

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 10, 1972  
10:00 A.M.

Council Chambers, City Hall

The meeting was called to order with Mayor Roy 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 ARTHUR R. ANDERSON, Jail Chaplain.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of July 27, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

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

PROCLAMATION

Mayor Butler proclaimed August 11, 1972, "NAVY MOTHERS' DAY" with members of the Navy Mothers' Club of America present to receive the proclamation. It was noted that Mayor Butler was a former Naval Officer.

RECREATIONAL TASK FORCE COMMITTEE

Mayor Pro Tem Love announced the following appointments to the Recreational Task Force Committee, and presented Certificates of Appointment to the following:

MR. CARL TURNER	MR. JAMES H. ROGERS
MR. LEON HERNANDEZ	MR. ROBERT L. WIGGINS

Mr. Wiggins announced that the Committee would meet August 21, to investigate all problem areas in Metropolitan Austin, dealing with Little League, Babe Ruth League, Tennis, Golf, and various other recreational activities within the community.

## ACCEPTANCE OF COVERT PARK

City Attorney Butler stated the Council should know that it is accepting this two-tract park, Covert Park (Mount Bonnell), with the provision that it will be for parks purposes with the reverter if it is not so provided.

Mayor Butler stated this is the culmination of a meeting with Commissioner Gault and some others, that several had attended about six months ago.

Councilman Nichols moved the Council adopt a Resolution authorizing the City Manager to accept from Travis County, Texas, Two tracts of land known as Covert Park (Mount Bonnell) and to give recognition for commissioner Gault for initiating this as he made this a fine thing for the City of Austin, The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann

## ANNEXATION HEARING SET

Councilman Nichols moved the Council adopt a Resolution setting a public hearing at 2:00 P.M., August 24, 1972, to consider annexing the following:

24.32 acres of land out of the Santiago Del Valle Grant - proposed INDIAN HILLS, SECTION 4. (requested by owner)

48.55 acres of land out of T. J. Chambers Grant, James Jett Survey, Robert Foster Survey, M. D. Williams Survey, James Coleman Survey, Thomas Toby Survey and William Bell Survey - BULL CREEK PARK and a portion of LAKEWOOD DRIVE. (initiated by City)

40.80 acres of land out of the Santiago Del Valle Grant - a portion of SOUTH CREEK SOUTH, SECTION TWO and AUSTIN INDEPENDENT SCHOOL DISTRICT tract of land. (request initiated by the owner and the City)

27.03 acres of land out of the T. J. Chambers Grant - proposed VISTA WEST III. (requested by owner's representative)

59.73 acres of unplatted land out of the John Applegait Survey and the George W. Davis Survey. (29.75 acres requested by owner's representative; 29.98 acres initiated by City)

147.41 acres of land 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, unplatted land and portions of PLEASANT VALLEY ROAD, BURLESON ROAD AND TERRILANCE DRIVE. (106.37 acres requested by owner's representative; 41.04 acres initiated by City)

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

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

Noes: None

#### EASEMENTS RELEASED

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

A portion of an existing public utilities easement out of Lot 7, AVON HEIGHTS SECTION EIGHT.

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 easements:

Two (2) public utilities easements out of Lots 12 and 13, Block C, COMMUNITY OF FAIRVIEW SECTION SIX.

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:

A portion of an existing public utilities easement out of Lot 15, Block T, NORTHWEST HILLS, CAT MOUNTAIN SECTION.

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

#### BOAT DOCK

Councilman Nichols moved the Council adopt a Resolution approving the application of MR. FRED LYONS, Camp Director at the X-S Rodeo Ranch Camp located on the Tommy Steiner Ranch on Lake Austin, to construct a boat dock to be used for swimming, boating, water skiing, and small boat storage. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Building Official said the dock will be moved when the camp terminates, and put back in next spring.

#### ENGINEERING TESTING SERVICES

Councilman Nichols moved the Council select Trinity Engineering Testing Corporation for testing services in connection with the following Capital Improvements Program Project:

Municipal Transit System Maintenance Facility - Project No. 9001 0.  
(estimated cost for proposed services is \$5,000)

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

#### CONTRACTS AWARDED

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

UNITED CONTRACTING COMPANY  
(Dallas, Texas)

- For the installation of approximately 7,351 feet of 36" water main and 821 feet of 8" concrete sewer main and appurtenances in West Lynn Street and Pease Road in preparation for the construction of Mo-Pac Blvd. - \$471,753.70.  
(150 working days for completion;  
Engineers estimate was \$534,817.00;  
Capital Improvements Program Project  
(Nos. 5-40245 and 5-50546)

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

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

AUSTIN PAVING COMPANY  
(Austin, Texas)

- For construction of street improvements: South Lakeshore Boulevard from Kassuba Beach to Pleasant Valley Road - Project No. 6072; 0; South First Street from Barton Springs Road to Drake Bridge - Project No. 6068 2; Cumberland Road from Bouldin Creek to South Fifth Street - Project No. 6065 4.  
(Engineer's estimate was \$69,000.00;  
Capital Improvements Program)

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

#### CODE ENFORCEMENT PROGRAM CONTRACT

Councilman Nichols moved the Council adopt a Resolution authorizing the City Manager to sign the Grant Contract for Code Enforcement Program Contract No. TEX E-23 (G), between the City of Austin, Texas, and the United States of America. The motion, seconded by Councilman Dryden, carried by the following vote:

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

#### COST DIFFERENCE

Mayor Pro Tem Love moved the Council adopt a Resolution authorizing payment to AUSTEX DEVELOPMENT CO., LTD., Nash Phillips, Attorney-in-Fact and Clyde Copus, Partner, for cost difference of 12"/8" water main in the Village, Section 4 - \$2,618.18. The Motion, seconded by Councilman Nichols, carried by the following vote:

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

#### REFUND CONTRACT

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH AUSTEX DEVELOPMENT COMPANY, LTD.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (For water and sewer mains in The Village, Section 4 - \$30,888.87.)

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

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

The Mayor announced that the ordinance had been finally passed.

## ENGINEERING SERVICES

Councilman Friedman moved the Council select LOCKWOOD, ANDREWS, & NEWMAN for engineering services in connection with the following Capital Improvements Program Projects:

Construction and installation of approximately 12,500 feet of concrete steel cylinder pipe (water line) in vicinity of Georgian Drive (north of U.S. 183) - Project Nos. 4082 0 and 4082 1. (Estimated construction cost as \$1,000,000)

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

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann

## PAYMENT TO AUSTIN TRANSIT

Councilman Nichols moved the Council adopt a Resolution authorizing payment to Austin Transit Corporation for transit service during the month of June, 1972, in the amount of \$17,393.00. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

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

## MODEL CITIES PROPOSALS

Councilman Nichols moved the Council adopt a Resolution authorizing the following:

The Model Cities Department to contract for consultant services with the Austin Independent School District (AISD) for technical assistance in the evaluation of the Communication Skills Project. Total cost is \$29,400 - Model Cities share will be \$6,000, and TEA Title I share will be \$23,400.

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 following:

An agreement between the City of Austin and the Texas Industrial Commission for technical assistance in planning, monitoring, and evaluation of the economic development component. Total cost is \$10,600 - 100% Model Cities Funds.

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 following:

An amendment to the Model Cities Palm School Relocation Plan for additional assistance necessitated by the City of Austin Concentrated Code Enforcement Program. Total cost is \$59,487 - 100% Model Cities Funds.

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 following:

An amendment to the Model Cities Second Year Plan to include a project for supplemental rehabilitation grants in the Blackshear NDP Area. Total cost is \$28,000 - 100% Model Cities Funds.

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

#### ANNEXATION HEARING

As it was 2:00 P.M., the Mayor announced that the hearing scheduled for this time on the annexation of the following was open. No one appeared to be heard.

Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

Total of 111.06 acres as follows:

19.54 acres of land out of the William Cannon League -  
proposed BUCKINGHAM RIDGE, SECTION ONE. (requested by  
owner's representative)

91.52 acres of unplatted land out of the William Cannon  
League. (initiated by City)

Total of 35.75 acres of land as follows:

32.90 acres of land out of the James Burleson Survey -  
proposed COLONY PARK, SECTION ONE, PHASE TWO. (requested  
by owner)

2.85 acres of land out of the James Burleson Survey -  
portion of DECKER LAKE ROAD. (initiated by City)

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

#### ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance for its first 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.

The ordinance was read the first time, and Councilman Nichols moved that it be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The ordinance was read the second time, and Councilman Nichols moved that it be passed to its third reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the ordinance had been passed through the first and second readings only.

#### ZONING ORDINANCES

Mayor Butler introduced the following ordinances:

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, A. L. FITZGERALD ESTATE SUBDIVISION, LOCALLY KNOWN AS 3900 SPICEWOOD SPRINGS ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDI-



NANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (W. L. Mayfield C14-72-111)

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

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

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:

TRACT 1: AN 11.07 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9059-9205 LOOP 360 NORTH, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 17.44 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8943-9051 LOOP 360 NORTH, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 3: A 44.26 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8401-8733 LOOP 360 NORTH, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 4: A 10.21 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8735-8941 LOOP 360 NORTH, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCE ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Baker-Jones-Crow C14-71-115)

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

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

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 15, BLOCK F, UNIVERSITY HILLS, SECTION 4, PHASE 2, LOCALLY KNOWN AS 7403 GENEVA DRIVE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

(2) A 0.34 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9038 NORTH INTERSTATE HIGHWAY 35, FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND 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. (Joe M. Wiley C14-72-104, A. M. Tolson C14-72-130)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

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) THE EAST 120 FEET OF LOT 15, BLOCK D, PEARSON SUBDIVISION, LOCALLY KNOWN AS 2711 SOUTH FIRST STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND,

(2) LOT 16, BLOCK D, PEARSON SUBDIVISION, LOCALLY KNOWN AS 2713 SOUTH FIRST STREET, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND,

(3) TRACT 1: A 1,250 SQUARE FOOT TRACT OF LAND, FROM "LR" LOCAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,

TRACT 2: A 1,000 SQUARE FOOT TRACT OF LAND, FROM "LR" LOCAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT;

LOCALLY KNOWN AS THE REAR OF 1801-1819 EAST RIVERSIDE DRIVE; AND,

(4) A 4.070 ACRE TRACT OF LAND (TOTAL), LOCALLY KNOWN AS 2602-2632 SOUTH CONGRESS AVENUE; 100-114 CUMBERLAND ROAD, FROM "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT AND "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND,

(5) ALL OF SOUTH CREEK - SOUTH, SECTION I, LOCALLY KNOWN AS 6721-6819 BLUFF SPRINGS ROAD (OLD LOCKHART HIGHWAY), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "MH" MOBILE HOME, FIRST HEIGHT AND AREA DISTRICT; AND,

(6) TRACT 1: AN 11.93 ACRE TRACT OF LAND; AND,

TRACT 2: A 40.67 ACRE TRACT OF LAND, LOCALLY KNOWN AS SOUTH SIDE OF TOWN LAKE FROM SOUTH FIRST STREET TO ONE TRACT WEST OF 400-430 WEST RIVERSIDE DRIVE, 108-124 BARTON SPRINGS ROAD AND 170-300 EAST RIVERSIDE DRIVE, FROM "C" COMMERCIAL DISTRICT AND "D" INDUSTRIAL DISTRICT, FIRST, SECOND AND FOURTH HEIGHT AND AREA TO "L" LAKE 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. (Forest S. Pearson C14-72-137, Mrs. Lee Maners C14-72-138, John D. Byram C14-72-156, Charles Carpenter C14-72-143, Clear Creek Properties, Inc. C14-72-160, City of Austin, C14-72-161)

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

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

## ANNEXATION ORDINANCE - FINAL PASSAGE

Mayor Butler introduced the following ordinance for its third and final 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 986.66 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE AND PARTLY OUT OF AND A PART OF THE THOMAS ELDRIDGE SURVEY; 32.02 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; 12.68 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPEGAIT SURVEY; 18.16 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; AND 623.5 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the third time, and Councilman Nichols moved that it be finally passed. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that the ordinance had been finally passed.

## FEES AT CASWELL CENTER

Mr. Steve Simon appeared before the Council to discuss fees at the Caswell Tennis Center, but was referred to the Parks and Recreation Board.

## AGREEMENT - USE OF BRACKENRIDGE HOSPITAL

Councilman Dryden explained this contract would be for a practice laboratory and for educational purposes in respiratory therapy, and it is similar to contracts between the City and other entities. Mayor Butler inquired if this contract had been before the Brackenridge Hospital Advisory Board. Mr. Will Brown, Hospital Administrator, reported this item had not been before the Board; but was of such that he would normally report to the Hospital Board. The last meeting covered expansion but not education. This is an educational affiliation with no money or involvement with financing. The Hospital Department will be used to train six students from the University of San Marcos. Three other hospitals are entering into this program. It is necessary to enter into this agreement so that there will be sufficient personnel to staff Brackenridge Department.

Councilman Nichols moved the Council adopt a Resolution approving an agreement between the City of Austin for Brackenridge Hospital and the Board of Regents of Southwest Texas State University to utilize Brackenridge Hospital as a practice laboratory and for educational purposes in respiratory therapy. 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

Councilman Handcox wanted to make note that when at all possible, matters such as these should not circumvent the Board, but be routed through the Board, as that is one of its functions.

#### CONDEMNATION OF TRANSMISSION LINE EASEMENT

Mayor Pro Tem Love moved the Council adopt a Resolution authorizing condemnation of an electric 138 KV Transmission Line easement on Spicewood Springs Road. 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

Councilman Nichols asked that concern be given to the owners when the City runs across their tracts. Councilman Dryden suggested, in view of his affirmative vote, that Mr. Davidson ask Mr. Hancock, Director of the Electric Department, if there is a possibility of deviating this line to keep from splitting this land. City Manager Davidson said he would study the location of the line with Mr. Hancock and see what the alternatives are and do the best job they could.

#### ITEM OF APPROPRIATION DEFERRED

The Council deferred action at this time on the item of appropriating \$139,801 for the Tax Department to defray 1971-72 costs of modernization and improvements.

#### HEARING ON ZONING TEXT

At 2:00 P.M., Mayor Butle opened the public hearing to consider amendments to Section 45 of the Zoning Ordinance. The Council discussed these amendments with the Building Official and the Planning Director.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-1 OF THE AUSTIN CITY CODE OF 1967 BY CHANGING THE DEFINITION OF "EFFICIENCY APARTMENT"; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS.

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

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING THE SECTION 45-4 OF THE AUSTIN CITY CODE OF 1967 TO PROVIDE FOR AN EXCEPTION TO THE APPLICATION OF ZONING ORDINANCE TO ALLOW TEMPORARY USE OF A HOUSE TRAILER OR MOBILE HOME ON A CONSTRUCTION SITE; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS.

Mr. Lillie explained this amendment is to permit a mobile home trailer or mobile home unit on a construction site primarily for security while construction is under way -- that someone in the family or caretaker could live in it. This would fall under a six-month permit, renewable for six months. (Recommended by the Planning Commission)

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effectively immediately. 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

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 45-32 OF THE AUSTIN CITY CODE OF 1967 BY MAKING EXPRESS PROVISION FOR NONCONFORMING USE OF LAND AT THE TIME THE LAND IS ANNEXED TO THE CITY OF AUSTIN; PROVIDING FOR DISCONTINUANCE OF SAID NONCONFORMING USES NOT CONDUCTED WITHIN A BUILDING; DECLARING AN EMERGENCY; AND SUSPENDING THE RULE REQUIRING THREE SEPARATE READINGS.

Mr. Lillie stated this amendment is to provide that when land is annexed, if it does not conform to the "A" use, it is non-conforming, as there were few uses on land built as early as 1941; and as a result are in conflict with the ordinance when annexed.

This amendment will provide that when land is annexed to the City, it becomes non-conforming if it is not residential, and that this non-conformity continues for a period of ten years on all uses except junk yards, which have a limit of six months. This gives the owners information which he needs to plan his zoning.

Mr. Jordan, Building Official, stated it was thought a ten year period would give ample time for the owner to work out his plans. To amortize his property, the owner could apply for a zoning change.

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

The Mayor announced that the ordinance had been finally passed.

Mr. Horsfalls reported people living on Comal and East 2nd Street in a temporary home; and they could bring several of these types of homes on one lot.

#### HEARING ON CODE AMENDMENT

At 2:00 P.M. Mayor Butler opened the public hearing to consider amendments to Chapters 41 and 13 of the City Code, relating to requirements for sewage collecting and treatment systems for subdivisions; lot sizes, and testing of soils to determine the suitability of lots and subdivisions for septic tank use. At the request of Mr. Tom Curtis, attorney representing a large number of people, Mayor Pro Tem Love moved the Council postpone this hearing until 2:00 P.M. on August 31, 1972. The motion, seconded by Councilman Nichols, carried by the following vote:

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

#### SPECIAL PERMIT - CHRISTIE SARRIS

Mayor Butler opened the public hearing as scheduled on the application of CHRISTIE SARRIS for a Special Permit for the use and development of a 2.576 acre tract at 108 Barton Springs Road, as a Restaurant. MR. JON COFFEE, representing Mr. Sarris, stated they wanted to present the plan, noting the Planning Commission had gone into great details. Mayor Butler and the Council had viewed these plans at the time it was considering the "L" Lake classification.

Mayor Pro Tem Love moved the Council vote to grant the Special Permit. The motion, seconded by Councilman Nichols, carried by the following vote:

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

#### SHUTTLE BUS

Councilman Nichols moved the Council adopt a Resolution approving recommended shuttle bus route changes as requested by the University of Texas Shuttle Bus Committee as follows:

- Route # 1 - Deleted
- Route # 2 - To remain the same and will be called the WEST CAMPUS Route - designated "WC"
- Route # 3 - This route will run in reverse starting at 26th & Whitis instead of proceeding to Guadalupe on 26th the route turns south to 25th St., then right on 25th and proceeds to Longview, utilizing 24th St. and proceeds back to Guadalupe following its old route back to 26th and Whitis. INNER CAMPUS Route - designated "IC".
- Route # 4 - To remain the same and to be called INTRAMURAL FIELD Route - designated "IF"

- Route # 5 - Deleted
- Route # 6 - Remains virtually the same except on the return the route proceeds to Nueces on 21st St., left on Nueces back to 15th and out. This route will be the MARRIED STUDENTS Route - designated "MS"
- Route # 7 - Deleted
- Route # 8 - This route will delete the Parker Ln. to Royal Crest Loop. It will utilize 15th St. to Congress Ave. right on Congress into the campus going behind Jester Center to 21st St., proceeding to Speedway; left on Speedway to 18th where it proceeds back to I.H. 35 south-bound to Riverside Dr. To be called NORTH RIVERSIDE and designated "NR".

#### Proposed Routes:

- Route Zero - This route to remain the same as last semester, and to be called the EAST CAMPUS Route, designated "EC".
- Route One - The new south route to follow I.H. 35 south to Oltorf, proceeding to Burton Dr.; north on burton to Woodland, turning left, going back to I.H. 35 and proceeds north to 15th. From 15th the same route is continued into campus as the North Riverside Route. To be called the SOUTH RIVERSIDE Route, designated "SR".
- Route Two - This route will proveed from the East Mall Fountain to 23rd St., east on 23rd to Red River; north on Red River to 45th via Airport Blvd., to I.H. 35 east frontage road; left on the east frontage to Cameron Road; Cameron Rd. to Reinli; west on Reinli to the east frontage proceeding north to the Highway 290 underpass. Proceeds south on I.H. 35 back to 45th St. where it follows its same route back to campus. To be called the CAMERON ROAD, designated "CR".

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

#### HEARING DATE SET ON 72-73 BUDGET

City Manager Dan Davidson suggested 2:00 P.M., August 31, as the time for hearing the Annual Budget. Discussion was held on night study sessions for the Council between the dates of August 18 - 31; and perhaps other sessions between the 31st and September 14th.

Councilman Dryden moved the Council set 2:00 P.M., August 31st as the hearing date for the Budget for 1972-1973. 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

## SEWER AGREEMENT FOR NORTHWOOD SUBDIVISION

City Manager Davidson reported Mr. Kenneth Cunningham had submitted a request to the Council regarding a sewer agreement for Northwood Subdivision. After a study of the details, Mr. Curtis Johnson, Director of Water and Waste Water, reported a contract would be prepared and an application for Federal Grant could be made should the Council authorize such an agreement. He explained this request is similar but slightly different from the two existing agreements entered into using the "Stuart" formula on extensions of sewer trunk lines; the difference in this situation is that this proposed service area is in the upper part of a new drainage area, about 2 miles north of the IBM Plant on FM 1325 and about a half mile west of that same farm road. This is in the Big Walnut Creek drainage area where the existing wastewater lines are in the Little Walnut drainage area. It would necessitate the installation of a lift station with force mains pumping back over the entire existing system. Other than that, this is similar to those of the extensions of Williamson and Onion Creek lines on the south side of town.

Mr. Johnson listed the anticipated shares of cost to be borne by the City and the developer under the assumption that a grant would be received on the total project and clearance from the Environmental Protection Agency.

Mr. Johnson stated it was his understanding that the Council wishes have been that any such contract be contingent upon receipt of the grant.

Councilman Nichols stated the Wastewater Treatment Plant is going to be leased to these developers. The second part of their request to the Council was that it rent or lease to them an existing Package Plant, which is not in use. Councilman Nichols asked if in no way would the City guarantee this service except the receipt of the 55% participation from the State or Federal Government. The City Attorney, Mr. Don Butler, stated that would not be recommended otherwise; however, it must be fully understood that the developers would be responsible for repairs, cost of upkeep, maintenance and operation of this plant; and if the grant does not come through, the City would get the treatment plant back.

Discussion was held on the sale of this plant; also that there be a separate agreement for the treatment plant as to termination date, and notification for termination should the City desire. City Manager Davison stated if the Council authorized this sewer agreement, they would initiate a design of a contract to cover this rental of the treatment plant.

Mayor Pro Tem Love moved the Council authorize the consideration of participation sewer agreement for Northwood Subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

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

REPORT OF  
WATER & WASTEWATER EXTENSION STUDY COMMITTEE

Mr. Doren Eskew presented the report on Water and Wastewater Extension Study Committee, stating he was employed by the Land Planning Council of the Austin Home Builders Association. When the Council was considering outside City



sewer extensions, it expressed a desire for a standardized policy for annexation, and he was asked to draft an ordinance affecting that purpose. He described three basic assumptions: (1) that the influx of population into the City and metropolitan area would be apt to continue indefinitely; (2) that as the population influx into the City came along, and density increased that the protection and enhancement of the environment in the metropolitan area would be best served by regulating the use of land in the Austin metropolitan area by modern municipal regulations; and (3) that the users of all of the City services should be asked to bear their part of the cost of furnishing City services as soon as they could equitably be required to do so.

It is to the benefit of everyone to have reliable standards for the efficient planning, and maximum economy in improvements. He listed requirements covering recordable requests for City services so a purchaser would know the property was subject to annexation when all criteria were met. There is a check on facilities as though the constructed facilities were already in the City. Property would be annexed at such time as it would not result in a disproportionate expense to other taxpayers of the City. The ordinance provides a means by which a determination could be made as to whether the annexation would result in a disproportionate expense to the taxpayers of the City. He stated there would be no limitation upon the power of the City Council to annex property that is thought to be necessary for the protection and safety and health of the rest of the people; nor any obligation. Mr. Eskew stated the Council wanted a standardized annexation policy that the Council could adopt so that both City employees and private property owners could follow.

Mr. Eskew discussed an 80% participation policy, under which two contracts had been let, but there was no standardized policy adopted at that time. Councilman Nichols asked if federal assistance were not obtained then construction would not be undertaken until such aid had been assured by the federal authorities. City Manager Davidson stated the per tap charge would be tied down at \$100.00 as opposed to escrow amount of \$250. It was pointed out this \$100.00 is in addition to the usual tap fees. Mr. Davidson stated he and the staff recommended all the provisions Mr. Eskew had described. City Attorney Butler wanted a change of language to be more explicit that there will be no contract such as these unless there are federal funds rather than as included in the ordinance; and he wanted the provision that all contracts would have to be approved by the City Council.

#### Motion

After discussion, Councilman Nichols moved the Council adopt the addition of the language that the City Attorney is recommended. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Ordinance

Mayor Pro Tem Love introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE AUSTIN CITY CODE OF 1967, ESTABLISHING ANNEXATION POLICIES TO PROTECT THE ENVIRONMENT; AND DECLARING AN EMERGENCY.

After determining there was no one who wanted to be heard, Councilman Nichols moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler

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

CEREBRAL PALSY TELETHON

Councilman Friedman distributed to the Mayor and Councilmen a short "mail out", inviting the participation of the Council members in the Cerebral Palsy Telethon on August 18th and 19th. This Telethon is sponsored by the Austin Jaycees.

REQUEST FOR REPORT ON TAX DOLLARS IN AREA  
OF PARKS AND RECREATION

Mayor Pro Tem Love, in light of the approval of the Capital Improvement Plan, stated there were concern and confusion on parts of given citizens, in the area of parks and recreation. He asked that a detailed report be submitted as soon as possible in regards to the various quadrants of this City, the subject which Councilman Friedman had brought up earlier in the week in reference to the taxation in the community, where those tax dollars go, who raises the tax dollar, and how many people those tax dollars serve. He asked if that could be done including grafts.

Mayor Butler asked that all Council members be present tomorrow, Friday, August 11th, at 11:00 A.M. for a press conference to give more or less a recapitulation of what the C.I.P. is and what it proposes to do.

ZONING HEARING

The Mayor announced it was 2:00 P.M., and the Council would hear the zoning cases scheduled for public hearing at this time.

MR. & MRS. L. W.  
CARROL  
By Cecil Nobles  
C14-72-095

4409-4413 Merle Drive

From "A" Residence  
To "B" Residence  
NOT Recommended by the  
Planning Commission  
(as amended)

Mr. Jay Wilkins represented Mr. and Mrs. Carrol in this zoning request, stating they wanted to develop the property themselves, and it is not for sale. He located the property on Manchaca Road, Ben White Boulevard, Merle Street and Russell, and listed the various uses of 40 lots, 14 zoned "GR"; 11 "O" and two "B" 1st H&A. Out of the 13 lots, three are the subject lots under application today. He described this area, and stated they were asking for "B" 1st in this area of "GR" and "O" zones and "B", exactly what he was requesting.

Mr. Charlie Shuberg called attention to a petition which had been filed. The Mayor acknowledged the petition representing 57% of the owners within 200'. Mr. Shuberg stated the petition was signed by each of the homeowners on Merle, Russell and Redd. After discussion, Councilman Handcox moved the Council vote to uphold the Planning Commission and deny the request for change in zoning to "B" Residence. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the change to "B" Residence had been denied.

C. M. LANIER  
C14-72-151

1304 & 1306 Treadwell  
Street

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

Mr. Robert Davis represented Mr. Lanier, stating this one lot is the only one fronting on Treadwell as opposed to fronting on one of the side streets. The site is across from a shopping center, and an office building under construction. Mr. Lanier has a small plumbing repair service and wants to use his property in conjunction with services as an office building. He wants to remodel, upgrade, and make an office building out of the existing building. Another lot in the area has wrecked cars parked on it. There is a beauty shop and other similar type non-conforming uses. Mayor Pro Tem Love stated he had looked at this property and saw nothing wrong with the request. Mayor Pro Tem Love moved the Council grant the change to "O" Office. The motion, seconded by Councilman Nichols, received the following Roll Call:

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

Noes: Councilmen Lebermann, Friedman, Mayor Butler

The Mayor announced that the motion had failed to receive the six votes to override the Planning Commission's decision.

TERRELL TIMMERMAN  
By John Selman  
C14-72-154

7101 Guadalupe Street

From "BB" Residence  
To "B" Residence  
NOT Recommended by  
the Planning Commission.

Mr. Martin Boozer represented the applicant and described the 190 x 75' lot with a structure toward the front of the property with a 27' setback. It is a two-story, eight unit building, four units of one bedroom downstairs and upstairs, 5' from the sideyard line. Guadalupe, between Airport Blvd. and St. Johns Avenue, was thought to be an area in transition, obviously apartments. Mr. Boozer pointed out the "B" Residence zoning uses in the area, and stated their request was an addition to an existing apartment development. Mayor Pro Tem Love moved the change be granted to "B" Residence. The motion, seconded by Councilman Nichols, received the following Roll Call:

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

The Mayor announced that the change to "B" Residence had been denied as it had failed to receive the required six votes to override the Planning Commission's recommendation.

TERRELL TIMMERMAN  
By John Selman  
C14-72-155

903-& 905 East 53½  
Street

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

Mr. Martin Boozer represented Mr. Terrell Timmerman, stating this location is separated by one residential unit from "LR" Local Retail zoning currently being used for offices. He listed some of the many factors taken into account—that 53½ Street would have a 80' right of way and an interchange in the area of 51st Street and IH 35. Mr. Timmerman had received only one letter of opposition from the neighborhood.

Mr. Boozer read a letter from a property owner at 908 E. 53rd Street stating the area was no longer an ideal single family residential area and that he planned to move into an area with less noise. His only objection was additional traffic on the unpaved alley behind his house, but he was assured that access to the tract would be limited to 53½ Street. He stated it was his belief that the City would be making a mistake in attempting to isolate and hold this area to single-family residential uses, and that apartment development on this property is not premature and would enhance the surrounding property, and he endorsed this zoning request.

In opposition, Mrs. Linda Watkins spoke on behalf of her mother, who will be moving back into their rent house on which they are now making improvements to move back onto the house. She opposed this zoning across the street from their place. She was anxious about the increased number of cars following development of this apartment and she did not want further encroachment into this 25 year old neighborhood.

After all had an opportunity to participate in the hearing, Councilman Lebermann moved the Council vote to uphold the Planning Commission and deny the zoning change to "B" Residence. The motion, seconded by Councilman Friedman, carried by the following vote:

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

The Mayor announced that the change to "B" Residence had been denied.

EMILE JAMAIL  
By Richard Baker  
C14-72-150

4402-4410 Barrow Avenue

From "A" Residence  
NOT Recommended by the  
Planning Commission

Mr. Robert Davis represented the applicant who had this property purchased on a contract of sale, subject to "B" Residence, First Height and Area zoning. The owners live in California and is represented by Sneed and Vine, who had asked him to request that the case be returned to the zoning committee in order that they could have an opportunity to pursue the zoning. Mayor Pro Tem Love moved the Council vote to send this case back to the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the request for the zoning change had been referred back to the Planning Commission.

TOM BRADFIELD &  
DONALD H. CUMMINS  
By tom Stuart  
C14-72-159

2405 Nueces Street

From "C" Commercial,  
Fourth Height and Area  
To "C-2" Commercial,  
Fourth Height and Area  
NOT Recommended by  
the Planning Commis-  
sion

Mayor Butler noted that a letter had been received in the City Clerk's Office asking that this Case No. 159 be withdrawn. He stated there was a question as to whether or not the "C-2" Commercial Classification was necessary since the gentlemen was already serving food in the proper zoning and he could serve mixed drinks without the "C-2" Commercial Classification. Mr. McAdams was present and entered into brief discussion. Councilman Lebermann moved the Council allow the withdrawal of this zoning case. 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

The Mayor announced that the zoning change request had been withdrawn.

HYDE PARK BAPTIST  
CHURCH  
By Don Tew  
C14-72-148

Tract 1  
4000 Avenue G  
Tract 2  
4000 Avenue F

From "A" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission

Mr. Don Tew stated the Council had received a letter from the Hyde Park Baptist Church withdrawing its request for zoning on the property at Avenue G and 40th Street and its intent to pursue the zoning change on the parcel of property located at 40th and Avenue F. This change is agreeable with the neighbors.

Mr. Dick Lillie, Director of Planning stated this application contained two tracts, Tract 1 (19,000 square feet) and Tract 2 (10,000 square feet). The purpose of the zoning request is to extend activities for the church. He explained the zoning ordinance permits church activities in the "A" Residence District; however since these facilities are off site a zoning change is necessary. There has been a valid petition filed with 50% of the ownership within 200 feet on Tract 2, including both tracts.

Mr. Tew spoke for the Church, stating he was representing 5,000 members of the Hyde Park Baptist Church congregation. Today the neighborhood is built up around the fiscal properties of the church and the congregations come from all parts of the City and the surrounding metropolitan area. He stated they had met with the neighbors in several meetings to work out a solution to their opposition.

Mrs. Walter Richter said the church had complied with the wishes of the community stating the people in the area hated to see "O" Office zoning go in perhaps setting a precedent and they felt that a gymnasium was not compatible with the residences on Avenue G. She stated that should "O" Office zoning be granted on Avenue F, that the church provide for a roll-back to "A" Residence if they do not pursue the gymnasium.

Dr. Ralph Smith, Pastor, stated the group in opposition had agreed they would be happy if the building were moved to the site presently proposed, and that the other request be dropped. No opposition was voiced regarding this proposal. Dr. Smith listed the activities to be held in this recreations building a part of which building would be a gymnasium--programs for elementary school children after school, bible study, recreational programs for those from the Texas School for the Blind, a Sunday afternoon program for 45 or 50 young single men from Bergstrom Air Force Base. The facility could accomodate recreation for 1,000 University students, and about 500 teenagers, a great number of Senior Adults, and a program of 400 wives of International Students and their children.

Mr. Falls, 4002 Avenue F, and his sister, stated this was adjacent to their property and they want to maintain the quiet neighborhood and do not want a gym 8' from their bedroom. He discussed parking and suggested relocating the gym. Mr. Jay E. Abrahamson, 5305 Ravensdale stated his mother was the 72 year old widow living at 4002 Avenue F. She and Mr. Falls purchased that property when it was put up for sale as it would have been bought probably by the Baptist Church. He was opposed to the change. He also discussed the Abrahamson property which would be within only 3' of the structure, and he might have a similar problem.

Mr. Clayson Fuller, 3815 Avenue F ( not within the 200' ) opposed the zoning necessary to carry out some of the Church programs. Dr. Smith stated the plans were to put in a stone fence 6' high where they are building the parking lot.

As to the gym, it was stated it would be air conditioned with no window and no noise. The north side would have a solid wall, and the other side would have an entrance from the corner of 40th and Avenue F.

Councilman Nichols moved the change be granted to "O" Office on Tract 2 as recommended by the Planning Commission subject to the applicant building a 6' privacy fence along there. 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 change had been granted to "O" Office on Tract 2 as recommended by the Planning Commission subject to the applicant building a 6' privacy fence along there, and the City Attorney was instructed to draw the necessary ordinance to cover.

REVEREND VINCENT M.  
HARRIS  
By John Selman  
C14-72-153

3900-3914 Duval Street  
401-407 East 40th Street  
3901-3917 Avenue H  
400-410 East 39th Street

From "A" Residence, First  
Height and Area  
To "B" Residence, Second  
Height and Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "BB" Residence,  
First Height and Area subject  
to no curb breaks on Avenue  
H and no curb breaks on the  
westerly  $\frac{1}{2}$  of E. 39th St.,  
privacy fencing or hedging  
on these same two boundaries,  
varying r-o-w on E. 39th  
St., 5' sidewalk easement on  
Duval Street

Mr. Dick Lillie, Director of Planning stated this application by Rev. Vincent Harris, is just east of the Hyde Park Baptist Church at the block bounded by Duval, Avenue H. 39th and 40th Streets. It is in an area of residential uses although there are some apartment zoning nearby to the north of 40th Street. The Commission recommended denial of the "B" Residence, Second Height and Area, but recommended "BB" Residence, First Height and Area with conditions dealing with curb breaks, buffering, and right of way on 39th and Duval. There is on file a petition which has under 85% of the owners of land within the 200'.

Mr. John Selman represented Bishop Harris. The purchaser of this tract wants to build apartments. The project, designed by this builder, to be constructed has nothing to do at all with any type of low-cost family type of housing. It is not in any way designed to be a church project in which this diocese has sponsored several apartment projects for those of lower income. Bishop Harris has a contract to sell this property subject to zoning. Bishop Harris tells him he is not in any way interested in proceeding with that type of development. They had not applied for zoning for a profit, but their cases were either a medical project or a project in the East Austin neighborhood where there would be employment. The proceeds from the sale of this property would be for St. Austin's Church on Guadalupe and the Student Center located right in front of the University of Texas fountain. If any money were left over, it would be used for equipping their gymnasium or for other sites of parishes for new missions in new areas. Because of restrictive covenants, this land could not be changed to commercial, and that all improvements to be erected in the premise must be built and used for resident purpose providing that flats or apartment houses are included in the word "residence". Due to the heavy traffic going through there is no way in good logic that there could be said at least the front half of those lots on Duval are not entitled to "B" zoning. Property that had never had any thing built on it, that only a single family home was all that could be developed there, with between 10 and 11,000 cars passing every 24 hours.

Mr. Selman described the restrictive covenants to run with the property on screening and fincing, a restrictive covenant placed on Avenue H, on half of 40th Street, and on half of 39th Street. The covenant filed with the Planning Commission indicated there would be no curb breaks if any on 40th and 39th would come in the middle of the block to the middle of both the blocks of 40th and 39th Street. To protect the neighborhood he had another restriction that would restrict all of the improvements to the area facing Duval and then the parking would be to the rear. A six foot masonry fence would screen off the area from the neighborhood. With the 25' setback line those living on Avenue H would be a distance between the improvements of over 225' from those across the street on Duval, which would be at least over 100' between building sites. He stated this overall plan would be well recognized and orderly fashion for developing this property, keeping a minimum of traffic on Avenue H, having all the traffic flow onto portions of 40th and Duval and 39th.



Opposition was expressed by Mrs. Otie Gage, 3908 Avenue H, representing more than 15 widows living in this area, stating they would run the risk of danger for women living alone, and the development would depreciate the value of their property.

Mr. Crutchfield, 4001 Avenue B, stated many of the other people like himself have lived in Shadowlawn for many years and they do not want any more apartments around them. They want to live in this quiet neighborhood. He feared with a \$55,000 tract for sale in front of his property that his tax valuation would be affected.

Mr. Williams was opposed to any apartment complexes in this area, as there is enough trouble with the narrow streets there. In 1953 the group was threatened with a Little League Ball Park, and this request was withdrawn. He stated those restrictions listed had been removed several years ago.

Mr. Walter Jessie, who lives across the street from this property, said he had a 2-unit apartment at 3910 Avenue H which he purchased to maintain and which is in compliance with the "A" Residence zoning. Mr. Jessie mentioned two other considerations: (1) He wanted this property to be given a change to develop under the present "A" Residence zoning as the best and most equitable solution to the problem; offered to purchase the subject property at a fair price to construct a family-type dwelling. He felt that in fairness to all concerned, and not just to gain the profit that would accompany the rezoning, this should be developed only under the restrictions of "A" Residence. (2) Mr. Jessie felt that the neighborhood had not been accorded fair treatment in this matter, as the representatives of the church who own this property did not meet with the neighborhood and discuss the proposal. The residents were not advised that the property was for sale and they do not know the intent for the future usage of this property.

Mr. W. R. Bodine, 3809 Duval, wanted the property to remain "A" Residence. Mr. Fred Bullard, 3807 Avenue H, also opposed the rezoning as he felt that it would impair the way of life of the residents in the area. Mrs. Carlson of 3814 Avenue H, invited the Council out to see the amount of traffic already in that neighborhood.

Mr. Luis Divino, teacher at the School of Architecture at UT, lives at 3900 Avenue G, and opposed the zoning change as it represents a conflict between profit and the value of the piece of property in an "A" residential area. He also offered to buy a lot in that block if it is retained as "A" Residence.

In summary, Mrs. Richter pointed out the petitions with a large percentage of the neighbors and some 145 signatures of people outside the 200-foot radius. She showed slides and described some of the buildings and homes in the area, stating the area is a quiet residential neighborhood with residents who are settled. If the zoning is granted, they feel the people who will move there will be more of a transient group. She discussed the difficulties incurred in trying to get to the University area because of the traffic. She stated the streets are narrow and there are no sidewalks in some parts, so many elderly people have to walk in the street. Mrs. Richter was interested in the long-range effects from deterioration

within the City. An important way to prevent the problems caused by this would be maintaining near its center fine residential sections. She brought out a feeling of their being the underdogs for three reasons. (1) They are opposing the Catholic church. (2) The opposing lawyer, Mr. Selman, has a fine reputation in zoning cases, and they are just housewives and citizens. (3) There seems to be an attitude of "why fight it", but their appearance here demonstrates their faith that their actions and words will be heard.

Councilman Friedman asked Mr. Selman if the applicant wanted "B" Residence instead of the Planning Commission's recommendation of "BB". Mr. Selman replied the first consideration would be the "B" Residence rather than the original request of "B" Residence, Second Height and Area. He requested "B" Residence with the restrictive covenants with the fencing and curb breaks to protect the neighborhood. In the event that "B" is not granted for the entire property, the next request would be that the property facing on Duval be zoned "B" Residence and the other remain as it presently is.

Mr. Selman clarified that the first request would be the "B" Residence on all with restrictive covenants; they would do the same with "BB" Residence with restrictive covenants; and the last would be the "B" with the "A".

Mayor Pro Tem Love stated that personally he did not feel that this would carry. If there were no motion to grant the zoning, the neighborhood would be faced with the same prospect, perhaps modified, within 30 days. If there is a motion to grant "B" and it fails, there will be a 12-month period before anything can be done. Based on this, he moved that the "B" zoning be granted. Councilman Nichols, although indicating intention to vote negatively, seconded to bring this before the Council. Roll Call was as follows:

Ayes: Mayor Pro Tem Love

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

Mayor Butler expressed sympathy with the church's need for funds to use for other church purposes, but stated he had voted strictly on whether or not this is a good zoning in the neighborhood.

Councilman Dryden stated he hoped the church could sell this land for "A" type development. He complimented Mrs. Richter on an excellent presentation and stated the Council enjoys the reputation of listening to all citizens.

Councilman Friedman stated that in this case it was not so much a problem with the church and the people, as it was a question of controlling and operating a City in the best interest of all the people.

## 1972-1977 CAPITAL IMPROVEMENT PROGRAM

## Civic Center

It being 2:00 P.M., the Mayor opened the public hearing on the 1972-1977 Capital Improvement Program, and read the following statement pertaining to the Civic Center:

"While the need for a Civic Center seems to be generally recognized, there are widely diverse opinions in the City of Austin today concerning various aspects of a Civic Center, such as size, location and costs. The City of Austin today faces heavy demands in the area of principle needs, such as Brackenridge Hospital, streets, sidewalks, parks, library, electric power, water and wastewater lines, to mention only a few.

"In my view these projects have a higher priority than a Civic Center at this time. In consideration of the heavy responsibilities facing this Council and the residents of Austin in these other vital areas, I believe we should direct our total energies at this time towards meeting these obligations first. I continue to believe that our Capitol City must have a modern Civic Center that will serve all segments of the community. However, it is my recommendation today to the Council that we do not include a Civic Center proposal on the election ballot September 9.

"I would like to add one final recommendation for the Council's consideration, and that is that we immediately appoint architects and the International Auditorium Managers' Association, or some other advisory group of that type to prepare preliminary plans and specifications for a Civic Center. These services will not be paid by local taxpayers, but with funds received from the Room Occupancy Tax, commonly called the "bed tax", as provided by the Legislature and restricted to this purpose. We cannot use these funds for any other purpose, and my recommendation would be that we proceed along that line, and at a later date, submit this issue to the voters."

Councilman Nichols moved the Council omit the Civic Center from September 9, 1972, ballot, and also follow the Mayor's recommendation in the selection of advisory groups to prepare preliminary plans and specifications for the construction of a Civic Center. Mayor Butler noted the last sentence in his statement provided for submission to the voters on completion of plans and designs. Councilman Nichols amended his motion to say that upon completion of these plans and designs, the Civic Center issue will be submitted for voter approval. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Noes: None

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

## Water Lines

Councilman Nichols requested an addition on some water line extensions. The Planning Commission recommended a total of \$1,000,000 be added to the Water and Wastewater portion of the CIP to provide for major water main extensions for

the next 5 years: \$300,000 for 1972-73; \$150,000 for 1973-74; \$150,000 for 1974-75; \$200,000 for 1975-76, and \$200,000 for 1976-77. Councilman Lebermann moved the Council agree to accept the Planning Commission's recommendations and include this money in the CIP. The motion, seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

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

#### Additional Funds

There would be a total of \$9,285,000 in additional CIP funds, which would include various water mains, \$1,000,000. Also in the Parks area, there would be the Jimmy Clay Golf Course, \$80,000; Decker Lake Park improvements \$25,000; a new golf course study and initial development to replace Municipal Golf Course \$50,000; Webberville Golf Course, an initial development \$20,000; Pan American Center air-conditioning, \$35,000; Givens Park Community Center, \$75,000. With the Brackenridge Hospital expansion of 650 beds - \$8,000,000 - this would make the total of \$9,285,000.

#### 24th-25th Street One-Way System

Councilman Friedman raised the question as to whether there would be further Council consideration of the 24th-25th Street one-way system. The City Manager stated that the project would be brought back to the Council when the project has been designed. It was only a concept now.

#### Tax Increase

A tax rate of 4 cents was discussed. Mr. Curtis Adrian, bond advisor from the First Southwest Company, noted that the City had maintained the tax level of 34 cents, which is extremely unique in a City's financing. The CIP, as he understood it, would necessitate an approximate 3.8 cent increase. Mr. Adrian stated that this would not effect on the fine rating the City has now. Councilman Dryden noted that the rate would go down to 3.2 cents after the first 3 years.

Mr. Ferris spoke regarding the rate increase, and pointed out it might very well affect the bond program at the polls.

#### Nuclear Power Plant

Mr. Wolfe and Mr. Don Berman spoke opposing the Nuclear Power Plant, pointing out possible environmental hazards.

## Motion

Mayor Butler introduced the following ordinance:

AN ORDINANCE ADOPTING AND APPROVING THE CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1972, AND TERMINATING SEPTEMBER 30, 1973, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; AND DECLARING AN EMERGENCY.

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

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

The Mayor announced that the ordinance had been finally passed.

## ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: \_\_\_\_\_

City Clerk