

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 6, 1973  
10:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor Butler presiding.

Roll Call:

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

The Invocation was delivered by REVEREND MURRAY O. JOHNSON, War Memorial  
United Methodist Church.

PROCLAMATION - JOIN YOUR PTA WEEK

Mayor Butler presented a proclamation to Mrs. Gordon Dickey, proclaiming  
September 9-15 as Join Your PTA Week.

PROCLAMATION - VOLUNTEER MONTH AND DAY

Mayor Butler presented a proclamation, proclaiming September as Volunteer  
Services Month and September 9 as Volunteer Appreciation Day.

ZONING HEARINGS

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

MAMIE LAVON LINDSEY  
By Lynn R. Lovett  
C14-73-162

4811 Red Bluff Road  
(locally known as 4809)

From Interim "A" Residence  
1st Height & Area  
To "C" Commercial 1st  
Height & Area  
RECOMMENDED by the  
Planning Commission

Mayor Pro Tem Love moved the Council grant the change from "A" Residence 1st Height & Area to "C" Commercial 1st Height & Area, as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

PAT CANION  
EXCAVATING COMPANY  
By Raymond P. Canion  
C14-73-169

1819 Rutland Drive

From Interim "A" Residence  
1st Height & Area  
To "D" Industrial 1st  
Height & Area  
RECOMMENDED by the  
Planning Commission

Mayor Pro Tem Love moved the Council grant the change from "A" Residence 1st Height & Area To "D" Industrial 1st Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

JOE GILBRETH  
C14-72-011

17 acre tract -  
Teri Road on the south  
and the Barkley Farm  
on the north

From Interim "A" Residence  
1st Height and Area  
To Planned Unit Development  
147 dwelling units consist-  
ing of 2 and 3 bedrooms and  
1 and 2 stories, with common  
open space and recreational  
facilities  
RECOMMENDED by the Planning  
Commission subject to depart-  
mental requirements, except  
Item 10 under Planning De-  
partment which recommends a  
lower density, as on file  
with City Planning Department

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to Planned Unit Development, 147 dwelling units consisting of 2 and 3 bedrooms and 1 and 2 stories, with common open space and recreational facilities, as recommended by the Planning Commission, subject to departmental requirements, except Item 10 under Planning Department which recommends a lower density, as on file with City Planning Department. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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

ROBERT E. CLARK  
By Andrew J.  
Archuleta  
C814-72-015

10.68 acre tract -  
Nuckles Crossing Road  
(north of North Bluff  
Drive) and Pleasant  
Valley Road (proposed)

From Interim "A" Residence  
1st Height and Area to  
Planned Unit Development  
96 attached single-family units,  
called "The Village Square"  
RECOMMENDED by the Planning  
Commission subject to depart-  
mental requirements.

Councilman Lebermann moved the Council grant the change from "A" Residence 1st Height and Area to Planned Unit Development, 96 attached single-family units, called "The Village Square", as recommended by the Planning Commission, subject to departmental requirements. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

AUSTEX DEVELOPMENT  
CO., LTD.  
By Clyde Copus and  
Louis Kirchofer, Jr.  
C814-73-010

19.2 acre tract -  
Buffalo Pass, Stassney  
Lane, and Westgate  
Boulevard

From Interim "A" Residence 1st  
Height & Area to Planned Unit  
Development, A 150 Unit Town-  
house Complex called "Cinnamon  
Hollow", RECOMMENDED by the  
Planning Commission subject to  
departmental requirements as  
on file with the City of Austin  
Planning Department.

Mr. Louis Kirchofer, representing the applicant, stated that the planned development was a relatively low density development plan, 7.69 units to the acre. There was discussion between the Council and Mr. Lillie concerning the number of homes and duplexes that could be built per acre.

Mr. Merv Benson, a resident of Buffalo Pass, opposed the building of any high density housing in the area as there were not major accesses and he felt it would decrease the value of the property. Councilman Friedman pointed out that if this change were denied, duplexes could be built which would be higher density housing than that proposed. Mr. Benson expressed his opposition to duplexes also, hoping that NPC would have enough community spirit to build single-family units.

In response to Mayor Butler's question, Mr. Lillie stated that Stassney Lane and Westgate Boulevard would provide major access to the area. Mr. Kirchofer did not believe these would become major arteries with heavy traffic. Councilmen Binder and Dryden and Mr. Lillie discussed the likelihood that the development of this land would lead to the development of high-density housing on land adjacent to it and adjacent to a single-family residential area.

Mr. Jim Aldrich, a resident of Cherry Creek, spoke against the tearing up of the streets to widen them and the resultant heavy traffic. Mr. Lillie corrected Mr. Aldrich on the widths of Stassney and Westgate. Mr. Aldrich cited retail developments in the area which he had found disturbing and concluded with a request that the developers meet with the people in Cherry Creek.

In response to Councilmen Handcox and Friedman, Mr. Aldrich stated he would prefer duplexes even though they could be of higher density. Mayor Butler and Mr. Lillie discussed the newly adopted ordinance which required developers to put up signs on the physical property for all new development. Councilman Lebermann supported the PUD concept, stating that it would sustain the "A" Residential character of the neighborhood. Mr. Aldrich objected to the two-story townhouses, preferring one-story duplexes which he found attractive.

Mr. Aldrich and the Council further discussed his having been notified of the Zoning Committee's meeting a month earlier and his failure to contact the developers in the meantime.

#### MOTION

Councilman Dryden moved the Council grant the change from Interim "A" Residence to Planned Unit Development - A 150 Unit Townhouse Complex called "Cinnamon Hollow" as recommended by the Planning Commission subject to departmental requirements as on file with the City of Austin Planning Department. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

STRIPLING-BLAKE  
LUMBER COMPANY, INC.  
By Robert C. Sneed  
C14-73-122

1304-1610 Matthews Lane  
and also bounded by  
IG&N Railroad

From Interim "A" Residence  
1st Height & Area  
To Tracts 1 & 2: "A" Residence  
1st Height & Area  
Tract 3: "BB" Residence  
1st Height & Area

Tract 4: "O" Office  
1st Height & Area  
Tract 5: "C" Commercial  
1st Height & Area  
Tract 6: "DL" Light  
Industrial 1st Height &  
Area

RECOMMENDED by the Planning  
Commission subject to the  
closing of Windsley Drive  
and a subdivision to ident-  
ify this property by zoning  
boundary lines and recommend-  
ing that Windsley Drive be  
vacated at no cost to owner

Mayor Pro Tem Love moved the Council grant the change from "A" Residence 1st Height and Area to Tracts 1 and 2, "A" Residence, Tract 3 "BB" Residence, Tract 4 "O" Office, Tract 5 "C" Commercial, Tract 6 "DL" Light Industrial, all 1st Height and Area, as recommended by the Planning Commission subject to the closing of Windsley Drive and a subdivision to identify this property by zoning boundary lines and recommending that Windsley Drive be vacated at no cost to owner. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

CLEAR CREEK  
PROPERTIES, INC.  
C14-73-130

4715-5213 North Bluff  
Drive and also bounded  
by Nuckols Crossing  
Road

From Interim "A" Residence  
1st Height & Area  
To "GR" General Retail  
1st Height & Area  
RECOMMENDED by the Planning  
Commission subject to the  
removal of those portions  
of subject property recom-  
mended to remain "A"  
Residence 1st Height &  
Area; to incorporate the  
additional area which was  
part of notification; to a  
subdivision to identify  
this property and provide  
for necessary streets; to  
field notes and to the por-  
tion of property abutting  
Indian Hills neighborhood  
to have a 25' green area and  
a 6' privacy fence

Councilman Dryden moved the Council grant the change from Interim "A" Residence 1st Height & Area to "GR" General Retail 1st Height & Area, as recommended by the Planning Commission, subject to the removal of those portions of subject property recommended to remain "A" Residence 1st Height & Area; to incorporate the additional area which was part of notification; to a subdivision to identify this property and provide for necessary streets; to field notes and to the portion of property abutting Indian Hills neighborhood to have a 25' green area and a 6' privacy fence. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Mayor Butler

The Mayor Pro Tem announced that the change had been granted to GR, General Retail, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

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DAVID DAVENPORT &  
DOLORES P. HESTON  
By Robert L. Davis  
C14-73-156

3507-3511 West Avenue

From "A" Residence to  
"O" Office (as amended)  
RECOMMENDED by the Planning  
Commission with restriction  
to professional office and  
"A" Residence uses only; to  
revert back to "A" Residence  
1st Height & Area in the  
event property is not used  
for professional office use

Councilman Lebermann moved the Council grant the change from "A" Residence to "O" Office (as amended), as recommended by the Planning Commission, with the restriction to professional office and "A" Residence uses only; to revert back to "A" Residence 1st Height & Area in the event property is not used for professional office use. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Mayor Butler

The Mayor Pro Tem announced that the change had been granted to "O" Office, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

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PHILLIP JOHN MILLER  
By James A. Brady  
C14-73-160

1306-1308 Edgecliff St.

From "B" Residence, "A" Residence, & "O" Office To "O" Office  
RECOMMENDED by the Planning Commission subject to a subdivision to combine the property into one tract

Councilman Dryden moved the Council grant the change from "B" Residence, "A" Residence, & "O" Office to "O" Office, as recommended by the Planning Commission subject to a subdivision to combine the property into one tract. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

MRS. LOUISE F. BOYER  
By Robert L. Davis  
C14-73-161

Northeast corner of  
Rutland Drive and the  
T. & N.O. Railroad

From Interim "A" Residence 1st Height & Area To "D" Industrial, 1st Height & Area  
RECOMMENDED by the Planning Commission subject to a subdivision; approximately 1/2 the right of way (10') to increase Rutland Drive from 60' to 80' and provide for necessary streets

Councilman Handcox moved the Council grant the change from Interim "A" Residence 1st Height & Area to "D" Industrial 1st Height & Area, as recommended by the Planning Commission, subject to a subdivision; approximately 1/2 the right of way (10') to increase Rutland Drive from 60' to 80' and provide for necessary streets. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "D" Industrial, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

DR. WALTER MEYER  
C14-73-163

5201-5207 Evans Ave.  
600-602 East 52nd St.

From "A" Residence to  
"O" Office

RECOMMENDED by the Planning Commission subject to 1/2 the right of way (5') to increase both Evans Avenue and East 52nd Street from 50 to 60 feet

In response to Councilman Friedman's question, Mr. Lillie stated that this application had been denied by Council two months earlier and that his staff did not recommend the change. Councilman Friedman expressed the view that the proposed change seemed to be intruding too much into a residential area and it would be inconsistent to approve when other requests for a similar change in the same area had been denied a month earlier.

Councilman Dryden moved the Council grant the change from "A" Residence to "O" Office, as recommended by the Planning Commission, subject to 1/2 the right of way (5') to increase both Evans Avenue and East 52nd Street from 50 to 60 feet. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

MARIA DECHERD  
By Lou McCreary  
C14-73-164

3702 Kerbey Lane

From "LR" Local Retail to  
"GR" General Retail

RECOMMENDED by the Planning Commission subject to a restrictive covenant limiting "GR" General Retail use to restaurant only and zoning would revert back to "LR" Local Retail should restaurant use be discontinued; right of way requirement waived for this street, as only one additional use to existing zoning was recommended

In response to Mayor Butler's question, Mr. Lillie stated that his staff's recommendation was to deny, leaving the zoning "LR" Local Retail. Mayor Butler, Councilman Lebermann, and Mr. Lillie discussed why a restrictive covenant was not identified on the map although noted on the deed and building inspector's index cards. Mr. Lillie stated that the great number of zoning cases in which covenant conditions were being placed made it difficult to keep track of them. There was



further discussion as to the steps the owner would have to take if he wanted to use the property for something other than a restaurant in the future. Mayor Butler and Councilman Friedman made suggestions for keeping track of covenant conditions.

In response to Councilman Binder's question, Mr. Lillie felt that the restaurant would be an encroachment into the area which was residential although zoned "LR" Local Retail. In further response to Councilman Binder, he reported that a public hearing had been set for September 20 to consider some zoning classification changes, and the possibility of writing a new zoning ordinance was being reviewed.

Mr. Lou McCreary, representing the applicant, stated that the Cafe Camille restaurant was already in operation and the off-street parking had been approved by the Building and Inspections Department in order to get the building permit. The zoning change was being requested in order to permit serving of draft beer and wine with food items. He noted that a petition signed by 40 or 50 people in the area in support of their operation had been presented.

#### MOTION

Councilman Dryden moved the Council grant the change from "LR" Local Retail to "GR" General Retail, as recommended by the Planning Commission, subject to a restrictive covenant limiting "GR" General Retail use to restaurant only and zoning would revert back to "LR" Local Retail should restaurant use be discontinued; right of way requirement waived for this street, as only one additional use to existing zoning was recommended. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Lebermann

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

KIMBELL PROPERTIES,  
INC. & INVESTOR'S  
REALTY, INC.  
By Robert L. Davis  
C14-73-166

1700-1710 East 4th  
Street (as amended)

From "B" Residence  
2nd Height & Area  
To "C" Commercial  
2nd Height & Area and  
"D" Industrial  
2nd Height & Area (as amended)  
RECOMMENDED by the Planning  
Commission "D" Industrial  
2nd Height & Area on portion  
of tract north of the con-  
crete wall; "C" Commercial  
2nd Height and Area on 54'

at the southeast corner of tract along E. 4th St., and the remainder of tract to be retained as "B" Residence 2nd Height & Area, subject to an 8' solid fence to be located on top of the existing concrete retaining wall; 10' of right of way on East 4th street and field notes

Councilman Handcox moved the Council grant the change from "B" Residence 2nd Height and Area to "C" Commercial 2nd Height and Area and "D" Industrial 2nd Height and Area (as amended), as recommended by the Planning Commission, "D" Industrial 2nd Height and Area on portion of tract north of the concrete wall; "C" Commercial 2nd Height and Area on 54' at the southeast corner of tract along East 4th Street; and the remainder of tract to be retained as "B" Residence 2nd Height and Area, subject to an 8' solid fence to be located on top of the existing concrete retaining wall; 10' of right of way on East 4th Street and field notes. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area and "D" Industrial 2nd Height and Area, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

CULLERS & NUTTER,  
INC.  
By Edgar James  
C14-73-167

3715 Manchaca Road and From "A" Residence  
also bounded by the To Tract 1: "B" Residence  
planned extension of Tract 2: "O" Office  
Valley View Road RECOMMENDED by the Planning  
Commission subject to a sub-  
division to identify this  
property

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "B" Residence - Tract 1 and "O" Office - Tract 2, as recommended by the Planning Commission, subject to a subdivision to identify this property. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence for Tract 1 and "O" Office for Tract 2, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

EARL PODOLNICK,  
ET UX.  
By John H. Akin  
C14-73-171

600-702 Nelray Blvd.  
5412-5414 Guadalupe  
Street

From "A" Residence to  
"O" Office  
RECOMMENDED by the Planning  
Commission subject to a  
subdivision to identify this  
property and dedicate 1/2  
the right of way (5') on  
Guadalupe Street and Nelray  
Blvd. to increase both  
streets from 50 to 60 feet

Councilman Handcox moved the Council grant the change from "A" Residence to "O" Office, as recommended by the Planning Commission, subject to a subdivision to identify this property and dedicate 1/2 the right of way (5') on Guadalupe Street and Nelray Blvd. to increase both streets from 50 to 60 feet. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change had been granted to "O" Office, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

EDWARD R. RATHGEBER,  
JR., ET AL.  
By Tom Curtis  
C14-73-172

Bounded by So. 1st St.  
to the west, the  
planned William Cannon  
Dr. to the south, Bill  
Hughes Rd. to the east  
and South Meadows Subd.  
to the north, with  
Wilma Dr. through the  
center

From "A" Residence  
To "GR" General Retail (as  
amended) RECOMMENDED by the  
Planning Commission as  
amended subject to a 100'  
strip along the northeastern  
boundary to be deeded to  
adjacent property owners  
and to be a planted area  
along the southern boundary  
but to be maintained by the  
property owners and with no  
buildings to be constructed  
within the 100' strip; a  
restrictive covenant pro-  
hibiting apartments on  
property proposed for "GR"  
General Retail zoning; Bill  
Hughes Rd. to be terminated  
with a cul-de-sac and sub-  
ject to a subdivision to  
identify the property

Mr. Barry Mann stated that the earlier opposition of himself and others in the neighborhood had been satisfied by the conditions recommended.

Councilman Handcox moved the Council grant the change from "A" Residence to "GR" General Retail (as amended), as recommended by the Planning Commission, as amended subject to a 100' strip along the northeastern boundary to be deeded to adjacent property owners and to be a planted area along the southern boundary but to be maintained by the property owners and with no buildings to be constructed within the 100' strip; a restrictive covenant prohibiting apartments on property proposed for "GR" General Retail zoning; Bill Hughes Rd. to be terminated with a cul-de-sac and subject to a subdivision to identify the property. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

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

MRS. E.R. YOUNGBLOOD  
MRS. EDNA J. DUFFY  
By Robert L. Davis  
C14-73-173

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1901-1925 and rear of	From "A" Residence to
2001-2045 So. Inter-	"O" Office (as amended)
state Hwy. 35 and also	RECOMMENDED by the Planning
bounded by Matagorda	Commission as amended -
St. and the planned	Tract 1 subject to a re-
Mariposa Drive	strictive covenant which
	would provide that a 50'
	strip adjoining the homes
	on Matagorda St. along the
	east boundary of Tr. 1 to
	be left in its natural state,
	without any construction
	thereon & provided that
	there will be no require-
	ment for maintaining this
	area; and a restrictive
	covenant providing that no
	metal building will be
	constructed on this tract,
	Tract 2 subject to deleting
	the most easterly 120' of
	Tract 2 along Matagorda St.;
	a subdivision to combine
	the property with that
	fronting I.H. 35 & subject
	to Mariposa Drive being
	vacated

Councilman Friedman moved the Council grant the change from "A" Residence to "O" Office for Tract 1 (as amended), as recommended by the Planning Commission, as amended, subject to a restrictive covenant which would provide that a 50' strip adjoining the homes on Matagorda Street along the east boundary of Tract 1 to be left in its natural state, without any construction thereon & provided that there will be no requirement for maintaining this area; and a restrictive covenant providing that no metal building will be constructed on this tract. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been granted for Tract 1, subject to conditions, and instructed the City Attorney to draw the necessary ordinance to cover.

Mr. Robert Davis, representing Mr. Emil Gemil who had contracted to buy the property subject to the requested zoning, stated that the application for zoning change for Tract 2 was in exact accordance with the Planning staff's recommendation. He noted that the opposition to the zoning change wanted either a 50 foot natural buffer along Matagorda or 140 feet rather than 120 feet of "A" residential along Matagorda but stated that Mr. Gemil did not find either of these conditions satisfactory. He explained, in response to Councilman Binder's question, that 140 feet of residential would leave only 110 feet to be used for office construction, which would be an inadequate area. In response to Councilman Dryden's question, Mr. Davis discussed the rationale for closing Mariposa Drive and stated that the neighbors were not in opposition to that. He requested that the closing of Mariposa Drive condition be deleted if Council had any objections to the closing of Mariposa.

Mr. Terry Weeks, representing the opposition, was in favor of a 50 foot buffer strip similar to the one on Tract 1 which would leave 200 feet of usable office space in Tract 2. He reported that the present owner, Mrs. E.R. Youngblood, had offered 25 feet of property free which left only 25 feet to be provided by Mr. Gemil. He stated that the area was heavily residential and that any building of duplexes on a 120-foot lot would be incompatible with the rest of the neighborhood, and he objected to the increased traffic that would result from the building of duplexes. In response to Mayor Butler's question, he would also agree to a 140 foot setback, and further stated that if these conditions could not be met, he would prefer the entire area remain residential zoning. He stated that there were a number of tracts in the area with large buffers.

Mr. Davis, Mr. Jerry Harris, and Mr. Dick Lillie discussed how the property should have been advertised in the paper in light of the amendment to the original application. Mr. Harris stated that the easterly 120 foot area was not before the Council for zoning consideration since the notices listed in the newspaper had excluded this 120 feet from consideration.

MOTION

Mayor Pro Tem Love moved the Council deny the change on Tract 2 from "A" Residence to "O" Office. The motion, seconded by Councilman Binder, carried by the following vote:

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

Noes: None

Not in Room at Roll Call: Councilman Friedman

The Mayor announced that the change for Tract 2 from "A" Residence to "O" Office had been denied.

ST. ANDREWS  
PRESBYTERIAN CHURCH  
By John Jones  
C14-73-165

2009-2017 Koenig Lane  
1909 Ullrich Drive  
5800-5808 Laird Drive

From "A" Residence  
To Tract 1: "LR" Local  
Retail

Tract 2: "O" Office  
NOT RECOMMENDED by the  
Planning Commission  
RECOMMENDED by the Planning  
Commission "O" Office on  
both Tracts 1 and 2 subject  
to a subdivision and 1/2  
the right of way (10') to  
increase Koenig Lane from  
70 to 90 feet; a restrictive  
covenant providing no  
vehicular access to Laird  
Dr. and Ullrich Dr.; the  
southernmost lot to be re-  
stricted to use as a parking  
lot with a 4' privacy fence  
where adjoining "A" Residence

Mr. Lillie stated that the staff's recommendation was to grant "LR" Local Retail on Tract 1 because of "LR" Local Retail across the street and adjacency of "C" Commercial to the west, but to deny "O" Office on Tract 2 because it would encroach upon the existing neighborhood. Mr. John Jones, representing the applicant, stated that the access restrictions and the recommended alternative of "O" Office rather than "LR" Local Retail zoning was satisfactory to the church. He discussed with Councilman Dryden the use to be made of the property.

Mr. Russell Lindsey, a homeowner in the neighborhood, appeared in opposition to the change to "LR" Local Retail but was not opposed to the change to "O" Office on both tracts.

MOTION

Mayor Pro Tem Love moved the Council grant the change from "A" Residence to "O" Office, as recommended by the Planning Commission, on both tracts 1 and 2 subject to a subdivision and 1/2 the right of way (10') to increase Koenig Lane from 70 to 90 feet; a restrictive covenant providing no vehicular access to Laird Drive and Ullrich Drive; the southernmost lot to be restricted to use as a parking lot with a 4' privacy fence where adjoining "A" Residence. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: Councilmen Binder, Dryden

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

ZONINGS DENIED

ARVAN WASHINGTON,  
ET UX.  
C14-73-151

2100 East 17th Street  
1702-1705 Macarone Lane

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

Councilman Friedman moved the Council uphold the recommendation of the Planning Commission to deny the change from "B" Residence 2nd Height and Area to "GR" General Retail, 2nd Height and Area. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been denied.

HOWARD BRUNSON  
ET AL.  
C14-73-159

6623 Airport Blvd.

From "B" Residence  
1st Height and Area  
To "C" Commercial  
2nd Height and Area  
NOT RECOMMENDED by the  
Planning Commission

Councilman Friedman moved the Council uphold the recommendation of the Planning Commission to deny the change from "B" Residence 1st Height and Area to "C" Commercial 2nd Height and Area. The motion, seconded by Councilman Handcox carried by the following vote:

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

Noes: None

The Mayor announced that the change had been denied

CHRISTINE BURATTI  
APARICIO  
C14-73-134

1711-1713 Fortview Road

From "O" Office & "GR"  
General Retail to  
"GR" General Retail  
(as amended)  
NOT RECOMMENDED by the  
PPlanning Commission as  
amended

Mr. Harmon Lisnow, of the Mexican-American Council Economic Progress and representing Mrs. Aparicio, noted the Planning Commission's objections to the request. One objection was that Fortview Road would need to be widened, but Mr. Lisnow believed it should be widened anyway. The second was the integrity of the neighborhood, but he believed that its nature had already been changed by past zoning changes and the neighbors favored this zoning change. In response to Mayor Butler's question, he stated that the applicant wished to put a glass-engraving business on the property. Mr. Lisnow and Councilman Binder discussed how this case as a precedent might further change the neighborhood.

MOTION

Councilman Binder moved the Council uphold the recommendation of the Planning Commission to deny the change from "O" Office & "GR" General Retail to "GR" General Retail (as amended). The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Out of Room at Roll Call: Councilman Lebermann

LEE ARTHUR WOOD  
By Hal H. Haralson  
C14-73-138

1508-1514 Parker Lane

From "BB" Residence to  
"O" Office  
NOT RECOMMENDED by the  
Planning Commission

Mr. Hal Haralson, representing the owner, stated that a majority of people in the neighborhood preferred that these lots be used for an office building rather than for additional apartments. He noted that at the initial zoning committee meeting, Mr. J.H. Patchernick had raised two objections; that "O" Office zoning could be used for purposes other than offices and that there would probably not be adequate off-street parking. The applicant had since agreed to a deed restriction that the property would be used only for offices and had developed a site plan for adequate off-street parking. Mr. J.H. Patchernick continued to oppose the change, and the zoning committee in August with almost totally different composition from that in July who had heard the original objections recommended the change be denied. Mayor Butler and Councilman Friedman questioned the coherence and relevance of the changes in the committee reported by Mr. Haralson.



MOTION

Councilman Friedman moved the case be withdrawn and resubmitted to the Zoning Committee. Mr. Lillie stated that the next meeting would be in October.

Mr. J.H. Patchernick stated that those who were originally opposed to the zoning change were still opposed to its use for office buildings.

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

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

Noes: None

C.T. SCHNEIDER  
By W. Chapman Byrd  
C14-73-140

5702 Adams Avenue

From "A" Residence  
To "C" Commercial  
NOT RECOMMENDED by the  
Planning Commission

Mr. Chapman Byrd, representing the applicant, stated that the purpose of the zoning change was to permit the owner to store his tools and have a cabinet shop on the property. If the change were granted, the property now in somewhat dilapidated condition would be improved.

Councilman Handcox moved the Council uphold the recommendation of the Planning Commission to deny the change from "A" Residence to "C" Commercial. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

The Mayor announced that the change had been denied.

The following zoning cases were WITHDRAWN:

BEADIE E. CONNER,  
M.D.  
C14-73-145

3115-3119 E. 13th Street  
3120 E. 12th Street  
1200-1206 Airport Blvd.

From "A" Residence to  
"O" Office  
NOT RECOMMENDED by the  
Planning Commission

Mayor Pro Tem Love moved the Council withdraw the case at this time. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

EVAN G. ALLEN &  
JOE SILBERSTEIN  
C14-73-170

2119-2121 Bluebonnet  
1906-1910 Frazier Avenue

From "A" Residence to  
"B" Residence NOT  
RECOMMENDED by the  
Planning Commission

Mayor Pro Tem Love moved the Council withdraw the case at this time. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

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The Council POSTPONED the following zoning change:

EMIL ROOS  
C14-73-168

1814 Maple Avenue  
2307-2311 E. 19th St.

From "A" Residence to  
"C" Commercial  
NOT RECOMMENDED by the  
Planning Commission

Mayor Pro Tem Love moved the Council postpone the zoning change hearing at this time. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

H.G. LINSOMB,  
ET. UX.  
By Martin Boozer, Jr.  
C14-73-121

3404-3502 Lyons Road

From "A" Residence to  
"BB" Residence  
NOT RECOMMENDED by the  
Planning Commission

Mr. Martin Boozer, representing the owner and applicant, reported that the case which had been dismissed in June of 1972 was re-filed after the Council had denied re-instatement but waived the six-month waiting requirement. He stated that Mr. Linscomb had operated under the misconception that it was best to allow the case to be dismissed which was done because of failure to meet the conditions. He and Councilman Friedman discussed the financial feasibility of developing a Planned Unit Development on the property.

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

The Mayor announced that the change had been denied.

## PENDING ZONING CASES DISMISSED

Mayor Pro Tem Love moved the Council dismiss the following pending zoning cases:

ROBERT C. NOREN By Tom Curtis C14-72-042	4614-4616 Glissman Road	From "A" Residence To "C" Commercial
HENRY G. SANDERS C14-72-136	4120 East 12th Street	From "A" Residence to "LR" Local Retail
DOUGLAS DUWE C14-72-181	8515-8525 N. Lamar Blvd. Rear of southside of the 200-500 Block of San Jose Street	From "A" Residence 1st Height & Area To Tract 2: "B" Residence 1st Height & Area Tract 3: "BB" Residence 1st Height & Area
HENRY G. SANDERS C14-72-223	4106-4108 East 12th St. Rear of 4110-4118 East 12th St. and 4120 East 12th Street	From "A" Residence To Tract 1: "GR" General Retail Tract 2: "BB" Residence
FRED J. QUIST, ET AL By Virgil Waggoner C14-72-283	4601-2611 Manchaca Road (Dismiss Tracts 4 & 5 only; other tracts finalized)	From "A" Residence To "O" Office (As amended)
CRISPI WOOD C14-72-299	1109 South I.H. 35	From "LR" Local Retail 1st Height & Area To "GR" General Retail 2nd Height & Area
MADGE F. DARLINGTON By David L. Shapiro C14-72-310	416 West Alpine Road (rear)	From "A" Residence to "B" Residence
W.T. MOBLEY AND BEN H. PARRISH C14-73-004	2502-2504 Thornton Road	From "A" Residence To "C" Commercial

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

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

## PENDING ZONING CASES EXTENDED

Councilman Friedman moved the Council extend the following pending cases for 90 days:

JOHN J. MC KAY, TRUSTEE C14-69-145	4600-4616 F.M. Road 969 4301-4501 Springdale Rd.	From "A" Residence To "C" Commercial
W.L. MAYFIELD By Bryant-Curington, Inc. (Doren Eskew, new agent) C14-69-190	3625-3919 Cima Serena	From Interim "A" Residence 1st Height & Area To "BB" Residence 1st Height & Area
THE SIGNAL COMPANIES, INC. By Tom Curtis C14-69-304	8153-8213 Research Blvd. (Tract 1) and Rear of 8153-8213 Research Blvd. (Tract 2)	From Interim "A" Residence 1st Height & Area To Tract 1: "C" Commercial 1st Height & Area Tract 2: "B" Residence 1st Height & Area
JOE RUSSO By Richard C. Baker C14-71-042	4501-4705 East Riverside Drive	From "BB" Residence To "GR" General Retail
RUNDBERG LANE PROPERTIES By Hale and Associates C14-71-231	Rear of 502-602 Rundberg Lane	From Tracts 1 & 2: "B" Residence Tracts 3 & 4: "BB" Residence To Tracts 1 & 4: "O" Office Tract 2: "GR" General Retail Tract 3: "B" Residence
NELSON PUETT By B.T. Webb C14-72-079	8237 U.S. Highway 183	From Interim "A" Residence 1st Height & Area To "C-2" Commercial 2nd Height & Area
FRED C. MORSE By Richard C. Baker C14-72-145	6902-6926 Ed Bluestein Boulevard	From Interim "A" Residence 1st Height & Area To Tract 1: "GR" General Retail 1st Height & Area Tract 2: "BB" Residence 1st Height & Area (as amended)

MAMIE LINDSEY  
By Robert C. Guerra  
C14-72-187

4807-4809 Red Bluff Road From "A" Residence  
To "C" Commerical

DICKSON PROPERTIES, INC.  
and ROBERTA P. DICKSON  
C14-72-204

Bounded by Pleasant  
Valley Road and East  
Riverside Drive

From Interim "A" Residence  
1st Height & Area  
To "B" Residence 3rd Height  
and Area  
"BB" Residence  
2nd Height & Area  
"BB" Residence  
1st Height & Area  
"LR" Local Retail  
1st Height & Area  
"GR" General Retail  
1st Height & Area

DAVIS & DANZE, INC.  
By Martin H. Boozer, Jr.  
C14-72-206

1100-1104 West 38th  
Street  
3800 Medical Parkway

From "C" Commercial  
1st Height & Area  
"A" Residence  
1st Height & Area  
"GR" General Retail  
1st Height & Area  
To "C" Commercial  
2nd Height & Area  
(as amended)

ARTHUR E. PHILGREN,  
ET AL  
C14-72-210

10,000 Block of North  
Lamar Boulevard

From "A" Residence  
To "GR" General Retail

AUSTEX DEVELOPMENT  
CO., LTD.  
By Tom Curtis  
C14-72-326

Northeast corner of  
Westgate Boulevard  
and Stassney Lane

From Interim "A" Residence  
1st Height & Area  
To "LR" Local Retail  
1st Height & Area

MARGARET E. HAYES,  
ET AL  
By H. Glenn Cortez  
(D.W. Morris, new agent)  
C14-72-178

1502-1512 Wheless Lane

From "A" Residence  
1st Height & Area  
To "B" Residence  
2nd Height & Area

JACQUELYNE TIEMANN  
By Richard C. Baker  
C14-72-202

4100-4232 Ed Bluestein  
Boulevard

From Interim "A" Residence  
1st Height & Area  
To "C" Commercial  
5th Height & Area

EDWARD G. SIEGMUND &  
MRS. JOHN A. SHERRILL  
By Robert C. Sneed  
C14-72-203

4234-4418 Ed Bluestein  
Boulevard  
4101-4427 Tannehill Lane  
and Rear of 4100-4232 Ed  
Bluestein Boulevard

From "A" Residence  
To "A" Residence "B"  
Residence, "LR" Local  
Retail & "GR" General  
Retail (as amended)

CHARLES WOLF ESTATE &  
K.R.T., INC.  
By Richard C. Baker  
C14-72-319

1100-1126 Ben White Blvd.  
4003-4017 Banister Lane

From Tract 1: "A" Residence  
Tract 2: "B" Residence  
To "O" Office

PARKER HEIGHTS, INC.  
C14-72-320

1405-1423 Burton Drive  
Rear of 2101-2201 East  
Riverside Drive

From "GR" General Retail  
To "C-2" Commercial

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

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

Noes: None

Present but Not Voting: Mayor Butler

#### PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council set a public hearing on September 13, 1973, at 10:00 A.M. for the following amendment to the Austin Development Plan:

An area of approximately 90 acres out of the Santiago Del Valle Grant in Travis County, Texas, located south of Austin approximately one mile south of Bluff Springs Road between the Old Lockhart Road and I.H. 35, to change the land use designation from Suburban Residential to Manufacturing and Related Uses - requested by Wroe Owens for Velma Brown, Newberry Estate.

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

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Handcox

Noes: None

Out of Room at Roll Call: Councilmen Dryden, Friedman, Lebermann

#### CONTRACTS AWARDED

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

H.K. PORTER COMPANY, INC.  
2727 Kirby  
Houston, Texas

One (1) each Air Switch  
@ \$2,882.00 and  
One (1) each Ground Switch  
@ \$2,530.00  
Total \$5,412.00  
Bid Invitation #3-1571

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

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

Noes: None

Out of Room at Roll Call: Councilman Lebermann

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

MUSKOGEE IRON WORKS, INC.  
Frankfurt and Spalding Sts.  
Muskogee, Oklahoma

-

Galvanized Steel Structures for  
Salem Walk, Hi Cross, and Jett  
Substations -  
Total \$5,358.00  
Bid Invitation #3-1591

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

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

Noes: None

Out of Room at Roll Call: Councilman Lebermann

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

LACKS FURNITURE CENTER  
7950 Research  
Austin, Texas

-

Furniture for Recreational Centers  
\$4,910.00  
Bid Invitation #3-1609

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

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

Noes: None

Out of Room at Roll Call: Councilman Lebermann

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

CAPITOL AGGREGATES, INC.  
Bolm Road and Ed Bluestein  
Boulevard  
Austin, Texas

-

Type "A" Coarse Grades Base  
Twelve (12) Months Supply Agree-  
ment with a Three (3) Months  
Extension Option - 4,000 tons  
@ \$5.00 - Total \$20,000.00  
Bid Invitation #3-1640

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

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

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

SEASIDE POOLS, INC.  
Mesquite, Texas

-

For the construction of the Northwest Area Junior Swimming Pool at Hart Lane and Far West Boulevard (Murchison Jr. High School Site) - \$118,800.00. (Capital Improvements Program Project No. 8652 0)

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

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

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

MILLER CONCRETE, INC.  
8121 Greenslope Drive  
Austin, Texas

-

For Concrete Curb and Gutter adjacent to Parks and Playgrounds, Contract Number 73-Pb-127 \$12,225.25 (Capital Improvements Program No. 6202 0)

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

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

#### CONTRACT AGREEMENT

Councilman Handcox moved the Council adopt a resolution authorizing the City Manager to renew a contract agreement between the City of Austin Health Department and the University of Texas Graduate School of Social Work.

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

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



Noes: None

#### OFFICE BUILDING CONSTRUCTION

The Council had before it consideration of application of Texas State AFL-CIO headquarters for the construction of an office building to be located in the northwest corner of West 11th and Lavaca Streets. Parking facility would extend 10' into the City right-of-way of West 11th Street and Lavaca Street and 5' into the right-of-way of an east-west alley north of 11th Street. (Postponed from August 30, 1973)

City Manager Davidson stated that the 5' portion into the east-west alley north of 11th Street was not recommended. He further recommended that the required financial commitments be undertaken by the applicant. In response to Councilman Friedman's question, Mr. Dick Jordan stated that the representative of the AFL-CIO had been notified of these recommendations, but contact had not yet been made with the architect to learn of his response.

Councilman Friedman moved the Council adopt a resolution approving the application of Texas State AFL-CIO headquarters for the construction of an office building to be located in the northwest corner of West 11th and Lavaca Streets. Parking facility would extend 10' into the City right-of-way of West 11th Street and Lavaca Street, and financial commitments would be undertaken by the applicant. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

#### BRACKENRIDGE HOSPITAL COLLECTION POLICY

City Manager Davidson stated that the recommended "Brackenridge Hospital Collection Policy" was designed to improve the collection rate at Brackenridge. In response to Mayor Pro Tem Love's question, he stated that the Council could at any time change the interest rates specified in the Policy.

Councilman Lebermann moved the Council adopt a resolution adopting the recommended Brackenridge Hospital Collection Policy. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

#### ANNEXATION HEARING

Mayor Butler opened the public hearing scheduled for 2:00 P.M. on the following annexation. No one appeared to participate. Mayor Pro Tem Love moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

Total of 247.51 acres of land out of the Theodore Bissel League:

a. 223.89 acres

- (1) 204.37 Acres - CHERRY CREEK, PHASE IV, SECTION ONE and unplatted land. (requested by Bryant-Curington Inc. for the owner Austex Development Company, LTD.)
- (2) 10.52 acres of land - unplatted. (initiated by the City of Austin)

b. 23.62 acres

- (1) 2.66 acres - unplatted land. (requested by owners, D & J Properties, Inc., Dan Pruitt, President)
- (2) 20.96 acres - unplatted land. (initiated by the City of Austin)

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

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

Noes: None

CHANGE IN SHOAL CREEK LANDSCAPE PLAN

Mr. Bill Dyer, Administrator, Shoal Creek Hospital, presented a proposed change in the original landscape development plan for Shoal Creek approved by the Council on April 8, 1971. With the use of visual aids, he proposed that some trees originally planned be re-located due to a possible addition to Shoal Creek Hospital, which would not encroach on the park area in any way.

Mr. Dick Lillie noted that all of the conditions identified in the support material had been taken care of. There was discussion among the Council and Mr. Dyer as to reasons for delay in implementing the plan approved in 1971 and the considerations that were involved in the initial approval of the plan. There was further discussion of the distance of the building from the creek and the easement, the boundaries of the park, the parking area to be provided, and the services of the hospital.

Mayor Pro Tem Love moved the Council approve the proposed changes in the plan. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Councilman Lebermann suggested that the City Manager be instructed to contact the appropriate party to obtain a firm timetable of when this overdue plan would be moved ahead.

#### SUNDAY SCHOOL PICNIC

Mayor Pro Tem Love moved the Council grant the request of Mr. Dennis R. Schmidt, Board of Education, Christ Lutheran Church, seeking permission to block 200 feet of Brackenridge Street from the corner of East Monroe north, for their annual Sunday School picnic, Sunday, September 9, 1973, from 8:00 A.M. until 6:00 P.M. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Noes: None

Councilman Dryden suggested that the Police Department be notified, and City Manager Davidson responded that it would be done.

#### ITEM WITHDRAWN

The item of Mr. Stephen D. Ramsey, representing the Vector Corporation, requesting to appear before the City Council to request that an easement right for certain utilities and other purposes be relinquished was withdrawn. The Jefferson Building is situated on this property.

#### CONCERNED CITIZENS FOR PEDESTRIAN SAFETY

Mrs. H.R. Nieman presented to the Council a petition of citizens of Highland Park West and Balcones Drive who believed that something needed to be done to control traffic on Balcones Drive, particularly for the safety of school children in the area. She cited the scarcity of pedestrian and school crossings on Balcones Drive, the lack of persons to help children across the street, the lack of school crossing signals, the difficulty of gaining access to Balcones from driveways, the heavy traffic in the area, and the problems caused by congestion. She requested that the problem be studied and assistance offered.

City Manager Davidson noted that several studies had been conducted and offered to report back to the Council. Councilman Lebermann and Mayor Butler suggested that the City Manager report back to the Council, which City Manager Davidson noted could be done in two weeks.

## CITY OF AUSTIN, TEXAS

ANNEXATION ORDINANCE  
FINAL PASSAGE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 554.29 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JOHN APPEGAIT SURVEY AND PARTLY OUT OF AND A PART OF THE WILLIS AVERY SURVEY AND 162.88 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Friedman 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, Lebermann, Mayor Butler,  
Mayor Pro Tem Love, Councilmen Binder, Dryden

Noes: None

The Mayor announced that the ordinance had been finally passed.

## SWIMMING POOL ORDINANCE DENIED

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 43 OF THE AUSTIN CITY CODE OF 1967 BY REQUIRING AN ENCLOSURE DEVICE AROUND PRIVATE RESIDENTIAL POOLS AND SEMIPUBLIC POOLS; REQUIRING BUILDING PERMITS FOR ENCLOSURE DEVICES; PROVIDING FOR ENFORCEMENT OF CHAPTER 43 BY THE HEALTH OFFICER OR THE BUILDING OFFICIAL; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Butler stated that information obtained to answer a question previously raised revealed that for the past three and three-fourths years, there had been no drownings of a child in a single family residence unfenced pool, while there had been two drownings in pools that were fenced. Councilman Dryden commented that the proposal would add additional expense for homeowners.

Councilman Friedman urged the passage of the ordinance through its second reading, believing that those who could afford swimming pools could also afford fences, and noting there were eleven drownings or pull-outs in unfenced pools during the current year, including apartment and multi-family dwelling pools.

Mayor Butler noted that of six drownings, including adults, three occurred in fenced pools. Councilman Friedman and Mayor Butler differed on whether a fence would reduce casualties. Mayor Butler, Councilman Dryden and Mayor Pro Tem Love all expressed the view that nothing prevented children from climbing the fence to gain access to the pool.

Councilman Friedman moved the Council pass the ordinance through its second reading. The motion, seconded by Councilman Binder, failed to carry by the following vote:

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

#### ZONING ORDINANCE - FINAL PASSAGE

Mayor Butler introduced the following ordinance:

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

FOLLOWS:

LOT 28, A.W. SPECKELS RESUBDIVISION, LOCALLY KNOWN AS 2808 MANOR ROAD; 3300-3302 RANDOLPH ROAD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL 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.

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

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Handcox,  
Dryden  
Noes: Councilman Friedman  
Present but Not Voting: Councilman Lebermann

The Mayor announced that the ordinance had been finally passed.

#### ORDINANCE AMENDMENT CONCERNING BUS SCHEDULE CHANGES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34-79 OF THE AUSTIN CITY CODE OF 1967 TO AUTHORIZE THE DIRECTOR OF TRAFFIC AND TRANSPORTATION TO APPROVE BUS SCHEDULE CHANGES WITHOUT FURTHER CITY COUNCIL APPROVAL; SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS AND DECLARING AN EMERGENCY.

City Manager Davidson noted that this ordinance was in line with his recommendation but merely authorized adjustments in the timing of routes, not in making changes in the routes themselves, which would require Council action.

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

Ayes: Councilmen Binder, Handcox, Lebermann, Mayor Butler,  
Councilman Dryden

Noes: None

Out of Room at Roll Call: Councilman Friedman, Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

#### REPORT ON LIFTING OF GAS CURTAILMENT

City Manager Davidson reported that the natural gas curtailment had been lifted due to cooler weather. In response to Councilman Lebermann's question, Mr. R.L. Hancock, Electric Utility Director, stated that emergency fuel oil was at about the 90% mark. He further reported that new tank capacity would accommodate 8 million additional gallons.

#### REPORT ON TIMETABLE FOR MUNICIPAL GOLF COURSE MANAGEMENT

City Manager Davidson reported on the timetable for the transition in management of Municipal Golf Course. He noted that the Council had voted to separate the Morris Williams Golf Course contract from the Municipal Golf Course Agreement. Mr. Hannon's agreement had been rewritten only to include the Morris Williams' operation. Municipal Golf Course was being operated on a month-to-month basis until a decision was obtained from the University of Texas as to how long the City would be able to operate the Municipal Course. Assuming that a decision was to be made within 90 days, applications were being taken from golf professionals expressing an interest in the Municipal Course. Applications were being assembled on the assumption that the Council desired a professional serving for a minimum of one year and hopefully for a three-year contract. He explained the reference and interview procedures to be followed and intended to send to the Council the recommended contract with the professional selected, hopefully within 20 days after a decision by the University of Texas. The new Jimmy Clay Course was expected to be open late in October and the professional now at Municipal would move to the new course. Adequate personnel should be provided to serve the public during the interim.

Mayor Pro Tem Love expressed his view that the selection of the golf professional for Municipal was a personnel matter, and the personnel recommendation should be left up to the City Manager. City Manager Davidson noted that the Council had the final authority regarding the golf pro selection in its approval or non-approval of the contract to be proposed. In response to Councilman Binder's question, he expected the contract to be brought to the Council for consideration in Open rather than Executive Session.

Councilman Handcox expressed the desire that the Council make a selection of the golf professional from among two or three recommended after screening by the City Manager's office, possibly in an interview process in Executive Session of the Council. Mayor Pro Tem Love suggested that other services selected by the Council were for a one-shot job while this was for a person on the continuing payroll.

In light of Councilman Handcox's concern with the criteria to be used for selection, City Manager Davidson suggested working up a report to clarify some of the issues that had been raised.

#### REPORT ON PROPOSED DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. Jim Miller, Community Development Administrator, reported that the proposed recommendation would change the name of the Department of Model Cities to Community Development Office and would reorganize it in several areas, and it would set up a mechanism for planning and evaluation in handling any revenue-sharing programs which might come in.

Mr. Tony Ojeda explained that the proposed department would have the two major functions of planning and contract services. This would facilitate preparations for revenue sharing and future federal funding. In response to Councilman Handcox's question, Mr. Ojeda stated that this realignment would require no additional staff. In response to Mayor Pro Tem Love's question, City Manager Davidson noted that the Council would be asked to approve this change as a part of the 1973-74 Budget and that an ordinance would be necessary to implement.

#### REPORT ON PLANNING GRANT FOR EAST SIXTH STREET

City Manager Davidson reported that the City had budgeted funds within an appropriate code that could be used for the purpose of funding a study of 6th Street as a historical environment. Councilman Lebermann noted that the cost was \$1,000 for two students, which involved federal or federally-related funds, and suggested handling it as an administrative matter.

#### FINAL REPORT ON COAL FEASIBILITY FOR DECKER #2

Mr. Dick Robertson, representing the firm of Bovay, Burns and McDonald, presented the final report on the supplementary study of coal for Decker Creek Power Station, Unit #2. With the use of visuals, he explained the location of the units, noting that two coal-fired units would have a net capacity of 540 megawatts each. The cost of a gas-oil fired unit, for 405 megawatts, would be over \$68,000,000, the cost for a coal fired unit, for 540 megawatts, would be \$187,000,000. Over a 15-year period, however, the total cash expenditure for a gas-oil unit would be \$2,412+ million and for a coal unit, \$2,432+ million, a small difference although the initial cost of the coal unit would be a 3-1 ratio vs. a gas-oil unit. He stated that the main problems with the use of coal were the number of rail cars required for transportation, the coal storage area requirements, and the ash storage and waste storage areas.

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In response to Councilman Lebermann's question, he stated that for lignite, transportation requirements would be about the same as for coal, but the ash and waste storage areas would be tremendously greater. The advantages of the Decker site were that there was already in operation a transmission system and lake cooling system, and construction time would be shorter since no land purchase or environmental impact study would be required. In response to Councilman Lebermann's question, he stated that the unit would not be operable until 1978, one year too late. They discussed the feasibility of supplementing the unit with the installation of temporary or fast-start equipment like gas turbines.

He concluded with the following recommendations:

- (1) Authorize installation of a 405-megawatt gas-oil fired unit at Decker #2.
- (2) Order the turbine generator at the earliest practical date.
- (3) Proceed with planning for a coal-fired unit at a new site for 1979 operation.
- (4) Continue to negotiate for gas and oil for existing units and for Decker #2 and for coal and lignite for future units.

In response to Councilman Lebermann's question, he stated that Bovay, Burns, and McDonald would continue to assist in the search for fuels. Councilman Dryden expressed concern over the costs and waste disposal problems of coal and lignite. City Manager Davidson concluded that with regard to recommendation #2, a recommendation from the consulting firm and staff was planned for the next week's meeting.

#### REPORT ON BUDGET

City Manager Davidson stated that he was forwarding to the Council the following afternoon some data in answer to questions raised by the Council about the budget in preparation for a decision on the budget on September 13.

#### ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: 

City Clerk

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