

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 7, 1972
10:00 A.M.

Council Chamber, City Hall

The Meeting was called to order with Mayor Roy Butler presiding.

Roll Call:

Present: Councilmen Dryden, Nichols, Lebermann, Friedman, Handcox,
Mayor Butler

Absent: Mayor Pro Tem Love, due to illness

The Invocation was delivered by REVEREND B. C. SCHMIDT, First Methodist Church.

MINUTES APPROVED

Councilman Nichols moved the Council approve the Minutes of the Regular Meeting of August 17, 1972. The motion, seconded by Councilman Handcox, carried by the following vote:

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

Noes: None

Absent: Mayor Pro Tem Love

RECOGNITION OF CLASS

The Council welcomed and recognized a class from the University of Texas Social Department.

ENGINEERING SUPERVISORY SERVICES

Councilman Nichols moved the Council select Westinghouse Electric Corporation for periodic inspection Engineering Supervisory Services and repair parts for three steam turbines at Seaholm Plant and one turbine at Holly Plant - estimated cost is \$48,000. The motion, seconded by Councilman Lebermann, carried by the following vote: (This was adopted as a Resolution)

Ayes: Councilmen Friedman, Handcox, Dryden, Nichols, Lebermann

Noes: None

Absent: Mayor Pro Tem Love

Not in Council Chamber when Roll was called: Mayor Butler

MODEL CITIES PROPOSAL

Councilman Nichols moved the Council adopt a Resolution assuring compliance with Department of Housing and Urban Development Regulations under Title VI of the Civil Rights Act of 1964. This assurance is required to support the City of Austin's application for the Rosewood-Zaragosa Community Services Center which was submitted to HUD by the Model Cities Department on July 21, 1972. The motion, seconded by Councilman Friedman, carried by the following vote:

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

ANNEXATION ORDINANCE - 1ST & 2ND READINGS

The following ordinance was brought up the following ordinance for its first and second readings:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 24.32 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 48.55 ACRES OF LAND, PARTLY OUT OF AND A PART OF THE T. J. CHAMBERS GRANT, PARTLY OUT OF AND A PART OF THE JAMES JETT SURVEY, PARTLY OUT OF AND A PART OF THE ROBERT FOSTER SURVEY, PARTLY OUT OF AND A PART OF THE M. D. WILLIAMS SURVEY, PARTLY OUT OF AND A PART OF THE JAMES COLEMAN SURVEY, PARTLY OUT OF AND A PART OF THE THOMAS TOBY SURVEY AND PARTLY OUT OF AND A PART OF THE WILLIAM BELL SURVEY; 40.80 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 27.03 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS GRANT; 59.73 ACRES OF LAND, SAME BEING PARTLY OUT OF AND A PART OF THE JOHN APPLGAI SURVEY AND PARTLY OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY; AND 120.83 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 first time, and Councilman Nichols moved the ordinance be passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

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

ANNEXATION ORDINANCE - FINAL PASSAGE

The following ordinance was brought up 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 30.20 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY; 94.05 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; AND 19.268 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSEL LEAGUE; 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 Councilman Lebermann, carried by the following vote:

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

It was announced that the ordinance had been finally passed.

ZONING ORDINANCES

The following ordinance was introduced to the Council:

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:

TRACTS 1 AND 2, GREY SUBDIVISION, LOCALLY KNOWN AS 900-910 ED BLUESTEIN BOULEVARD; 910-952 ED BLUESTEIN BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Joe F. Gray, Trustee and Loop 111, Inc. C14-69-299)

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

It was announced that the ordinance had been finally passed.

The following ordinance was introduced to the Council:

AN ORDINANCE ORDERING AN CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
 LOTS 1 AND 2, A. R. RICHEY SUBDIVISION, LOCALLY KNOWN AS 3812-3818 SOUTH 2ND STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.
 (Mrs. Lonie Hope C14-71-142)

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

It was announced that the ordinance had been finally passed.

The following ordinance was introduced to the Council:

AN ORDINANCE ORDERING A CHANGING USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
 LOTS 25, 26, 27 AND 28, BLOCK D, NORTHGATE SUBDIVISION, LOCALLY KNOWN AS 917-1011 ANDERSON LANE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING EMERGENCY.
 (L. D. England, et al C14-71-204)

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

It was announced that the ordinance had been finally passed.

EMERGENCY ROOM SERVICES

In answer to City Manager Davidson's inquiry, Mr. Bill Brown, Hospital Administrator of Brackenridge Hospital, stated they had been in discussion weekly with the Foundation Board of Central Texas Medical Foundation. It is the administration's recommendation that they accept part-time in the Emergency Room, at least on evenings, and especially week-ends. This will give the Foundation time to procure the finest doctors on a full-time basis, between now and the first of the year. These physicians will be covered as members of Brackenridge's Medical Staff in a temporary category. Third year surgical students in training in other medical centers, principally San Antonio's Medical School - with their consent - will be

used; and possibly part-time licensed physicians from the local military bases, so that they will meet the necessary license here in the State of Texas. They will be covered under their own malpractice insurance, and there will be no expense to the City.

The City will be obligated for the physician fees on certified City of Austin Welfare patients. The Foundation will do the contracting with the physicians, who will do their own separate fee billings and so forth. The City only provides space for them to work in, and reimburses the Foundation on an individual "per-case" basis for the authorized Brackenridge certified patients.

There will be an estimated cost of \$27,000 to the City for those certified welfare patients who are not covered under Medicare or Medicaid, as approximately 46% of the total certified welfare patients.

Mr. Davidson, City Manager, stated the City could conceivably improve their financial position greatly under this plan.

The Council thanked Mr. Brown for his report.

LICENSE AGREEMENT

Councilman Berl Handcox brought the following item to the Council. Mr. Felix Gonzales, ready to move a house on his lot, discovered a mix-up in that a general easement for a sewer line existed on his property. Ms. Cecily Sims, attorney from Travis County Legal Aid, explained that the easement was on property at 2013 East 9th Street, otherwise known as Lot 7, Block 21, Grandview Place. The house, purchased in the Urban Renewal area, had been cut in two and was ready to move when this was discovered. ONLY the City Council could license Mr. Gonzales to allow him to place a dwelling on the property over the existing sewer line.

It was the feeling of the Council that this was an emergency, warranting the waiving of the 3-day notice requirement. Ms. Sims pointed out that this license agreement should not require the owner to remove the structure after it is placed on this lot. The Council felt that there should be further information on this.

Later in the afternoon, the City Manager, Mr. Dan Davidson, stated that the Departments involved have no objection to providing a license agreement for this situation, and that the City Attorney would work out the working. Therefore, Councilman Friedman moved the Council declare an emergency and waive the 3-day notice of meeting, and grant the license to Mr. Felix Gonzales with the provision that Mr. Gonzales would have to move his house if it were necessary, to protect the interest of the City. The Resolution, seconded by Councilman Handcox, carried by the following vote:

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

ITEM POSTPONED

The Council postponed until sometime next month, by request, the item of Ms. Janice Finnell, South Austin Community Services, Inc., requesting to appear before the Council to ask for use of Bartlett Street and parallel grass mall for "Music-Food Appreciation Day",

ITEM DELAYED

At the request of the City Manager, the Council delayed receiving the report on Litter Containers for Golf Courses.

PAYMENT - "BUDDY SYSTEM" INSURANCE

Councilman Lebermann moved the Council adopt a Resolution authorizing payment of \$764.85 to Harrison-Pearson Associates for City of Austin "Buddy System" insurance for the renewal policy effective August 28, 1972. The motion, seconded by Councilman Nichols, carried by the following vote:

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

REPORT BY ENVIRONMENTAL BOARD
NUCLEAR PROJECT

DR. LEON COLE, Chairman of the Citizens' Board of Natural Resources and Environmental Quality, stated that after 12 meetings on the subject of the City's participation in the South Texas Nuclear Project, the Board resolved to support Proposition 11, and recommended the following three actions:

- (1) That the Council, since passage of Proposition 11, would not bind itself at this time to final decision to participate, should obtain and make available additional information before decision is required to assist the public in understanding the basis on which they make their final decision.
- (2) That the Council support continuing studies to investigate and explore all additional sources of energy economically available for Austin.
- (3) That the Council continue to investigate fuel storage facilities to supplement the present sources during peak demand periods.

The Board also voted to provide copies of background reports, compilation of testimony before the Committee and the Environmental Policy Board, and the fact sheet on the Austin Nuclear Power Plant to the public. The Council received the report and commended Dr. Cole and the Committee for the time and work involved in this study.

ENVIRONMENTAL BOARD REPORT - 6TH STREET LIGHTING

Dr. Leon Cole read the following recommendation adopted by the Citizen's Board of Natural Resources and Environmental Quality on the subject of additional lighting for East 6th Street:

"The East 6th Street Conservation Association, and the City of Austin Electric Department have reached a tentative position to the problem of additional lighting for East 6th and Street between Congress Avenue and I.H. 35. The proposal involves adding light poles identical to the existing ones so that each block will have a total of 8, and installing incandescent bulbs of additional lighting capacity. Our recommendation is that since this solution has the support of both the Citizens Association and the Electric Department this Board recommends this solution to the Council for approval and also the Boards feel that both the interested citizens involved and the City of Austin Electric Department should be commended for their efforts in reaching a mutually acceptable solution that will enhance the environments of Austin."

Councilman Nichols moved that the City Manager be instructed to proceed with this recommendation. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

Mayor Butler recognized several members of the Board and congratulated the entire Board on the report.

Mr. Graber commended the Electric Department for being helpful and cooperative in working with the Board in this report.

ZONING HEARINGS

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

JOHNNY M. LOPEZ
C14-72-166

515 Pedernales
2501 E. 6th St.

From "E" Heavy Industrial
District, Third Height
and Area
To "C-2" Commercial, Third
Height and Area
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the change be granted to "C-2" Commercial, Third Height and Area as recommended by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2" Commercial, Third Height and Area as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM MARK DAY
By William L.
Putney III
C14-72-175

3000 So. I.H. 35
1413-1433 St. Edward
Drive

From "GR" General Retail,
First Height and Area
To "GR" General Retail,
Fifth Height and Area
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the change be granted to "GR" General Retail, Fifth Height and Area as recommended by the Planning Commission, The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail, Fifth Height and Area as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

JACK T. BROWN
By John Lewis
C14-72-176

3214 E. 19th St.

From "C" Commercial
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council grant the change to "C-2" Commercial, as recommended by the Planning Commission, The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "C-2" Commercial as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

HOWARD BRUNSON
C14-72-182

Northeast corner of
Ben White Boulevard
and So. Lamar Blvd.

From "A" Residence, First
Height and Area
To "C" Commercial, Third
Height and Area on Tr. 1
and "C" Commercial, Second
Height and Area on Tr. 2
RECOMMENDED by the
Planning Commission

Councilman Nichols moved the Council grant the change to "C" Commercial, Third Height and Area on Tr. 1 and "C" Commercial, Second Height and Area on Tr. 2 as recommended by the Planning Commission, The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, Third Height and Area on Tr. 1 and "C" Commercial, Second Height and Area on Tr. 2 as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN H. BROWN, JR.
By Conway Taylor
C14-72-165

1507 W. North Loop

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission
subject to subdivision
and 15' of r-o-w on
W. North Loop

Councilman Nichols moved the Council grant the change to "O" Office as recommended by the Planning Commission subject to subdivision and 15' of r-o-w on W. North Loop. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

THALBERT R. THOMAS
By Sterling Sasser
and Sons
C14-72-167

3500-3502 Lawton Ave.
1800-1802 W. 35th St.

From "LR" Local Retail
To "GR" General Retail
RECOMMENDED by the
Planning Commission
subject to 5' of r-o-w
on Lawton and 5' r-o-w on
W. 35th St.

Councilman Nichols moved the Council grant the change to "GR" General Retail as recommended by the Planning Commission subject to 5' of r-o-w on Lawton and 5' r-o-w on W. 35th St. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "GR" General Retail as recommended subject to the conditions set forth by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

M. H. FLOURNOY
C14-72-169

Rear 5601-5615 So.
Congress Ave.

From Interim "A" Residence,
First Height and Area
To "C" Commercial,
First Height and Area
RECOMMENDED by the
Planning Commission sub-
ject to subdivision and
provision of r-o-w for the
future extension of
Stassney Ln. as these
tracts may be affected.

Mr. Flournoy, representing himself, stated he had agreed to dedicate 20' right-of-way, and then he was asked to file a short form subdivision. The City annexed the first 100' of his property. He did file the short form subdivision and it was approved by the Planning Commission; but then there were some departmental requirements to be met.

The Director of Planning stated the zoning granted on the first 150' had a requirement of 20' right-of-way and a building setback. Mr. Flournoy had stated this had been pending for quite a long time. The Council deferred hearing this application until more information was available.

Later in the afternoon, the Council brought up the Flournoy Case for further consideration. Mr. Dick Lillie, Director of Planning, stated there was a short form subdivision called "Flournoy's East", calling for a 25' dedication along the north property line and a building setback line. Just before recording, Mr. Flournoy added a note "20' of right-of-way for extension of Stassney Lane be dedicated at no cost to the City at the time the other 80' is dedicated, provided no additional right-of-way is required from this tract of land". Mr. Lillie stated

until that note had been added the case was in good order. The added change was in non-compliance with the Traffic and Transportation requirement that at the intersection with South Congress, more right-of-way may be needed. Mr. Lillie suggested that "if additional right-of-way is required from this tract that the City would negotiate for acquisition of the right-of-way in excess of 20 feet".

According to Mr. Flournoy, the property on Congress was the hold up. Mr. Lillie stated the subdivision covered the 150' Mr. Flournoy mentioned on the Congress and the subject tract. He suggested that the Public Works and Traffic Departments survey the rights-of-way requirements or paving requirements which may be needed at the major intersections.

Councilman Dryden moved the change be granted to "C" Commercial, First Height and Area as requested. It was pointed out the subdivision was necessary. City Manager Davidson stated they would work with Mr. Flournoy and be certain he had all of the information he needed in order to meet the conditions promptly. The motion, seconded by Councilman Nichols, carried by the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial, First Height and Area as requested by the applicant. The City Attorney was instructed to draw the necessary ordinance to cover.

BARRY WILLINGWATER
EDWARD F. HAMEL
JOE W. PUSTEJOBOSKY
By Martin H. Boozer, Jr.
C14-72-183

2001-2003 Matthews Ln.
7200-7206 Manchaca Rd.

From "A" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission sub-
ject to 5' r-o-w on
Matthews Ln. and 6' pri-
vacy fence along the west
boundary line.

Mr. Max Haddick stated it appeared that his property was being included in the property facing 7200-7206 Manchaca Road, although he had not asked for a change of zoning. It was pointed out all that was being described was that property facing on Matthews Lane.

Councilman Friedman discussed the ingress and egress. After further discussion Councilman Nichols moved the change be granted to "LR" Local Retail as recommended by the Planning Commission subject to the contingencies. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail as recommended by the Planning Commission subject to the contingencies. The City Attorney was instructed to draw the necessary ordinance to cover.

MR. & MRS. DOYLE MOORE
C14-72-168

Tract 1
1812-1922 Dalton Ln.
1813-1923 Hwy. 183
Tract 2
1901-1921 Dalton Ln.
8100-8102 Riverside
Rear 8104-8106
Riverside Drive
1900-1914 St. Hwy. 29

From "LR" Local Retail
To "MH" Mobile Home

From "A" Residence
To "MH" Mobile Home

RECOMMENDED by the Planning
Commission subject to 10'
of r-o-w on the east side
of Dalton Ln. for approxi-
mately 150 feet.

Councilman Nichols moved the Council grant the change to "MH" Mobile Home as recommended, subject to 10' of r-o-w on the east side of Dalton Ln. for approximately 150 feet. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "MH" Mobile Home as recommended by the Planning Commission subject to contingencies, and the City Attorney was instructed to draw the necessary ordinance to cover.

LEONARD A. SCHULETER
C14-72-172

5514 Roosevelt Ave.

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission
subject to 5' of r-o-w
on Roosevelt

Councilman Nichols moved the Council grant the change to "B" Residence as recommended by the Planning Commission, subject to 5' of r-o-w on Roosevelt. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

SOUTHWIND MOBILE HOME
ESTATES & SALES, INC.
ET AL
C14-72-180

104-112 Walnut Dr.
8504-8506 Georgian Dr.
100-500 San Jose St.

From "A" Residence
To "MH" Mobile Home
RECOMMENDED by the
Planning Commission sub-
ject to subdivision on the
0.63 acre tract

Councilman Nichols moved the Council grant the change to "MH" Mobile Home as recommended, subject to subdivision on the 0.63 acre tract, by the Planning Commission. The motion, seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced that the change had been granted to "MH" Mobile Home as recommended subject to the condition setforth by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARGARET E. HAYES
MR. & MRS. KENNETH
GLANDER
MR. & MRS. R. A. RAEZ
C14-72-178

1502-1512 Wheelless Ln.

From "A" Residence, First
Height and Area
To "B" Residence, First
Height and Area
NOT Recommended by the
Planning Commission
RECOMMENDED "B" Residence,
First Height and Area
subject to subdivision
and 10' r-o-w on Wheless

Councilman Nichols moved the change be granted to "B" Residence, First Height and Area as recommended by the Planning Commission subject to subdivision and 10' r-o-w on Wheless. The motion, seconded by Councilman Handcox, carried by the following vote:

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

The Mayor announced that the change had been granted to "B" Residence, First Height and Area as recommended, subject to the conditions setforth by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zonings Denied

ROBERT N. RADER, DDS
By Conway Taylor
C14-72-163

4200 Bellvue Ave.
1200-1202 W. 42nd St.

From "A" Residence
To "O" Office
RECOMMENDED by the Plan-
ning Commission subject
to 5' of r-o-w on Bellvue
and 5' of r-o-w on #2nd.

After discussion, Councilman Nichols moved that the change to "O" Office be denied. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been denied.

JOHN P. FAGAN
CONWAY TAYLOR
C14-72-164

1801-1803 W. 36th St.
3504-3506 Lawton Ave.

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

Mayor Butler, noting that Mayor Pro Tem Love was absent, asked Mr. Conway Taylor, representing the applicant, if he would like to delay the hearing until all members were present. Mr. Taylor preferred that the case be heard at this time. He stated this area is in a transitional stage, as the development of Seton Hospital, Medical Park Tower, the Jefferson Building, and remodeling of Brykerwoods Center, increased the traffic count on 35th Street. The entire area is quite an explosive bit of City development toward office and high-rise developments, for which he had received many requests. At the hearing there was no opposition. Mr. Halls, owner of a duplex adjoining 1803, asked that this zoning be granted. For the past 10 years not a single-family "A" residential development had occurred. The Commission had recommended denial as this case would be an intrusion into an "A" residential area. (1801 on Lawton and on 36th Street) On 35th Street all is commercial.

It was pointed out even though other commercial activities were in existence across the street, they did not intrude into this residential neighborhood. Mr. Taylor did not consider his two pieces of property at 1801 and 1803 as desirable single-family "A" residential, as he has beer and barbecue in his backyard; the Witch's Hut, a hair stylist; and stereo hi-fi, pulling trucks in and put of his backyard. Across the street is a Volkswagen repair shop down the road om 36th Street.

Councilman Dryden moved the Council grant the change to "B" Residence. The motion, seconded by Councilman Nichols, received the following vote:

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

The Mayor announced that the change had been denied.

BESSIE MADDUX
BELVA MILLER
C14-72-171

1301-1303 W. 39½ St.
3906-3908 Bailey Ln.

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

Councilman Nichols moved the change to "B" Residence be denied. The motion seconded by Councilman Dryden, carried by the following vote:

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

The Mayor announced the change had been denied.

G. J. CHISSELL
C14-72-174

4601-4603 Santa Ana St.
1119-1125 Springdale

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

Councilman Nichols moved the change to "B" Residence be denied. The motion seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the change had been denied.

Zonings Postponed

AUSTEX DEVELOPMENT
CO., LTD.
By W. T. Williams, Jr.
C14-72-080

At the intersection of
Stassney Lane and Cherry
Creek Drive with Westgate
Boulevard

From Interim "A" Residence,
First Height and Area
To "GR" General Retail,
First Height and Area
NOT Recommended by the
Planning Commission
RECOMMENDED "O" Office
for Trs. A & B; "LR" Local
Retail for Tr. C, and
portion of Tr. D, subject
to restrictive covenant,
approval of site plan, and
6' privacy fence where
abutting "A" Residence
(Petition filed)

Councilman Nichols moved the Council postpone action on the application for two weeks. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

The Mayor announced that the zoning hearing had been postponed.

FRIEN E. GATLIFF
C14-72-177

9082-9126 Old U.S.
Hwy. 183

From Interim "A" Residence,
First Height and Area
To "C" Commercial, First
Height and Area
NOT Recommended by the
Planning Commission
RECOMMENDED "GR" General
Retail, First Height and
Area except for a 25' strip
along the south boundary,
on which it is recommended
"B" Residence, First Height
and Area, subject to a
6' privacy fence along the
south boundary lines
(Petition filed)

Councilman Nichols moved the Council postpone action on the application for two weeks. The motion, seconded by Councilman Dryden, carried by the following vote:

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

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

603 Brentwood St.

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

Mr. E. H. Smartt, representing Mrs. T. F. Keele, applicant, stated this was strictly a hardship zoning case. Mrs. Keele had purchased this property as a triplex, and there were three residential units on this property, It was advertised by the real estate people as a triplex, three apartments, three families occupying the premises, and there are three sets of utility meters. The Keeles bought the property for a source of income. About two months after the purchase, a member of the Building Official's Office informed Mr. Keele he was in violation of the zoning ordinance as he had a multi-family unit; and one unit would have to be destroyed. Mr. Keele bought the property the first of 1972. Mr. Smartt stated the old house is 20 to 30 years old, and the two additional apartments are within about two years old.

After discussion about a non-conforming use and any relief that could be found for Mrs. Keële, now a widow, Councilman Nichols asked for reports from the Water Department and the Building Inspector, and to delay this case until those reports are filed.

Mayor Butler stated he would like to have the City Attorney make a study to see what some alternatives might be other than approving the zoning.

The Mayor announced this zoning application would be postponed until the following week, September 14.

ANNEXATION HEARING POSTPONED

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

MR. JACK LLOYD appeared with a petition which 17 land owners out of 20 had signed opposing this annexation. Mr. Lloyd pointed out for himself that he had some heavy equipment on this land and he would have to buy another lot for it if this were annexed. He also had some horses and a stable and some pens, which it would cost him \$15,000 to move. There was discussion as to whether this would be a non-conforming use, and it was noted that the Building Official had a memorandum on this. The horses could not be a non-conforming use as the regulation concerning keeping livestock was not part of the Zoning Code, but was a health regulation and would be enforced as soon as the land is annexed. The request to have this land annexed came from the City, as it was surrounded by City land.

Councilman Nichols moved the Council postpone this matter for two weeks to September 21 at 2 p.m. The motion, seconded by Councilman Dryden, carried by the following vote:

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

ZONING REQUEST RE: DELINQUENT TAXES

STEVE PRICE	Block G, Manor Hill- Northeast corner Airport Blvd. and Manor Road	From "G" Commercial To "C-2" Commercial (on 5500 sq ft.)
-------------	--	--

Mr. Steve Price appeared before the Council in the interest of a zoning change at the northeast corner of Airport Blvd. and Manor Road. He was unaware of any delinquent taxes and paving assessments of the owner of these tracts, totaling \$11, 934.36. The owners have agreed to pay this amount outstanding on the five pieces of the property at the time Tract "G" is closed. The paving assessments past due are \$3,000.26. Mr. Smart offered giving the Tax Department a bank letter of credit guaranteeing the back taxes on Block "G" which is \$3,200, but there is where their obligation would stop. The trustee of all properties, Mr. Sloan, had agreed to place in escrow at the time the sales contract was consummated a sufficient sum of money to pay all the back taxes and assessments at the time of the closing--sometime between November 10th and December 10th.

Councilman Nichols stated the City could not stop making efforts to collect the taxes, as the obligation is upon this person to see that these taxes are paid and that the City collect them.

Mention was made of an assessment of \$75.00 for mowing some tracts. Mayor Butler stated the letter of credit should be in the amount of any and all charges or claims at the time the transaction were closed.

After considerable consideration, it appeared to be the consensus of all concerned, that when the letter of credit is filed with the tax department the zoning application would be processed.

NUCLEAR POWER PLANT
PRESS RELEASE

Mayor Roy Butler released the following statement to the press:

"In view of the decision by the LCRA Wednesday, we feel that it is proper that the position of the City Council be restated at this time. I first want to say that we have no quarrel whatsoever with the decision of the 10 Directors of the Lower Colorado River Authority in deciding not to participate in the South Texas project. In light of their needs and their obligations to provide electrical energy we are sure the Directors made the proper decision for their point of view."

"But the responsibility in Austin is different than that of the LCRA. We feel our decision remains the correct one for this community. The earlier decisions of Austin, Corpus Christi, San Antonio and Houston to participate did not adversely reflect upon the LCRA, and by the same token, I feel the LCRA announcement should not have negative impact on the plans of Austin and the other major principals that have agreed to participate in this. So our position remains the same. We feel we have made the right recommendation, and we feel we are on the right and correct course."

Following this, it was noted that Dr. Lon Morgan had arranged for a telephone interview with Dr. Merrill Eisenbud of New York City College, who is Director of Environmental Studies, and is a former administrator of the Environment Protection Agency in New York.

ADJOURNMENT

The Council then adjourned.

APPROVED: 
Mayor

ATTEST: _____

City Clerk