

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 2, 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 Friedman, Handcox, Mayor Butler

Absent: Councilman Lebermann

The Invocation was delivered by REVEREND C. JORDAN MANN, Memorial United Methodist Church.

CERTIFICATE OF APPRECIATION

Mayor Butler presented a certificate of appreciation to Mr. Buford Stewart, upon his retirement from the Planning Commission, in recognition of Mr. Stewart's untiring efforts and unselfish service.

ANNEXATION HEARING

Mayor Butler opened the public hearing scheduled for 10:00 A.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 119.40 acres of land out of the William Cannon League:

113.75 acres of land - BUCKINGHAM RIDGE (requested by Oscar Holmes, engineer for the owner, C. W. Heatherly)

5.65 acres of land - portion of SUNNYVALE REVISED SECTION ONE and portion of BILL HUGHES ROAD. (initiated by City of Austin)

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

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

Noes: None

Absent: Councilman Lebermann

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:

EDWIN M. GOLDMAN
by G. Frank Jordan
C14-73-113

3903-3905
Peterson Ave.

From "A" Residence to "B"
Residence
RECOMMENDED by the Planning
Commission

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

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

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.

MRS. NETTIE CAREON
PILAND, Executrix
by Glyn W. Ramsey
C14-73-131

1807-1809 Kinney
Avenue (locally
known as 1805)

From "A" Residence to "BB"
Residence
RECOMMENDED by the Planning
Commission

Councilman Dryden moved the Council grant the change from "A" Residence to "BB" Residence, 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 Friedman, Handcox,
Mayor Butler, Councilman Dryden
Noes: Councilman Binder
Absent: Councilman Lebermann

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.

GLEN A. MOON
Executor of the
Estate of Lillie Bell
Frederickson
by A. Eugene Hacker
C14-73-132

303-305 West 39th
Street
302-306 West 38 1/2
Street

From "A" Residence 1st Height
and Area to "B" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

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

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

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.

ALLENDALE ASSOCIATES	5700 Burnet	From "C" Commercial 2nd
a partnership (F.F.	Road	Height and Area to "C-2"
Knight, A.H. Robinson,		Commercial 2nd Height and
Jr., & George E.		Area
Robinson)		RECOMMENDED by the Planning
C14-73-136		Commission

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

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

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.

J. A. GARRETT &	5714-5722	From "GR" General Retail to
ROY E. MILLICAN, JR.	Manchaca Road	"C" Commercial (as amended)
C14-73-139		RECOMMENDED by the Planning
		Commission

Mr. Richard Horn, owner and resident of 2000 Whitestone which adjoined the property in question, opposed the zoning change. He did not believe that it was economically justified to place an animal clinic immediately adjacent to a Rylanders Grocery Store. He also believed this zoning was inappropriate within such a short distance of a residential area. He thought that zoning principles called for greater buffering than 42' which was how close the animal clinic would be to his property line. Should the application be changed, he requested that two restrictions be placed on it. First, in the event that the animal clinic should cease to operate, the area should revert to "GR" General Retail rather than

be left open for other commercial uses, second, the applicant should be required to put up a 6' privacy fence with planting on the shopping center side of the fence. The only buffering from Mr. Horn's property at present was a back alley and delivery alley from the shopping center.

Mr. Dick Lillie, Planning Director, stated that if the area were used as an animal clinic, a special permit approved by the Planning Commission would be required, and he believed the criteria required for the issuance of the permit would satisfy Mr. Horn's conditions. In response to Councilman Binder's question, he stated that almost every veterinary clinic submitted for special permit in the past several years had been required to be totally indoors, soundproofed with special building construction. Mr. Horn voiced objections even if the operations were completely indoors; he did not know how waste materials would be disposed of.

In response to Councilman Dryden's question, Mr. Horn stated that when he purchased his property in 1970 he did not know the area in question was zoned "GR" General Retail. He had been led to believe it was zoned "A" Residential. Mayor Butler noted that this would be corrected for the future in that signs would be required on undeveloped properties. Councilman Dryden and Mayor Butler noted as far as the economic issue was concerned, that this was not a consideration for the Council. Councilman Binder and Mayor Pro Tem Love discussed the waste disposal requirements and for what period of time animals would be outside the building.

Mr. Pat Roach, resident at 2004 Whitestone which property also abutted the property in question, expressed his agreement with Mr. Horn's objections. He added that he had not been properly informed in 1969 of the "A" Residence to "GR" General Retail zoning application for the property in question which had been made at that time. He was also concerned with the disposal of dead animals, to which Councilman Friedman responded that there was a City ordinance concerning such disposal procedures.

Mr. W. W. Sledge noted that in 1969 under the rules of notification, Mr. Horn and Mr. Roach did not have to be notified of the zoning change application as they were not owners on record the previous October. He believed that planned "GR" General Retail zoning should stay that way and opposed spot zoning at a higher density. Mayor Butler inquired if Mr. Sledge was representing the views of the Austin Independent School District.

In response to Councilman Binder's question, Mr. Lillie stated that the Council could stipulate a covenant restriction that if the property ceased being used for an animal clinic it would revert back to more restrictive zoning. He also replied that any new zoning served as a precedent for other zoning changes in the area. Mr. Lillie noted in response to Mr. Sledge's comments on rules of notification that these procedures had been updated.

Mr. Dan Pool, leasing agent for the shopping center, stated that the distance from the veterinarian office to Mr. Horn's property line would be 110'. He noted that an earlier application for a zoning change to "C-2" Commercial for a liquor store had been withdrawn, and Councilman Dryden did not wish the Council approve this zoning change to "C" Commercial if that should lead to a future change to "C-2" Commercial to permit a liquor store. Mr. Pool stated that he had no objections to the property reverting to "GR" General Retail if the animal clinic should come out and there was no intention to seek a "C-2" Commercial zoning for a liquor store.

Dr. Fred Martin, the veterinarian in question, distributed to the Council pictures of the planned facility. He discussed the sanitary procedures required for disposal of dead animals.

Motion

Mayor Pro Tem Love moved the Council grant the change as recommended by the Planning Commission subject to the conditions. Councilman Handcox offered an amendment to the motion that a 6' privacy fence be placed between the property in question and a minimum of three lots of "A" Residence off Manchaca Road subject to the Planning Director working with the applicant. Councilman Binder offered an amendment to the motion that if the property were not used as an animal clinic, it would revert back to "GR" General Retail zoning. The motion, as amended and seconded by Councilman Handcox, carried by the following vote:

Ayes:	Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilman Handcox
Noes:	None
Present But Not Voting:	Councilman Friedman
Absent:	Councilman Lebermann

MAYOR BUTLER LEAVES

Mayor Pro Tem Love took over as presiding officer as it was necessary for Mayor Butler to leave the Council meeting at this time.

ZONING HEARINGS

NON-COMMISSIONED OFFICERS LIFE INSURANCE COMPANY by Silas J. Maxwell C14-73-146	8218-8220 No. Interstate Highway 35 700-708 East Powell Lane	From Interim "A" Residence 1st Height and Area to "C" Commercial 2nd Height and Area RECOMMENDED by the Planning Commission
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Councilman Dryden moved the Council grant the change from Interim "A" Residence 1st Height and Area to "C" Commercial 2nd Height and Area, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "C" Commercial 2nd Height and Area and instructed the City Attorney to draw the necessary ordinance to cover.

CECIL E. HEARD,
J. E. SHULER &
KENNETH E. LANE
by Chris Crow
C14-73-128

1801-1807 Ben White
Boulevard
4400-4404 Russell
Street

From "LR" Local Retail and
"O" Office to "GR" General
Retail (as amended)
RECOMMENDED by the Planning
Commission as amended subject
to 5' of right-of-way on
Russell Drive

Councilman Friedman moved the Council grant the change as recommended by the Planning Commission subject to the southern 25' of Tract 3 being zoned "O" Office as a buffer and subject to a 6' privacy fence along the adjacent lot. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "GR" General Retail as recommended by the Planning Commission subject to the southern 25' of Tract 3 being zoned "O" Office as a buffer and subject to a 6' privacy fence along the adjacent lot., and instructed the City Attorney to draw the necessary ordinance to cover.

J. CURTIS SANFORD, JR. 8247-8311 Research
& NOELL RATHER Boulevard
by Phil Mockford (U.S. Highway 183)
C14-73-129

From "C" Commercial and
"C-2" Commercial to "C-2"
Commercial
RECOMMENDED by the Planning
Commission subject to field
notes to change the earlier
"C-2" Commercial zoning to
"C" Commercial

Councilman Friedman moved the Council grant the change from "C" Commercial and "C-2" Commercial to "C-2" Commercial subject to field notes to change the earlier "C-2" Commercial zoning to "C" Commercial, as recommended by the Planning Commission. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "C-2" Commercial subject to field notes to change the earlier "C-2" Commercial zoning to "C" Commercial, and instructed the City Attorney to draw the necessary ordinance to cover.

AUSTIN CORPORATION
by Mike Hart
C14-73-137

3535-3563 Far West
Blvd.
7001-7025 Village
Center Drive
3600 North Hills
Drive

From Interim "A" Residence
1st Height and Area to "GR"
General Retail 1st Height
and Area
RECOMMENDED by the Planning
Commission subject to a sub-
division to identify this
property

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

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

Noes: None

Absent: Mayor Butler, Councilman Lebermann

Mayor Pro Tem Love announced that the change had been granted to "GR" General Retail 1st Height and Area subject to a subdivision to identify this property and instructed the City Attorney to draw the necessary ordinance to cover.

THE MURRAY FAMILY
PARTNERSHIP, LTD, &
SNYDER & RAFFA
INVESTMENTS, INC.
by E. C. Thomas
C14-73-142

8853-8905 Research
Blvd. (U.S. Highway
183)

From Interim "A" Residence
1st Height and Area to
Tract 1: "B" Residence 1st
Height and Area
Tract 2: "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a sub-
division to identify these
properties and provide for
necessary streets

Councilman Handcox moved the Council grant the change from Interim "A" Residence 1st Height and Area to Tract 1: "B" Residence 1st Height and Area, Tract 2: "GR" General Retail 1st Height and Area, as recommended by the Planning Commission subject to a subdivision to identify these properties and provide for necessary streets. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Mayor Butler, Councilman Lebermann

Mayor Pro Tem Love announced that the change had been granted to Tract 1: "B" Residence 1st Height and Area and Tract 2: "GR" General Retail 1st Height and Area subject to a subdivision to identify these properties and provide for necessary streets and instructed the City Attorney to draw the necessary ordinance to cover.

RUTH C. SMITH
by J. V. Pilcher
C14-73-149

3000-3002 South
First St.
601-605 Terrell
Hill Dr.

From "A" Residence to "LR"
Local Retail
RECOMMENDED by the Planning
Commission subject to a
subdivision to identify this
property and dedicate 1/2
of the right-of-way (approx.
6') to increase Terrell Hill
Dr. from 48 to 60'; and a 6'
privacy fence on the west
boundary where adjoining
"A" Residence

Councilman Dryden moved the Council grant the change from "A" Residence to "LR" Local Retail, as recommended by the Planning Commission subject to a subdivision to identify this property and dedicate 1/2 of the right-of-way (approx. 6') to increase Terrell Hill Drive from 48' to 60'; and a 6' privacy fence on the west boundary where adjoining "A" Residence. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "LR" Local Retail subject to a subdivision to identify this property and dedicate 1/2 of the right-of-way (approx. 6') to increase Terrell Hill Drive from 48' to 60' and a 6' privacy fence on the west boundary where adjoining "A" Residence and instructed the City Attorney to draw the necessary ordinance to cover.

AUSTIN BOARD OF
REALTORS
by Cecil D. Perkins
C14-73-150

4016-4108
Medical Parkway

From "A" Residence and "LR"
Local Retail to "O" Office
RECOMMENDED by the Planning
Commission subject to a sub-
division to identify this
property; provide for a 5'
sidewalk easement and 1/2 the
right-of-way (approx. 5') to
increase Medical Parkway
from 60' to 70'

Councilman Dryden moved the Council grant the change from "A" Residence and "LR" Local Retail to "O" Office, as recommended by the Planning Commission subject to a subdivision to identify this property; provide for a 5' sidewalk easement and 1/2 the right-of-way (approx. 5') to increase Medical Parkway from 60' to 70'. The motion, seconded by Councilman Binder, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "O" Office subject to a subdivision to identify this property; provide for a 5' sidewalk easement and 1/2 the right-of-way (approx. 5') to increase Medical Parkway from 60' to 70', and instructed the City Attorney to draw the necessary ordinance to cover.

JAMES D. and ELIZABETH WRAY by Ken W. Glasgow C14-73-153	5501 Clay Avenue 1706-1708 Houston Street	From "A" Residence to "O" Office RECOMMENDED by the Planning Commission subject to a sub- division to identify this property and dedicate 1/2 the right-of-way (10') on Clay Avenue and Houston St.
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Councilman Dryden moved the Council, with emphasis that this was not encouragement to spread northward, 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 (10') on Clay Avenue and Houston Street. The motion, seconded by Councilman Friedman, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to "O" Office subject to a subdivision to identify this property and dedicate 1/2 the right-of-way (10') on Clay Avenue and Houston Street, and instructed the City Attorney to draw the necessary ordinance to cover.

F. J. REISSIG, ET AL by Robert C. Sneed C14-73-157	Northwest corner of East 19th Street and Ed Bluestein Blvd.	From Interim "A" Residence 1st Height and Area to Tract 1: "GR" General Retail 1st Height and Area Tract 2: "A" Residence 1st Height and Area (as amended) RECOMMENDED by the Planning Commission subject to a sub- division to identify this property and provide right- of-way on Tamehill Lane; a 6' privacy fence and a 15' building setback on Tr. 2 where adjoining "A" Residence
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Councilman Friedman moved the Council grant the change from Interim "A" Residence 1st Height and Area to Tract 1: "GR" General Retail 1st Height and Area; Tract 2: "A" Residence 1st Height and Area, as recommended by the Planning Commission as amended. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Pro Tem Love announced that the change had been granted to Tract 1: "GR" General Retail 1st Height and Area; Tract 2: "A" Residence 1st Height and Area as amended and instructed the City Attorney to draw the necessary ordinance to cover.

JAMES A. HEARN, ET UX
and TRICO DEVELOPMENT
COMPANY
by Robert L. Davis
C14-73-158

Tract 1
3813-3901 Manchaca
Road

Tract 2
3612-3702 and Rear
of 3704-3706 Clawson
Road

From "A" Residence to
Tract 1: "O" Office
Tract 2: "BB" Residence
(as amended)
RECOMMENDED by the Planning
Commission subject to a sub-
division to identify this
property and provide for the
extension of Valley View Rd.

Councilman Dryden moved the Council grant the change from "A" Residence to Tract 1: "O" Office; Tract 2: "BB" Residence as amended, as recommended by the Planning Commission subject to a subdivision to identify this property and provide for the extension of Valley View Road. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilman Handcox
Noes: None
Present But Not
Voting: Councilman Friedman
Absent: Mayor Butler, Councilman Lebermann

Mayor Pro Tem Love announced that the change had been granted to Tract 1: "O" Office; Tract 2: "BB" Residence subject to a subdivision to identify this property and provide for the extension of Valley View Road, and instructed the City Attorney to draw the necessary ordinance to cover.

CHARLES C. ALLISON
DVN and
C. R. GILSTRAP
by Terry Sasser
C14-73-141

5508-5510 King's
Highway
1700-1800 Stassney
Lane

From Interim "A" Residence
1st Height and Area to
Tract 1; "C" Commercial 1st
Height and Area
Tract 2; "O" Office 1st
Height and Area
NOT RECOMMENDED by the
Planning Commission on Tract
1 but RECOMMENDED by the
Planning Commission on Tract
2 subject to a subdivision
providing for right-of-way
on Stassney Lane; a 5' build-
ing setback and a 6' privacy
fence when adjoining "A"
Residence zoning

Councilman Friedman moved the Council refer back to the Planning Commission zoning case number C14-73-141. The motion, seconded by Councilman Handcox, carried by the following vote:

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

UNIVERSITY VILLAGE,
LTD.
by J. B. Hightower
C14-73-155

701-713 West 24th
Street
2304-2310 Rio Grande
Street

From "C" Commercial 2nd
Height and Area to "C-2"
Commercial 2nd Height and
Area
NOT RECOMMENDED by the
Planning Commission

Councilman Friedman moved the Council refer back to the Planning Commission zoning case number C14-73-155. The motion, seconded by Councilman Handcox, carried by the following vote:

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

KATY DEATS
WATTERSON
by Dale Ossip
Johnson
C14-73-107

2612-2614 South
First Street
600 Cumberland Road

From "A" Residence to "C"
Commercial
NOT RECOMMENDED by the
Planning Commission
RECOMMENDED "O" Office by the
Planning Commission subject
to a 6' privacy fence where
adjoining "A" Residence ex-
cept on the northern boundary
line

Councilman Friedman moved the Council postpone zoning case number C14-73-107. The motion, seconded by Councilman Handcox, carried by the following vote:

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

THE MT. BONNELL	1152-1154	From "B" Residence to "O"
LODGE #2, by Donna	Angelina	Office
Jo Johnson Bridges		NOT RECOMMENDED by the
C14-73-300		Planning Commission

Councilman Friedman moved the Council grant the request to be withdrawn for zoning case number C14-73-300. The motion, seconded by Councilman Handcox, carried by the following vote:

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

JERRY HALDEMANN &	212 West Powell	From "A" Residence to "C"
PRESTON HARVEY	Lane	Commercial
C14-73-147		NOT RECOMMENDED by the
		Planning Commission

Councilman Dryden moved the Council deny the change from "A" Residence to "C" Commercial. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been denied.

JOHN B. FORSE	5411 Harmon	From "A" Residence to "O"
ET UX	Avenue	Office
C14-73-154		NOT RECOMMENDED by the
		Planning Commission

Councilman Dryden moved the Council deny the change from "A" Residence to "O" Office. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor Pro Tem announced that the change had been denied.

SALE OF STRUCTURE

Councilman Friedman moved the Council adopt a resolution approving the sale of structure in Brackenridge Project Number Tex A-11-1, as follows:

Parcel 24-10 1300 Trinity O. P. Bobbitt \$7,300.00
(former owner)

Minimum acceptable sales price: \$4,500.00

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

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

SALE OF LAND

Councilman Friedman moved the Council adopt a resolution approving sale of land in Brackenridge Project, Tex. A-11-1, as follows:

Parcel 20 a Lot 4, Blk. 118, Gateway Properties \$63,060.00
 Original City,
 1/2 of vacated Sabine
 1/2 of vacated 20'
 alley

Minimum acceptable sales price: \$62,000.00

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

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

BUOYS AND MARKERS

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to enter into a contract with Texas Parks and Wildlife Department for providing and installation of buoys and markers on Lake Long, Lake Austin, and Town Lake, funded by a grant by the Parks and Wildlife at no cost to the City. The motion, seconded by Councilman Handcox, carried by the following vote:

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

LEASE AGREEMENTS

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to execute an addendum to the lease agreement between the City of Austin and T. C. Steiner, dated September 16, 1961, for land for sanitary fill purposes, to provide for an extension of the term of the lease beyond the present termination date of September 15, 1976 to September 15, 1983 and to increase the consideration for the lease from the present \$2,400 per annum to \$3,600 per annum. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Friedman moved the Council adopt a resolution authorizing the City Manager to enter into a lease agreement with Capitol Cattle Company for certain property to be used as a public sanitary landfill site, for a primary term of five years with the City having the option of extending the lease on a year to year basis for an additional five (5) years. Consideration of the lease is to be \$2,400 per year. The motion, seconded by Councilman Dryden, carried by the following vote:

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

NEIGHBORHOOD YOUTH CORPS

Councilman Friedman moved the Council adopt a resolution authorizing contract with Department of Labor to operate the Neighborhood Youth Corps-I (O/S) Program to provide twenty-seven training slots to high school drop-outs. The program will be delegated to Williamson-Burnet Counties Opportunities, Inc. (CAA) for operation. Total cost is \$86,327 (\$8,100 in-kind services and \$78,227 - Department of Labor). The motion, seconded by Councilman Dryden, carried by the following vote:

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

Councilman Friedman moved the Council adopt a resolution authorizing contract with Department of Labor for operation of Neighborhood Youth Corp II (O/S) to provide 80 training slots to high school drop-outs. This program will be operated directly by Department of Community Action. Total cost is \$292,460 (\$29,460 in-kind service and \$263,000 - Department of Labor). The motion, seconded by Councilman Dryden, carried by the following vote:

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

TRANSPORTATION ENTERPRISES, INC.

Councilman Friedman moved the Council adopt a resolution approving revision of Transportation Enterprises, Inc. Shuttle Bus Schedules. The motion, seconded by Councilman Binder, carried by the following vote:

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

ITEM POSTPONED

The item of Mrs. Harold Bartz request to appear before the City Council to obtain permission to close the street of Tulsa Cove, at its entrance, for a block party on Saturday, August 18, 1973, 2:00 - 9:00 P.M. was postponed by letter.

POLLING PLACES

Councilman Friedman moved the Council grant Mrs. Doris Shropshire, County Clerk, the use of City of Austin Communications Building, Ullrich Water Treatment Plant, Austin Recreation Center and 19th Street Fire Station for polling places for the senatorial run-off election Tuesday, August 14, 1973. The motion, seconded by Councilman Handcox, carried by the following vote:

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

ZONING ORDINANCES

Mayor Pro Tem Love 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 24, W. STAEHELY & CHARLES WENDLANDT, JR. RESUBDIVISION OF PARTS OF
LOTS 3, 4, 5, 6, 7 AND 8, FREDERICKSBURG ROAD ACRES NO. 2, LOCALLY
KNOWN AS 1406 HETHER STREET, FROM "A" RESIDENCE DISTRICT TO "O"
OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS
COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF
ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Mayor Pro Tem Love 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) Lots 36 THROUGH 46, BLOCK 7A, OUTLOT "X," PLEASANT HILL ADDITION, SAVE AND EXCEPT AN 8,953 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,

(2) AN 8,953 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 5301-5315 SOUTH CONGRESS AVENUE AND 5300-5308 WASSON ROAD; 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 Friedman 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: Councilman Binder, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Dryden
Noes: None
Absent: Mayor Butler, Councilman Lebermann

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

Mayor Pro Tem Love 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:

TRACT 1: A 35,900 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 101,927 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 747,791 SQUARE FOOT TRACT OF LAND, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT, "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;

LOCALLY KNOWN AS THE NORTHWEST CORNER OF LOYOLA LANE AND ED BLUESTEIN BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; 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 Councilman Handcox, carried by the following vote:

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

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

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 12.31 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1109-1113 POST OAK STREET; THE REAR OF 700-908 DAWSON ROAD; AND THE REAR OF 910-1100 SOUTH 5TH STREET, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

ITEM WITHDRAWN

The item of Mr. Billy R. Burchfield requesting to appear before the City Council to explain damages to his property which he alleges were caused by the City was withdrawn at this time.

RECESSED MEETING

2:00 P.M.

The meeting was reconvened with Mayor Butler presiding and Councilman Lebermann absent.

ZONING HEARINGS

Mayor Butler announced that it was 2:00 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:

JOE DEL RIO, JR. ET UX C14-73-106	2808 Manor Road 3300-3302 Randolph Road	From "A" Residence to "GR" General Retail RECOMMENDED by the Planning Commission subject to 10' of right-of-way on Manor Road and 5' on Randolph Street; a 6' privacy fence and a mini- mum 10' building setback where adjoining "A" Residence
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Mr. Dick Lillie noted that the staff's recommendation was to change to "B" Residence 1st Height and Area. Councilman Friedman commented that there was only one other "GR" General Retail lot in the area, which zoning he believed was probably a mistake in the first place. He disagreed with making this zoning change based on that precedent since it seemed to be compounding one mistake with another. In response to Councilman Friedman's question, Mr. Joe Del Rio, the owner, stated that he would prefer "GR" General Retail to "B" Residence zoning. In response to Councilman Dryden's question, Mr. Del Rio stated that he would prefer putting in a building rather than a parking lot in the area in question.

Mayor Pro Tem Love moved the Council grant the change as recommended subject to conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

JAMES TEDFORD by Martin Boozer, Jr. C14-73-112	1211 West 49th St. (Oran Street)	From "A" Residence to "O" Office RECOMMENDED subject to 5' of right-of-way on West 49th Street
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Mr. Lillie stated that the change was not recommended by the staff because the property in question was in the middle of a residential block.

Mr. Martin Boozer, Jr., representing the applicant, pointed out that there were letters in Mr. Lillie's file from three of the four owner-occupants in the block. Mr. Lillie commented that regardless of the agreeability of the owners, the zoning change was not recommended by the staff because it fell into the middle of a residential neighborhood. Mr. Boozer replied that the owner-occupants preferred something like a small real estate operation of an "O" Office type rather than undesirable tenants on the property.

In response to Councilman Binder's question, Mr. Lillie expressed his objections to the neighborhood changing from a residential one piece by piece. In response to Mayor Butler's question, he believed that the change to "O" Office would lead owners to let the property deteriorate in hopes of getting a zoning change for a higher density use.

Councilman Dryden agreed with Mr. Lillie's comment that if a portion of this area were to be zoned "O" Office, then the entire block should be re-zoned as a unit. Mr. Lillie suggested that people had not shown up at the hearing because owners received notices but renters did not, and this was a rent neighborhood. Mr. Boozer noted that the only absentee owner who replied to his notice favored the request. Members of the Council discussed with Mr. Lillie the procedures for applying for a zoning change for the entire area. Mayor Butler believed the attempt to zone a neighborhood would be a bad precedent short of a master plan-type zoning. The Council discussed the possibility of postponing this case in order to solicit opinions from owners in the neighborhood regarding a neighborhood re-zoning.

Motion

Councilman Dryden moved the Council postpone this item for one month. The motion died for lack of a second.

Councilman Handcox moved the Council deny the change. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced

SENTER P. DOWNS
by Jim Runnels
CI4-73-116

4313-4321 South
First Street

From "A" Residence to "GR"
General Retail (as amended)
RECOMMENDED by the Planning
Commission as amended subject
to a subdivision to identify
this property

Mr. Jim Runnels, representing the applicant, stated that the change to "C" Commercial had been originally requested, but the request had been amended to change to "GR" General Retail consistent with the intended use of the property.

He stated that of the four homes in the block, one was a rent home in a bad state of repair, one was already zoned "GR" General Retail and the owners of the other two approved the change. He believed that the increased traffic on South First induced by this change would be negligible. He also stated that adjoining property had recently had some retail development take place on it. In response to Councilman Friedman's question, Mr. Lillie did not believe that this change would cause a traffic problem on South First.

Councilman Handcox moved the Council grant the change as recommended by the Planning Commission subject to the conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

BILL MILBURN
by Thomas L. Ausley
C14-73-133

2611-2613 Western
Trails Blvd.
4600-4608 Sagebrush
Trail

From "BB" Residence to "O"
Office
RECOMMENDED by the Planning
Commission subject to a
restrictive covenant limiting
the tract to professional
offices and "BB" Residence
density if developed with
apartments and subject to a
subdivision to identify this
property. (no additional
right-of-way required)

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

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

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.

JESSE CASTRO,
ET UX
by Robert D. Jones
C14-73-135

6110 East Riverside
Dr.
6111 Kasper Street

From "A" Residence to "C"
Commercial
RECOMMENDED by the Planning
Commission subject to a sub-
division to identify this
property & prohibit access
to Kasper Street

Mr. Bob Jones, representing the owner, stated that there was no opposition at either of the preceding hearings. Councilman Friedman noted that opposition not present at the hearing was satisfied with the conditions recommended. Mr. Lillie stated that there was still opposition to "LR" Local Retail as opposed to "C" Commercial. In response to Councilman Binder's question, Mr. Jones stated that all "A" Residence owners or residents contacted had approved of the change.

Councilman Dryden moved the Council grant the change as recommended by the Planning Commission subject to the conditions. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

JESSE MARVIN GOODSON
by I. F. Knick
C14-73-148

5215 Bruning Avenue
Rear of 5108
Evans Ave.

From "A" Residence to "O"
Office
RECOMMENDED by the Planning
Commission subject to 7 1/2'
of right-of-way; a restric-
tive covenant limiting the
use to professional offices
only and subject to a sub-
division to identify this
property

Councilman Friedman commented that this appeared to be a broad intrusion into a residential neighborhood. Mr. Lillie stated that the staff did not recommend the change. Mr. I. F. Knick, representing the applicant, stated that this property was under contract to Mr. Harry Montandon, subject to zoning for office use.

Mr. Montandon stated that the house on the property in question was fairly rundown. Mr. Montandon discussed with the Council the structures on other property in the area, and he stated that he intended to use the property for a real estate office. In response to Mayor Pro Tem Love's question, he stated that he intended to use the alley as access to parking spaces and that Bruning would not be used as an access.

Motion

Councilman Dryden moved the Council grant the change as recommended by the Planning Commission subject to the conditions. The motion, seconded by Mayor Pro Tem Love, failed to carry by the following vote:

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

MRS. BERNADETTE
DEARINGER
by J. Hubert Lee
C14-73-152

6622 Isabelle
Drive

From "A" Residence to "GR"
General Retail
RECOMMENDED by the Planning
Commission subject to no
access (no curb cuts) to
Isabelle Drive and a privacy
fence adjacent to "A" Resi-
dence on the north

In response to Councilman Friedman's question, Mr. Lillie stated that the property in question adjoined the shopping center zoned "C" Commercial and that this property would be combined with it. Mr. Kirt Kiester, representing the owner, stated that the property was under contract of sale to an ice cream parlor chain. He stated that a reason for denial previously was the assumption that there would be access from Isabelle, and that this would not be the case. He stated that the property in question contained the only house in the neighborhood and there was little danger of further spread since the property was naturally cut off there. He discussed with Councilman Friedman the current use of the property adjoining in the shopping center.

Mayor Pro Tem Love moved the Council grant the change as recommended by the Planning Commission subject to the conditions. The motion, seconded by Councilman Dryden, carried by the following vote:

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

M. H. FLOURNOY
C14-73-144

6015-6317 and Rear
of 6015-6317 So.
First St.
140-622 and Rear of
140-622 Eberhart
Lane

From Interim "A" Residence
1st Height and Area to
Tract 1: "A" Residence 1st
Height and Area
Tract 2: "GR" General Retail
1st Height and Area
Tract 3: "B" Residence 1st
Height and Area
RECOMMENDED by the Planning
Commission Tract 1
NOT RECOMMENDED by the Plan-
ning Commission Tract 2
RECOMMENDED "GR" General
Retail on approx. 11.75 acres
as shown on sketch #2; and
subject to a 6' privacy fence
where adjoining "A" Residence
zoning and a subdivision
NOT RECOMMENDED by the Plan-
ning Commission Tract 3
RECOMMENDED "A" Residence

Mr. Jerry Harris stated that the applicant agreed with the conditions and requested withdrawal of the application on Tract 3. Mr. Lillie reported that his staff had believed that the total of Tract 2 was too large for "C" Commercial zoning and had recommended 4 acres of Tract 2 large enough for a shopping center as opposed to the total, but the Planning Commission had agreed upon 11.75 acres of the total as recommended. He also noted that another zoning application for change to "GR" General Retail in the area was currently being processed, and the suggestion had been made to postpone this case so that the Council could hear both applications at the same time. In response to Councilman Binder's question, he stated that the total acreage of Tract 2 was about 20 acres.

Mr. Fred Brunell, resident at 6406 South Meadows Boulevard, which was within 150 feet of Tract 2 and adjoining the property currently being processed for zoning change to which Mr. Lillie had referred, requested that this case be postponed so that both applications could be considered at the same time to allow for an overall view. Mr. Charles Babb, representing the applicant, opposed postponement, and Mr. Lillie concurred that postponement was not necessary to provide the Council with sufficient information. There was discussion among the Council as to the advisability of postponement.

Mr. Brunell opposed the zoning change on the grounds that there were already adequate shopping and services available in the area. He objected because this was a case of spot zoning in an area practically surrounded by single family residences. He believed that this change would result in a drop in the residential property values and would cause an increase in traffic accidents. He stated that a 20-acre shopping area would be about 5 to 20 times the size of the "LR" Local Retail areas on the other three corners. He also stated there was no buffer planned for the subdivision on the south side of Eberhart.

Mr. Barry Mann, resident at 6412 South Meadows Boulevard, opposed the re-zoning because he feared the construction of apartment buildings. He cited another case where a shopping center had been planned on a "GR" General Retail area but apartments had been built instead. He also believed there were already plenty of shopping centers in the area. He stated that on this street there were 18 houses with 33 children under the age of 12, and there was already a problem of heavy traffic. He stated that there were three schools within a quarter of a mile area. He believed that construction of apartments would lessen residential property values. He cited one instance of an owner who had sold for fear of lessened property values.

Mr. Mann stated that his primary opposition was not to the shopping center but to the traffic flow which would be increased by an access anywhere near the entrance of Bill Hughes or South Meadows. He would be satisfied if a shopping center faced First Street and did not empty onto Eberhart. He expressed his concern that Tract 1 to be zoned "A" was designed to serve as a buffer zone. He would be satisfied if the shopping area could be cut down to 4 or 6 acres. He stated that many residents in the area could not sign a petition because they were City employees. City Manager Davidson responded that no one from his office or from the Council had advised City employees that they could not sign petitions, and he pointed out that the Council had heard cases in which City employees had represented themselves as a part of a neighborhood either for or against the zoning application. Councilman Binder discussed with Mr. Mann where he would propose that the curb cuts be.

In response to Mayor Butler's question, Mr. Babb stated that it was acceptable to the applicant to have written into the ordinance a prohibition on building apartments on Tract 2. He also stated that there were no definite plans at present as to where curb cuts would be, and the applicant would abide by whatever number and location of them the Planning Department and other agencies of the City might direct. Mr. Babb stated that the applicant, Mr. Flournoy, had complied with all the maxims of longrange planning and letting everyone know a long time in advance what he planned to do.

Mr. S. P. Kinser discussed at some length the procedures followed by Mr. Flournoy since 1966 in developing properties in the area, and he overviewed the longrange planning which had gone into developments in the area. He requested that the Council grant the zoning change on the 11.75 acres. Councilman Friedman discussed with Mr. Babb the exact location of the 11.75 acres in question. The other 8.25 acres would remain Interim "A" Residence.

Motion

Councilman Handcox moved the Council grant the change as recommended by the Planning Commission, on Tract 1 to "A" Residence, on 11.75 acres of Tract 2 to "GR" General Retail with an agreement that no apartments be built, subject to all the conditions, and that the request for change on Tract 3 be withdrawn. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the changes had been granted on Tract 1 to "A" Residence, on 11.75 acres of Tract 2 to "GR" General Retail, subject to conditions, and on Tract 3, request be withdrawn and instructed the City Attorney to draw the necessary ordinance to cover.

CAPITAL IMPROVEMENTS PROGRAM AND APPROPRIATION ORDINANCE

The Council had before it for its consideration the 1973-78 Capital Improvements Program and appropriation of funds for Fiscal Year 1973-74. (Postponed from July 26, 1973)

Mayor Butler introduced the following ordinance:

AN ORDINANCE ADOPTING AND APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1973, AND TERMINATING SEPTEMBER 30, 1974, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; AND DECLARING AN EMERGENCY.

Councilman Binder noted that there were items in the C.I.P. that were also funded in the Revenue Sharing, and he inquired if the C.I.P. were approved if that meant the Council would be locked in to approving them when the Revenue Sharing came up. City Manager Davidson replied that it would not. Councilman Binder raised the question of underground electric wires, and noted that the City Manager had prepared a report on how expensive it would be to place existing wires underground. He also suggested the Electric Department review future CIP's to determine

the feasibility of underground lines in specific projects. He believed a program of burying the lines would have to be a gradual one. He suggested that the Electric Department delineate its policy on installation of underground utilities for customers and potential customers. There was some discussion of whether burying the lines was a requirement for FHA at that time. City Manager Davidson stated that he would have a report for the Council in two weeks enumerating the types of projects that could be placed underground and the City's existing policies for putting them underground, both for new and existing projects.

Councilman Friedman suggested a change in the schedule for paving Tillery. Father Tom Zanotes, of St. Julia Church, stated that paving was scheduled soon for Springdale, and since this was about three blocks from Tillery, it might be less wasteful to pave Tillery at the same time with the equipment which would be in the area rather than to wait until later. In response to Mayor Butler's question, he stated that the project on Tillery Street was for about 10 blocks. City Manager Davidson stated that this would be about a \$160,000 project which was not planned at this time. The CIP indicated that Tillery right-of-way would be purchased for \$20,000 in 1975-76 and the street would be reconstructed in 1976-77. Mr. Reuben Rountree, Public Works Director, stated that it would be a major project to acquire the right-of-way and start work on Tillery. He stated that it would be a separate major contract from the paving on Springdale. Councilman Friedman and Mr. Rountree discussed whether the draining study of Boggy Creek already commissioned would provide the necessary draining information for Tillery. City Manager Davidson suggested that the Council direct them to include \$15,000 for the next fiscal year to undertake the engineering on Tillery, and then a year hence the Council could decide on the construction money. This would be the same \$15,000 planned to be spent later, merely moving it forward in time. Mr. Rountree discussed the utility relocation that would be necessary and the status of the Springdale Road operation.

Councilman Binder introduced the issue of the transmission facility crossing Lake Austin. There was discussion among the Council of placing the wires under the lake vs. towers across the lake vs. under the bridge. Councilman Friedman and Mayor Butler discussed the bridge which was planned but not yet funded. The Council discussed with Mr. R. L. Hancock, Electric Utility Director, the possible routes for the transmission crossing. In response to Mayor Pro Tem Love's question, Mr. Hancock stated that a decision would probably need to be made within six months. He also stated that aesthetics would be given strong consideration in the decision on crossing the lake. He discussed the cost and problems of an underwater cable. In response to Mayor Pro Tem Love's question, Mr. Hancock discussed the current fuel oil situation.

Councilman Friedman asked if the Master Drainage Program study could be completed and results brought forth before undertaking any of the channelization and bank stabilization projects listed in the CIP. City Manager Davidson responded that at least preliminary information from the Drainage study would be needed for these projects.

In response to Councilman Binder's question, City Manager Davidson discussed the aesthetic considerations being given to landscaping and beautification in various CIP projects. Councilman Binder and Mayor Pro Tem Love commended the green belt acquisition of Barton Creek and the Parks Development and Improvements Program.

The Council agreed to place the Revenue Sharing Budget on the agenda for August 9 with final approval expected on August 16.

Mr. Bill Chipman, Co-Chairman of SUN, requested a stay on the lighting project for Nueces, pending the results of a study being conducted and discussions with the Electric Department. City Manager Davidson noted that the Council had already agreed to a freeze on installations of major street lighting until the energy crisis was resolved. He also stated that a study was being undertaken in the area. Mayor Butler and Councilman Friedman noted that approval of the CIP at this time was not necessarily final approval and that minor changes could be made in the future.

Motion

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance effective immediately as recommended, with the addition in 1973-74 of the \$15,000 engineering study for Tillery (Serial Number 73-62-37), and that the Council commend the Planning Commission, the City Manager, and the staff. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

ACKNOWLEDGMENT OF PARK DONATION

Mayor Butler acknowledged the donation of a small park in Quail Creek.

OFFICE RENT AND LEASING

Mayor Pro Tem Love noted that the City Manager had distributed a report with regard to the rent and leasing space of administrative offices for the City. It indicated that about \$180,000 was being spent in other locations for administrative purposes. Mayor Pro Tem Love requested an in-depth study on relocating facilities which City Manager Davidson agreed should be started.

ADJOURNMENT

The Council then adjourned.

APPROVED: Ray Butler

Mayor

ATTEST: Grace Monroe

City Clerk