

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 3, 1972
10:00 A. M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Pro Tem Love presiding. It was noted that Mayor Butler would arrive late and that Councilman Lebermann was out of town.

Roll Call:

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

The Invocation was delivered by REVEREND J. RALPH HESS, Lutheran Social Service.

APPROVAL OF MINUTES

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of July 20, 1972. The motion, seconded by Councilman Dryden, carried by the following vote:

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

RESOLUTIONS OF APPOINTMENT

Mayor Pro Tem submitted two special items.

Recreational Task Force

The first item called attention to the resolution adopted by the Council a few weeks ago, establishing a Recreational Task Force Committee for the Metropolitan Austin area. Previously, the Council had named three members and he presented certificates of appointment to Mr. Tommy Lowe, who will serve as Chairman;

Mr. Charlie Jones, and Mr. Tom Ezelle who was not present at this time. At an executive session, the Council named the balance of that Committee to be announced next week. This is a nine man Task Force Committee that has no term of office, and the first meeting is scheduled on August 21st.

Electric Board

Mr. Weldon Lamb, self-employed electrical contractor and National Director for the Southwest Region of the Association of Independent Electrical Contractors, was appointed to the Electric Board, with Councilman Nichols presenting him the certificate of appointment.

ZONING HEARINGS

Mayor Pro Tem Love announced it was 10:00 A. M., and the Council would hear the zoning cases scheduled for public hearing at this time.

JOE M. WILEY
C14-72-104

7403 Geneva Dr.

From "A" Residence
First Height and Area
To "O" Office First
Height and Area
RECOMMENDED by the
Planning Commission

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

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

Mayor Pro Tem Love announced that the change had been granted as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

A. M. TOLSON
C14-72-130

9038 N. I.H. 35

From "C" Commercial
First Height and Area
To "C" Commercial
Second Height and Area
RECOMMENDED by the
Planning Commission

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

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

Mayor Pro Tem Love announced that the change had been granted as recommended, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Butler entered the Council Chamber at this time.

HYDE PARK BAPTIST
CHURCH

By Don Tew
C14-72-148

4000 Ave. G
(Tract 1)
4000 Avenue F

From "A" Residence
First Height and Area
To "O" Office First
Height and Area
RECOMMENDED by the
Planning Commission.

Mayor Butler announced there was a valid petition filed by the opposition requiring six votes for granting the zoning. Due to Councilman Lebermann's absence, it was decided by the applicants that this hearing be postponed.

Councilman Nichols moved the Council continue the hearing until 11:00 A. M., August 10th. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann

Mayor Butler announced that the hearing had been postponed.

CITY OF AUSTIN
C14-72-161

South side of Town
Lake from South 1st St.
To one Tract West of
400-430 W. Riverside Dr.
108-124 Barton Springs
170-300 E. Riverside Dr.

From "C" Commercial &
"D" Industrial First,
Second, and Fourth
Height and Area TO "L"
Lake District
RECOMMENDED by Planning
Commission

Mr. Dick Lillie, Director of Planning, reviewed and explained this new zoning classification, "L" District, stating the Staff was instructed to initiate a zoning request on private property on the south side of the Lake fronting on the Lake. The original application was from So. 1st St. to Steak Island. The recommendation was that the Lake ordinance be approved for the property from 1st St. to the South Shore Apartments; but from the South Shore Apartments to Steak Island be left as presently zoned. The new ordinance will control land use along the lakeshore of Town Lake. The "L" District uses are those outlined in the zoning ordinance under "LR" and would require that all uses permitted in that district would be under a special permit approved by the Planning Commission and the City Council.

Mr. Moton Crockett, Jr., questioned the sound level set out, as being excessive to the extent of affecting his apartment tenants. It was explained this level had to do with drive-in restaurants as they affect the adjacent residential users. Mr. Crockett's other question referred to no free standing signs, nor any flashing or intermittently lighting signs. Mr. Lillie stated this ordinance did not allow these two items; however, Mr. Crockett's property was not covered by this ordinance. The other point brought up regarding setbacks was not in the ordinance before him. He was to obtain the corrected ordinance which is before the Council today.

Mayor Pro Tem Love moved the Council approve the request from "C" Commercial and "D" Industrial First, Second and Fourth Height and Area to "L" Lake District as recommended by the Planning Commission. The motion, seconded by Councilman Nichols, carried by the following vote:

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

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

FOREST S. PEARSON
C14-72-137

2711 So. 1st Street

From "A" Residence
First Height and Area
To "C" Commercial First
Height and Area
RECOMMENDED by Planning
Commission

Councilman Nichols moved the Council approve the change from "A" Residence first Height and Area to "C" Commercial First Height and Area as recommended. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

MRS. LEE MANERS
By Forest S. Pearson
C14-72-138

2713 So. 1st St.

From "A" Residence First
Height and Area to "LR"
Local Retail First
Height and Area
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "LR" Local Retail First Height and Area. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

CHARLES CARPENTER
By Andrew G. Miller
C14-72-143

Rear of 1801-1819
E. Riverside Drive

From "LR" Local Retail
Second Height and Area
To "GR" General Retail
Second Height and Area
RECOMMENDED by Planning
Commission "GR" Second
Height and Area for
Tract 1 and "C-2"
Commercial Second Height
and Area for Tract 2.

Councilman Nichols moved the Council grant the change from "LR" Local Retail Second Height and Area to "GR" General Retail Second Height and Area for Tract 1 and "C-2" Commercial Second Height and Area for Tract 2 as recommended by the Planning Commission. 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
Absent: Councilman Lebermann

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

JOHN D. BYRAM
By Robert C. Sneed
C14-72-156

2602-2632 So. Congress
100-114 Cumberland Road

From "C" Commercial
Second Height and Area
& "GR" General Retail
First Height and Area
To "C" Commercial Second
Height and Area RECOM-
MENDED by the Planning
Commission

Councilman Nichols moved the Council grant the change from "C" Commercial Second Height and Area and "GR" General Retail First Height and Area to "C" Commercial Second Height and Area. The motion, seconded by Councilman Dryden, carried by the following vote:

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

CLEAR CREEK
PROPERTIES, INC.
By Carl B. Morris
C14-72-160

6721-6819 Bluff Springs Rd.
(Old Lockhart Highway)

From Interim "A"
Residence First
Height and Area
To "MH" Mobile
Home First Height
and Area RECOMMEND-
ED by Planning
Commission

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to "MH" Mobile Home First Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

BURNET ROAD
 ENTERPRISES, INC.
 By Donald H. Cummins
 C14-72-131

8711 Burnet Road
 2100-2318 Polaris

From Interim "A" Residence First Height and Area and "C" Commercial First Height and Area to "C" Commercial Second Height and Area RECOMMENDED by Planning Commission subject to a subdivision and 5' of right-of-way on Polaris Ave., no vehicular access to Polaris and a 6' privacy fence along Polaris.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area and "C" Commercial First Height and Area to "C" Commercial Second Height and Area as recommended by the Planning Commission subject to a subdivision and 5' of right-of-way on Polaris Ave., no vehicular access to Polaris and a 6' privacy fence along Polaris. The motion, seconded by Councilman Handcox, carried by the following vote:

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

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

ANN GERHARDT
 By Leroy Lange
 C14-72-132

1911 Koenig Lane

From "A" Residence First Height and Area To "O" Office First Height and Area RECOMMENDED by the Planning Commission subject to 10' right-of-way on Koenig Lane.

Mayor Pro Tem Love moved the Council grant the change from "A" Residence First Height and Area to "O" Office First Height and Area as recommended by the Planning Commission subject to 10' right-of-way on Koenig Lane. The motion,

seconded by Councilman Nichols, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann

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

VICTOR MICHALENKO
C14-72-133

1916 Justin Ln.

From "A" Residence First Height and Area To "O" Office First Height and Area RECOMMENDED subject to a subdivision, 15' right-of-way on Justin and 5' on Hardy Drive.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "O" Office First Height and Area as recommended by the Planning Commission subject to a subdivision, 15' right-of-way on Justin and 5' on Hardy Drive. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Absent: Councilman Lebermann

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

ESTATE OF PARELEE
PREECE - FORREST N.
TROUTMAN, Trustee
By Jack Roche
C14-72-134

4212 Medical Pkwy.

From "A" Residence First Height and Area To "O" Office First Height and Area RECOMMENDED by Planning Commission subject to 5' right-of-way on sidewalk/utility easement on Medical Pkwy.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "O" Office First Height and Area recommended by Planning Commission subject to 5' right-of-way on sidewalk/utility easement on Medical Parkway. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

Absent: Councilman Lebermann

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

CONRAD F. WISIAN
JR. and WILLIAM W.
SCHMIDT
C14-72-135

502 & 504 W. Oltorf

From "A" Residence
First Height and Area
To "O" Office First
Height and Area RECOM-
MENDED by Planning
Commission subject to
a subdivision & 10'
right-of-way on West
Oltorf

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "O" Office First Height and Area as recommended by the Planning Commission subject to a subdivision & 10' right-of-way on W. Oltorf. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann

Not in Council Room when Roll was called: Councilman Handcox

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

HENRY G. SANDERS
C14-72-136

4120 E. 12th St.

From "A" Residence
First Height and Area
to "LR" Local Retail
First Height and Area
RECOMMENDED by the
Planning Commission
subject to a subdivision

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

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

Noes: None

Absent: Councilman Lebermann

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

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

D. L. PICKETT
By Terry J. Sasser
C14-72-139

808-810 E. 52nd St.

From "A" Residence
First Height and Area
To "C" Commercial First
Height and Area RECOM-
MENDED by Planning Com-
mission subject to a
subdivision and 5'
right-of-way on 52nd
Street.

Mayor Pro Tem Love moved the Council grant the change from "A" Residence First Height and Area to "C" Commercial First Height and Area recommended by the Planning Commission subject to a subdivision and 5' right-of-way on 52nd St. The motion, seconded by Councilman Nichols, carried by the following vote:

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

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

WAYNE DAYTON
 PLUMBING, INC.
 By Robert Y. Bright
 C14-72-141

8501 Research Blvd.

From Interim "A" Residence First Height and Area to "C" Commercial First Height and Area RECOMMENDED by Planning Commission subject to a subdivision and a 6' privacy fence where adjoining residential development.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to "C" Commercial First Height and Area as recommended by the Planning Commission subject to a subdivision and a 6' privacy fence where adjoining residential development. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

WAYNE DAYTON, JR.
 By Robert Y. Bright
 C14-72-142

8509 Research Blvd.

From Interim "A" Residence First Height and Area to "C" Commercial First Height and Area RECOMMENDED subject to a subdivision

Councilman Nichols moved the Council grant the change as recommended by the Planning Commission from Interim "A" Residence First Height and Area to "C" Commercial First Height and Area subject to a subdivision. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

O. NEWTON WILDS, JR.
By Tom Curtis
C14-72-140

3704 Crawford Ave.
1512 W. 35th St. cut-off

From "O" Office First Height and Area for Tract 1 & "A" Residence First Height and Area for Tract 2 TO: "C-2" Commercial First Height and Area Tract 1 and Tract 2 "GR" General Retail First Height and Area. RECOMMENDED by Planning Commission as amended subject to metes and bounds on the area zoned "C-2" Commercial First Height and Area and subject to agreement with the Planning Commission within a maximum of 2500 Sq.ft.

Mr. Tom Curtis explained this zoning was for the purpose of operating a package liquor store, the location to be subject to the agreement with the Planning Commission within the maximum of 2,500 square feet.

Mayor Pro Tem Love moved the Council approve the zoning from "O" Office First Height and Area for Tract 1 and "A" Residence First Height and Area for Tract 2, to "C-2" Commercial First Height and Area for Tract 1 and "GR" General Retail First Height and Area for Tract 2 as recommended by the Planning Commission subject to metes and bounds on the area zoned "C-2" Commercial First Height and Area and subject to agreement with the Planning Commission within maximum of 2500 square feet. The motion, seconded by Councilman Dryden, carried by the following vote:

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

Mayor Butler stated the general public was not always aware of the various zoning classifications; and when they were notified of a "C-2" zoning, there might be a misunderstanding as to what could be permitted in this use. He suggested that the notices sent out should include an explanation as to what the zoning change would permit. Mr. Lillie suggested that a page setting out the uses under each classification could be mailed along with the notices.

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

O. G. HANSELER
By Emmett Shelton
C14-72-146

100-306 St. Elmo Rd.
4200-4350 So. Congress

From "C" Commercial Sixth Height and Area and "A" Residence First Height and Area To "DL" Light Industrial Sixth and Area on Tract 1
"C" Commercial First

C14-72-146 (Continued)

Height and Area on Tract 2 and "BB" Residence First Height and Area on Tract 3. RECOMMENDED by the Planning Commission as amended subject to subdivision and a varying right-of-way on St. Elmo Road to bring it to 70 feet.

Councilman Nichols moved the Council grant the change from "C" Commercial Sixth Height and Area and "A" Residence First Height and Area to "DL" Light Industrial Sixth Height and Area on Tract 1, "C" Commercial First Height and Area on Tract 2, and "BB" Residence First Height and Area on Tract 3, recommended by the Planning Commission as amended subject to subdivision and a varying right-of-way on St. Elmo Road to bring it to 70 feet. 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
 Absent: Councilman Lebermann

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

W. K. DILL, SR.
 By David Lowie
 C14-72-152

1631-1633 Waterson Ave.

From "A" Residence First Height and Area to "BB" Residence First Height and Area RECOMMENDED by Planning Commission subject to a subdivision and 10' right-of-way on Waterson Avenue.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "BB" Residence First Height and Area as recommended by the Planning Commission subject to a subdivision and 10' right-of-way on Waterson Avenue. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

WESTOVER HILLS, INC.
 By H. Glen Cortez
 C14-72-162

9001-9025 Mesa Dr.
 9148-9154 Old U. S. 183
 9000-9024 Mesa Dr.

From Interim "A" Residence First Height and Area to "GR" General Retail First Height and Area as RECOMMENDED by Planning Commission subject to a restrictive covenant keeping 5 lots.

Mr. Lillie, Director of Planning, reviewed the background of this area at the intersection of Mesa Drive and Old U. S. 183, Mesa Drive having been cut through to make that intersection. Two pieces of property were requested for "C", but amended to "GR". The Commission recognized the validity of the "C" zoning at the corner, but recognized there are several lots between the application and the internal portion of the subdivision, which should remain "A" to provide a buffer to the internal parts of the neighborhood. Adjacent to this application to the east, the Commission is considering an application for "GR" on those lots and has recommended a strip of "B" along the rear property line of the lots for a buffer between the "GR" and residential lots.

Mr. Glen Cortez, Attorney representing Westover Hills, Inc., owners of this tract of land, pointed out on an aerial map the site and general uses in the area the U. S. Highway 183 and Balcones Intersection due when MoPac comes through; the tract under consideration, properties zoned with uses compatible with "GR" ; an aggregate operation for concrete; electronic and industrial organizations, manufacturing, contractor's yards, and a trailer rental shop. The general types of uses to the north of 183 are designated "D" Industrial under the Master Plan; with large tracts readily adaptable to commercial and industrial uses. The Area Plan, as has been stated by the Staff, calls for this property to be zoned "C". After discussion with the staff, they amended the application to "GR" General Retail, which was agreeable to the owner.

Mr. Cortez stated the property contained a buffer in view of the fact that the owner of the property owns several unzoned lots in this subdivision, and he would have to come back to the Council for rezoning. Councilman Nichols asked if the owner would be willing to place a restrictive covenant on the five lots that they would be retained as "A" Residential. Mr. Cortez stated he would consult with his client.

Mr. Randy Lesseps expressed opposition for the neighborhood. He lives on Silverarrow Circle. They could not get a 20% petition, as adjacent property was owned by the same owner. He reviewed the recent zoning changes on 183, stating this seemed reasonable for protective types of commercial -- beauty parlors, barbershops, but not bar rooms. "GR" is not appropriate, as it would open up the area. There is a deep silence about the proposed development; and owners fear collusion between the owners of these properties, by combining properties and creating a huge shopping center with lights, noise, bar rooms, etc. Twenty families are affected. They are opposed. Councilmen Nichols and Handcox wanted to clarify this matter and get an answer to protect the neighborhood. Mayor Butler called attention to the unanimous vote of the Planning Commission that 183 would be developed commercial, but the Commission had strong concern about the residential property on the south, emphasizing that a buffer should be established adjacent to the residential development. The Council held the case until Mr. Cortez could report back.

Later in the meeting, Mr. Cortez reported his client was willing to place a restrictive covenant deed restricting five lots. The Council, then on Councilman Nichols motion, seconded by Councilman Dryden, voted to grant the request for a change from Interim "A" First Height and Area to "GR" General Retail First Height and Area subject to a restrictive covenant to keep the five lots "A" Residence. The motion received the following vote:

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

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

J. D. CULP
By John B. Selman
C14-72-157

1144 Gunter Street

From "A" Residence First Height and Area to "B" Residence First Height and Area RECOMMENDED by Planning Commission subject to a subdivision and 5' right-of-way on Gunter Street.

Councilman Nichols moved the Council grant the request for change from "A" Residence First Height and Area to "B" Residence First Height and Area as recommended by Planning Commission subject to a subdivision and 5' right-of-way on Gunter Street. 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 Friedman
Noes: None
Absent: Councilman Lebermann

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

HIGHLAND VETERINARY
CLINIC, INC.
By Tom H. Miller
C14-72-158

8106-8110 Shoal Creek
Boulevard

From "O" Office First Height and Area to "C" Commercial First Height and Area RECOMMENDED by Planning Commission subject to a subdivision and special permit to have no outside runs or kennels.

Councilman Nichols moved the Council grant the change from "O" Office First Height and Area to "C" Commercial First Height and Area as recommended by the Planning Commission subject to a subdivision and special permit to have no outside runs or kennels. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

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

JIM FRITTS &
DOLLY FRITTS
By Phil Mockford
C14-72-144

4320 Gillis St.
1406 James Cassey St.

From "A" Residence First Height and Area To "C" Commercial First Height and Area NOT Recommended RECOMMENDED "GR" General Retail First Height and Area with 5' r-o-w on Gillis

Councilman Friedman noted the intrusion into the neighborhood and stated that he hated to see this happen.

Councilman Nichols moved the Council grant the change from "A" Residence to "GR" General Retail First Height and Area as recommended by Planning Commission subject to 5' right-of-way on Gillis Street. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted from "A" Residence to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

CITIZENS NATIONAL
BANK

By Phil Mockford
C14-72-147

5415 & 5417 Harmon Ave.

From "A" Residence First Height and Area to "B" Residence First Height and Area RECOMMENDED subject to one curb cut on Harmon Ave. 25-30' in width, fencing on Harmon Ave. and on the south property line where adjacent to residential use and a fencing setback as is now in existence.

Councilman Nichols moved the Council grant the change from "A" Residence First Height and Area to "B" Residence First Height and Area as recommended by the Planning Commission subject to one curb cut on Harmon Avenue 25-30' in width, and fencing on Harmon Avenue and on the south property line where adjacent to residential use and a fencing setback as is now in existence. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

LEFFLER MILLWORK
COMPANY

By Donald L. Dumas
C14-72-149

2509-2609 Buell Ave.

From Interim "A" Residence First Height and Area To "C" Commercial First Height and Area subject to a subdivision up to 5' of right-of-way on Buell Avenue and a 6' privacy fency along the south boundary line.

Councilman Nichols moved the Council grant the change from Interim "A" Residence First Height and Area to "C" Commercial First Height and Area recommended by the Planning Commission subject to a subdivision up to 5' of right-of-way on Buell Avenue and a 6' privacy fence along the south boundary line. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Council postponed action on the following zoning applications:

MR. & MRS. L. W. CARROLL	4409-4413 Merle Drive	From "A" Residence
By Cecil Nobles		First Height and Area
C14-72-095		To "B" Residence First
		Height and Area NOT
		Recommended (as amended)
		POSTPONED

Mr. Wilkins represented the applicants, noting a petition had been filed requiring 6 votes and asked for postponement until all members were present.

EMILE JAMAIL	4402-4410 Barrow Ave.	From "A" Residence
By Richard Baker		First Height and Area
C14-72-150		To "B" Residence First
		Height and Area NOT
		Recommended POSTPONED

Councilman Nichols moved the Council postpone these hearings until 2:00 P.M., August 10, 1972. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

The Mayor announced that these hearings had been postponed.

Councilman Nichols moved the Council postpone the following hearings until August 10, 1972 at 2:00 P. M:

C. M. LANIER	1304-1306 Treadwell	From "A" Residence
C14-72-151	Street	First Height and Area
		To "O" Office First
		Height and Area NOT
		Recommended POSTPONED
TERRELL TIMMERMANN	7101 Guadalupe Street	From "BB" Residence
By John Selman		First Height and Area
C14-72-155		To "B" Residence First
		Height and Area NOT
		Recommended POSTPONED

TERRELL TIMMERMANN
By John Selman
C14-72-155

903 and 905 East 53 ½
Street

From "A" Residence
First Height and Area
To "B" Residence First
Height and Area NOT
Recommended POSTPONED

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
POSTPONED

Mr. McCreary, representing the applicant wanted to postpone this as he was not notified and he wanted a chance to present their case. Mr. Lillie, Director of Planning stated the applicant already under "C" Could have a restaurant and serve mixed beverages. That probably was the reason the Planning Commission did not recommend "C-2" Commercial across the street from the Public School.

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

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

Noes: None

Absent: Councilman Friedman

Councilman Nichols moved the Council postpone the following zoning case and set its hearing for August 17, 1972 at 11:00 A. M.:

KAY MEARS MURCHISON
TRUST
By Wroe Owens
C14-72-115

3509 Lawton Avenue

From "A" Residence First
Height and Area To "GR"
General Retail First
Height and Area NOT
Recommended POSTPONED

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

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

Noes: None

Absent: Councilman Lebermann

The Mayor announced that the hearings had been postponed.

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

3900-3914 Duval St.
401-407 E. 40th St.
3901-3917 Avenue H
400-410 E. 39th St.

From "A" Residence First
Height and Area To "B"
Residence Second Height
and Area NOT Recommended
RECOMMENDED "BB" Resi-
dence First Height and
Area subject to no curb
breaks on Avenue H and
no curb breaks on the
westerly one-half of
E. 39th St., privacy
fencing or hedging on
the same boundaries,

C14-72-153 (Continued)

varying right-of-way on E. 39th Street, 5' right-of-way and a 5' sidewalk easement on Duval Street. POSTPONED

Mr. Dick Lillie, Director of Planning, reported this application had a petition of over 20% of the owners of property within 200 feet; thus requiring a six member vote. Mr. John Selman, as attorney for Reverend Harris, asked that this case be postponed until all members are present.

Councilman Nichols moved the Council set this hearing for 11:00 A. M., August 10th. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Council referred the following case back to the Planning Commission:

FRED C. MORSE
 By Richard Baker
 C14-72-145

6902-6926 Ed Bluestein
 Boulevard (U.S. Hwy. 183)

From Interim "A" Residence First Height and Area To "GR" General Retail First Height and Area For Tract 1 and "BB" Residence First Height and Area for Tract 2
 NOT Recommended
 RECOMMENDED "GR"
 General Retail First Height and Area on five hundred feet from the west property line with the remainder of the tract to be "A" Residence First Height and Area subject to a 6' privacy fence along the east boundary line of property zoned "GR"
 General Retail First Height and Area REFERRED to Planning Commission

Mayor Pro Tem Love noted there was concern about the location of streets, number of apartments that could be developed under "BB" Residence. The applicant wanted this to be returned to the Planning Commission for clarification.

Mayor Pro Tem Love moved this be referred to the Planning Commission for clarification. The motion, seconded by Councilman Nichols, carried by the following vote:

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

TEMPORARY CLOSING OF STREET

Councilman Nichols moved the Council grant the request of Mr. Dennis R. Schmidt to temporarily close a portion of Brackenridge Street, Sunday, September 10, 1972, from 8:00 A. M. until 6:00 P. M. for annual Sunday School picnic. The motion, seconded by Councilman Handcox, carried by the following vote:

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

EASEMENTS RELEASED

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

Three (3) portions of an existing blanket electric easement covering properties owned by Don Delaney on Spicewood Springs Road west of Balcones Drive.

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

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

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

A portion of a blanket electric easement in, upon and across Block A of TRUMAN HEIGHTS; also that certain easement 20 feet in width dedicated on said plat of Truman Heights, dedicated 10' on either side of the power line crossing Block A.

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

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

LICENSE AGREEMENT - ITEM POSTPONED

The Council postponed any action on the item of authorizing the City Manager to accept a sanitary sewer license agreement with TEXAS INSTRUMENTS INCORPORATED.

CONTRACT AWARDED

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

BLAND CONSTRUCTION CO. (Austin, Texas)	- For the installation of approximately 4,234 linear feet of 12" sewer main and 2,882 linear feet of 8" sewer main and appurtenances - McKinney Falls - \$106,765.65. (90 working days for completion; Capital Improvements Program Project Number 5064-0)
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The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann

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

EMINENT DOMAIN PROCEEDINGS

Councilman Nichols moved the Council adopt a resolution authorizing Eminent Domain Proceedings on the following, to acquire property for Bull Creek Park:

3.696 acres out of the William & Foster Surveys. (Lakewood Drive)

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

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

Noes: None

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

Absent: Councilman Lebermann Dryden

Councilman Nichols moved the Council adopt a resolution authorizing Eminent Domain Proceedings on the following, to acquire property for Bull Creek Park:

0.068 of one acre out of the Foster, Bell, Coleman and Williams Surveys. (Lakewood Drive)

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

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

Noes: None

Absent: Councilman Lebermann

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

ANNEXATION HEARING

At 2:00 P. M., Mayor Butler opened the public hearing scheduled for this time to consider the annexation of 2.03 acres of land, as requested by the developer. No one was present to oppose this annexation.

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

2.03 acres of land out of the J. C. Tannehill League -
"Stone Ridge Section One."

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

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

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when Roll was called: Councilman Dryden

APPOINTMENT - CIVIL SERVICE COMMISSION

City Manager Dan Davidson announced it was his recommendation that Mr. Taylor Glass be appointed to serve the unexpired term of Colonel Robinson on the Civil Service Commission.

Councilman Nichols moved the Council approve the appointment of Mr. Taylor Glass to the Civil Service Commission, term to expire May 6, 1973. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when Roll was called: Councilman Friedman

REPORT ON LAKE PATROL

Mayor Butler noted the written report on the Austin Lake Patrol as submitted by the City Manager, stating the report is self-explanatory. City Manager Davidson stated he indicated additional action to be taken and the Council would be kept advised as to what effect this has; and at any time the Council so desires, they could discuss this matter. Mayor Butler stated, in brief, that the Council could tell the City Manager that it wants the safety laws of the City and State enforced on the Lake. The City Manager stated this mandate is all they needed.

CONTRACT - PARKING FACILITIES

City Manager Davidson reported the City has a substantial lease contract on the Guadalupe Square parking lot. The City's position has improved under the lease which is up for renewal. He wanted the Council to be aware of this to make certain that the staff was on the right track before the renewal was executed. The City Attorney said that the lessee has an option, and the City had a 60 day cancellation.

Mayor Pro Tem Love moved the Council authorize the City Manager to renegotiate the contract. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Councilman Lebermann

Not in Council Chamber when Roll was called: Councilman Friedman

PROPOSED CHARTER CHANGE

Mrs. Joan Bartz, spokesman for the University Hills Community, submitted a statement prepared for presentation before the City Council at the regularly scheduled Council meeting on Thursday, August 3, 1972, regarding a proposed City Charter change in Planning Commission qualifications. She was unable to present this statement, and Councilman Nichols asked that the statement be added to the Minutes of August 3, 1972.

" Northeast Austin homeowners recently appeared before the Zoning Committee and the City Planning Commission in regard to proposed use of land with a "GR" zoning. While this zoning covers both park use and commercial use, consideration was centered on the proposed commercial development - while virtually ignoring the park side of the issue.

The resulting unanimous decision, in favor of the commercial development was a foregone conclusion, which doesn't speak well for the future of the City of Austin, if the present make-up of the Planning Commission is allowed to continue.

Of the present Planning Commission members, six are either in real estate or in businesses which directly relate to real estate. We wish to emphasize that while we do not question the integrity of Planning Commission members, we do question the ability of any human being to act in a completely detached manner, 100 percent of the time, in matters which correspond to, touch on, or relate to that individual's choice of occupation. We also question the ability of any person to remain completely objective in making a decision, knowing that in the future, the roles of applicant and commission member could possibly be reversed.

The obvious purpose of a City Planning Commission is to make those decisions in planning which will bring the greatest benefit to the City and all its citizens, not to any particular interest, business, or group. Recent events have indicated a certain lack of study and consideration of City needs by Planning Commissions in years past, and Austin citizens are now paying for that poor planning. We assume the present City Council is deeply concerned with the total overall planning of Austin, both present and future. It should be obvious, therefore, that a change in the qualifications for membership on the Planning Commission is indicated.

To help achieve better future results for the City of Austin, the concerned citizens of University Hills, going even further than the City Charter Study Committee, recommend the following guidelines: No more than three Planning Commission members with real estate connections, and the remaining six members having occupations which are not, in any way, connected with real estate, or home building, either in construction or financing. Thus, if guidance is needed in land matters, it would be readily available, while at the same time,

other important interests of the City would be taken into consideration. We strongly urge the Council to support this change in Planning Commission qualification, such a change being a giant step forward in the long overdue Master Plan for the City of Austin."

ORDINANCE 720615-C AMENDED

City Manager Dan Davidson reported the Council had received a petition from a number of residents in the Glen Oaks Area suggesting that the assessment for paving be waived in that particular project.

This matter has been examined by the Urban Renewal Commission, by the City Attorney's office, Public Works, and the City Manager's office. Due to the circumstances and the Agency's having acquired 50% of the lots and probably will acquire even more, and the fact that Federal Funds enter into the amount of participation required by the City, it was recommended that this be approved and the assessments be waived. Mayor Butler stated this action was applicable only to this specific case.

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 720615-C BY DELETING THEREFROM ALL REFERENCES TO: THE ALTERNATE PROCEDURE, METHODS OF REIMBURSEMENT, ASSESSMENTS AGAINST PROPERTIES; THE FIXING OF LIENS, THE TIME AND MANNER FOR PAYMENTS; AND THE FILING OF SAID ORDINANCE IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, AND BY PROVIDING HEREIN THAT THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, TEXAS; 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 Nichols, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Lebermann

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

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:

- (1) LOT B, ELJAY SUBDIVISION, LOCALLY KNOWN AS 340-400 BASTROP ROAD, FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) LOTS 7 AND 8, BLOCK 1, CHARLES JOHNSON ADDITION, LOCALLY KNOWN AS 601-603 HEARN STREET, 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 Nichols, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Lebermann

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

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) LOTS 22 AND 23, BLOCK 17, RIDGETOP ANNEX, LOCALLY KNOWN AS 4608-4610 BENNETT AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND,
- (2) FIESTA APARTMENTS NO. 2, LOCALLY KNOWN AS 4206-4208 AVENUE A, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, 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.

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 Nichols, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

Absent: Councilman Lebermann

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

The Mayor announced that the ordinance had been finally passed.

CHARTER REVISION RECOMMENDATIONS

Mayor Butler announced there were citizens who wished to appear before the Council regarding City Charter changes.

Mrs. Emma Long, former Councilman, was the lead-off spokesman, as Mrs. Nancy Holmes was unable to be present. Mrs. Long read a letter from Mrs. Holmes to the Council stating personally her choice was that a combination plan of six by district; four plus the Mayor at large would be a reasonable alternative to the present all-at-large plan system and the proposed all-district system. She urged serious consideration on the "combination plan" and in turn, allow the voters to seriously consider it by placing it on the ballot.

Mrs. Long, along with the attending group, wished to discuss the Charter Study Committee Report and to urge the Council to place a Charter amendment on the ballot for the people to decide. She listed five proposals that have some controversy as far as the committee was concerned:

- (1) Pay increases for Council members of at least \$100 per week per Council member, which would compensate those that lost time from their jobs and take care of out-of-pocket expenses of the Council members.
- (2) Amend the Charter whereby the Council could modernize the retirement system.
- (3) Change the composition of the Planning Commission so that four of the nine members would be lay persons, not professionals involved in real estate development and sales,
- (4) Set out a definite two-year term for the Municipal Judge.
- (5) The change from seven Council members at large, place system, to the combination place of 11 Council members, six to be elected by district and five at large, and the Mayor to be elected out of the Council.

Mrs. Long clarified the proposal in that there would be four Council members and the Mayor would be one of the five elected as Mayor. (6-4-1) At first the recommendation was for 11 Council members, six from districts; five at large, and the Mayor to be elected out of the Council. Later the position was reversed, whereby the Mayor was elected at large. The majority of the Committee had rejected the ward system or the 6-1 plan, or any other ward system plan. Mrs. Long spoke in favor of the 11 member Council, pointing out the advantages of such a system.

Mayor Butler asked if in the event the Council did not see fit to put all of their recommendations on the ballot, would they prefer that none be submitted for the reason it would close the issue for two years. Mrs. Long said that the only one they would request on the ballot would be the combination system. The Committee was called together for the purpose of considering this mainly and then to update the Charter and make other recommendations. She said if there were a possibility that there would be a petition by the people or probably court action asking that there be a representative system, she would try to cut off the court action with supporting circulating a petition. The Mayor commended the Committee on its work and diligence. He noted only eight of fifteen agreed on this one issue, so it would hardly be a mandate from the committee, much less the community.

Mayor Pro Tem Love asked the Committee's recommendation as to establishing the districts -- population density? Mrs. Long stated the Council would draw the boundaries based on population and density and people living in the district would be elected by people in the district.

Dr Phillip White announced Mr. Victor Ravel, member of the Committee, was unable to be present as he was in session with the Travis County Grand Jury, but he had written a letter stating his position - that the entire report be placed on the ballot for voters' action.

Dr. White stated one reason for creating the Charter Study Committee was to update the Charter to make it more adequate to serve the needs of a large and rapidly growing City. The other charge was to find a reasonable compromise on the method of electing members of the Council. Councilman Nichols noted that there was no unanimity in the Commission. As to a decision which was not unanimous, Councilman Friedman wanted to clarify that this Country had been ruled by Congressional law and by Supreme Court decisions from the nearest 5 to 4 vote to this City Council who passed it with three to two votes, no one expects to have a unanimity vote. Dr. White had observed that the division on the Charter Study Committee closely parallels the division existing in this community stating the Council should be concerned about this division. He said when all members of the Council are chosen at large, that sort of division invites the situation where one group elects all the members of the Council and 49% of the people have no representation on that Council. Discussion followed. Dr. White discussed the 6 - 5 system as being superior to any other system; and a reasonable compromise plan on electing members of the Council. He suggested that this matter be resolved before next Spring; that if other Charter changes were submitted to a vote, but not this 6 - plan, the community might suspect that a non-controversial Charter change had been submitted in order to bar consideration of the 6-5 plan or any other charter changes for two more years; any referendum on Charter change should be announced long in advance to pose clear and simple choices. He concluded that this Council could perform no greater service to foster harmony and good will for the next generation than to find any enduring solution to the highly complex problem of representation with which his committee grappled. He spoke in behalf of Professor Lineberry, authority on local government, who could not be present due to an emergency, stating Professor Lineberry's strongest recommendation was that this matter not be allowed to go to the courts. His theory was that the people should decide the question.

Mr. Edward T. Lorey stated he proposed a better plan than the 6 -5 something in which all the people would have a voice. He proposed four districts with two members, making an eight member Council and the Mayor. The Mayor Pro Tem should be elected by the highest number of votes going to anyone of the Councilmen. He favored electing the Council at large. His theory was the people should be allowed to say who is going to run the City; and if it is a district system, the general public has no say. He stressed early and final filing for Councilmen. Mr. Lorey recommended that the Council not place this item on the ballot until the Council had a thorough hearing from the citizens of Austin, and that they not place it on the ballot like it is - give the public a chance to say what they want.

Councilman Nichols asked if there had been any test cases in court on this system. Dr. White, to the best of his knowledge, knew of none. In answer to Councilman Nichols' question as to what the courts recommended in the way of representation, Dr. White stated there had not been any leading cases on this direct issue, and he referred to Professor Shotzky opinion.

Mr. Dean Banks, former member of the former Charter Study Committee pointed out some questions. (1) Will the Council allow the citizens of Austin to vote on those recommendations; (2) That there is quite an interest in the Committee's recommendation, especially the proposal for combination district-at-large system electing Councilmen. He asked that this be submitted before the next Council election.

Dr. Quander, member of the Charter Commission, stated the 6-5 plan is an excellent plan to present on the Charter Revision amendment. He felt there should be more information dispersed so that the people would know what they were voting for.

Mr. Gus Garcia stated he was an advocate of district representation, but he filed for election for the School Board, and he won on an at-large election. He still is an advocate of district representation, and a firm believer that the combination plan as developed in the Charter Study Committee offers all the citizens of Austin the representation they want. He urged the Council to put this issue to the people; however, if the Council does not put the combination plan on the ballot, he asked that none of the other recommendations of the Charter Study Committee be placed on.

Mr. Stanley Cavett, Executive Committee member of the Northwest Austin Civic Association discussed the Planning Commission composition which is one of the changes suggested by the Charter Study Committee. He stated a lot of Austin homeowners are clearly dissatisfied with present City policies on zoning, land development, and other aspects of City planning. Austin homeowners living in single family residential neighborhoods are not receiving adequate protection with the present zoning ordinances. He said the homeowners had discovered by experience that much time and effort and money are necessary to fight the re-zoning system, which has evolved under the guidance of the real estate industry. He stated in the past years, in his opinion there is a clear violation of conflict of interest. Mayor Butler stated the last three appointments to the Planning Commission were two ladies and one gentleman who were not involved in real estate. Mr. Cavett pointed out how vital it was to set this up in the Charter. He suggested that the Council place all of the recommendations of the Charter changes on the ballot.

Ms. Sally Brice, President of the League of Women Voters, stated they had testified before this Committee in support of a combination district-at-large as an alternative to the existing place system. The League strongly suggests that appropriate action for the Council be to place this combination plan along with the other Committee recommendations on the ballot and let the people decide.

Mayor Butler stated the Young Democrats at the University did not approve this plan; they wanted six districts and three at large; Mr. Lorey submitted another plan; and there will be many more submitted.

Mr. Valentino Perez stated he was representing a group that decided there was need of a change in the way the City Council members are elected; and they felt that the way it is right now, it is almost impossible to elect one to the Council without making deals with some people that have no interest on the way the Councilmen are elected. They asked that the Council give serious consideration to the way members should be elected, and change from the present system to a district system, or at least put it on the ballot and let the people decide. He would go along with the 6-4-1 plan.

Mrs. John Barrow, representing Mr. Volma Overton, President of the NAACP, who could not be present, stated their organization is in support of the City Charter Study Committee's recommendation for an 11-person Council. She hoped the Council would present this Charter change to the people for their reaction. Mrs. DeCoursey Kelly, Chairman of the Travis County Democratic Women's Committee, stated this Committee was one of the member organizations of the Citizens for Equal Representation. She urged the Council to place on the September ballot all of the recommendations of the Charter Study Committee particularly the proposal to have Councilmen elected by a combination district-a-large method.

Discussion was held on not placing this on the September 9th ballot but at some election before the Council elections next spring.

Dr. White stated that he, Mrs. Long, and most of the others of the majority of the Committee concur that the election be held sometime before the Council elections next spring.

Councilman Friedman asked about holding public hearings before it is decided what issues to place on the ballot. Mrs. Long said the Council should have a public hearing and she suggested putting this on the ballot before November.

Mr. Bill McGraw, President of the University of Texas Young Democrats, thanked the Council for holding the bond election on September 9th, not scheduling it some other date when numerous people, not only students but others are out on vacations. He urged that this matter be placed on the ballot.

Mayor Butler asked Mr. Bill Youngblood, Chairman of the Committee about the two recommendations from his committee — (1) that the Committee recommend to the City Council that the Charter not be revised except to bring it in conformance with State and Federal laws; and (2) another motion that the Chairman be instructed to forward to the Mayor and Council a summary of the Committee's actions and decisions and policy statements for their consideration. Mr. Youngblood stated both motions were made at the last meeting, with 13 members of the 15 member committee at that meeting. This was one of the largest attendance they ever had. Twenty-one meetings were held during 11 months. The vote was passed by 8-7 on the last meeting of the Committee.

Mayor Butler in summary, stated it seems the consensus from the Committee members as well as the Council that they hold a public hearing on this important matter and that it not be placed on the September 9th ballot. Mr. Youngblood stated it would be an injustice to the Council for the public to demand that the Council take immediate action on these controversial issues because they deserve very deliberate and intelligent evaluation and analysis. He thought the Council should be given whatever time it takes for them to decide as to this matter.

LAW ENFORCEMENT OFFICERS' INSURANCE

The City Manager reported the coverage is up for renewal with a slight increase in premium. There have been a number of cases that may result in payment against police officers, who had hired attorneys. He stated this was a good move on the part of the Council to provide this insurance. Mayor Butler was concerned if this were a blanket coverage would it apply to the 75 or 100 more police officers in hired in the next year. City Manager Davidson stated it was the intent of the Council, and he would make certain that this coverage would cover the new officers.

Councilman Nichols moved the Council adopt a resolution authorizing renewal of the law enforcement officers insurance, covering Police Officers, the City Council, City Manager and the City Attorney for an annual premium of \$22,100.00, payable to Nieman, Hanks & Puryear Insurance Company. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Nichols, Friedman, Handcox, Mayor Butler

Noes: None

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

Absent: Councilman Lebermann

MODEL CITIES PROPOSAL

In discussion, particularly about the approving of the contract between Model Cities Department to contract with the Austin Parks and Recreation facilities, improvement (Item 6) C.I.P. #21700, Councilman Friedman wanted assurance that there would be no duplication of funds, and he was anxious about the only request that he had on the C.I.P. Program. City Manager Davidson replied there was no conflict, but a portion of what Councilman Friedman had recommended would not be necessary if the Council approved this item of \$35,000.

Councilman Nichols moved the Council authorize the following contract by adopting a resolution:

The Model Cities Department to contract with the City of Austin Parks and Recreation Department for the Recreation Facilities Improvements Project @21700. Total cost of this project is \$52,454. (100% Model Cities Funds).

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

Ayes: Mayor Butler, Councilmen Nichols, Friedman, Handcox

Noes: None

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

Absent: Councilman Lebermann

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

The Model Cities Department to contract with the City of Austin Parks and Recreation Department for the Parks Facilities Improvement Project #21701. Total cost of the project is \$125,966. (Model Cities share is \$62,983 and Bureau of Outdoor Recreation share is \$62,983.)

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

Ayes: Mayor Butler, Councilmen Nichols, Friedman, Handcox

Noes: None

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

Absent: Councilman Lebermann

C.I.P. PROPOSALS BY COUNCILMAN FRIEDMAN

Before Councilman Friedman gave his proposed additions to the Capital Improvements Program for 1972-1977, the Council set a study session for 6:00 P. M. Monday, August 7, to study the C.I.P.

Councilman Friedman then hadned out a breakdown of both the Parks and Recreation additions, and the Public Works additions, by year and by area. His first proposals were for parks and recreation facilities in East Austin. 1) Lott Park needed picnic tables and cooking pits, and also the purchase of an adjoining vacant lot would enhance facilities. A softball diamond was considered and deleted because there was not enough room. The expenditure for this would be

approximately \$3500 to \$4000 for fiscal year 1972-73.

2) For the Pan American Center, heating and air-conditioning for the gym was considered at a cost of \$70,000 half of which could be funded through Model Cities. Kiddie equipment for the park at \$20,000 was also included, leaving an amount of \$55,000 for the year 1972-73. To build up Pan Am Park into a full-scale neighborhood center for the year 1973-74, \$52,000 would include tennis courts service drive and paved parking area, with land acquisition to make up for land used for parking.

3) For Govalle Park, 1972-73, there is an allocation of \$75,000 for swimming pool construction to permit full-scale swimming, which the present wading facility does not permit. For the fiscal year 1974-75 there would be an allotment of \$400,000 to build a gym similar to the one at Pan American Center to be operating by 1975-76.

4) For Givens Park there is an allocation of \$100,000 for 1974-75 for a club house-community facility — that is, a meeting hall or place for dances or indoor games, not to be considered a gymnasium.

5) For Zaragosa Park, there would be land acquisition with an amount of \$70,000 estimated for the year 1973-74.

The total recommendation for parks came to \$134,000 for 1972-73. Councilman Friedman thought this would bring the maximum return for the dollars spent in recreation. He noted the help of his aide, John Galloway, as well as Mr. Space and Mr. Davidson of the City Manager's Office, and Mr. Sheffield and the Parks and Recreation Department in obtaining these figures.

The next set of recommendations was in the area of the Public Works Department. As regarding sidewalks, Councilman Friedman suggested not only matching funds, but an additional \$150,000 be expended for sidewalks in Model Cities to increase and speed up the program. This \$150,000 would be spread over the five years, and would come to only \$30,000 each year for Model Cities, with an additional \$50,000 per year for sidewalks in non-Model Cities areas and non-school areas in East Austin. This was the sidewalk program.

As for the paving program, there is first a figure of \$750,000 for voluntary participation paving in East Austin, or \$250,000 each year for three years, with an education program to make the citizens aware of the voluntary program. There is also a breakdown of \$474,239 to provide matching City funds to supplement the Model Cities expenditures in the Model Cities target area. This is broken down into a 2-year bracket, with \$291,226 for the first year, 1972-73. The second year is \$183,013. Councilman Friedman praised the Department of Public Works, as well as others for their help, which encompassed the full realm of all levels of City government.

Mayor Pro Tem Love noted that the amount needed for Parks and Recreation and the Sidewalk program came to \$215,000 for the first CIP year. Mr. Dan Davidson the City Manager, explained how voluntary participation operates. If a majority of the owners sign a petition, then the cost to the owner would be \$2.65 a front foot for a 30-foot street. The total cost per foot is \$4.00 for a 30-foot street. If the street is wider, then the costs are more. A second way that the City paves streets is if there is part paving and part gravel, then the maintenance costs become too high, and the City may go ahead and pave that part of the street that is necessary to keep maintenance costs down, and then charge the citizens. If they

don't pay, a lien can be put against that property. If the owner pays in 45 days he may pay the flat rate of \$2.65 per front foot for a 30-foot street. Otherwise the owner must pay the assessment which based on the bid price plus 16½% for administrative cost, plus 7% interest, over a period of 3 years, on the unpaid balance.

Mayor Butler then asked Councilman Friedman how the figure of \$750,000 was determined, and wondered how many miles of street this would pay. He said it was derived from past estimates and usage. He felt this amount was needed because a full-scale education program is anticipated to increase the petitions for voluntary paving in East Austin, although the Department of Public Works had the sum of \$450,000 allotted for each of 5 years already. The City also has the responsibility of paving the intersections. The City Manager asked what percentage of the streets in Austin were paved. Mr. Reuben Rountree, of Public Works, replied that right at 85% of the total mileage of the streets were paved. There are approximately 975 miles of streets inside the City limits. Drainage improvements also have to be considered but are in another category of the budget and are not included in these figures.

Mayor Butler asked if the Model Cities money for sidewalks was being spent as rapidly as it was received, and the City Manager said it was. The City Manager would bring Monday information as to the number of miles proposed under the current C.I.P. and then how much could be provided with Councilman Friedman's recommendation. So far in the program, 30 miles of school sidewalks have been constructed, and that does not include the sidewalks programmed as part of the Model Cities effort.

There was some discussion with the head of Parks and Recreation, Mr. Beverly Sheffield, as to the needs for parks park improvements in the various areas of the City. It was noted that East Austin had more parks than other areas of the City, although this statistic does not show what is on the park land. Mr. Sheffield stated that a park was lost in the Urban Renewal area, the East Avenue playground and swimming pool. He also said the gym at Govalle would be nice and would serve a real function, but that there was a need for funds more in the north and northeast.

As to air conditioning the gym at Pan American Center, the Doris Miller Auditorium gym is being air conditioned with Model Cities funds, and a sum of money was voted by the Model Cities Commissioners to start an air conditioning program at the gym at Pan Am Center, although there were not sufficient funds to complete the job. Insulating and duct work would be done, and in the future it would be finished. The City Manager noted that it was not healthy to have basketball in an air conditioned gymnasium. He felt Mr. Sheffield and the Parks and Recreation Board and Planning Commission were still behind the program that they started with and would not want to take some things out and substitute what Councilman Friedman had come up with. However, if there were additional funding, they would be happy to have some of these things. An outline would be made available to the Council at the Monday study session.

A resident of northeast Austin, Mr. Wolfe, felt there were not enough parks in his area. It was a long way to either Decker Lake or Bartholomew Park. There roughly 25,000 residents of East Austin and 67,000 in the northeast area. He also suggested open space zoning so communities would evolve in an orderly fashion.

Mayor Butler directed the City Manager to come back and furnish the Council a better guide, keeping the current 34cent tax debt service rate that the City now had, as he felt the citizens of Austin were very concerned. It was agreed by the Council members to stay within the framework of the present tax rate.

ADJOURNMENT

The Council then adjourned.

APPROVED:

Ray Butler
Mayor

ATTEST:

City Clerk