

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

CLEAR CREEK
PROPERTIES, INC.
C14-72-258

East of 6700-7002
Pleasant Valley Rd.

From Interim "A" Residence First Height and Area
To "MH" Mobile Home First Height and Area
RECOMMENDED by Planning Commission subject to the finalization of subdivisions known as Onion Creek Forest, Sec. 1 & 2.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to "MH" Mobile Home First Height and Area as recommended by the Planning Commission subject to the finalization of subdivisions known as Onion Creek Forest, sections 1 and 2. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

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

DOROTHY C. HAMBY
By Bob Wilson
C14-72-261

7100 Guadalupe St.

From "A" Residence
To "BB" Residence
RECOMMENDED by Planning
Commission subject to
5' right of way on Kaw-
nee Drive.

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence as recommended by the Planning Commission subject to 5' right of way on Kawnee Drive. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

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

BILLIE J. LYNAS
C14-72-263

3504 Darby Lane, 3506-
3510 Darby Ln. Rear
of 3512-3514 Darby Ln.
3528-3538 Darby Ln.
6219-6309 Wilcab Rd.

From "A" Residence
To "C" Commercial
RECOMMENDED by Planning
Commission subject to
one-half of the right
of way needed to bring
Darby to 60' of right
way and a subdivision.

Councilman Nichols moved the Council grant the change from "A" Residence to "C" Commercial as recommended by the Planning Commission subject to one-half the right of way needed to bring Darby to 60' of right of way and a subdivision. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

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

RONALD E. TYNES,
PAUL R. ROLAND,
J. ERWIN DAVIS, JR.
RAYMOND E. THOMAS
C14-72-265

1800-1940 Rutland Dr.

From "A" Residence
To "GR" General Retail,
"B" Residence, and "BB"
Residence (as amended)
RECOMMENDED subject to
dedication of $\frac{1}{2}$ land
needed to bring Rutland
to 80' right of way;
dedication of land need-
ed to complete inter-
section of Rutland

CL4-72-265(Cont'd.)

and Quail Valley Blvd. as determined by Traffic and Transportation Dept.; letter from owner agreeing to extend Mearns thru the trs., providing for proper termination of Pine Knoll; and a 6' privacy fence and 50' building setback where adjoining industrial development; and field notes to identify the tracts by zoning.

Councilman Handcox moved the Council grant the change from "A" Residence to "GR" General Retail, "B" Residence and "BB" Residence as recommended by the Planning Commission subject to dedication of $\frac{1}{2}$ the land needed to complete the intersection of Rutland and Quail Valley Blvd. as determined by Traffic & Transportation Dept.; letter from owner agreeing to extend Mearns thru the tr. providing for proper termination of Pine Knoll; a 6' privacy fence and 50' building setback where adjoining industrial development; and field notes to identify the tracts by zoning. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Abstain: Mayor Butler

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

DAISY NISBET
By Martin Boozer, Jr.
CL4-72-266

4108-4112 So. 1st St.

From "A" Residence
First Height and Area
To "C" Commercial
Sixth Height and Area
RECOMMENDED subject to
subdivision and 6'
privacy fence where
adjoining "A" zoning.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "C" Commercial Sixth Height and Area as recommended by the Planning Commission subject to subdivision and 6' privacy fence where adjoining "A" zoning. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

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

DAVID B. BARROW
E. R. BARROW
By Bryant-Curington,
Inc.
C14-72-267

3544-3624 Far West
Boulevard

From Interim "A" Residence First Height & Area and "LR" Local Retail First Height and Area To "GR" General Retail First Height and Area RECOMMENDED by Planning Commission subject to a subdivision

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area and "LR" Local Retail First Height and Area to "GR" General Retail First Height and Area as recommended by the Planning Commission subject to a subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

ROBERT L. OGDEN
By Frank Jordan
C14-72-270

Northwest corner of
North Bluff Drive &
Nuckols Crossing Rd.

From Interim "A" Residence First Height and Area To "GR" General Retail First Height and Area RECOMMENDED by Planning Commission subject to a subdivision.

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

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

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

ALTON E. DAVIS
By Teddy L.
Henderson
C14-72-255

5606 Jim Hogg Ave.

From "A" Residence To "B" Residence NOT Recommended RECOMMENDED "BB" Residence subject to 10' right of way on Jim Hogg.

Councilman Nichols moved the Council grant the change from "A" Residence to "BB" Residence as recommended by the Planning Commission subject to 10' right of way on Jim Hogg. The motion, seconded by Councilman Dryden, carried by the

following vote:

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

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

T. C. STEINER
By Richard Baker
C14-72-239

Pleasant Valley Rd.
and Riverside Dr.

From Interim "A" Residence First Height and Area
To "C" Commercial First Height and Area on Trs. 1, 2, 4, 5, 8, & 9; and "B" Residence Second Height and Area on Trs. 3, 6, 7, & 10.
NOT Recommended
RECOMMENDED by Planning Commission Tr. 1: "GR" General Retail
Tr. 2: "GR" to form alignment with zoning east; Trs. 4, 5, & 9: "LR" Local Retail; no. 340' of Tr. 6: "BB" Residence to align with zoning to the west; Remainder of Tr. 6: "A" Residence; subject to a subdivision to identify these tracts and provide for planned extension of Oltorf St. through this property.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to Tr. 1: "GR" General Retail, Tr. 2: "GR" General Retail to form alignment with zoning to east; Trs. 3, 7, 8 & 10: "BB" Residence; Trs. 4, 5, & 9: "LR" Local Retail; no. 340' of Tr. 6: "BB" Residence to align with zoning to the west; Remainder of Tr. 6: "BB" to align with zoning to the west; Remainder of Tr. 6: "A" Residence; subject to a subdivision to identify these tracts and provide for planned extension of Oltorf Street through this property. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

RUTH TYSON
C14-72-240

1310-1412 Stassney Ln.

From "A" Residence
To "GR" General Retail
NOT Recommended
RECOMMENDED by Planning
Commission "B" Residence
along the north boundary
line and "GR" General
Retail on the remain-
der of the tract, sub-
ject to 30' right of
way on Stassney Ln.
and a 6' privacy fence
along the no. bound-
ary line.

Councilman Nichols moved the Council grant the change from "A" Residence to "B" Residence along the north boundary line and "GR" General Retail on the remainder of the tract, subject to 30' right of way on Stassney Lane and a 6' privacy fence on the north boundary line as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Pro Tem Love

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

PHIL MOCKFORD
TRUSTEE for
PRINGLE REAL
ESTATE INC.
C14-72-252

5200-5234 and 5201-5235
Thunder Creek Road
11521-11751 Angus Road
5200-5230 and 5201-5245
Wind River Road

From Interim "A" Resi-
dence First Height and
Area
To "C" Commercial First
Height and Area
NOT recommended
RECOMMENDED by Planning
Commission Tr. 1: "A"
Residence First Height
and Area; Tr. 2 & 3:
"LR" Local Retail
First Height and Area
except for easternmost
25' which would remain
"A"; subject to a 6'
privacy fence along the
east boundary of Trs.
2 & 3.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to Tr 1: "A" Residence First Height and Area; Tr. 2 & 3: "LR" Local Retail First Height and Area except for easternmost 25' which would remain "A"; subject to a 6' privacy fence along the east boundary of Trs. 2 & 3. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

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

LOUIS HERRERA
C14-72-254

2806-and 2810-2812
Oak Springs Drive

From "A" Residence
To "D" Industrial
NOT Recommended
RECOMMENDED "C"
Commercial subject to
subdivision for Trs.
2 & 3; $\frac{1}{2}$ the right of
way needed to bring
Oak Springs Dr. from
60 to 70' and a 6'
privacy fence where
adjoining "A" zoning.

Councilman Nichols moved the Council grant the change from "A" Residence to "C" Commercial as recommended by the Planning Commission subject to a subdivision for Trs. 2 & 3; $\frac{1}{2}$ the right of way needed to bring Oak Springs Drive from 60 to 70' and a 6' privacy fence where adjoining "A" zoning. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

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

MRS. ETHYL C.
WILLIAMS
By John Lewis

1408 Stassney Ln.

From "A" Residence
To "GR" General Retail
NOT Recommended
RECOMMENDED "B" Resi-
dence on no. 25' and
and "GR" General Retail
on remainder of tract,
subject to 30' right
of way on Stassney and
6' privacy fence along
no. boundary line.

Councilman Nichols moved the Council grant the change from "A" Residence to "B" Residence on north 25' and "GR" General Retail on the remainder of the tract, subject to 30' right of way on Stassney and 6' privacy fence along north boundary line. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

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

DR. & MRS. RODGER
BOLTON
By John Lewis
C14-72-260

2301-2303 Anderson Ln.

From "GR" General
Retail and "A" Resi-
dence
To "C" Commercial
NOT Recommended
RECOMMENDED by Planning
Commission "GR" General
Retail subject to 5'
right of way on Ander-
son Lane.

Councilman Nichols moved the Council grant the change from "GR" General Retail and "A" Residence to "GR" General Retail subject to 5' right of way on Anderson Lane as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

A. W. CAIN
By A. E. Rhodes
C14-72-229

305-307 E. 34th St.

From "BB" Residence
Second Height and Area
To "B" Residence Second
Height and Area
RECOMMENDED by the
Planning Commission.

Mr. Dick Lillie, Director of Planning, pointed out this application was in the Hyde Park area, which is being zoned from "A" to apartments. This property is zoned for apartments up to 14-16 units. The staff recommended the zoning as "B" Residence Second Height and Area had been granted across the street; and with 60' of right of way, the Commission concurred in the Staff recommendation. He pointed out a valid petition of over 20% was on file.

Opposition was registered by Mr. Martin Boozer, representing a group of residents and property owners. He pointed to a stack of letters setting out their protests. The group points to the added density, particularly on 34th Street, in that the density has reached its maximum. There was a fear of fraternities under this zoning, which would be an intrusion into the neighborhood. Also under this use a clinic, convalescent or nursing home, home for the aged, etc., could come in with commercial uses which would change the character of the neighborhood more than apartments. Mr. Boozer stated they had attempted to approach the applicant to restrict the density or restrict uses, but they had been unable to contact them. He pointed out a possible inherent weakness in the zoning scheme in that the land owner of property immediately to the east of the tract under consideration, needs to balance his economic interest with the damages he felt would accrue to the area if it were left open to "B" 2nd as had been suggested. Mr. Boozer stated his client wanted the neighborhood developed "BB" 1st, and if this zoning can survive the interim "BB", then let the area go the additional step.

Mr. Bill Burnette represented the applicant, stating he purchased the property from Mr. A. W. Cain, who is Mr. Rhodes' son-in-law. Photographs were

displayed showing the development across the street, and development of apartments in the area. Due to the well-established apartment development, he saw no reason to limit either density or the type of development on the property. In 1967, a study was made of the area in which apartment development was recommended; then recently the University area review was concluded and the staff concurred that apartment development is necessary. As to parking Mr. Burnette wants to provide parking underneath the building and to provide green areas. Mr. Joe Garrison, attorney representing Mr. Rhodes, emphasized the proposed green belt rather than asphalt. This plan would not fit with a fraternity house on this size property.

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

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

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

W. L. MAYFIELD
By Thomas Watts
CL4-69-160

8200-8526 Balcones Trail
3501-2625 Cima Serena Dr.

From "A" Residence
To "BB" Residence
requesting a revision
of conditions of
zoning RECOMMENDED by
Planning Commission
with a waiver of
restrictions on 50
acres subject to an
approved special permit.

Mr. Richard Baker represented Mr. Wallace Mayfield and the Redman Development Company. A contract has been entered into with Mr. Mayfield for purchase of a tract out of the 50 acres tract which was zoned by the Planning Commission in 1969. The ordinance was passed in 1972 after all requirements had been met. One of the requirements by the Planning Commission was that the land to be zoned "BB" Residence First Height and Area have certain covenants imposed upon it. One of the covenants was to limit the density to 12 units per acre. Then, at that time, the Commission concept was that apartment zoning would be limited to between 600 or 700 foot depth off of Balcones Drive. Subsequently, the Commission changed its policy, and an ordinance was passed granting that tract "BB" Residence on a 12.7 acre tract, and another passed zoning the adjacent tract "BB" Residence. Mr. Baker pointed out the 50 acre tract in question, and the tract on which the zoning application was heard in 1968 and with the 700 foot limitation imposed. Subsequently the Council passed an ordinance zoning that tract to "BB" First Height and Area extending the depth to approximately 1800 feet without any limitations. In connection with the hearing on this application, the reason for the limitation was, by going back this 1800 feet, they were obtaining the same density by limiting the tract to 12 units per acre.

With the change of zoning on this particular property without any limitation they would propose and request that the Council delete the condition as to the 12 units per acre to this 50 acre tract which would be to the same depth under "BB" Height and Area. Other than that, they asked for no further change. In November, the Planning Commission unanimously approved the elimination of this condition subject to a special permit.

One of the conditions in that connection was that there be only exit to Cima Serena Drive. Subsequent to this hearing and action by the Commission, Redman Development Company, through their architects, has prepared a special permit application and filed it with the Planning Commission yesterday. This plan would be a development of up to a density of approximately 22 units per acre. The requested change of the elimination of this condition puts the land into the same posture as the other land lying south of the tract and fronting on Balcones Drive. Since the original hearing in 1969, the significant change in the area is in the concept of the interchange at Steck Boulevard and Balcones Drive. There are no single family residences except on three tracts fronting on Cima Serena.

Councilman Nichols inquired if Mr. Baker and his clients would support a zoning change for those across Cima Serena. Mr. Baker stated his clients would support that change. The area is now developing and will continue to develop as apartments and the particular location of these tracts is not suitably located for single family residential.

Mr. Pat Carlyle was not opposed but he wanted to point out the situation of his tract. He strongly objected to his property's being a buffer zone between two sets of neighbors who came to live there 20 years after he had moved in. He asked the Council to consider giving relief to his property so it could be developed. They have a 12 unit development already zoned; Councilman Friedman suggested that Mr. Carlyle submit a request as the others have been doing. The Commission now has a different viewpoint of the matter. Councilman Dryden noted that Mr. Carlyle seemed interested in obtaining the same type of zoning on his five acre tract. He needs relief from "A" Residence as he could do nothing with this tract.

Mr. Woodrow Schumacher, 8608 Camilla Lane, lives across the fence from Mr. Carlyle, and stated this was the first time they had received a notice of any hearing on this particular property, either in 1969, 1971, or 1972. (He was more than 200 feet from the subject property.) He represented the first four blocks of Westover Hills, and they appeared not against Mr. Carlyle in his application, but for relief from the 20 some-odd apartments. He called attention to the new grade school's opening and the creation of additional traffic. His group was asking that there be some break in between the residential areas. His opinion of this matter was that the north end of Mr. Baker's area perhaps should not go for the 22 units as he presented. There should be a break in the eight or nine year old established residential area.

The Director of Planning stated the request before the Commission was a request to waive the density, not a public hearing, and was placed on the agenda with three day's notice. The applicant was asked to request a public hearing before the Council, and that is why Mr. Schumacher received a notice for this meeting and not for the hearing before the Planning Commission.

In answer to Mr. Schumacher's question about density on the north edge of Cima Serena, the plan now calls for 17 units per acre along that north edge; by shifting two buildings, the density would be 15 units.

Mr. Harold Martinson showed his 3.9 acres adjoining Mr. Carlyle's property on Cima Serena, and stated he did not want to be caught in the pocket of being 10 units per acre as they are now. He had two business deals that fell through because there was apartment zoning across the street. He asked that their application be considered fairly when it comes up.

Mayor Butler observed that this area gets zoned almost at one time, even though the Council is considering one tract at a time.

Mr. Baker stated the architect was present, and he has worked on the plan which could be shifted so that there would be 15 units per acre, and that they would agree to this. Mr. Lillie stated the depth under the special permit would be approximately 130 feet from Cima Serena Drive.

Councilman Nichols moved that the waiver of restriction be granted as requested with one exception, that this 15 unit restriction applies to that area which is generally 130 feet deep, south of Cima Serena and runs from the drive way to the west property line. Mayor Pro Tem Love, subject to all other restrictions, seconded the motion which carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted as recommended, and the balance of the 50 acres then would be some 20 units per acre. The City Attorney was instructed to draw the necessary ordinance to cover.

POINT VISTA
LINK, INC.
By Lawrence Clark
CB14-72-010

Rundberg Lane,
Teasdale Terrace and
Cloud Drive

PLANNED UNIT DEVELOPMENT RECOMMENDED by Planning Commission subject to departmental requirements and to allow the applicant to develop the remainder of the tract as Phase Two, to be considered separately.

Mayor Butler inquired about the commitment of the Council should it approve this application to the remainder of Phase II. The Director of Planning Mr. Dick Lillie, concurred with the Mayor that this would be considered as a new application at a future date. He listed four alternatives available to the land owner:

(1) A 50 acre tract could be developed at about the same density of subdivisions in the area -- 3½ units per acre or 175 single family homes;

(2) In "A" zoning, a duplex subdivision could be developed with up to 200 duplex structures or 400 units -- eight units per acre. This would be accomplished by subdivision;

(3) A townhouse subdivision could be considered at the same density as duplexes or 400 units, through a subdivision with a special permit and the site plan's

being approved by the Planning Commission. The special permit, if appealed, would come before the Council;

(4) A Planned Unit Development would be a fourth alternative, and the Planning Commission could approve a density of over seven units per acre through subdivision and special permit; however, in the Planned Unit Development all cases come before the Council.

Without Council action the applicants could build 400 units on this 50 acres with a ration of $3\frac{1}{2}$ people per dwelling unit, or approximately 1,200 people.

Mayor Butler noted the applicant had met with surrounding property owners and had resolved many problems; however, there is 18.9% of the neighborhood in opposition, missing the 20% requirement by just a few owners. Mr. Lillie explained the application was changed to develop duplexes along the edge. The actual planned unit development fell within the tract, leaving less people within the 200 feet, and the petition dropped to a percentage under 20%.

Dr. Robert Hopper, 1402 Brighton Circle, suggested changes in the proposed P. U. D. and pointed out the unique features of the tract. Their main concerns were the intense density of 9 and 10 units, while surrounding neighborhoods have 3.4 or 4 units per acre, and they suggested density more in conformity with the rest of the area. Mr. Art Mosely said there 108 signatures out of a possible 110 residents around the original proposed unit development. He spoke of errors and omissions. He concluded that the density as proposed is in reality an apartment density which would result in an intrusion into an established single family neighborhood.

Mrs. June Karp expressed concern about traffic hazards involved, particularly around the new Dobie Junior High School when it opens in January. She reviewed street situations, hazards of blind hills on Dobie before the crest of the second hill, the driveway into the school, and factors involved would increase the hazards. There are no sidewalks on Rundberg or anywhere in the immediate vicinity of the school. Councilman Handcox was aware of the plans for widening Rundberg Lane and the completion of such P. U. D. project would be sometime in the future; and he stated if these considerations were taken into consideration for the next year's C.I.P. and corrected if this would eliminate the concern of traffic safety.

The City Manager reported the Council did include their widening and reconstruction of Rundberg Lane in the C. I. P.; and money is available for acquisition of right-of-way during the current year; however, the construction is some time in the future. Members of the Council just yesterday indicated they would look at this priority based on the information sent to them to see if they would like to move that project up the next time they considered the program.

Discussion from the floor included not only widening Rundberg Lane but consideration about the two blind hills, the neighborhood's opposition dropping to 18.9% and the explanation of why it did not reach the 20%.

Mr. Robert Plante, representing a neighborhood civic organization for the entire area north of Highway 183 east of I. H. 35, had checked with H. U. D. and the requirements for the P. U. D. development.

Dr. Hopper concluded their objections were in three areas in that there are a number of errors and omissions on the plan, the density is too high, and that all traffic and safety problems relating to the children have to be taken care of.

Mr. Phil Mockford spoke on the question about the periphery, explaining they started out planning the whole area as a P.U.D.; but now only the center is going to be a P.U.D. which will require Council approval, and they would still later build the duplexes under a duplex subdivision.

Mr. Woodrow Sledge, representing the Austin Independent School District, stated this development was providing for an east-west access street west of the school. He had instructions from the School Board to ask the Council to expedite the improvement of Rundberg Lane.

Councilman Dryden suggested that both parties get together, as they may not be too far apart. He would hate to see a development like this fail. Mayor Pro Tem Love stated his predicate for seconding the motion based on getting Rundbert Lane corrected. At this time the development of the P.U.D is premature. Councilman Lebermann was concerned about this land not remaining undeveloped, and it was hoped the Rundberg problem could be dealt with shortly. Mayor Butler agreed that nothing should be constructed or occupied until Rundberg is corrected. This is the Council's responsibility to see that streets and traffic are handled.

Dr. Hopper stated Councilman Dryden's suggestion should be considered and perhaps some kind of compromise might be reachable. Mr. Mockford asked for a date on Rundberg Lane so that they could meet the schedule.

Mr. Phil Mockford stated since the periphery development had been withdrawn and emphasis placed on the center portion which did not appear to have objections and problems, he would ask only the center portion to be considered at this time. As the Planning Director has stated, they may decide if the objections could not be met, they would go ahead and develop the outside in an ordinary duplex subdivision. The density is the only objection raised on this center portion. The density which is a minimum of 40 units less than what could be placed in there is the area is developed in duplexes. Mr. Mockford pointed out the Jagger development of duplexes and town-houses. Mr. Mockford stated the City could probably have Rundberg Lane underway before they had their project going and adding to traffic on Rundberg.

Members of the Council agreed this was a good concept of development and that the two sides were not too far apart. Mayor Pro Tem Love stated the predicate to his motion, to Councilman Nichols' motion, has to do with Rundberg Lane's being corrected. He was not opposed to the P.U.D. development, but he felt the development was premature. Councilman Lebermann's concern was that the land is not likely to remain undeveloped.

Mr. Earl Lockhart, representing the Teasdale Estates, stated these people had given school land, easements, and rights of way in a cooperative manner, and they ask that the Council grant them the opportunity to use this property in its highest and best use as is outlined in what appears to be a very nice plan and solution.

Councilman Nichols moved the Council uphold the recommendation of the Planning Commission and deny the change of zoning. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the zoning had been denied.

FRANK A. W. JANAK,
ET UX
C14-72-264

701 Morrow St.
7510 Paxton St.

From "A" Residence
To "O" Office
NOT Recommended by
Planning Commission

Mayor Pro Tem Love moved the Council deny the change from "A" Residence to "O" Office as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the zoning had been denied.

ARCHIE E. & LINDA
von MINDEN TIEMANN
By Bartley Harris
C14-72-245

4701-4703 Duval Street
500-502 East 47th Street

From "A" Residence
To "B" Residence
NOT Recommended by
Planning Commission

Mayor Pro Tem Love moved the Council deny the change from "A" Residence to "B" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the zoning had been denied.

HORACE L.
SILVERSTEIN
By T. L. Julian
C14-72-249

613-615 West 28th Street
2719 Rio Grande Avenue

From "LR" Local Retail
To "GR" General Retail
NOT Recommended by
Planning Commission

Councilman Nichols moved the Council deny the change in zoning from "LR" Local Retail to "GR" General Retail as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the zoning had been denied.

DAVID McCONNELL
By Teddy L. Henderson
C14-72-256

701-703 East 53rd St.
5209-5211 Martin Ave.

From "O" Office
and "LR" Local Retail
To "C-2" Commercial
NOT Recommended by
Planning Commission.

Councilman Nichols moved the Council deny the change from "O" Office to "LR" Local Retail to "C-2" Commercial as recommended by the Planning Commission. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilmen Dryden, Handcox

The Mayor announced that the change had been denied.

CARL M. BAILEY,
ET UX
C14-72-209

1108-1110 Stobaugh Street

From "A" Residence
To "B" Residence
NOT Recommended by
Planning Commission

q

Councilman Nichols moved the Council deny the change from "A" Residence to "B" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been denied.

WELDON T. WRIGHT
C14-72-213

2518-2522 Enfield Road

From "B" Residence
To "O" Office
NOT Recommended by
Planning Commission

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

RICKER, BROWN &
HASSELL
By Nat H. Ricker
C14-72-227

919-923 St. John's Ave.
7106-7108 Bennett St.

From "A" Residence
To "GR" General Retail
NOT Recommended by
Planning Commission
POSTPONED until
January 4, 1973.

Councilman Nichols moved the change from "A" Residence to "GR" General Retail be postponed until January 4, 1973, as recommended. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the zoning change had been postponed.

EARL C. and NORA D.
IVES
By Robert J. Ives
C14-720250

9006-9010 East Drive

From "A" Residence
To "MH" Mobile Home
NOT Recommended by
Planning Commission
POSTPONED 90 days.

Mayor Pro Tem Love moved the Council postponed the zoning change for
90 days. The motion, seconded by Councilman Friedman, carried by the following
vote:

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

The Mayor announced that the zoning had been postponed.

EUGENE NAUMANN &
HENRY WENDLANDT, JR.
C14-72-244

1146-1148 Springdale Road

From "B" Residence
Second Height and Area
To "LR" Local Retail
First Height and Area
NOT Recommended
RETURNED to Planning
Commission.

Mayor Pro Tem Love moved the zoning change from "B" Residence Second
Height and Area to "LR" Local Retail First Height and Area be returned to the
Planning Commission. The motion, seconded by Councilman Dryden, carried by
the following vote:

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

The Mayor announced that the change application had been returned to
the Planning Commission.

PATRICK W. DOWNING
By D. W. Morris
C14-72-212

3200-3204 Red River
814-818 East 32nd St.

From "O" Office Second
Height and Area
To "C-2" Commercial
Second Height and Area
NOT Recommended
WITHDRAWN.

Mayor Pro Tem Love moved the Council withdraw the zoning change as
requested. The motion, seconded by Councilman Nichols, carried by the following
vote:

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

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the zoning change had been withdrawn.

R. H. SWENSON
C14-72-057

2821-2825 Rio Grande St.

From "B" Residence
Second Height and Area
To "O" Office Second
Height and Area. DISMISSED

Councilman Nichols moved the Council dismiss the zoning change. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the zoning change had been dismissed.

Councilman Nichols moved the following zoning hearings be extended for 90 days:

CARPENTER AND ASSOCIATES
C14-72-041

1819-1919 Old U.S. Hwy. 290

From "C" Commercial,
"GR" General Retail &
"A" Residence
To "C" Commercial

CLEAR CREEK
PROPERTIES, INC.
C14-72-069

1809-2001 North Bluff
Drive

From "A" Residence
To "C" Commercial

T. F. ATTEBURY,
GEORGE F. MILLER
ERNIE L. MILLER
C14-72-100

2808-2902 South First
Street

From "A" Residence
To "GR" General Retail
to 150' and "BB"
Residence on remainder
(as amended)

JAMES K. EICHELBERGER,
JR.
C14-72-032

Rear of 7107-7203
Burnet Road

From "A" Residence
To "O" Office
(as amended)

ROBERT C. NOREN
C14-72-042

4614-4616 Glissman Road

From "A" Residence
To "C" Commercial

H. I. GALLAWAY,
W. H. WHITE &
WAYLAND GALLAWAY
C14-72-049

5211-5215 Duval Street

From "A" Residence
To "LR" Local Retail

HENRY WENDLANDT, JR.
C14-72-084

200-210 W. Ben White

From "A" Residence
To "GR" General Retail

GIL STROMQUIST
C14-72-085

5500 So. Congress Ave.
201-213 Red Bird Lane

From Interim "A"
Residence First Height
and Area
To "C" Commercial &
"C-2" Commercial First
Height and Area

GRADY HAZELWOOD
C14-72-086

501-602 St. John's Ave.
7307-7325 Duvall St.

From "C" Commercial
First Height and Area
To "C" Commercial
Third Height and Area

MRS. F. O. REINKE
C14-72-058

5214-5220 Jim Hogg Ave.

From "A" Residence
First Height and Area
To "B" Residence
Second Height and Area

NELSON PUETT
C14-72-079

8237 U. S. Highway 183

From Interim "A"
Residence First Height
and Area
To "C-2" Commercial
Second Height and Area

SIDNEY E. LANIER
MEREDITH McCANN
PATSY MONAHAN
C14-72-082

4501-4505 Avenue D
106-110 West 45th St.

From "A" Residence
First Height and Area
To "B" Residence
Second Height and Area

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

FIRE LANES - PUBLIC HEARING

It being 2:00 P. M., Mayor Pro Tem Love opened the public hearing on a proposed ordinance authorizing the designation of fire lanes on shopping centers and various apartment complexes by the Fire Chief. Mr. Saegert, Chamber of Commerce, had been present in the Chambers to speak on this subject earlier, but he had had to leave. Mr. Rick Evans, speaking for Highland Mall, asked that the hearing be continued 60 to 90 days to have further consultation with the City Manager. The City Manager agreed to work with Mr. Evans and his associates and report back to the Council at a later date.

OFF-STREET PARKING

Dr. Charles B. Dildy brought up the problem that many doctors have with their off-street parking, with people other than their patients taking up the off-street parking. By the time a wrecker is called to tow them away, they are gone. Councilman Nichols requested that the City Manager look into this situation and see what might be worked out with the doctor and report back.

EASEMENT RELEASE

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the release of the following easement:

A portion of a general utilities easement out of
Block H, HIGHLAND PARK WEST SECTION 3.

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

ACCOUNTING FIRM SELECTED

Councilman Nichols moved the Council adopt a resolution selecting Burns & Williams an accounting firm and authorizing the City Manager to contract for the transition audit of the Community Action Program. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

CONTRACTS AWARDED

Mayor Pro Tem Love moved the Council adopt a resolution awarding the following contract:

E. A. BONNET CONSTRUCTION
COMPANY
(Austin, Texas)

- For the construction of "Pro Shop at
Jimmy Clay Golf Course" - \$78,233.00.
(Capital Improvements Program Project
No. 8627 2)

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

Mayor Pro Tem Love moved that the Council adopt a resolution awarding the following contract:

GRAYBAR ELECTRIC COMPANY
(Austin, Texas)

- 15 each 600 KVAR Capacitor Banks and
30 each 1200 KVAR Capacitor Banks -
\$57,555.00. Bid Invitation # 3-0126

FEDERAL PACIFIC COMPANY
(San Antonio, Texas)

- 24 each 100 DVAR Capacitors -
\$3,000.00. Bid Invitation # 3-0126

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

AUSTIN TRANSIT SYSTEM

Councilman Nichols moved the Council adopt a resolution establishing a policy manual for the Austin Transit System to enable the transfer from private to municipal ownership under the policies of the Austin City Council. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden, Mayor Butler

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

(1) A 0.999 ACRE TRACT OF LAND, LOCALLY KNOWN AS 907 ST. ELMO ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) LOT 1, J. M. DODSON SUBDIVISION, LOCALLY KNOWN AS 917 EAST ST. ELMO ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

A 4.0 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2700-2704 WHEELLESS LANE, FROM "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.

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

(1) TRACT 1: A 2.96 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1800-1856 WILLOW CREEK DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 2.70 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2225-2257 RIVERSIDE DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) LOTS A AND B OF THE DAVID ADDITION, LOCALLY KNOWN AS 5706-5906 BALCONES DRIVE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

LOTS 1, 2, 3, 4, 5, AND 6, RESUBDIVISION OF PART OF LOT 6, BLOCK 5, AND LOT 10, BLOCK 4, FREEWATER ADDITION; SECOND RESUBDIVISION OF PART OF LOT 10, BLOCK 4, FREEWATER ADDITION; LOTS 10-A AND 10-B, D. C. NOGUES SUBDIVISION; LOTS 1, 2 AND 3, BIRCHWOOD ADDITION, SECTION 1: LOT 1 LESS EAST FIVE FEET, LOT 2, LOT 5 LESS EAST FIVE FEET, EAST 12 FEET OF LOT 12, LOT 6 LESS EAST FIVE FEET, LOT 7 LESS EAST FIVE FEET, W. E. DAVIS SUBDIVISION, LOCALLY KNOWN AS 801-911 SOUTH CENTER STREET; 3702-3714 SOUTH SECOND STREET; 3701-3713 BIRCH STREET; 3700-3706 BIRCH STREET; 3701-3707 GARDEN VILLA LANE, FROM "A" RESIDENCE DISTRICT TO "MH" MOBILE HOME 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 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: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 680718-A, ENACTED BY THE CITY COUNCIL ON JULY 18, 1968, AND ORDINANCE NO. 650304-C, ENACTED BY THE CITY COUNCIL ON MARCH 4, 1965, BY CORRECTING THE LEGAL DESCRIPTIONS OF THE PROPERTY ZONED BY SAID ORDINANCES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

HEARING SET

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A. M. ON THE 11TH DAY OF JANUARY, 1973, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS, AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF

OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

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 Lebermann, carried by the following vote:

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

Noes: None

Not in Council Room when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST ABUTTING PROPERTY, AND THE TREAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A. M. ON THE 11TH DAY OF JANUARY, 1973, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

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 Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF

VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HERINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SIAD COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A. M. ON THE 11TH DAY OF JANUARY, 1973, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

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 Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Friedman

The Mayor announced that the ordinance had been finally passed.

POSTPONEMENT

Councilman Dryden moved the Council postpone for one week an ordinance amending the Wrecker Ordinance. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

REQUEST FOR REDUCED AUDITORIUM FEES

Mrs. Anita Worsham, representing the Annette Duval School of Dancing, discussed reduction of rental fees for the use of the Auditorium. Each year they present the program "DANCING SHOES" to raise funds to buy more shoes for needy children. City Manager Davidson stated Mr. Tramp, Acting Auditorium Director, had tried to work out a way by which the fee could be reduced by \$80.00. The Duvals, under Mr. Tramp's recommendation, did not believe that people would give as much if the kettles were outside the building. As to no charge for the hour or so practice time on Saturdays, it was pointed out the space would be taken up; they would need staff present, the City would have additional costs, and loss of revenue through such use.

City Manager Davidson reported the Council, several years ago, established the fee, and the Auditorium Director and his staff had been following that policy, having found it to be fair, equitable and applicable to all parties.

City Manager Davidson stated the Council considers each year, requests from organizations which want money from the City in connection with the budget, and the Council considers those at budget time as to whether or not the City would participate. Such a request would preferably be considered under that plan rather than reduction of the fees.

Mrs. Worsham stated their fee was \$190.00, and they had taken in \$195.81, which did not cover union men who take the show in and take it out.

Councilman Nichols stated if the City wanted to contribute, it would be more advantageous to do so directly, thus freeing the use of the Auditorium. Councilman Lebermann saw no other possible way to grant the request at this time, even though members were sympathetic and supportive of the project. He stated the City Manager had given an alternative, that being considering the matter at budget time.

STATEMENT - ELECTRIC GENERATION

Ms. Margaret Louise Hill asked that the Council provide the citizens of Austin with a more conservative approach to the matter of generation of electricity rather than create apprehension. Allegedly, she observed an unwillingness to pay fair market value for natural gas. She said scientifically, there is no such thing as an "energy crisis", what they have is a "technology crisis" and a "waste syndrome". She stated this technological problem was a blatant attempt to direct public opinion toward nuclear power. Her suggestion was to let the people know there are many sources of energy for electric generation.

Mayor Butler stated that the shortage we are experiencing today is a matter of supply and not of economics.

GAS CURTAILMENT

The Director of Electric Utilities, Mr. R. L. Hancock, reported as of yesterday that Coastal States had advised the Electric Department that 50% curtailment in natural gas was necessary. Immediately the system was transitioned to that 50% curtailment, then at 1:00 A. M., they advised it would be necessary to change that curtailment to 100% (December 6th). The system transitioned to full fuel oil burning at all three plants and was presently on a 100% gas curtailment. The Company anticipates returning to a 50% curtailment Friday and perhaps full natural gas burning by Saturday, depending on Coastal's system facilities, and on weather conditions.

Mr. Hancock reported on the fuel oil consumption at each of the three plants. The Utility Department had been advised by Coastal States that this curtailment applies to all electric utility customers served by Coastal States and that the curtailment is required to insure an adequate supply of natural gas to the domestic consumer. Also other electric utilities in the State of Texas served by other suppliers were experiencing some natural gas curtailment.

Mr. Hancock reported on the City's efforts to find fuel oil and get it transported. Fuel oil is being trucked in. He pointed out in addition, some electric utilities in the State had some fuel oil committed for their use, and in the event of absolute necessity, they probably could release a portion of their commitment for Austin's use.

Mr. Hancock pointed out the seriousness of the situation, and stated under the circumstances of subsequent curtailments, cold weather, etc., that the available fuel oil is quite limited as well as the facilities to move the fuel oil. With the supply of fuel oil depleting as rapidly as it is, the Purchasing Department is searching the State for available fuel oil and available transportation. They have obtained some oil and delivered.

Councilman Lebermann again brought up the possibility of installing temporary storage facilities, contemplating the permanent ones now on the drawing board. The difficulty of finding the large storage facility was discussed, but such facilities are being pursued.

Councilman Friedman brought out for study the status of the reserves.

Councilman Nichols expressed concern about the source to Coastal States, mechanical problems, deliverability, and possibly next, the reserves.

Councilman Lebermann stated it appeared that down the road the City was going to have to go to the Courthouse in order to try to capture adequate reserves for Coastal States in order that the contract be fulfilled and the City's needs met.

City Manager Davidson stated there would be an item for authorizing the emergency purchase of this additional fuel oil. He would constantly keep the Mayor and the Council apprised of this situation as it develops.

Councilman Dryden suggested that a representative of Coastal States come before the Council. Councilman Friedman had expressed concern about the mechanical breakdowns, and he was interested in sending someone down to investigate.

Mayor Butler noted the tremendous amount of fuel necessary, stating 430,000 gallons a day were being transported and that five days of hauling would last one hour.

Councilman Nichols moved the Council adopt an emergency resolution for the purchase of fuel oil to compensate for the gas curtailment by Coastal States Gas Company. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

REQUEST FOR TEMPORARY UTILITIES

Mr. Malcolm Robinson, attorney representing Mr. Vernon Wattinger, stated Mr. Wattinger purchased in 1972 this 5.29 acres to erect his present Mechanical Contracting Business now located on East 1st Street. He was told all they would need would be a change in the Master Plan, and the application for such change passed through the Planning Commission and Council. The request was granted and the Master Plan changed. Mr. Wattinger erected his building, and less than 30 days ago, he applied for utilities and was told approval from the Planning Department was necessary. It was found they had to file a short form subdivision and no utilities could be provided unless the short form subdivision is provided, and in addition there was an area in the rear (9.8 acre tract) which was retained by the original owner when she sold Mr. Wattinger the property in

1970. It would be necessary to get her to join in the short form subdivision or Mr. Wattinger would have to give her 50' right of way through the property.

It was stated by the Planning Department if the existing road were dedicated, it would be accepted and only the tract of Mr. Wattinger's would need to be short-formed. It was discovered this was not a dedicated County road.

Mr. Robinson stated he understood at another time the Law Department had recommended to the Planning Department that temporary facilities could be given to one caught in the same predicament with the understanding the short form subdivision met all other requirements. This was not carried out. City Attorney Don Butler referred to the Statutes as to furnishing utilities to an unapproved subdivision. Councilman Dryden suggested that Mr. Robinson meet with the City Attorney and get this all worked out.

After extended discussion, City Manager Davidson asked that this be delayed a week so that he would meet with the surveyor, the engineer, and the Director of Planning. Mr. Lillie, Planning Director, explained when the short form comes back to the Department and has met all the ordinance requirements, the utilities could be released at that point. The following Monday it would be filed with the County Commission for recording.

The Council asked that this be placed on the Agenda the following week.

EVENING MEETING SET

Councilman Nichols suggested that the Meeting in the Montopolis area be set for January 25, and that the City Manager be instructed to check it out.

SAWDUST ON RESTAURANT FLOORS

Mr. Travis Raven appeared before the Council to discuss the possibility of revising the City Health Code section pertaining to sawdust on restaurant floors. His establishment is a country style barbeque place at 2801 Guadalupe. In the Texas Food and Drug and Cosmetic Act, there is a reference to contaminants. He explained his sawdust was not a contaminant as it was not used in food preparation areas but only in the eating areas itself. Councilman Nichols pointed out that the Federal Law specifically says no sawdust or shavings, and that Mr. Raven was under 10-day notice to correct the situation.

Mr. Raven noted that the sawdust was kept on the floor for atmosphere. Mayor Pro Tem Love suggested that Mr. Raven get with the City Manager and the Department head to see what could be worked out, and he made a motion to that effect, seconded by Councilman Dryden. This would be on a temporary basis until the Council would consider a Code change.

Dr. Sessums, the Austin-Travis County Health Officer said he felt sawdust tracked around, that people would walk on, would be a big step backwards. It would be different if it were just around the edges of the room for atmosphere. There was presently sawdust in 40% to 60% of the meat markets, but this was considered an unsanitary practice under State law and would be removed as soon as possible. Dr. Sessums felt that although Mr. Raven might follow regulations in using sawdust, other people might now. Councilman Lebermann asked whether this was not a fire hazard.

Mayor Pro Tem Love explained his motion, that it would be without prejudice as to the practice of having sawdust on the floor, and the City Manager should bring in his honest recommendation. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ADJOURNMENT

The Council, having no further business, adjourned.

APPROVED: 

Mayor

ATTEST: _____

City Clerk