

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 10, 1973
10:00 A.M.

COUNCIL CHAMBER, 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 FATHER RALPH BRENNAN, Sacred Heart Catholic Church.

PROCLAMATION - HOSPITAL WEEK

Mayor Butler read and then presented a proclamation, proclaiming May 6-12 as Hospital Week in Austin, in line with National Hospital Week and paying tribute to and expressing appreciation for the work of hospital personnel. Accepting the proclamation were Mr. John Wilson, Chairman of the Austin District of the Texas Hospital Association; Mr. Bill Dyer of Shoal Creek Hospital; Mr. Will Brown, Administrator of Brackenridge Hospital, Colonel Daniel Seal of Bergstrom AFB Hospital; Mr. Jesse Hayes of Holy Cross; Mr. Claude Rainey of Seton Hospital; and Mr. Lyle Johanson of the Texas Hospital Association.

RESOLUTION - MRS. NELL BARTLEY

Councilman Nichols read and then presented a resolution, signed by the Mayor and members of the Council, to Mrs. Nell Bartley, in recognition of twenty years of dedicated service to Brackenridge Hospital of the City of Austin and naming May 12, 1973, as Nell Bartley Day in Austin. Mrs. Bartley accepted the resolution and thanked the Council.

RESOLUTION - ROTC

Mayor Butler read and then presented a resolution, signed by the Mayor and members of the Council, to Colonel George Dexter, commemorating and supporting the efforts of ROTC in providing the armed forces with well-trained and responsible leaders. Colonel Dexter accepted the resolution and thanked the Council for its support.

EXPRESSION OF APPRECIATION

Mrs. Mary Craddock, Chairman of Laguna Gloria Fiesta, expressed her appreciation to the Council for their assistance in making a community art museum possible and presented the Mayor and each member of the Council with a ticket to Fiesta.

AWARD - CIVITAN CLUB

Councilman Dryden presented to the Mayor and the Council an award presented to the Council, recognizing their outstanding service and leadership presented by the Civitan Clubs of Austin and accepted by Councilmen Dryden, Nichols, and Lebermann on behalf of the Council at the banquet on May 9, 1973. A resolution, signed by the Mayor and members of the Council, had been presented on May 9 commending the Civitan Clubs of Austin and the President of Civitan International, Mr. Bill Haehnel for their efforts in Building Good Citizenship in the community.

ZONING HEARINGS

At 10:00 A.M. Mayor Butler announced that the Council would hear the zoning cases scheduled for Public Hearing at that time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

A. E. RHODES, JR.	311 East 34th Street	From "BB" Residence, 2nd
C14-73-050	3306-3310 Tom Green St.	Height and Area to "B"
		Residence, 2nd Height and
		Area
		RECOMMENDED by Planning
		Commission

Mayor Pro Tem Love moved the Council grant the change from "BB" Residence 2nd Height and Area to "B" Residence 2nd Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, 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 by the Planning Commission and instructed the City Attorney to draw the necessary ordinance to cover.

CROSS COUNTRY INNS, INC,	Rear of 6201 U. S.	From "C" Commercial 6th Height
By M. H. Crockett, Jr.	Highway 290 East	and Area to "C-2" Commercial
C14-73-055		6th Height and Area
		RECOMMENDED by Planning
		Commission

Councilman Nichols moved the Council grant the change from "C" Commercial 6th Height and Area to "C-2" 6th Height and Area as recommended by the Planning Commission. 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

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

IRVING L. RAVEL 5525-5527 From "C" Commercial to "C-2" Commercial
C14-73-067 Burnet Road RECOMMENDED by 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 Mayor Pro Tem Love, 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 by the Planning Commission and instructed the City Attorney to draw the necessary ordinance to cover.

COLORADO HILLS 1937-2013 East Riverside From "LR" Local Retail 1st
ESTATES Drive between Royal Height and Area to "GR"
By Philip C. Friday, Crest Drive and Burton General Retail 2nd
Jr. Drive Height and Area
C14-73-076 RECOMMENDED by the
Planning Commission

Mayor Pro Tem Love moved the Council grant the change from "LR" Local Retail 1st Height and Area to "GR" General Retail 2nd Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

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

CIDMON CORPORATION 8131-8137 Interstate From Interim "A" Residence 1st
By Robert L. David Highway 35 at Height and Area to "GR" General
C14-73-012 Rutherford Lane Retail 1st Height and Area
RECOMMENDED by Planning Commission subject to no driveway entrance from Rutherford within 150' of the east property line

Mr. John Carter, resident at 8200 Greylodge, opposed the change. He made use of maps to point out the types of structures located on other property in the area. He noted that the greatest amount of frontage of the property in question was on Rutherford Lane which he noted was a very narrow street and in poor condition. He stated that the planned use of the property was for a furniture rental business which would involve a great deal of delivery traffic. He further noted that access to Interstate 35 South was very limited, and most traffic in the neighborhood used Rutherford Lane, Cameron Road, and Highway 183 to gain access to IH-35 South. Mr. Carter was concerned about the probability of an accident with furniture delivery vans making use of Rutherford Lane.

Mr. Carter made use of slides to illustrate the difficulty of a school bus negotiating a turn from Interstate 35 frontage road on to Rutherford Lane. He further noted the danger of an accident when a car traveling 50 mph on the access road would come over the hill just prior to Rutherford Lane not expecting to discover the rear end of a truck jutting out on to the access road in the process of turning on to Rutherford. He also expressed concern with furniture trucks making use of his street in his subdivision where small children played. In response to Councilman Friedman, he stated he would still be opposed to the change if all the curb cuts were on IH-35. In response to Mayor Pro Tem Love's question, Mr. Carter suggested the property in question be used for houses, apartments, or preferably offices.

In response to Mayor Butler's question, City Manager Davidson discussed the improvements to be made on Rutherford Lane.

Ms. Helga Anderson, a resident of the area and President of the Heritage Hills Homeowners Association, spoke against the change. She pointed out the traffic dangers with Rutherford Lane the key access road to a new elementary school planned for east of Heritage Hills. She believed the present landscaping and office buildings in the area were esthetically desirable in terms of access to Austin on IH-35 from the north. She noted that a nearby tract had been denied a zoning of "LR" and she believed that the tract under question would set a precedent for the zoning of other properties in the area, 2/3 of which were unzoned. She objected to the loss of tree buffer between Heritage Hills and IH-35 and stated that a 6' fence would not afford adequate privacy. Ms. Anderson requested that the property in question be zoned "O" and that no development be sanctioned on Rutherford until improvements were made.

Mr. Richard Baker, representing the applicant, stated that zoning of other tracts in the area were "GR" and "C" with the exception of the one tract cited by Mrs. Anderson. According to statistics of Modern Furniture Rental, to whom the tract was sold subject to zoning, they averaged 10 automobiles per day in customers and had two trucks. They had approximately two tractor trailer freight deliveries per month. Mr. Baker noted that Cidmon Corporation had dedicated 20' of property for the widening of Rutherford Lane. He believed that the zoning was compatible with other zoning along the interstate highway.

Mr. Baker read from Minutes of the Planning Commission Meeting which stated that information lacking at the time of the hearing would have influenced their decision to impose the condition of no curb cut within 150' of the east property line. This information was that the tract in question was divided into two lots, the rear one of which (Lot 2A) was about 100' deep, and this condition would prevent it from having any access to a public street. Modern Furniture Rental's building was planned on the front lot (Lot 1A) about 332' deep. He also noted

that the application as amended would leave the back 30' "A" Residential as a green belt area buffer zone. He also stated that a zoning other than "GR", such as "LR" or "O", for the remaining 70' of the back lot would be acceptable. Mr. Baker noted that the property in question was inappropriate for residential use and that either apartment use or office use would lead to a heavy traffic problem.

There was discussion among the Council, Mr. Baker, and Mr. Carter as to what improvements were likely to be made on Rutherford Lane. In response to Mayor Butler's question, Mr. Carter reaffirmed his belief that the furniture store would create worse traffic problems than would other kinds of establishments. In response to Mayor Pro Tem Love's question, Mr. Baker stated that a curb cut off of Interstate 35 was planned. Mayor Pro Tem stated that he would like for the City Manager to investigate the possibility of widening Rutherford Lane in the CIP hearings which would start soon.

Motion

Mayor Pro Tem Love moved the Council grant the change from Interim "A" Residence 1st Height and Area to "GR" General Retail 1st Height and Area on Front Lot 1A, and the change from Interim "A" Residence 1st Height and Area to "O" Office on Back Lot 2A except for a 30' green belt area to remain "A" Residence, that a guaranteed curb cut be placed on the west side of Lot 1A on IH-35, and that a curb cut be allowed on the most westerly side of Lot 2A and the most easterly side of Lot 1A, side by side, on Rutherford Lane, subject to a privacy fence and other conditions recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the change to "GR" General Retail on Lot 1A and to "O" Office on Lot 2A subject to the conditions specified had been granted and instructed the City Attorney to draw the necessary ordinance to cover.

ALLEN R. RUNDELL	3930-3960 Spicewood	From Interim "A" Residence 1st
By Jeryl D. Hart	Springs Road	Height and Area to "O" Office
CL4-73-031		1st Height and Area and "LR"
		Local Retail 1st Height and Area
		NOT RECOMMENDED by Planning
		Commission

Mayor Butler noted a letter requesting withdrawal of this case and that withdrawal was in accord with the wishes of the citizens in opposition who were present. Councilman Nichols moved that case CL4-73-031 be withdrawn at this time. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Nichols
Lebermann, Friedman
Noes: None
Out of Room at
Roll Call: Councilman Dryden, Mayor Pro Tem Love

DON FERGURSON 1803 Koenig From "A" Residence to "O" Office
C14-73-046 Lane RECOMMENDED by the Planning Commission
subject to 10' of right-of-way on Koenig
Lane and a 6' privacy fence on the south
boundary line

Mr. Don Fergusson, the applicant, requested that the privacy fence condition be deleted in that other properties in the area zoned "O" were not required to have a fence and in that he already had a hedge on the south boundary line. There was discussion among the Council as to the adequacy of the hedge for privacy.

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to 10' of right-of-way on Koenig Lane and a 6' privacy fence on the south boundary line. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Nichols, Lebermann, Friedman,
 Handcox
Noes: None
Out of Room at
Roll Call: Councilman Dryden, Mayor Pro Tem Love

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

THOMAS P. FRANCIS 509-517 Alpine Road From "B" Residence to "LR" Local
ET UX 3601-3613 South First Retail
By Phil Mockford Street RECOMMENDED by Planning
C14-73-048 Commission subject to a sub-
 division

Ms. Margaret Hoffman, a resident in the area, inquired as to what use was planned for the property. Mr. Phil Mockford, representing the applicant, stated that the plan was to use it for a strip center-type 7-11 and accompanying-type operations fronting on South First Street. Ms. Hoffman stated that the property was presently a park and feared that the many large trees would be bulldozed. Mr. Mockford stated that only a portion of the tract to which Ms. Hoffman referred would be used for the small retail establishment and this would necessitate the uprooting of one tree.

Councilman Nichols moved the Council grant the change from "B" Residence to "LR" Local Retail as recommended by the Planning Commission, subject to a sub-division. The Motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
 Mayor Butler
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love

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

A. D. and CARRIE H. EBERHART	6306-6328 South First Street	From Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area
By Charles B. Perkins	700-710 Eberhart Lane	RECOMMENDED by Planning Commission subject to subdivision
C14-73-052		

Councilman Nichols moved the Council grant the change from Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area as recommended by the Planning Commission subject to subdivision. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love

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

MILTON E. CHATAM, ET UX	505 West Alpine Road	From "A" Residence to "B" Residence
C14-73-053		RECOMMENDED by Planning Commission subject to subdivision and 5' of right-of-way on Alpine Road

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

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love

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

JESSIE RAY and RENA 1013 Aggie From "A" Residence 1st Height and Area
FAY REVEILE Lane to "B" Residence 2nd Height and Area
By Michael M. Markley RECOMMENDED by Planning Commission
C14-73-054 subject to 5' of right-of-way on Aggie
Lane

Councilman Nichols moved the Council grant the change from "A" Residence 1st Height and Area to "B" Residence 2nd Height and Area as recommended by the Planning Commission subject to 5' of right-of-way on Aggie Lane. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at

Roll Call: Mayor Pro Tem Love, Councilman Lebermann

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

FRED Y. and 1505 North From "A" Residence and "B" Residence to
EMILIE LARA Loop "O" Office
By Conway Taylor Boulevard RECOMMENDED by Planning Commission subject
C14-73-056 to a subdivision

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

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

Noes: None

Out of Room at

Roll Call: Mayor Pro Tem Love

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

CLEAR CREEK 5305-5509 Nuckols From Interim "A" Residence 1st
PROPERTIES, INC. Crossing Road Height and Area to "LR" Local Retail
C14-73-057 6601-6719 South 1st Height and Area
Pleasant Valley Road RECOMMENDED by Planning Commission
on amended area only, subject to
subdivision to identify property
zoned, and to dedicate the neces-
sary right-of-way at the inter-
section of Nuckols Crossing Road
and South Pleasant Valley Road, and
right-of-way, if needed, on Nuckols
Crossing Road

Councilman Nichols moved the Council grant the change from Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area as recommended by the Planning Commission on amended area only, subject to subdivision to identify property zoned, and to dedicate the necessary right-of-way at the intersection of Nuckols Crossing Road and South Pleasant Valley Road, and right-of-way, if needed, on Nuckols Crossing Road. 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 by the Planning Commission on amended area only subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

HARRY E. MONTANDON	1600 Fort View	From "A" Residence to "GR" General
By R. H. Einck	Road	Retail
C14-73-059		RECOMMENDED by Planning Commission
		subject to subdivision, 1/2 the
		necessary right-of-way to bring Fort
		View Road to 70', a 25' building set-
		back on the north boundary line, and a
		6' privacy fence on the north 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 subdivision, 1/2 the necessary right-of-way to bring Fort View Road to 70', a 25' building setback on the north boundary line, and a 6' privacy fence on the north boundary line. 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 granted as recommended by the Planning Commission subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

EMILE L. STRYK	500 West 35th	From "A" Residence 1st Height and Area to
By Sam Meyers	Street	"B" Residence 2nd Height and Area
C14-73-060		RECOMMENDED by Planning Commission subject
		to 5' of right-of-way on West 35th Street

Ms. Lee Rohne, a resident on 35th Street and President of the Student Bar Association of the UT Law School, opposed the change. She stated that an apartment complex was currently being constructed on the lot adjoining this property and the property in the next case to be considered, C14-73-061. The trees had been cut

down on this property. She stated that the street could not handle the large cement trucks coming in to it, and that the trucks had made large holes in the street. She stated that there was a shortage of on-street parking for the offices in the neighborhood, and for the apartment building being constructed. She stated that the proposed change would increase the parking and traffic problems. She read a petition signed by 110 people in the neighborhood, opposing any further apartments, most of whom were renters rather than owners. In response to Mayor Butler's question, City Manager Davidson stated that if damage to the street could be documented, restoration of the street could be obtained from the contractor responsible. In response to Mayor Pro Tem Love's question, Mr. Dick Lillie, Planning Director, stated that this tract would permit 7 apartment units. Mr. Lillie reported that the ordinance required on-site parking spaces.

Ms. Estelle Scherr, a homeowner on 35th Street, opposed the change. She stated that there were inadequate parking facilities for a 32-unit building under construction in the neighborhood.

Mr. Curt Schultz, property owner on 33rd and 34th, discussed the traffic problems involved in gaining access to Guadalupe via Fruth or Hemphill Parkway and 34th. He believed the proposed zoning involving a great number of cars would destroy the residential neighborhood.

Mr. Craig Nuessig, a resident in the area, spoke against the zoning, pointing out the congestion and parking problems which would result.

Mr. Sam Meyers, representing the applicant on both this case and on C14-73-061, stated that these two pieces of property were in between two properties whose re-zoning the Council had previously approved. He stated that there was plenty of off-street parking for the apartments already constructed. Mr. Meyers noted that the alley between 500 and 406 West 35th Avenue was to be vacated and was planned as a parking area.

Motion

Mayor Pro Tem Love moved the Council grant the change from "A" Residence 1st Height and Area to "B" Residence 2nd Height and Area, as recommended by the Planning Commission subject to 5' of right-of-way on West 35th Street and subject to vacation of the adjoining alley. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Mayor Butler, Councilman Dryden
Noes: None
Out of Room at
Roll Call: Councilman Handcox

The Mayor announced that the change had been granted as recommended by the Planning Commission subject to the conditions and vacation of the alley and instructed the City Attorney to draw the necessary ordinance to cover.

JIMMIE R. GARZA	406 West 35th	From "A" Residence 1st Height and Area to
By Sam Meyers	Street	"B" Residence 2nd Height and Area
C14-73-061		RECOMMENDED by Planning Commission subject
		to 5' of right-of-way on West 35th Street

Mayor Pro Tem Love moved the Council grant the change from "A" Residential 1st Height and Area to "B" Residential 2nd Height and Area, as recommended by the Planning Commission subject to 5' of right-of-way on West 35th Street, and subject to vacation of the adjoining alley. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Mayor Butler, Councilman Dryden
Noes: None
Out of Room at
Roll Call: Councilman Handcox

The Mayor announced that the change had been granted as recommended by the Planning Commission subject to the conditions and vacation of the alley and instructed the City Manager to draw the necessary ordinance to cover.

RECESSED MEETING

2:00 P.M.

CHURCH OF JESUS	923 Clayton	From "A" Residence 1st Height and Area
CHRIST OF LATTER DAY	Lane	to "GR" General Retail 2nd Height and
SAINTS		Area
By Boyd W. Strong		RECOMMENDED by Planning Commission
C14-73-062		subject to subdivision

Councilman Nichols moved the Council grant the change from Interim "A" Residence 1st Height and Area to "GR" General Retail 2nd Height and Area as recommended by the Planning Commission subject to subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Friedman, Mayor Butler
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love, Councilmen Lebermann, Handcox

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

CARROLL KENNEMER,	1200-1202 West 42nd St.	From "A" Residence to "O" Office
ET UX	4200 Bellvue Avenue	RECOMMENDED by Planning
C14-73-064		Commission subject to 5' of
		right-of-way on W. 42nd St., 5'
		of right-of-way on Bellvue Ave.,
		6' fencing on the north bound-
		ary and no access to Bellvue
		Avenue

Councilman Nichols moved the Council grant the change from "A" Residence to "O" Office as recommended by the Planning Commission subject to 5' of right-of-way on W. 42nd St., 5' of right-of-way on Bellvue Ave., 6' fencing on the north boundary and no access to Bellvue Avenue. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Nichols, Friedman, Mayor Butler, Councilman Dryden
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love, Councilmen Lebermann, Handcox

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

CITY OF AUSTIN	2210-2242 Redwood	From "A" Residence to "C"
By Jack Holladay for	Avenue	Commercial
Junior Achievement	2206-2234 Pershing	RECOMMENDED by Planning Commission
of Central Texas,	Drive	subject to a restrictive covenant
Inc.		limiting the use of this property
C14-73-070		to the Junior Achievement of
		Central Texas, Inc.

Councilman Nichols moved the Council grant the change from "A" Residence to "C" Commercial as recommended by the Planning Commission subject to a restrictive covenant limiting the use of this property to the Junior Achievement of Central Texas, Inc. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Friedman, Mayor Butler, Councilmen Dryden, Nichols
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love, Councilmen Lebermann, Handcox

JACK McCREARY	Bounded by U. S. Hwy. 183	From Interim "A" Residence
By Robert C. Sneed	Old Cameron Road and	1st Height and Area to "B"
C14-73-073	Waller Creek	Residence 1st Height and Area
		and "GR" General Retail 3rd
		Height and Area (as amended)
		RECOMMENDED by Planning
		Commission "GR" General Retail
		1st Height and Area and "GR"
		General Retail 3rd Height and
		Area on the area west of
		Rutherford Lane, "GR" General
		Retail 3rd Height and Area for
		the south 1/2 of the area east
		of Rutherford Lane, with "B"
		Residence 1st Height and Area
		on the remainder of the prop-
		erty, subject to subdivision
		to identify the property and
		provide for 70' of right-of-
		way for Rutherford Lane
		through the tract and 1/2 the

right-of-way to increase Cameron Rd. to 60', a restrictive covenant providing for the rollback of "GR" General Retail 3rd Height and Area to "GR" General Retail 1st Height and Area on property east and west of Rutherford Lane except for the area of the buildings, which will be limited to 3 buildings not containing more than a grand total of two acres

Councilman Nichols moved the Council grant the change from Interim "A" Residence 1st Height and Area (as amended) as recommended by the Planning Commission to "GR" General Retail 1st Height and Area and "GR" General Retail 3rd Height and Area on the area west of Rutherford Lane, "GR" General Retail 3rd Height and Area for the south 1/2 of the area east of Rutherford Lane, with "B" Residence 1st Height and Area on the remainder of the property, subject to subdivision to identify the property and provide for 70' of right-of-way for Rutherford Lane through the tract and 1/2 the right-of-way to increase Cameron Rd. to 60', a restrictive covenant providing for the rollback of "GR" General Retail 3rd Height and Area to "GR" General Retail 1st Height and Area on property east and west of Rutherford Lane except for the area of the buildings, which will be limited to 3 buildings not containing more than a grand total of two acres. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Friedman
Noes: None
Out of Room at
Roll Call: Mayor Pro Tem Love, Councilmen Lebermann, Handcox

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

LEM CORPORATION
By James D. Scott
C14-73-063

2001-2417 Kramer Lane From Interim "A" Residence 1st Height and Area to "D" Industrial 1st Height and Area
RECOMMENDED by Planning Commission subject to subdivisions and right-of-way on Kramer Lane to bring it to 40' from the center line. The requirement for right-of-way for the proposed Braker Lane, affecting this tract, is referred to the City Council for action

Mr. James Scott, representing the applicant, discussed the conditions of the Planning Commission with which the applicant was not in agreement. He stated that the exact requirements for the right-of-way on Braker Lane had not been specified. Mr. Dick Lillie, Planning Director, stated that the City was surveying the right-of-way to get it as exact as possible.

Mr. Darrell Hopkins, President of the LEM Corporation, did not wish to set aside any land for right-of-way on Braker Lane. Councilman Dryden noted that this land was to be set aside for the West Loop to be constructed and raised the question as to how long it would be before this construction took place. In response to Mayor Butler's question, Mr. Lillie stated that this condition was consistent with all other zoning requirements made in the past. Mr. Hopkins stated that they had not requested annexation of a portion of the tract which included the area in question, but the City had annexed it nonetheless. Mr. Lillie stated that the City subdivision ordinance required that all subdivisions be in accordance with the General Development Plan, and thus subdivision approval was dependent upon providing the right-of-way. There was discussion among the Council as to the meaning of the conditions as listed on the agenda.

Motion

Mayor Pro Tem Love moved the Council grant the change from Interim "A" Residence 1st Height and Area to "D" Industrial 1st Height and Area on the platted (southern) portion of the land only (area outlined in orange on the map) subject to subdivision and right-of-way on Kramer Lane to bring it to 40' from the center line. 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

The Mayor announced that the change had been granted as recommended by the Planning Commission on the platted portion only subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

CHANGE ORDER

Councilman Friedman moved the Council adopt a resolution authorizing a change order to the contract for the expansion of the Police and Courts Building to provide distinctive finishing in several key areas of the new court facility. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,
Mayor Butler, Councilman Dryden
Noes: None
Out of Room at
Roll Call: Councilman Nichols

ZONING HEARINGS

TED L. EDWARDS, JR. 3407-3413 Cedar	From "A" Residence 1st Height and Area
By Robert D. Jones Street	to "B" Residence 2nd Height and Area
C14-73-071	NOT RECOMMENDED by Planning
	Commission

Mr. Stroud Kelley, speaking for the opposition, stated that the applicant's request to withdraw the case was acceptable with the stipulation that it not be resubmitted for one year. Mr. Lillie pointed out that with withdrawal, there could be no re-application for six months; but if the zoning were denied, the applicant could re-apply for a different zoning within a month. Mr. Kelley agreed to the withdrawal. Councilman Friedman moved the request for zoning change be withdrawn. The motion, seconded by Mayor Pro Tem Love, carried by the following:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,
Councilman Dryden, Mayor Pro Tem Love
Noes: None
Out of Room at
Roll Call: Councilman Nichols

C. L. REEVES, 3428 Greystone Drive From "LR" Local Retail to "C-2" Commercial
ET UX RECOMMENDED by Planning Commission subject
C14-73-065 to field notes to describe the area of
4,500 square feet and limitation of use to
a package store and "LR" Local Retail
zoning uses

Mr. Irwin Salmanson, of the Northwest Austin Civic Association, opposed the change. He requested that Mr. Lillie present the reasons the Planning staff had for opposing the change which had already been denied once by the Council. The Council felt it would be more appropriate for Mr. Salmanson to present whatever new information there was. Mr. Salmanson expressed his belief that a liquor store would result in more traffic than would a grocery store. He believed that the hill on Greystone would cause problems and preferred that the liquor store be placed at a different location in the area.

Mr. C. L. Reeves, the applicant, discussed the previous zoning changes which had occurred in the area. He believed that if the liquor store were located as suggested by Mr. Salmanson, traffic flow in residential areas would be worsened.

Councilman Dryden moved the Council grant the change from "LR" Local Retail to "C-2" Commercial as recommended by the Planning Commission subject to field notes to describe the area of 4,500 square feet and limitation of use to a package store and "LR" Local Retail zoning uses. The motion, seconded by Councilman Handcox carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman
Dryden, Mayor Pro Tem Love, Councilman Lebermann
Noes: None
Out of Room at
Roll Call: Councilman Nichols

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

IDA MAE WAKEMAN 5608-5706 From "A" Residence to "C" Commercial
By Robert C. Duke Bolm Road NOT RECOMMENDED by Planning Commission
C14-73-075

Mayor Pro Tem Love moved that this case be postponed for two weeks as requested by the applicant. The motion, seconded by Councilman Handcox, carried by the following vote:

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

COUNCILMAN NICHOLS, MAYOR PRO TEM LOVE DEPART

Councilman Nichols and Mayor Pro Tem Love left the Council Chamber at this time to attend the funeral of Mrs. Alden Davis, a member of the Park Board.

ZONING HEARINGS

JAMES C. HUDSON C14-73-009(L)	Intersection of South Congress Avenue and Miller's Lane	"L" Lake Development Convention Center and Hotel complex, includ- ing hotel rooms, restaurant-lounge, coffee shop, meeting rooms and personal service shops
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Mr. Wesley Pearson spoke for this change as well as the next one to be heard, C14-73-041. He noted that this property had been zoned industrial and undeveloped for thirty years and stated that it was badly in need of development.

Mr. Mike Stenberg, representing South River City Citizens, spoke against the change. He objected not to development per se but to a lack of planning on the part of the developers. The main objection was to the one-level parking, and he favored a multi-story parking structure. Mayor Butler pointed out that this was a zoning case, and the efficiency of the operation was not really before the Council. Mr. Stenberg was concerned with the setback from the lake, and Mr. Lillie reported on the requirements of "L" Lake zoning.

Mrs. Jean Mather discussed the degree of detail to which an earlier Planning Commission had attended in reviewing plans for development on an "L" Lake Development site and believed that the present Planning Commission found such attendance to detail inappropriate. She believed that the Planning Commission and the Council should review the site plan, not just the zoning question. Her objection to the site plan was that it covered too much ground. In response to Councilman Dryden's question, she stated that she was not now speaking for the Planning Commission. Councilman Dryden did not feel it appropriate for the Council to rule on a matter like parking. Mayor Butler pointed out that the site plan called for a 25' setback.

Mr. Stenberg spoke in favor of planned rather than unplanned growth, and he preferred more green space, with a setback greater than 25'.

Mr. Murray Wykes, Assistant Business Manager for the Electrical Workers, believed that the major traffic problems had been worked out. He believed that the parking lot drainage, polluting the lake, would be minor compared to other existing drainage. He spoke for the necessity of the planned facilities.

Mr. Douglass Hearne, representing the applicant, stated that the planned development would cost \$11 million. He stated that they had worked with City Departments and gained their approval. He stated that site plans had been revised to allow for green belt areas and for future construction of a bridge. He stated that to meet a requirement of providing access to Riverside Drive, an easement had to be acquired from Mr. Byram which meant giving Mr. Byram four acres of land on the lake front. Councilman Friedman discussed with Mr. Hearne the use to be made of those four acres. Mr. Lillie stated that these four acres were not included in the open spaces provided for in the site plan. In response to Mayor Butler's question, Mr. Hearne stated that the convention center would seat 2,200 people and the hotel would consist of 450 rooms.

Motion

Councilman Dryden moved the Council grant the permit for "L" Lake Development Convention Center and Hotel complex, including hotel rooms, restaurant-lounge, coffee shop, meeting rooms and personal service shops as recommended by the Planning Commission subject to Department requirements and a drainage plan for the off-street parking. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the permit had been granted as recommended by the Planning Commission subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

In response to Councilman Lebermann's question, Mr. Lillie stated by ordinance 55% of the area could be covered, and "yard" was defined as the area not covered. This could include the parking area.

MOTON H. CROCKETT, JR.	126-152 East Riverside Drive	From "C-2" Commercial 2nd Height and Area and "D" Industrial 2nd Height and Area to "C" Commercial 3rd Height and Area
By Robert C. Sneed	C14-73-041	RECOMMENDED by Planning Commission subject to 5' of right-of-way on E. Riverside Dr.
(postponed from April 19, 1973)		Consideration is requested by the City Council of the proposed requirement for a building setback on the east boundary of this tract, for the proposed Trinity Street extension

Mr. Sam Perry, representing Mr. John Byram, the lessee of the applicant, stated that the only reason for the change was to permit buildings of a greater height. Two office buildings were planned. The Planning Commission raised the question of a building setback for the possible construction of a Trinity Street

bridge. Mr. Crockett had stated that he would not agree to a setback; such a requirement on Mr. Byram would be burdensome. He stated that there were no plans to build on an area the City might condemn. The building presently planned would be setback about 130' from the east property line, but a 50 year prohibition would be a burden. The east 60' was presently planned to be the easement area to serve the convention center, so no building would occur there.

Councilman Dryden moved the Council grant the change from "C-2" Commercial 2nd Height and Area and "D" Industrial 2nd Height and Area to "C" Commercial 3rd Height and Area as recommended by the Planning Commission subject to 5' of right-of-way on E. Riverside Drive and a restrictive covenant not to build on the 60' easement for five years. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted as recommended by the Planning Commission subject to conditions and restrictive covenant and instructed the City Attorney to draw the necessary ordinance to cover.

SOUTHWEST CHRISTIAN CHURCH and	1301-1307 Morgan Lane	From "A" Residence and "GR" General Retail to "GR" General Retail
VERNON O. BARNES	1300-1318 West Ben White Boulevard	General Retail
By Douglass Hearne	4100-4108 Banister Lane	NOT RECOMMENDED by Planning Commission
C14-73-047		RECOMMENDED by Planning Commission "GR" General Retail except for the north 35' on both tracts and grant "B" Residence on the north 35' of both tracts, subject to subdivision to identify the property and provide for right-of-way on Banister Lane, a 6' privacy fence on the west boundary of Tr. 2 and no curb cuts allowed to Morgan Lane from Tr. 2

Mr. Douglass Hearne, representing the Southwest Christian Church, reported that by error the plat filed the day before stated that access from Lot 1 to Morgan Lane was prohibited. The Planning Commission had agreed to access to Morgan Lane from the Church portion of the plat but not from the property owned by Mr. Barnes. He requested that access be permitted on to Morgan Lane from the easternmost 214.28' of the property, which was the portion owned by the Church.

Councilman Handcox moved the Council grant the change from "A" Residence and "GR" General Retail as recommended by the Planning Commission except for the north 35' on both tracts and grant "B" Residence on the north 35' of both tracts, subject to subdivision to identify the property and provide for right-of-way on Banister Lane, a 6' privacy fence on the west boundary of Tr. 2 and no curb cuts allowed to

Morgan Lane from Tr. 2, but allow access to Morgan Lane from Tract 1, the easternmost 220' from Banister Lane. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler, Councilman Dryden
Noes: None
Out of Room at
Roll Call: Councilman Friedman
Absent: Councilman Nichols, Mayor Pro Tem Love

The Mayor announced that the change had been granted as recommended by the Planning Commission subject to the conditions and allowing access to Morgan Lane from Tract 1 and instructed the City Attorney to draw the necessary ordinance to cover.

AUSTEX DEVELOPMENT COMPANY, LTD.	8915-9007 Parkfield Drive	From "A" Residence to "B" Residence
By Lewis Kirchofer	1203 Woodfield Drive	NOT RECOMMENDED by Planning Commission
C14-73-311		

Councilman Lebermann moved the request for change be sent back to the Planning Commission as requested by the applicant. The motion, seconded by Councilman Dryden, carried by the following vote:

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

NICHOLS, LOVE ENTER CHAMBER

Councilman Nichols and Mayor Pro Tem Love entered the chamber at this time.

ZONING HEARINGS

NED GRANGER	3303 Neal Street	From "A" Residence to "B" Residence
By Michael L. Gilmore	Rear of 3301 Neal Street	NOT RECOMMENDED by Planning Commission
C14-73-066		

Mr. Mike Gilmore, representing the applicant, spoke for the change. He believed this area would be suitable for low-income housing. He stated that the applicant would agree to a zoning of less density than "B" Residence, such as "BB" Residence and would agree to any restrictive covenant which might be desired to assure that the use proposed would in fact occur. He further requested that this case be reconsidered when an ordinance amendment might allow a tract of this size to be eligible for a PUD. Mr. Gilmore stated that this was an old neighborhood with many houses in a bad state of repair. He stated that the applicant was the first to propose a change in the character of the neighborhood.

Ms. Bonnie Gage, representing the residents in the neighborhood, opposed the change. She believed there would be crowding and parking problems. She recommended that a duplex be built on the land, which could be done with the "A" zoning. Mayor Pro Tem Love suggested that information be provided to Mrs. Gage as to when sidewalks in her neighborhood might be constructed.

Councilman Nichols moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion, seconded by Mayor Pro Tem Love, 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.

EARL C. and NORA D. 9006-9010 From "A" Residence to "MH" Mobile Home
IVES East Drive NOT RECOMMENDED by Planning Commission
By Robert J. Ives
C14-73-250

Mr. Robert Ives, representing the applicants, spoke for the change. Mayor Butler pointed out that 44% of the neighbors within 200' had signed a petition saying that the mobile home should not be allowed to remain there. Councilman Dryden recalled that when this case had been heard earlier that no action had been taken against the applicants because of their illness and on the understanding that this matter would be straightened out. Mr. Ives stated that he had been working on the house so that people could move in, and he could move the trailer. In response to Councilman Friedman's question, Assistant City Attorney Jerry Harris stated that Mr. Ives would have from 10 to 30 days to move the trailer.

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY the change. 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 DENIED.

ROGER HANKS 905 West 29th Street From "A" Residence to "O" Office
By Whit H. Hanks 2842 Pearl Street NOT RECOMMENDED by Planning
C14-73-058 Commission

Councilman Nichols moved that the request for zoning change be withdrawn as requested by the applicant. 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

PAULINE T. JACOBSON 504 West From "A" Residence to "B" Residence
C14-73-068 51st Street NOT RECOMMENDED by Planning Commission

Mayor Pro Tem Love moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion, seconded by Councilman Nichols, 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 DENIED.

DR. JAMES F. REEVES 4307-4311 From "A" Residence to "LR" Local Retail
By Robert D. Jones Avenue H NOT RECOMMENDED by Planning Commission
C14-73-072

Councilman Nichols moved that the request for zoning change be withdrawn as requested by the applicant. The motion, seconded by Councilman Friedman, carried by the following vote:

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

TIMOTEO TORRES 2007-2015 Canterbury St. From "A" Residence 1st Height and
By Martin H. 76-78 Anthony Street Area to "B" Residence 2nd Height
Boozer, Jr. and Area
C14-73-074 NOT RECOMMENDED by Planning
Commission

Councilman Nichols moved that the request for zoning change be withdrawn as requested by the applicant. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ROANE PUETT 4520-4524 Depew Avenue From "A" Residence 1st Height and
C14-73-077 907-911 East 46th Street Area to "B" Residence 2nd Height
and Area
NOT RECOMMENDED by Planning
Commission

Mr. Phil Mockford, representing the applicant, asked for "BB" Residence rather than "B" Residence zoning. He stated that the structure at present was vacant. The property was on a corner with an alley behind it to ease traffic flow. He stated that the area was spotted with "B" Residence and "BB" Residence zoning;

some houses on the block were maintained well and some were not. He stated that the value of the property had gone up so that an apartment house seemed to be the only use that could be made of it. Mayor Butler pointed out that there was a petition opposing "B" Residence zoning.

Mr. Thomas Porter, owner and resident at 4518 Depew opposed any zoning less restrictive than "A" Residence zoning and stated that the petition also stipulated opposition to any zoning less restrictive than "A" Residence. The petition was signed by 46.4% of owners in the area. The block in which the property lay was totally "A" Residence zoning. He did not oppose construction of a fourplex on this property. He expressed concern about loss of privacy where his property adjoined the property in question, increased traffic, and parking in front of his house. Mr. Mockford stated that the applicant would be willing to accept the condition of a privacy fence. Mr. Porter stated that this would not satisfy him. In response to Mayor Butler's question, Mr. Mockford agreed that the property could be resubdivided to allow construction of two duplexes. Mr. Porter noted that the nearby property zoned "BB" Residence contained a one-story fourplex, not an apartment building. In response to Mayor Pro Tem Love's question, Mr. Lillie stated that "BB" Residence zoning on the property in question would permit 7 or 8 units.

Motion

Councilman Lebermann moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion was seconded by Councilman Handcox.

Substitute Motion

Mayor Pro Tem Love offered a substitute motion that the Council grant the change to "BB" Residence subject to the conditions of the right-of-way and a privacy fence on the south side of the property. The motion, seconded by Councilman Nichols, failed to carry by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love

Noes: Councilman Handcox, Mayor Butler, Councilmen Lebermann, Friedman

Vote on Original Motion

The original motion to DENY the change, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Lebermann, Friedman, Handcox

Noes: Councilmen Dryden, Nichols, Mayor Pro Tem Love

The Mayor announced that the change had been DENIED.

Councilman Nichols moved the Council dismiss the following pending zoning cases:

L. G. ALEXANDER
C14-71-011

1706-1806 St. Hwy. 29
1703-1803 Dalton Lane

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

MRS. DAVID ISHA McCREA C14-71-204	1013-1015 Anderson Lane one remaining tract out of a 5-tract applicat- ion	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
T. F. ATTEBURY, GEORGE F. MILLER & ERNIE L. MILLER C14-72-100	2808, 2900 and 2902 South First Street	From "A" Residence to "GR" General Retail to 150' "B" Residence for remainder
MR. & MRS. K. GLANDER MARGARET E. HAYS, MR. & MRS. R. A. RAESZ C14-72-178	1502-1512 Wheless Lane	From "A" Residence to "B" Residence
WALTER RAYMOND RAMSEY C14-72-197	1200-1202 Lamar Boulevard 1000-1004 West 12th St.	From "C" Commercial 2nd Height and Area to "C-2" Commercial 2nd Height and Area

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Councilman Nichols moved the Council extend for ninety days the following
pending zoning cases:

MAMIE LINDSEY C14-68-187	4807-4809 Red Bluff Road	From "A" Residence to "C" Commercial
JOHN COFFEE (new owner David Maddox, 6020 Malvey Avenue, Fort Worth) C14-69-114	1109-1113 Post Oak Street Rear of 700-1100 So. 5th	From "A" Residence to "BB" Residence
C. T. USELTON C14-69-139	825-829 Anderson Lane 901-907 Anderson Lane 820-826 Stobaugh	From "A" Residence and "C" Commercial to "C" Commercial
JOHN J. McKAY, Trustee C14-69-145	4600-4616 F.M. Rd. 969 4301-4501 Springdale Rd.	From "A" Residence to "C" Commercial

THE SIGNAL COMPANIES C14-69-304	8153-8213 Research Blvd. Rear of 8153-8213 Research Blvd.	From Interim "A" Residence 1st Height and Area to Tr. 1: "C" Commercial 1st Height and Area Tr. 2: "B" Residence 1st Height and Area
HAROLD GENE PATTERSON C14-69-330	Rear of 4002-4038 Spicewood Springs Road	From Interim "A" Residence 1st Height and Area to "LR" Local Retail 1st Height and Area
JAMES K. EICHELBERGER, JR. C14-72-032	Rear of 7107-7203 Burnet Road	From "A" Residence to "O" Office
MRS. F. O. REINKE C14-72-058	5214-5220 Jim Hogg Ave.	From "A" Residence 1st Height and Area to "B" Residence 2nd Height and Area
NELSON PUETT C14-72-079	5237 U.S. Highway 183	From Interim "A" Residence 1st Height and Area to "C-2" Commercial 2nd Height and Area
GIL STROMQUIST C14-72-085	5500 South Congress Ave. 201-213 Red Bud Lane	From Interim "A" Residence 1st Height and Area to Tr. 1: "C" Commercial 1st Height and Area Tr. 2: "C-2" Commercial 1st Height and Area
HENRY G. SANDERS C14-72-136	4120 East 12th Street	From "A" Residence to "LR" Local Retail
DOUGLAS DUWE C14-72-181	8515-8525 North Lamar 8417-8437 North Lamar	From "A" Residence 1st Height and Area to "C" Commercial 6th Height and Area
JACQUELYNE TIEMANN C14-72-202	4100-4232 Ed Bluestein Boulevard	From Interim "A" Residence 1st Height and Area to "C" Commercial 5th Height and Area
JOHN D. BYRAM C14-72-203	4234-4418 Ed Bluestein Blvd.; Rear of 4100- 4232 Ed Bluestein Blvd., 4101-4427 Tannehill Lane	From "A" Residence to "A" Residence, "B" Residence, "LR" Local Retail and "GR" General Retail

DICKSON PROPERTIES, INC. C14-72-204	East Riverside Drive and Pleasant Valley Road	From Interim "A" Residence 1st Height and Area to Tr. A: "B" Residence 3rd Height and Area Tr. B: "BB" Residence 2nd Height and Area Trs. C, D, E, F & G: "BB" Residence 1st Height and Area, "LR" Local Retail 1st Height and Area, "GR" General Retail 1st Height and Area
DAVIS & DANZE, INC. C14-72-206	1100-1104 West 38th St. 3800 Medical Parkway	From "C" Commercial, "A" Residence, "GR" General Retail 1st Height and Area to "C" Commercial 2nd Height and Area
ARTHUR E. PIHLGREN ET AL C14-72-210	10,000 Block of North Lamar Boulevard	From "A" Residence to "GR" General Retail
HENRY G. SANDERS C14-72-223	4106-4108 East 12th St.	From "A" Residence to "GR" General Retail and "BB" Residence
WILMA HORNE C14-72-234	4017-4021 Manchaca Road 4016-4020 Valley View	From "A" Residence to "O" Office
W. L. MAYFIELD C14-69-190	3625-3919 Cima Serena	From Interim "A" Residence 1st Height and Area to "BB" Residence 1st Height and Area
JOE RUSSO, TRUSTEE C14-71-042	4501-4705 E. Riverside Dr.	From "BB" Residence to "GR" General Retail
ROBERT C. NOREN C14-72-042	4614-4616 Glissman Road	From "A" Residence to "C" Commercial
O. NEWTON WILDS, JR. C14-72-140	3704 Crawford Avenue 1512 West 35th Street Cut-off	From "O" Office and "A" Residence to "C-2" Commer- cial
FRED C. MORSE C14-72-145	Highway 183	From Interim "A" Residence 1st Height and Area to "GR" General Retail and "B" Residence 1st Height and Area

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

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen
Lebermann, Friedman, Handcox, Dryden
Noes: None
Present but
Not
Voting: Mayor Butler

PUBLIC HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 10:00 A.M. May 24, 1973, to consider annexing the following:

70.0 acres of land out of the Santiago Del Valle Grant - unplatted land and portions of MEADOW LAKE and SOUTH PLEASANT VALLEY ROAD. (requested by Carl B. Morris, III for Clear Creek Properties, Inc.)

Total of 114 acres of land, more or less, out of the John Applegait and Willis Avery Surveys:

- (1) 3.96 acres of land known as Resubdivision of Lots 1A, 1B, 1C, 1D, 2, 7A, and 7B, CAMERON ACRES. (requested by J. B. Hamilton, owner)
- (2) 110+ acres - portions of Cameron Road, Old Cameron Road, Future Drive, Pleasant Cove, Pleasant Lane and unplatted land. (initiated by City of Austin)

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

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

EASEMENTS RELEASED

Councilman Nichols moved the Council adopt a resolution authorizing release of the following easement:

A portion of a 7.5 foot public utilities easement out of Lot 2, Block G, THE FOUR SEASONS, SUMMER SECTION. (Applicant - Fred A. Thom, Jr., owner)

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

Councilman Nichols moved the Council adopt a resolution authorizing release of the following easement:

Six (6) portions of existing public utilities easements and two (2) portions of existing drainage easements out of SUNNYVALE REVISED SEC. 1. (Applicant - Oscar W. Holmes, P. E. for Buckingham Ridge Developers)

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

Councilman Nichols moved the Council adopt a resolution authorizing release of the following easement:

Two (2) portions of an existing 7.50 foot public utilities easement out of Lot 1-A, Resub. Lot 1, GREENWAY PLAZA SEC. 3. (Applicant - S. A. Garza, P. E. for Log Development Co.)

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

PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council set a public hearing at 10:00 A.M., May 31, 1973, for the following:

Amending the zoning ordinance to add a new zoning district for on-site consumption of malt, vinous and spiritous liquors and to increase the parking requirements for bars, taverns, night clubs and lounges from one off-street parking space for each four seats for patron use to one off-street parking space for each two seats for patron use.

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

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

CONTRACTS AWARDED

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

Miscellaneous Expendable Supplies and Miscellaneous Items for the Police Department:

- (1) GEORGE F. CAKE CO. - Bid Item Nos. 1, 2, 3, and 4 -
1162 Security Drive \$7,222.00
Dallas, Texas
- (2) WARRIOR SECURITY - Bid Item No. 5 - \$786.00
DEVICES
2701 G Westheimer
Houston, Texas
- (3) CALIFORNIA ELECTRONIC - Bid Item No. 6 - \$238.00
POLICE EQUIPMENT CO.
1627 East Edinger, Unit C
Santa Ana, California

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

CENTRAL TEXAS EQUIPMENT - Backhoe Loaders - \$16,751.37
127 East Riverside Drive
Austin, Texas

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

- (1) TECHLINE, INC. - Air Switches - Bid Items 1, 2, and 4 -
8750 Shoalcreek Blvd, \$47,115.00
Austin, Texas
- (2) ALLIS CHALMERS, INC. - Air Switches - Bid Item 3 -
402 Cypress Street \$3,760.00
Abilene, Texas

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

H. B. ZACHRY COMPANY
P. O. Box 21130
San Antonio, Texas

- Fuel Oil Storage Tank Foundations,
Holly Street Power Station -
\$25,600.00

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

REROUTING AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing Standard Utility Agreement and Utility Joint Use Agreement with the Texas Highway Department in connection with MoPac from the north end of Colorado River Bridge southwest to U.S. Highway 290; the agreement involved the rerouting of existing Electrical Department facilities to clear for the highway construction.

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

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

SALE OF PROPERTY

Councilman Nichols moved the Council adopt a resolution approving sale of property with improvements in the Glen Oaks Urban Renewal Area, Tex R-70, as follows:

Parcel No. R-99 2907 Glen Rae Ms. Rebecca Perkins \$10,000

Minimum acceptable sale price: \$10,000

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Councilman Nichols moved the Council adopt a resolution approving sale of property with improvements in the Glen Oaks Urban Renewal Area, Tex R-70, as follows:

Parcel No. R-103 3007 Glen Rae Thurman G. Lewis & \$10,000
Lola Marie Lewis

Minimum acceptable sale price: \$10,000

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

LEASES AUTHORIZED

Councilman Nichols moved the Council adopt a resolution authorizing the following leases for Neighborhood Centers:

1807 W. 11th Street	\$60.00/month	Lena Stewart
1700 Montopolis Dr.	\$475.00/month	C & L Investment, Charles Villasenor
503 West Mary Street	\$190.00/month	Aleck A. Hernandez
The Glover House Rt. 2, Box 30 Round Rock, Texas	\$42.00/month	Ms. Willie M. Glover
Caldwell St., Highway		
290 E., Manor, Texas	\$50.00/month	Louis D. Heimann, Jr.
1619 East First Street	\$150.00/month	Louis A. Joseph

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

GRANT APPLICATIONS

Councilman Nichols moved the Council adopt a resolution authorizing the City of Austin to submit a supplemental grant application from the Child Development Program to the Department of Health, Education and Welfare for delivery of child development services to disabled children. (\$49,984 HEW - \$19,536 in kind services to be supplied by Child, Inc.) 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

Councilman Nichols moved the Council adopt a resolution authorizing the City of Austin to submit a supplemental grant application to the Department of Health, Education and Welfare for increasing the food cost budget of the Child Development Program grant proposal. (\$9,533 HEW - \$2,383 in kind services to be supplied by Child, Inc.) 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

ADJUSTMENTS FOR CARPORTS

Mr. Michael M. Markley, Attorney representing Mr. Louie White appeared before the Council regarding an order to tear down his carport. He requested that the Council investigate what he felt the Board of Adjustment was failing to do in making adjustments with regard to carports. He stated that other parties filing for variances had failed to get them. He stated that when filing for a re-hearing before the Board, the Board implied that they were not going to allow carports to

get started in this neighborhood. He had appeared before the Human Relations Commission with the notion that selective enforcement was in progress, and the Commission was currently investigating the issue. He also requested investigating the possibility of an ordinance requiring all contractors to secure all permits and licenses instead of requiring the individual to do so.

There was discussion between Councilman Dryden and Mr. Markley as to whether the contractor for the case in question was local or not. Mr. Markley stated that Mr. White was limited by ordinance to 5' which was not enough for a carport. Mayor Butler suggested a meeting of Council members with the Board of Adjustment and Human Relations Commission on this matter. There was discussion as to whether the Consumer Protection Ordinance had adequate enforcement in a case such as this. Councilman Dryden suggested that the City Attorney formulate an appropriate ordinance; he felt that carports which had been in existence for some time should be allowed to remain.

Deputy City Manager Homer Reed responded favorably to Mayor Butler's suggestion that this item be brought back to the Council after meetings with the Board of Adjustment and Human Relations Commission. Mayor Pro Tem Love suggested that citizens present with a similar problem leave their names and addresses so they could also be notified.

An unidentified woman stated that her carports had been required to be torn down, resulting in a collision with her pickup truck which had consequently been parked on the street.

Deputy City Manager Reed stated, after consultation with Mr. Dick Jordan, Building Department Director, that enforcement could be stopped at that time of existing orders until the results of the investigation proposed.

REQUEST GRANTED

Councilman Lebermann moved the Council grant the request of Mr. Denis Poulos, Assistant Director, Texas Special Olympics, for permission to ride the Olympic Torch into Austin on Sunday, May 13, and permission on Monday May 14, at 8:45 A.M., for 13 riders to begin at 1st and Congress and ride up Congress to the Capitol, where a ceremony would take place on the Capitol steps, and returning down Congress to Ben White Boulevard. 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

Mr. Poulos also requested that the Council proclaim Monday, May 14, as Texas Special Olympics Day in Austin, and present a proclamation in the ceremony on the Capitol steps.

COVENANT GRANTED

Councilman Nichols moved the Council grant the request of Mr. L. O. Reese for waiving the requirement for a special permit on zoning case C14-73-034 and accepting a restrictive covenant to run with the land to protect an oak tree on

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

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

ITEM WITHDRAWN

Mayor Butler noted that the request of Mr. Leo Butler, General Manager of Capital Plaza Shopping Center, for permission to present a free public fireworks display on City property had been handled prior to the Council meeting, and that the City no longer owned the property in question.

ITEM POSTPONED

The item of Mrs. William D. Arnold, Chairman of the Citizens Ad Hoc Committee to Save Muny, requesting that the Council invite representatives of the University of Texas and the State of Texas to serve on the Goals for Austin Committee was postponed until the next Council meeting.

CONTRACT ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH M. H. FLOURNOY; 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 Mayor Pro Tem Love, 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 ordinance had been finally passed.

AMENDMENT TO ZONING ORDINANCE

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) LOT A, SOUTH ACRE SUBDIVISION, LOCALLY KNOWN AS 1144 GUNTER STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
- (2) RESUBDIVISION OF LOTS 6, 7, 8 AND 9, OF THE RESUBDIVISION OF BLOCK 16, HYDE PARK NO. 2 AMENDED, LOCALLY KNOWN AS 4207-4211

AVENUE B, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND, (3) A 30,000 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 8247-8311 RESEARCH BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT AND "C-2" COMMERCIAL 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, Lebermann, Friedman
Noes: None
Present But Not
Voting: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

APPEAL WITHDRAWN

Councilman Nichols moved the Council grant the request of Teague-Buda to withdraw the appeal of the Planning Commission ruling concerning the enclosing of Harper Branch Creek. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

EXPRESSION OF APPRECIATION

Mayor Butler and Mayor Pro Tem Love, on behalf of the Council, expressed their appreciation to Councilman Nichols in recognition of his service to the Council and the community. Councilman Nichols stated that serving on the Council had been a rich, rewarding experience.

ADJOURNMENT

The Council then adjourned.

APPROVED:


Mayor

ATTEST:


City Clerk