

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 14, 1972

10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The Meeting was called to order with Mayor Butler presiding.

Roll Call:

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

Absent: None

The Invocation was delivered by REVEREND CLARENCE M. WALTON, Trinity Methodist Church.

MINUTES APPROVED

Councilman Nichols noted an error in the Minutes of the Regular Meeting of August 24th, in that the Minutes show that Mayor Butler read a Resolution of Commendation, whereas it was Councilman Nichols who read the Resolution and he asked that the correction be made.

Councilman Nichols moved the Council approve the Minutes of August 24th with the correction noted and to be made. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann

CORPORATION JUDGE APPOINTMENT

Mayor Butler announced it was the pleasure of this City Council to promote Associate Judge Allen Hill to Presiding Judge of the Municipal Court of Austin. Judge Hill expressed gratitude for the vote of confidence, stating the Municipal Court in the past had responded to changes of the Criminal Justice System to the increasing demands for services by a Magistrate; and it is his resolve in the future that it continue in this manner. It was his resolve that the Court continue to be available to law enforcement agencies on a 24-hour basis and available to the public for the trial of their cases and accepting complaints from 9:00 A. M.

until 9:00 P. M., and that this shall be done with the dignity that will gain the respect of the Council as well as the entire City.

PROCLAMATION

Mayor Butler read a proclamation designating September 24-30 as "MEN'S GARDEN CLUB WEEK IN AUSTIN", and encouraged all residents to recognize the contribution of these men in this community. He presented the Proclamation to Messrs. Herman Vivian and Herb Mendieta. Members of the Men's Garden Club were present and were recognized.

BANNER FOR CROCKETT COUGARS

Councilman Nichols moved the Council grant the request of Miss Diane Moore to have street banners installed for the Crockett High School Cougars from October 5th to November 18th. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

ANNEXATION HEARING

After having postponed this item three times, Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings on the following:

26.58 acres out of the Santiago Del Valle Grant - REISSIG HEIGHTS NO. 2, REISSIG HEIGHTS NO. 3, Resubdivision of a portion of Lot 2, Block A, REISSIG HEIGHTS NO.3, AUSTIN INDEPENDENT SCHOOL DISTRICT tract of land, and portions of BURLESON ROAD and TERRILANCE DRIVE. (Tract C)

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

EASEMENTS RELEASED

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

All public utilities easements out of Lot 2-E, NORTHWEST HILLS RANCH SECTION ONE and Lots E1-A, E1-B, E3-A, E3-B, E3-C, E3-D, C4-A, C4-B, C4-C, C4-D, C4-E and C4-F, NORTHWEST HILLS RANCH resubdivision of Lots C4, E1 and E3.

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

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

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

Three (3) existing electric easements out of Lots 5, 7 and
9, Block A, CHERRY CREEK EAST.

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

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

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

Existing drainage easement out of Lot 37-A, JOHN D. BYRAM
ADDITION.

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

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

LICENSE AGREEMENT

Councilman Nichols moved the Council adopt a resolution authorizing license agreement between the City of Austin and the State of Texas because of fence encroachment into street right-of-way. Location is on the east side of Exposition Boulevard south of West 35th Street, across from Carlton Road. The motion, seconded by Councilman Dryden, carried by the following vote:

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

DEDICATION OF R.O.W.

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the dedication of street right-of-way for East 45th Street and Duval Street. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

CONTRACTS AWARDED

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

TERRY EDWARDS CONSTRUCTION
COMPANY
(Austin, Texas)

- For Sidewalks, Sage Schools Routes 1972-
Phase II, Contract No. 72-X-119 -
\$81,401.00. (60 working days for com-
pletion; Engineer's estimate was
\$82,208.10; Capital Improvements
Program Project No. 7504 4)

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

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

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

FMC CORPORATION
(New York, N. Y.)

- Sodium Hexametaphosphate - approximately
90 tons - \$20,880.00.

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

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

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

DIAMOND SHAMROCK CHEMICAL
COMPANY
(Houston, Texas)

- Liquid Chlorine, Bid Item No. 1 - 849 Tons
Bid Item No. 2 - 100 Cylinders - \$72,668.85

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

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

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

ANIXTER-PATTERSON STEEL CO.
(Tulsa, Oklahoma)

- Galvanized Steel Substation Structure -
\$60,531.00.

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

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

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

KEENE COIN HANDLING
DIVISION, INC.
(Chicago, Illinois)

- 43 Each Transit System Fare Boxes -
\$83,571.00.

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

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

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

"ROOSTER" ANDREWS SPORTING
GOODS
(Austin, Texas)

- Athletic Equipment - Items 1 through 50,
52 through 64, 66 through 73, and 75 to
78 - \$15,130.71.

OSHMANN'S SPORTING GOODS
(Austin, Texas)

- Athletic Equipment - Items 51, 65, and 74 -
\$183.24.

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

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

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

COOPER EQUIPMENT COMPANY
(San Antonio, Texas)

- One each Wheel Trencher - \$40,672.00.

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

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

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

H & H CONCRETE
CONSTRUCTION COMPANY
(Austin, Texas)

- For the installation and/or relocation of
approximately 1996' of 24" and 1839' of
12", 8" and 6" water mains and appurten-
ances; and approximately 3409' of 8"
sewer mains and appurtenances in I. H. 35
Manor Road to East 13th St. - \$571,032.03
(Capital Improvements Program Project No.
4047 2 and 5055 6; State of Texas to
pay \$411,371.47; City of Austin to Pay
balance)

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

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

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

SCHMIDT CONSTRUCTION CO.
(Austin, Texas)

- For Miles Avenue storm sewer from 160' east of Emerald Street to west line of Lot 9, Block 3, Manchaca Estates, Contract 72-DB-126 - \$14,033.40. (20 days for completion; Engineers estimate was \$13,090.00; Capital Improvements Project No. 7011 1).

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

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

POLICY ON RESIDENTIAL AND COMMERCIAL UTILITY RATES

Mrs. J. B. Lafrentz, owner of Kitty Kat Nursery, discussed policy on residential and commercial utility rates. She was licensed for 28 children and kept 31, including her own three children. She called attention to a 16-year-old policy which, through the State Licensing Department, the City receives a list of the Nurseries licensed. A day care center keeping over six children is classified as a commercial venture. With her three children she is classified as commercial and is subject to the commercial utility rates. She wanted to include every day-care licensed operator in this plea for relief from commercial utility rates.

She complained that policy was not being equitably carried out. Mr. Barker, Finance Director, explained the policy, which includes all commercial ventures, including those carried on in the homes, and the policy was uniformly applied. If there are some that are not being covered, he was not aware of it and would like that information so the rates could be properly applied. Mayor Butler asked Mrs. Lafrentz to meet Mr. Barker in the City Manager's office and he could take that information down. Mrs. Lafrentz would not reveal the names of the operators. The Mayor stated her request was really for the Council to repeal the commercial application of Rate "B" on a day-care type business. She suggested that the fee be based on the income of the operator. Mr. Barker reported for a two-month period the increase in her bill was about 35%.

ZONING HEARING

Mayor Butler opened the 2:00 P. M. hearing on the following zoning case which had been continued from September 7, 1972:

MRS. T. F. KEELE
By E. H. Smartt
C14-72-170

603 Brentwood Street

From "A" Residence
To "BB" Residence
NOT Recommended

Mr. E. H. Smartt had no further testimony, but stated this was strictly a hardship case rather than a zoning matter. Mr. Keele purchased the property on December 27, 1971, for an investment, and at the time of purchase he bought the property as a triplex. It was rented and advertised as a triplex.

A resident complained to the Building Officials about a triplex existing at 603 Brentwood. On April 8, 1971, a certificate of occupancy for a duplex was issued. Councilman Friedman asked for clarification. It was assumed the building permit was taken for a duplex and with the idea that the old house would be demolished.

The Council and Mr. Smartt tried to work out alternatives. He said a duplex would not be feasible econically. He stated Mr. Keele died shortly after the purchase of the property and his wife is now in a hospital in Houston.

Councilman Lebermann saw no alternative because if the zoning were changed it would be spot zoning and would be an intrusion into a residential area. The Council, on a motion by Councilman Nichols, seconded by Councilman Handcox, voted by the following to deny the zoning application:

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

The Mayor announced that the zoning had been denied.

CASH SETTLEMENT

Councilman Nichols moved the Council adopt a resolution authorizing a 40/60% cash settlement with C. E. BROWN for a sewer main extension in Banister Acres, Resubdivision of Lot 8, Block 4. Estimated cost of sewer main construction is \$610.00 - City's Cost @60% is \$366.00; Owner's cost @ 40% is \$244.00. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a resolution setting a public hearing at 10:00 A. M., September 28, 1972, to consider annexing the following:

Total of 16.58 acres out of the Santiago Del Valle Grant:

1.25 acres of unplatted land. (requested by owner)

15.33 acres of unplatted land. (initiated by City)

Total of 409.87 acres out of the William Cannon League:

44.01 acres of Land, CARRELL OAKS, SECTIONS 1
and 2. (requested by owner's representative)

335.12 acres of unplatted land. (initiated by City)

7.21 acres of unplatted land. (initiated by City)

23.53 acres of unplatted land. (initiated by City)

Total of 651.24 acres out of the Santiago Del Valle Grant:

604.70 acres of unplatted land out of the Santiago Del Valle Grant. (initiated by City of Austin)

46.54 acres of land - proposed DOVE SPRINGS SECTIONS I and II. (requested by owner's representative)

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

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

Noes: None

ANNEXATION ORDINANCE - FINAL PASSAGE

Mayor Butler brought up the following ordinance for its third reading.

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 100.828 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT 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.

Councilman Nichols moved the Council finally pass the ordinance. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

LOT 1, BLOCK AA, TURTLE CREEK ESTATES, SECTION 2, LOCALLY KNOWN AS 5702-6000 SOUTH FIRST STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Abstain: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
RESUBDIVISION OF LOTS 47, 49, 52 AND 54, NORTHFIELD ADDITION, LOCALLY KNOWN AS 616-618 FRANKLIN BOULEVARD; 613-615 NELRAY BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Abstain: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
(1) A 0.56 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1611 OLD LOCKHART HIGHWAY (HIGHWAY 29), FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
(2) RESUBDIVISION OF LOTS 17, 18, AND A PORTION OF LOT 16, BLOCK 6, SILVERTON HEIGHTS, LOCALLY KNOWN AS 407, 409, AND 501 SWANEE DRIVE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Abstain: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

- (1) LOT A, DAYTON PLUMBING ADDITION, LOCALLY KNOWN AS 8509 RESEARCH BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
 - (2) RESUBDIVISION OF BLOCKS 41C AND 41D, FAIRVIEW PARK, LOCALLY KNOWN AS 1301-1305 NEWNING, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT; AND,
 - (3) LOT A, ACME BRICK ADDITION, LOCALLY KNOWN AS 9058 RESEARCH BOULEVARD (HIGHWAY 183), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Abstain: Mayor Butler

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

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

- (1) A 6,630 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 515 PEDERNALES; 2501 EAST 6TH STREET, FROM "E" INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
 - (2) A 3.08 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3000 SOUTH INTERREGIONAL HIGHWAY (I. H. 35); 1413-1433 ST. EDWARDS DRIVE, FROM FIRST HEIGHT AND AREA DISTRICT TO FIFTH HEIGHT AND AREA DISTRICT; AND,
 - (3) A 1,519 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 3214 EAST 19TH STREET, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND,
 - (4) TRACT 1: A 15,000 SQUARE FOOT TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, THIRD HEIGHT AND AREA DISTRICT; AND, TRACT 2: A 16 ACRE TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT;
- SAID PROPERTY BEING LOCATED AT THE NORTHEAST CORNER OF BEN WHITE BOULEVARD AND SOUTH LAMAR BOULEVARD; AND,
- (5) ALL OF SOUTHWIND ADDITION, SECTION 1; ALL OF SOUTHWIND ADDITION, SECTION 2; SAN JOSE VILLA SUBDIVISION; AND LOT 2, LORENA ADDITION, LOCALLY KNOWN AS 104-112 WALNUT DRIVE; 8504-8506 GEORGIAN DRIVE; 100-500 SAN JOSE STREET, FROM "A" RESIDENCE DISTRICT TO "MH" MOBILE HOME DISTRICT;
- ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Abstain Mayor Butler

The Mayor announced that the ordinance had been finally passed.

SALE OF CHRISTMAS TREES

Councilman Nichols moved the Council grant the request of Mr. Terry DeVilbiss, of Optimist Club of Southwest Austin, to appear before the Council to discuss the use of City owned land on the northwest corner of Barton Springs Road and Bouldin Avenue for the sale of Christmas Trees - November 27, 1972 through December 26, 1972. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

PETITION - TENNIS COURTS - REED PARK

Mrs. Eleanor Forrest presented a petition signed by about 200 landowners and young people who are quite enthusiastic about acquiring a tennis court in Reed Park. She gave four reasons for the petition: (1) a tennis court was in the original plans for the park but was never put in; (2) there are no tennis courts in the area; (3) it could be placed in back of the pool so as not to disturb other activities; (4) it would make the park more useful to the neighborhood.

Councilman Nichols asked for a report from the City Manager on this. Mayor Pro Tem Love asked for time to look it over, stating it perhaps could be referred to the Parks and Recreation Department and the Recreation Task Force.

CODE AMENDED - NAVIGATION ORDINANCE

In answer to a question by Councilman Nichols, Mr. Lonnie Davis, Assistant Director of Building Inspections, stated that all of the changes desired by the Council are included in this ordinance, with two exceptions; (1) the specific bulb was not available, so there will be two separate bulbs, at least one of which should always be burning; (2) the fee is \$100 per dock for new docks, \$25 for existing docks, to inspect for compliance of the lighting requirements.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE AUSTIN CITY CODE OF 1967, BY PLACING RESPONSIBILITY OF THE ENFORCEMENT OF CERTAIN SECTIONS ON THE DIRECTOR OF PUBLIC WORKS; BY EXTENDING CERTAIN REGULATIONS TO DECKER LAKE; BY REPEALING CERTAIN SECTIONS; BY CHANGING THE MAKEUP OF THE NAVIGATION BOARD; PROVIDING FOR THE ELECTION OF A CHAIRMAN THEREOF; AND BY CHANGING THE REGULATIONS AS TO THE USE OF THE LAKES AS TO THE ERECTION OF STRUCTURES THEREON.

Mayor Pro Tem Love moved the Council finally pass the ordinance. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Lebermann asked about buoys. Mr. Davis stated an application is in to the Parks and Wildlife Department now, and it is anticipated that they will furnish them. City Manager Davidson asked that Mr. Davis furnish the Council a timetable as to when to expect delivery.

HOSPITAL DISTRICT

Councilman Nichols announced that Representative Don Cayness would introduce a bill at the January 1, 1973, meeting of the House of Representatives to set up a Hospital District for the 10 counties using the services at Brackenridge Hospital, in which the City would be able to collect monies due it for hospital services.

LITTER CONTAINERS

Mayor Pro Tem Love moved the Council vote not to participate in putting litter containers with advertising, on the City's golf courses. (This was the recommendation of the City Manager.) The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

SALE OF REAL ESTATE

Councilman Nichols moved the Council adopt a resolution approving sale of real estate in the Brackenridge Urban Renewal Project No. Tex A-11-1 as follows:

Parcel No. 11

Lot 8 and west portion of Lot 7, Block 140, Original City & N $\frac{1}{2}$ of a 20' alley south of and adjacent to Lots 8 and part of Lot 7.

Austin National Bank -- \$68,500
Co-Trustee for the Arthur K. Fehr Testamentary trust and the Mary Jame Grant Fehr Intervivos Trust.

Minimum acceptable sales price \$68,500

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

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

Noes: None

Councilman Nichols moved the Council adopt a resolution approving the sale of real estate in the Brackenridge Urban Renewal Project No. Tex A-11-1 as follows:

Parcel No. 16-A	Lots 7 and 8, Block 121, Original City	Department of the Texas Veterans of Foreign Wars of the United States	\$125,005
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The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

ENGINEERING TESTING SERVICES

Councilman Nichols moved the Council select Snowden & Meyer, Inc. for Engineering Testing Services in connection with the following Capital Improvements Program Project:

Jimmy Clay Municipal Golf Course Facilities -
Project No. 8627. (Estimated cost for proposed
Services is \$2,000.00)

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

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

Noes: None

EXECUTION OF A TRANSFER OF A LIEN

Councilman Nichols moved the Council adopt a resolution authorizing execution of a transfer of a lien for Special Assessment Certificate No. 6008-735-59.86 (cc) for the improvement of East 8th Street for the amount of \$148.44 to COMMUNITY DEVELOPMENT CORPORATION OF AUSTIN. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

AUSTIN CIVIC BALLET CONTRACT

City Manager Davidson reported the lease approved by the Council last year provided that the Civic Ballet would pay all utilities. This year they want to install air conditioning with a separate meter. He recommended the renewal contract with the understanding there will be a separate electric meter.

Councilman Friedman moved the Council approve the lease for the Austin Civic Ballet for the rental of the second floor of the Fire Station at West 30th and Guadalupe as recommended by the City Manager. One dollar a year rental. The motion, seconded by Councilman Handcox, carried by the following vote:

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

ITEMS POSTPONED

The Council by request postponed the following items:

(1) Action on amendment to the Austin Development Plan heard by the City Council on March 30, 1972, for the following:

An area of approximately 818 acres known as Travis Country Subdivision plus an additional area of 1,759 acres - from undesignated and suburban residential to low density residential - requested by Walter Carrington, Owner, Paul Jones, Attorney.

(2) Consideration of Travis Country Park Municipal Utility District

(3) Consideration of a contract with Travis Country Park Municipal Utility District covering financial assurances, operation of facilities, dedication of park land and related matters.

TIME SET TO RECEIVE BIDS ON BONDS

Mayor Pro Tem Love moved the Council adopt a resolution setting October 19, 1972, at 10:30 A. M., C.D.T., to receive bids on the following:

ELECTRIC, LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM BONDS SERIES 1972 A:

Electric, Authorization 3/28/70	\$3,000,000
Waterworks, Authorization 3/28/70	<u>3,225,000</u>
	\$6,225,000

ELECTRIC LIGHT AND POWER WATERWORKS AND SEWER SYSTEM BONDS SERIES 1972 B:

Sewer System Authority 3/28/70	\$6,275,000
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GENERAL OBLIGATION TAX BONDS:

Sanitation authorized 5/12/56	\$ 300,000
Fire Stations authorized 8/22/64	185,000
Fire Stations authorized 3/28/70	200,000
Parks & Recreation authorized 8/22/64	75,000
Parks & Recreation authorized 3/28/70	350,000
Hospital authorized 3/28/70	800,000
Street & Bridge authorized 3/28/70	3,550,000
Police & Courts authorized 3/28/70	540,000
	<hr/>
	\$6,000,000

Councilman Nichols stated it should be known that these bonds would not be sold until needed.

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

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

REQUEST FOR USE OF ZILKER PARK FOR A
CAMPAIGN PARTY

Councilman Nichols moved the Council approve the request of Ms. Ginger Carney to use Zilker Park, Sunday--September 24, 1972, for the purpose of holding a campaign party. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ANNEXATION HEARINGS

It being 2:00 P. M., Mayor Butler opened the hearings scheduled for this time on annexing the following properties. The Council closed the hearings and directed the administration to institute annexation proceedings to annex the following:

15.53 acres out of the John Applegait Survey:

15.21 acres - proposed QUAIL CREEK, PHASE IV,
SECTION II. (requested by owner's representative)

0.32 acres-portion of KEN STREET. (initiated by
City of Austin)

17.24 acres out of the J. C. Tannehill League - proposed CREST HILLS,
SECTION ONE, and ONE-A and an unplatted tract. (Requested by owner's
representative)

36.67 acres out of the Theodore Bissel League:

35.36 acres - THE VILLAGE, SECTION SIX, and
CHERRY CREEK PHASE III, SECTION ONE.
(requested by owner's representative)

1.31 acres - unplatted land and portion of
BERKELEY AVENUE. (initiated by City of Austin)

Councilman Nichols moved the Council close the annexation hearing and direct the administration to institute annexation proceedings. The motion, seconded by Councilman Dryden, carried by the following vote:

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

94.24 acres out of the George W. Davis and John Applegait
Surveys:

36.76 acres - QUAIL CREEK PHASE III, SECTIONS
III and IV. (requested by owner's representative)

57.48 acres - unplatted land. (initiated by City
of Austin)

Mr. Dick Lillie, Director of Planning stated 36.76 acres had been filed for annexation by the owner. The City initiated annexation of 57.48 acres and that leaves an area to be almost surrounded by annexations that have occurred in the past, plus the one before the Council today. This was brought to the Council's attention to see if they wanted to pursue the annexation. The development of all of the land is proceeding with good pace. Mr. Allen Abbey, Consulting Engineering representing Mr. Jerry Wallace who is trying to make a profit through development of this land, stated the additional taxation would be a burden on him in his development. Mr. Abbey filed information showing areas of Mr. Wallace's land which have been annexed or scheduled for annexation in the near future if their request is granted not to annex this area now. They would request annexation on all property as it develops. Councilman Nichols explained the new taxes would not be covered until 1974 and would not be subject to increase due to the improved property. Mayor Butler explained that Mr. Abbey was paying 53% on school taxes, but no city taxes. The Mayor stated Mr. Abbey was including raw land taxes amounting to 47% of the total tax bill on 30 acres.

After discussion, Mayor Pro Tem Love moved the Council close the hearing and direct the administration to institute annexation proceedings. The motion, seconded by Councilman Friedman, carried by the following vote:

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

PRIVATE CAR DAMAGED BY CITY VEHICLE

Mr. John P. Moore appeared before the Council to report a traffic accident involving a Police car which was crossing on a red light, but not using his siren. City Attorney Butler stated without question that this was an operation by a police officer on duty and there would be no liability on the part of the City. Mayor Pro Tem Love stated the Council had asked for a report on this incident. Councilman Lebermann stated he could not condone this kind of immunity as it seems grossly unfair in every way. Councilman Dryden concurred, and asked if there were some way to provide insurance to cover cases like these. The City Attorney stated riders were attached to individual policies if the drivers choose to avail themselves of the rider. The City pays the premium. Mayor Pro Tem Love stated he would like to continue this matter for two weeks, and in the meantime the City Manager's Office would be in contact with Mr. Moore. The matter was continued for two weeks.

REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH BEN GRIFFIN ENTERPRISES, INC.; 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 Nichols, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

HEARING ON SEPTIC TANKS

City Manager Davidson stated the Council had asked a committee to work with the staff to study and arrive at a new septic tank provision that would protect the public and be acceptable with those who have to work with it. After many hours with Mr. Tom Curtis and other representatives of the development industries, they had arrived at an ordinance which puts into being the new septic tank regulations as they pertain to subdivisions and individual installation. Due to their not being able to print and distribute copies of this ordinance, City Manager Davidson suggested that the Council not take final action until this ordinance and regulations could be distributed throughout the City.

Present were Mr. Tom Curtis, representing the Austin Association of Home Builders; Mr. W. T. Williams, Jr., associated with Nash Phillips Copus; another representing an individual home owner for information; and a concerned land owner who wanted to know about this ordinance.

Mr. Stuart Henry, Director of Environmental Resource Management, in his presentation, stated the ordinance amending Chapters 41 and 13 includes not only septic tanks but package plants. The Citizens Board of Natural Resources and Environmental Quality made a recommendation on package plants. The only appropriate recommendation is that the City operate those plants wherever feasible. On July 20, the Planning Commission recommended to the Council an ordinance amending Chapters 13 and 41 regarding sewage treatment; (1) Through the City's sewers; (2) Installation of package plants; and (3) Septic Tanks or holding tanks. Considerable difficulty had been experienced with septic tanks within some parts of the County.

In answer to Councilman Nichols' inquiry about sizing of these plants, Mr. Henry stated when a plant is installed in a subdivision, it is sized to meet that subdivision's needs. The Texas Water Quality Board decides the capacity.

City Manager Davidson stated the City should examine what is being done in this area of package plants. Discussion was held on discharge.

Mr. Lillie, Director of Planning, stated that the 1950 subdivision ordinance contains provisions related to development of land where municipal water systems are not available, providing for minimum lot size; minimum septic tank size; drains and percolation rates. The Planning Commission believes the ordinance is inadequate; and with increased development on the outskirts of the City, the ordinance should be amended to clarify the responsibility for development of the standards, and for the enforcement of the standards with the City-County Health Officer as well as the enforcement procedures. The Health Officer is responsible for making recommendations to the Planning Commission for approval or disapproval of subdivisions based on firm updated and adopted standards. Plans for private water systems should be submitted by professional engineers and approved by the State Health Department.

He explained a unique provision in the proposed ordinance which would help the property owner to know his lot would be acceptable to the use of septic tanks. The ordinance has set out the rules and regulations as approved by the Council. As to an appeal from the ruling of the City-County Health Officer, one could appeal to the City Manager or to the Health Officer. Councilman Nichols questioned the final authority to be placed in the hand of the Health Office of the Planning Commission. It was pointed out the rules and regulations were tightly drawn and could be changed only by the City Council.

Mr. Tom Curtis discussed the "Subdivision Review and Procedure", particularly as it applied to individuals. There is a provision where technical data might be submitted by a registered professional engineer, geologist, soil scientist, and this would apply to all data required -- and would not exclude percolation tests, core tests, or other requirements covered. He believed there should be special appeal to this Council allowing an applicant to appeal the ruling of the Planning Commission within 30 days to the City Council after ten days' notice. Councilman Nichols said through these regulations there is too much left for discretion. It was pointed out development could be restricted in order to determine whether a developer could get a septic tank. Mr. Curtis' only suggestion was the appeal provision. He asked the Council to be aware that the three main parameters here, the percolation test, core test, and the slope, are individually as stringent or more stringent than any found anywhere else. He said this was a tough septic tank ordinance, but if judicially administered it would be workable.

Mr. Guy Thompson, home owner in West Lake Highland District, noted the geological formations which create potential hazards as far as ground water contamination. His concern was the vagueness of the ordinance, and expressed interest in the reduction of 12,000 to 9,000 square feet minimum lot. He asked the Council to consider carefully and clarify the areas where there is a significant reduction in the minimum. City Manager Davidson explained this provision stating this ordinance represented improvements and conditions; and it provides a reasonable way that a developer or property owner can prove his property can accomodate a smaller lot size if he submits this kind of data for proof.

Mayor Butler suggested that the Council set this final hearing on two weeks from today (September 28th) at 10:00 A. M., so that all the interested parties could be furnished copies of the proposed ordinance.

Councilman Nichols moved the Council continue the hearing until 10:00 A. M., September 28th. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Dryden

USE OF FESTIVAL BEACH

Councilman Nichols moved the Council grant the request of Mr. Dick Williamson of the Austin Ski Club, to use Festival Beach and adjacent area on Town Lake for a Novice Ski Tournament, Saturday, September 30, 1972--9:00 A. M. to 12:00 Noon. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

CODE AMENDMENT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 31 OF THE AUSTIN CITY CODE OF 1967 BY ADDING A NEW SECTION THERETO, SEC. 31-23.5; PROVIDING FOR THE PLACEMENT OF SIDEWALKS, CURBS AND CURBS AND GUTTERS BY MACHINE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

It was announced that the ordinance had been finally passed.

MODEL CITIES PROPOSALS

Councilman Nichols moved the Council adopt a resolution amending Model Cities Second Year Plan to reflect the following changes: (Not to include Meals for the Elderly and not funding the East 1st Street Center)

Drug Expenses (Family Outpatient Clinic)	\$ 53,700
LVN Stipend	12,600
Street Improvements	5,020
Truck (Rodent Control)	3,600
Replacement Housing	45,000
Housing Improvements	56,953
Community Coordinated Child Care	8,319
	<u>\$185,192</u>

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

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

Mr. Tony Ojeda, Director of Model Cities, reported the Commission reviewed the proposal and filed a separate minority recommendation as opposed to the Staff's recommendation whereby they agreed with everything that the staff had submitted except that instead of having the Community Coordinated Child Care Program they recommended that funds be given for the East 1st Street Center improvement and that the Project "Meals for the Elderly" be funded at \$2,000 and the Housing Improvement Program which the Staff had recommended at \$56,953--they recommended \$58,682.

Councilman Handcox had talked with Mrs. Campbell who had contacted the Council last year about the Child Care program. In response to Councilman Handcox, Mr. Ojeda stated the Community Coordinated Child Care Program is a special program--a special technical center for child care. The Model Cities Staff is recommending that proposal. The meals for the elderly is a proposal submitted to the staff by the United Action of the Elderly (an organization in the East Austin Community). Mary Minter, Planning Coordinator stated the proposal Mrs. Campbell submitted last year was day care for the elderly -- not for younger children.

Mrs. Minter stated this program did not take in the proposal that Mrs. Campbell had made last year. Mrs. Donner, Model Cities Commissioner, stated this was the first time alternate proposals had been presented. The reason they differed from recommendations of the staff was because they wanted a program where the money would be in direct action programs with the people on a continuing future development basis, and this was the reason for picking the East 1st Street Center. She felt the 4-C's program, the Community Coordinated Child Care program was mainly a study program, to study the needs county-wide for child care, and would not be getting money directly to the people.

Councilman Handcox asked Mr. Ojeda if the Model Cities money were used for renovating structures. Mr. Ojeda replied that they are participating with the City Building Inspection Department in the Code Enforcement program, but their program was to move in the area of housing and residential dwellings rather than going into any kind of business renovation. There would be difficulties in using City funds in the renovation of private enterprise. Where this has been done it has been through the Small Business Administration instead of using Model Cities funds. To use Model Cities funds for renovation of a building that is basically

administered by another agency is questionable. Presently they are using Model Cities funds for renovation of the Center on East 6th Street, but it is being used by a Model Cities program.

SPECIAL PERMIT APPEAL

Mayor Butler announced this was an appeal from a decision of the Planning Commission granting Carrington Built Homes, Inc. a special permit to build a 40-unit apartment complex. There was a request from the builder to postpone this for 60 days, and if it could not be postponed, he requested a withdrawal. However, because of the resident's request that they be heard and that they had taken off work, the Council did hear this appeal. It was explained to the residents if the Special Permit appeal were heard today and denied, it could still be brought back at any time, and the developer could, even if it were denied, use the land in accordance with the present zoning.

Mr. Rodney Sheppard represented the Carrington Built Homes developers. This appeal was in reference to property adjacent to a private residential club, "University Hills Club" on Loyola. Out of a possible 1200 families in the developed area, about 212 families were members. The club closed down on Labor Day because of lack of funds. Because of this, Mr. Walter Carrington wishes to re-think what to do with the land adjacent to the Club Site, especially in the light of a recently released flood plain study, and therefore requested the postponement for 60 days.

Mr. Keith Markley spoke first for the opposition. It was pointed out that only the three citizen representatives resigned, and there were four Carrington representatives of the club. The club was a non-profit incorporation set up by Carrington Home Builders, Inc., and is controlled by them. Mr. Collins, one of the residents indicates he is a full-fledged member in good standing until April 30, 1973. It was a request of the residents that the land in question be bought by the City and made into a park and green belt area.

Mr. Gus Garcia spoke as a private citizen, saying that this area had a good record of desegregation, and now that there was this problem with the use of the Carrington land, many people were putting their homes up for sale and moving away. He also requested that the City reinstitute negotiations with Carrington, Inc., to use the land as a park. Mayor Butler asked if the School Board might participate with the City if the City again considered purchasing the land for park use. Mr. Garcia said there was no reason not to cooperate. Mrs. Dotty Jordan, of 2802 Loyola Lane, felt that an apartment complex would be directly opposed to the use of the land as a quiet reposeful park, and that this would influence the quality of living in the area.

Mr. Cliff Collins was the next speaker. He felt that land use planning and subdivision development must be concurrent. In an engineering review of Mr. Carrington's plans for development, he noted discrepancy in the size of the Recreation building as to what was planned versus the actual now existing building. Also the street line of Loyola will split the ell end of the pool, and the fence designed to protect the pool will not do so because of the height of impacted earth. The property lines as designated for Lots 1 and 2 were moved to avoid the creek line. The same thing occurs on the back lots which are Lots 11, 12 and 13. These are distortions of the plan in the application that is being heard now. He said that the property owners are being exploited because they are having their boundary lines modified. He suggested citizens be able to appeal the Zoning Board decisions before the Planning Commission and thus clear up these things, and that the City Attorney should determine what legal action can be taken against the

Carrington Built Homes, Inc., for submitting inaccurate and distorted plans.

As far as the flood plain problem, if this area is built on and trees removed, there will be 86,000 gallons of rainwater on the 3.19 acres. Similar situations have resulted in disastrous floods in New Braunfels and the north-eastern United States. This will also cause increased erosion along the banks of the creeks. This would be a violation of the 1963 deed restrictions. Councilman Nichols felt that deed restrictions were not a subject for Council discussion.

Mayor Pro Tem Love agreed, and he moved that the Council deny the special permit.

There were some voices raised among the residents, requesting that the Council designate the land as park land. The City Attorney was asked for a ruling as to whether the Council could do this. Mr. Don Butler stated he knew of no way the Council could dedicate this as park land unless they have title to the property. Councilman Nichols said this question would go to a court of equity.

Councilman Friedman then seconded the motion to deny the special permit. The motion carried by the following vote:

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

The motion carried and the special permit was denied.

Mrs. Joann Bartz requested to speak, and asked that the Council rezone this whole property. Councilman Nichols explained that the Council has an ordinance which precludes it from changing anyone's zoning without that person requesting the zoning change. Councilman Friedman pointed out that Carrington, Inc., can still build any single structure that it so desires, that the Council had not changed the zoning but only denied the special permit. Councilman Love stated he hoped that the City, the citizens and Mr. Carrington could continue to try to work things out to accomplish what all of them really want, and that is what the Council wanted also. Mrs. Bartz asked for something in writing, and Councilman Nichols said this was between the citizens and the developer, and the Council could not enter into this. However, the Council was interested.

Mayor Butler asked Mr. Rodney Sheppard if he could give assurance that no construction take place for 60 days. Mr. Sheppard said he was not authorized to do that, but as a practical matter however, no construction would get under way before them.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST: _____

City Clerk