

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 12, 1973  
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

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

The Invocation was delivered by MR. NORMAN BARKER, Finance Administrator.

## APPROVAL OF MINUTES

Councilman Lebermann moved the Council approve the Minutes of the Regular Meeting of May 31, 1973. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## PROCLAMATION

Mayor Butler issued a proclamation designating July 14, 1973, as "WEIGHT WATCHER'S DAY", and asked all residents to join with the Council in recognizing the outstanding achievements and contributions of this organization. The Proclamation was presented to Mr. Leslie Segal, Mr. Millard Openheimer, and Mrs. Lucy Gracy.

## RESOLUTION

Acting Mayor Dryden read a Resolution, citing that the members of the Austin City Council had devoted long hours in the absence of Mayor Roy Butler, cutting ribbons, making speeches, kissing babies, and checking police reports, and they organized regular shifts in order to maintain a 24 hour guard on the Mayor's

files and memorandums; further citing that Acting Mayor Dryden missed a tonsillectomy, delivery of two babies and one University football preview film in order to fill in on the televised Mayor's report; and Resolved that the Council is pleased to have Mayor Roy Butler once more in the Mayor's chair, refreshed, relaxed, and filled with new ideas for better serving the citizens of Austin. The Resolution carried the signatures of all of the five Councilmen remaining in Austin.

Mayor Butler thanked his colleagues for the "warm come-back" and congratulated Acting Mayor Dryden on a job extremely well done.

#### CERTIFICATE

Mr. Dan Davidson, City Manager, announced that all of the key personnel, department heads, administrators, and over 6,000 employees working for the City were aware of the Mayor's absence, and they had a special certificate expressing to the Mayor that they are happy to have him safely back in Austin. Mayor Butler expressed thanks for this expression.

#### ANNEXATION HEARING

Mayor Butler opened the hearing on the annexation scheduled to be heard at this time.

Councilman Friedman moved the Council grant the request of the applicant to withdraw the annexation proceedings to annex the following:

Total of 10.68 acres of land out of the Wilkenson Sparks Survey:

1.96 acres - portions of Lots 51-54, LAKESHORE ADDITION and unplatted land. (requested by Gerald Maddock Dempsey et ux, owners by Tom Curtis, Attorney)

8.72 acres - portions of Lots 47-54, LAKESHORE ADDITION and portion of WEST LAKE DRIVE. (initiated by City of Austin)

Councilman Friedman noted this included the portion that the City had requested, too.

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

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

#### EASEMENTS RELEASED

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

Two (2) public utilities easements five (5.00) feet in width and the following three (3) public utilities easements seven and one-half (7.50) feet in width out of Lots 34, 35, and 36, SOUTHRIDGE SECTION FIVE:

- (1) The east five (5.00) feet of said Lot 34.
  - (2) The west five (5.00) feet of said Lot 35.
  - (3) The north seven and one-half (7.50) feet of the south 12.50 feet of said Lot 34.
  - (4) The north seven and one-half (7.50) feet of the south 12.50 feet of said Lot 35.
  - (5) The seven and one-half (7.50) feet public utilities easement running diagonally across said Lot 36.
- (Applicant: Isom Hale, Engineers for the owner Austin Land Investments, Inc.)

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

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

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

The seven and one-half (7.50) foot public utilities easement along the northwest line of Lots 2 and 3, SAMON ADDITION.  
(Applicant: Orange Goose Schools, owner)

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

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

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

The north forty-five (45.00) feet of the fifty (50.00) foot electric easement along the south line of Lot 31, ALLANDALE PARK SECTION SIX. (Applicant: Arthur O. Dykes, Jr., owner)

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

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

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

A 7.5 foot public utilities easement along the south side of  
Lot 11, Block H, NORTHWEST HILLS NORTH OAKS I. (Applicant:  
F. L. McNamara, owner)

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

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

#### PUBLIC HEARING SET

Councilman Lebermann moved the Council adopt a resolution setting a public hearing at 10:00 A.M., July 26, 1973, to consider annexing the following:

22.27 acres of land out of the Santiago Del Valle Grant -  
PEPPERTREE PARK SECTION FOUR and commercial tract.  
(Requested by S. A. Garza Engineers, Inc. for the owner  
Farm and Home Savings Association)

Total of 176.34 acres of land:

- (1) 118.91 acres of land out of the Henry P. Hill League -  
unplatted land. (requested by the owner, Tom W. Bradfield)
- (2) 9.18 acres of land out of the Henry P. Hill League and  
the William Barton Labor - unplatted land. (initiated  
by the City of Austin - Tract 1)
- (3) 48.25 acres of land out of the Henry P. Hill League -  
unplatted land. (initiated by the City of Austin -  
Tract 2)

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

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

## SALE OF TWO PARCELS OF LAND

Councilman Handcox moved the Council adopt a resolution authorizing sale of two parcels of land to the State of Texas for right of way for Interstate Highway 35 at East 26th Street. The motion, seconded by Councilman Dryden, carried by the following vote:

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

## ACQUISITION OF LAND

Councilman Friedman moved the Council adopt a resolution authorizing the acquisition of certain land as follows:

For the proposed Kramer Lane Service Yard expansion -

North of Kramer Lane, East of F.M. 1325.  
(Southern Pacific Co.)

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

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

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Councilman Friedman moved the Council adopt a resolution authorizing the acquisition of certain land as follows:

For the Southeast Fire Station site -

5307-5311 East Riverside Drive  
(Central Texas Equipment Company)

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

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

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Councilman Friedman moved the Council adopt a resolution authorizing the acquisition of certain land as follows:

For the MoPac Expressway -

1.36 acres of land out of Lot 1, Balcones Drive  
Addition, 8700 Block Balcones Drive.  
(George H. Shafer et ux, Leora Shafer)

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

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

#### CONTRACTS AWARDED

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

##### Trailers

RIVER CITY MACHINERY CO.  
Austin, Texas

Bid Invitation #3-1225  
Two (2) each @ \$1,133.00  
Total: \$2,266.00

LANFORD EQUIPMENT CO.  
Austin, Texas

Bid Invitation #3-1225  
Two (2) each @ \$1,313.79; Eleven (11)  
each @ \$2,155.59; Two (2) each @  
\$2,599.33 - Total: \$31,537.73

CLIFTON METAL PRODUCTS, INC.  
Fort Worth, Texas

Bid Invitation #3-1226  
Six (6) each @ \$2,270.00  
Total: \$13,620.00

HOBBS TRAILERS  
San Antonio, Texas

Bid Invitation #3-1227  
One (1) each - Total: \$8,450.00

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

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

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

HERSEY PRODUCTS, INC,  
Dedham, Massachusetts

Bid Invitation #3-1259  
Fire Service Type Cold-Water Meters  
8" Supply Agreement for a maximum  
quantity of 6 each @ \$2,635.00 -  
Total: \$15,810.00

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

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

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

Photo Supplies and Photo Processing - Supply Agreement for all City  
Departments

TWIN OAKS CAMERA SHOP  
Austin, Texas

Bid Invitation #3-1112  
Items 1 through 18, 22 through 44,  
50 through 66c - \$17,017.43

PHOTO PROCESSOR, INC.  
Austin, Texas

Bid Invitation #3-1112  
Items 19 through 21, 45 through 49,  
67 through 75c - \$9,866.54

Reject 74e

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

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

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

SOUTHWEST RATHGEBER CO., INC.  
Austin, Texas

Bid Invitation #3-1244  
Property Clearance Program - Twelve (12)  
month contract and authorization for  
the City Manager to exercise one (1)  
twelve (12) month extension. Minimum  
of 2,000,000 square feet @ \$.0044999/sq.  
ft. - approximately \$9,998.00

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

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

#### SALE OF STRUCTURE

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

Parcel No. 25-4      1307 Trinity      Burford Westlund      \$600.00

Minimum acceptable sales price: \$300.00

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

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

#### SALE OF LAND

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

Parcel No. 17      300-306 East 10th St.      First Federal Savings &      \$261,005  
Loan Association of Austin

Minimum acceptable sales price: \$261,000

Parcel No. 18      308 East 10th St.      First Federal Savings &      \$65,405  
Loan Association of Austin

Minimum acceptable sales price: \$65,400

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

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



## GRANT CONTRACT

Councilman Friedman moved the Council adopt a resolution authorizing approval of a grant contract agreement between the City of Austin and the Governor's Committee on Aging, in order that the Austin Public Library System may implement the project "Library Services for the Elderly". Total cost is \$31,975, with \$19,500 coming from the Governor's Committee on Aging, and \$12,475 (in-kind) being contributed by the City Library System. The motion, seconded by Councilman Binder, carried by the following vote:

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

## ACCEPTANCE OF GRANT

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to accept a Texas Criminal Justice Council grant in the amount of \$26,100 for the City of Austin Metropolitan Criminal Justice Planning Unit, and agreeing to abide by all provisions of the grant agreement. Total project cost is \$29,000: Criminal Justice Council - \$26,100 and City of Austin - \$2,900. The motion, seconded by Councilman Friedman, carried by the following vote:

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

## AGREEMENT TO INSTALL SIGNALS

Councilman Lebermann moved the Council adopt a resolution authorizing the City Manager to execute an agreement with the Texas Highway Department, the Southern Pacific Transportation Company, and the Missouri-Kansas-Texas Railroad Company, to install flashing light signals at Pleasant Valley Road. The motion, seconded by Councilman Handcox, carried by the following vote:

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

## REINSTATING ZONING CASE

Councilman Lebermann moved the Council adopt a resolution reinstating a case dismissed on July 5, 1973, as follows:

T. C. STEINER	Pleasant Valley	From Interim "A" Residence
C14-72-239	Road	1st Height and Area to "C"
		Commercial 1st Height and Area
		and "B" Residence 2nd Height
		and Area

(Applicant informed the Planning Department the morning of July 5, 1973, of this request and the information did not reach the Council in time to request the extension.)

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

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

#### GRANT CONTRACT AGREEMENT

Councilman Lebermann moved the Council adopt a resolution authorizing approval of a grant contract agreement between the City of Austin and the Office of Economic Opportunity (OEO) in order that the City's Parks and Recreation Department may implement the Recreation Support Program (RSP). Total program cost is \$104,875 with OEO furnishing \$83,900 and the City of Austin providing an in-kind contribution of \$20,975. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### MODEL CITIES PROPOSAL

Councilman Lebermann moved the Council adopt a resolution authorizing an extension of, and an amendment to, the contract between the Department and the Montopolis Community Center for the Special Transportation Project #30910. The Project extension will require an additional budget allocation of \$33,062. The Project is funded 100% by Model Cities. The motion, seconded by Councilman Friedman, carried by the following vote:

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

#### STREET BANNER

Councilman Handcox moved the Council grant Ms. Margaret H. Wommack, First Church of Christ, Scientist, permission to have a street banner placed in the 1700 block of North Lamar, from August 6-20. The motion, seconded by Councilman Lebermann, carried by the following vote:

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

## ITEM POSTPONED

The Council postponed for one week the item of Mr. Jim Phillips, on behalf of Mr. Lyndon Henry and the Texas Association for Public Transportation, requesting to come before the Council to discuss a mass transit system.

## ZONING CASE WITHDRAWN

Councilman Lebermann moved the Council grant withdrawal of Zoning File No. C14-73-102 scheduled to be heard by the Council August 2, 1973, at the request of Mr. Robert Davis. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes:	Councilmen Binder, Lebermann, Handcox, Mayor Butler, Councilman Dryden
Noes:	None
Out of Room at	
Roll Call:	Councilman Friedman
Absent:	Mayor Pro Tem Love

## ANNEXATION ORDINANCE

Mayor Butler brought up the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 246.49 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY; 11.42 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES BURLESON SURVEY; 176.45 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 102.54 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 10.95 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT; 64.68 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES ROGERS SURVEY; AND 17.84 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 first time and Councilman Handcox moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes:	Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Binder
Noes:	None
Out of Room at	
Roll Call:	Councilman Friedman
Absent:	Mayor Pro Tem Love

The ordinance was read the second time and Councilman Handcox moved that the ordinance be passed to its third reading. The motion, seconded by Councilman

Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen  
Dryden, Binder, Lebermann  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

#### ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

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

TRAVELEDGE INTERNATIONAL, INC. SUBDIVISION NO. 1, LOCALLY  
KNOWN AS 4317-4331 SOUTH INTERSTATE HIGHWAY 35, 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.

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

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann,  
Handcox  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS  
ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
(1) LOT 22, BUCKINGHAM RIDGE, SECTION 3, SAVE AND EXCEPT THE SOUTH  
425 FEET, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;  
AND,  
(2) THE SOUTH 425 FEET OF LOT 22, BUCKINGHAM RIDGE, SECTION 3, FROM  
"A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;  
LOCALLY KNOWN AS 101-131 EBERHART LANE AND 6400-7004 SOUTH CONGRESS  
AVENUE; 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 Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox,  
Mayor Butler  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOTS "A" AND "B" OF THE RESUBDIVISION OF LOTS 21 AND 22 AND A PORTION OF LOTS 23 AND 24, NORTH END ADDITION, LOCALLY KNOWN AS 801-807 WEST 37TH STREET AND 3510-3700 GAFFNEY STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Binder, Lebermann, Handcox, Mayor Butler  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 3, BLOCK A, AND LOTS 5 AND 6, BLOCK B, HOLIDAY SQUARE SUBDIVISION, LOCALLY KNOWN AS 7800-7806 NORTHCREST BOULEVARD AND 7801-7805 NORTHCREST BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Lebermann, Handcox, Mayor Butler,  
Councilmen Dryden, Binder  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 4, BLOCK 4, FREEWATER ADDITION, LOCALLY KNOWN AS 3804-3810 SOUTH 2ND STREET, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

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

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden,  
Binder, Lebermann  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: (1) A 1.396 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3216-3306 MANCHACA ROAD, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND, (2) A 2,877 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2114-2122 EAST RIVERSIDE DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL 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 Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

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Mayor Butler brought up the following ordinance for its first reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
TRACT 1: A 4.59 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND,  
TRACT 2: A 22.72 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; AND,  
TRACT 3: A 26.72 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;  
LOCALLY KNOWN AS 1800-1940 RUTLAND DRIVE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS.

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

Ayes: Councilmen Dryden, Binder, Lebermann, Handcox  
Noes: None  
Present But Not  
Voting: Mayor Butler  
Out of Room at  
Roll Call: Councilman Friedman  
Absent: Mayor Pro Tem Love

#### SALE OF LAND

Councilman Handcox moved the Council adopt a resolution authorizing sale of Airport Land to the State of Texas for IH 35 right-of-way. The motion, seconded by Councilman Friedman, carried by the following vote:

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

## PUBLIC HEARING SET.

Councilman Lebermann moved the Council set a public hearing, at the request of Councilman Friedman, for August 9, 1973, at 10:00 A.M. to discuss the proposed ordinance requiring enclosure devices around private residential and semi-public swimming pools. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes:	Councilmen Lebermann, Handcox, Mayor Butler, Councilmen Dryden, Binder
Noes:	None
Out of Room at Roll Call:	Councilman Friedman
Absent:	Mayor Pro Tem Love

## AUSTIN DEVELOPMENT PLAN HEARING

At 10:00 A.M. Mayor Butler opened the hearing on amendments to the Austin Development Plan as follows:

a. An area of approximately 43 acres out of the Santiago Del Valle Survey, plus an additional area of 43 acres added by the City, both tracts located just north of U.S. 183 and 71 Interchange, requested by Frank Bryant, from Low Density Residential to Commercial Service and Semi-Industrial Use - File C2-73-1(e).

Regarding the 43 acres included in this item, the City Manager reported some complaints had been made of activities outside the corporate limits. The Health Department is examining the items to see if corrections need to be made. These complaints have no relationship between the complaints and the proposal before the Council.

Councilman Binder brought up for discussion the 100 foot setback recommended by the Staff, whereas the Commission made its recommendation without the 100 foot setback. The Planning Director stated the Commission required a subdivision and at that time the matter of the setback would be considered.

Mr. Bryant made a comment regarding the 100 feet pointing out a 150 foot strip between the platted subdivision and the property under consideration.

Mayor Butler inquired about any requirement for a solid fence along the line. Mr. Lillie, although the fencing was not a part of the Commission's recommendation, stated there should be fencing or screening. Mayor Butler asked if that could be made a part of this case, definitely. He suggested approving this matter today with the provision that this be brought back to the Council regarding the setback and looking at it in the light of the plan at that time.

Councilman Lebermann moved the Council make the solid fencing or screening a requirement and that the Development Plan be approved



with the provision that this be brought back to the Council regarding the setback and looking at it in the light of the plan at that time. The motion, seconded by Councilman Dryden, carried by the following vote:

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

b. An area of approximately 140 acres plus two additional areas added by the City of approximately 54 acres located along U.S. 290 and Boston Lane south of Travis Country Subdivision, requested by Max H. Buaas, White Instruments, Charles Nemis and Fred A. Buaas, from Suburban Residential Commercial Service and Semi-Industrial Use - File C2-73-1(f).

Mayor Butler brought up the 140 acre tract included in the amendments to the Austin Development Plan.

Mr. Woodrow Sledge spoke as a representative of the Austin Independent School District, and filed a transcript of his address before the Planning Commission, and also a transcript of Attorney Mockford's reply. Mr. Sledge pointed out the Council had approved the general subdivision plan of Travis Country, which is 800 acres, bordering on Boston Lane on the north. The School District purchased a school site bordering on Boston Lane on the north. Mr. Carrington's planners anticipate the need of another school site. Their development of the northerly portion will proceed by schedule in the next four years. The City is establishing a district park on Boston Lane, and his position now is they may later need a school site down close to Boston Lane. Mr. Sledge concurred with the staff that in the area between 290 and Boston Lane, that approximately 50% of the acres at or any toward 290 would be accepted for semi-industrial and commercial use, and that approximately 50% of the acres at or any toward Boston Lane would be kept as residential. What he recommended was that proportion be held for development at no more than the density across the street (20 units per acre). He restated that the School District is never for anything but "A" Residential.

Mr. Mockford, Attorney, stated the recommendation before the Commission involved maintaining this area as residential. He had tried to work with Mr. Carrington to provide a buffer zone that they thought to be adequate. His clients objected to cutting their entire tract some 600 or 700 feet on one end and about 1000 feet on the other as such penetration has destroyed the value of the area as an industrial park area. Mr. Mockford had planned on a 200 foot buffer, and the Planning Commission recommended 300 feet.

Planning Director Lillie said there is access to Boston Lane. Councilman Friedman pondered the 620 foot proposal as involving less truck and commercial vehicles running down Boston Lane than the 300 foot proposal. Also the 620 feet would preserve more trees.

Mr. E. T. Miller asked for clarification for the change of recommendation and who had proposed this change.

Mr. Mockford reported every owner (10 or 12) in the area signed their application. The Staff at their request added the tract (outlined in "pink" and the tract butting up to the residential owner). Planning Director Lillie explained to Mr. Miller the notification required, and the reason for the addition was that they wanted to give the Commission and Council an opportunity to consider a whole area and not just separate pieces of property. The Mayor explained to Mr. Miller that he had no problem. Mr. Mockford stated this is proposed as the extension of the Outer Loop, which will be four lanes divided, and this being the case, he did not think that area would be attractive to any sort of low-density development. His experience was that the more area used as industrial, semi-industrial and development was better as concentrated than having strips 900 feet deep. He needed a usable tract that they could have a little industrial park, and it's being large enough to be effective and protective to the people on the other side of the road. He stated, with the hours working with the interested people, that he believed the 300 foot buffer of some sort of medium density rather than residential development is a good plan.

On Mayor Butler's inquiry as to the right-of-way on Boston Lane, Mr. Lillie explained the plan for the outer loop which at the present is six lanes divided by a median--120 feet. The present right-of-way is probably less than 50 feet. With Travis Country subdivisions, there would be dedications for rights-of-way.

#### Motion

Councilman Binder moved the Council uphold the staff recommendation, of a 621 foot setback at the nearest point and more than that at the westerly point. Councilman Friedman offered an amendment that the setback be 425 feet instead of the 621 foot line south of Boston Lane, with the remaining buffer to be Suburban Residential. The amendment was accepted by Councilman Binder. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes:	Mayor Butler, Councilmen Dryden, Binder, Lebermann, Handcox
Noes:	None
Out of Room at	
Roll Call:	Councilman Friedman
Absent:	Mayor Pro Tem Love

Councilman Handcox inquired about the dedication of right-of-way. Mr. Lillie stated on the older County roads in the County, the right-of-way is taken from the center line. If the area is subdivided, the City has a right-of-way policy where subdividers are required to dedicate up to 70 feet that is total right-of-way, and the City participates in the remainder or the additional 50 feet in this case.

At 2:00 P.M. Mayor Butler brought up the case on the Austin Development Plan, as pertained to 140 acres plus two additional areas added by the City (54 acres) located along U.S. 290 and Boston Lane.

Mr. Mockford had contacted his clients regarding the 425 foot buffer and reported this was satisfactory.

c. Approximately 7 acres located on Howard Lane west of I.H. 35, requested by Nelson Puett, from Suburban Residential to Commercial Service and Semi-Industrial Uses - File C2-73-1(c).

Councilman Dryden moved the Council accept the Staff's recommendations. The motion, seconded by Councilman Lebermann carried by the following vote:

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

#### MERCURY VAPOR STREET LAMPS

Mrs. Sharon Hamm, speaking in lieu of Mr. McHone, came before the Council to discuss the street lighting project on Rio Grande. She was closely associated with the college houses, the student housing cooperative, and had received a \$2 million loan from the Department of Housing and Urban Development to purchase existing buildings in the neighborhood and construct a new building at 703 through 709 West 21st Street. She expressed vital concern about the quality of this neighborhood. She gave a summary of the situation. The lights were proposed in the 1970-71 CIP and funded in the 1972 Program--113 400-watt, 30 foot tall mercury vapor tower lamps are scheduled to be installed from 5th Street to 29th on a staggered 90 foot spacing. The contract for the underground duct work, construction of concrete bases has been let, and is currently 80% complete, with total completion within 30 days. The City crews will install the towers and lights. The new vapor towers will be installed in October when the summer energy crisis is over and the street lights can again be turned on. She proposed an alternative to the scheduled installation of the 30 foot towers by the City crews.

The Council had initiated the citizens goals phase of the Austin Tomorrow Program. In this program is a commitment to citizens participation and input on a neighborhood level into what Austin will be tomorrow. In spite of the fact that funding for this lighting was approved by Austin voters Mrs. Hamm believed that many voters were unclear as to the exact type of lighting that was to be installed. Also she believed the residents in this neighborhood are opposed to the kind of lighting that is being proposed. Most requests come from people who want more pedestrian lighting, but the 30 foot tall mercury vapor lamps will not aid pedestrian lighting that much. In order for the 30 foot lighting to be effective, many trees and shrubery along Rio Grande will have to be severely trimmed.

She requested that the Council delay the installation of the 30 foot mercury vapor tower lamps and allow the citizens of the neighborhood to have input into this issue through the mechanism the City has already created. The citizens of a neighborhood should have real input into the exact type of lighting that they felt would best meet their needs. She suggested a delay in a final decision until the master plan is completed,

Mrs. Cuney and others made brief statements.

After discussion, Mayor Butler suggested that Mr. Davidson get with Mr. Hancock and his group or who ever he would recommend to meet with the lobby and other groups in the area and hold up on the mounting of the standards, but finish the conduit and base work because you will need that regardless, and then get back to the Council.

#### REPORT ON EAST AUSTIN

Mr. Tom Mayes, Chairman of the Austin Council on Community Affairs, appeared before the Council regarding improvements of the conditions now existing in portions of East Austin. This group would like to work out a relationship with the City. Several new members had been added to the Board, including a banker, a County Commissioner, a member of the School Board, and they would like to have a member of the City Council on this Board.

Mr. Benny Hawkins, planner with Model Cities, and formerly with Urban Renewal and the City Planning Department, was working towards a community-wide redevelopment and rehabilitation. He asked that his organization meet with a group representing the City--either the Goals Program, the Task Force, or any organized group formed by the City to work with this group. Dr. Chuck Gross, a former Vista worker and minister, felt that this is an urgent matter.

City Manager Davidson said the original intent of the Model Cities Program was to create ideas and techniques which might be used throughout the City. He asked Mr. James Miller, the new Community Development Administrator and Mr. Tony Ojeda, Model Cities Director, to review this concept. Mr. Miller stated the objective was to handle all resources of the City to help the Council in making its decisions. Mr. Ojeda stated the need was to be inventoried and a priority area detailed, with a report to the Council at that time. A plan of action then would be developed, and brought back to the citizens and the Council for final decision. What needs to be done would be accomplished through the various operating functions of the City and Capital Improvements Program, the City Budget, and use of various Federal Funds. The area would be selected, through indices of condition of streets, drainage, utilities, housing conditions, zoning, and land use pattern, fire, traffic control programs, recreations facilities, density, income level, and family composition. The City could pinpoint an area, work on that area after a plan had been developed, and then move on to another area. The City would have the capability of developing an on-going program of community development plans, and would open lines of communication with neighborhood groups.

This was all good, Councilman Handcox said, but action was needed, and Councilman Friedman supported this outlook, stating the studies, reporting, and planning had been going on for years. The City Manager agreed as to a starting

point, a particular area to start on, a particular project, and a beginning and an ending point. He listed a number of projects that could be done immediately--as clearing vacant lots and removing junk cars; but in two months time, this would have to be done again.

City Manager Davidson discussed the need of priorities for areas to determine costs of paving of substandard streets, and mains, etc., street name signs, traffic signals, inspections of every house in the area and serve notice to bring those up to standard; and suggestions as to how this can be funded under the Capital Improvements Plan to get the job done. As this is being done, other areas of Austin are wearing out and falling into substandard conditions, so this kind of planning process in accordance with the Master Plan and the Goals Program could be related into other areas of Austin as needed. With this kind of inventory, a plan of action could be taken into any area of the City desired by the Council. The main thing now is to get someone in the City departments working on this full-time and give the citizens some deadlines. City Manager Davidson stated he would have an outline on this in about two weeks as to how long it would take to develop the inventory and everything required for this first segment of Austin. Then it would come to the Council for action either as a part of the CIP or the operating budget.

Mr. Mayes mentioned five items, stating four of the items could be started now and kept going such as clearing vacant lots and removal of junk cars. He stated there would be brought to the Council an ordinance requiring that junk cars cannot be kept in residential areas. Councilman Dryden mentioned that the City should enlist the help of the residents. Mr. Hawkins emphasized problems of high rents and substandard housing, and also a need for public housing.

Mayor Butler, referring to street paving, stated in the cases where absentee landlords are not liable to sign the petitions necessary for the paving, that there should be an ordinance brought to the Council for considering the paving of these streets, putting a lien on the properties, and using bond money in the meantime.

Mrs. Chapman, NAACP, mentioned the changing of zones, and stated she would like to see these held up in these areas.

#### SPECIAL RECOGNITION

At this time, Mayor Butler recognized and welcomed Mrs. Berl Handcox, Councilman Handcox's wife.

#### ANNOUNCEMENT

Mayor Butler noted that Councilman Friedman had announced his engagement.

#### RELIEF OF COVENANT

Mr. John Akin, representing his client, Mr. Guy E. Morgan, requested relief from a restrictive covenant on behalf of his client.

Their problem is on the 6100 block of Manor Road where they have a large apartment complex. They have a restrictive covenant on the east line of the tract that prohibits building along a strip 25 feet from that line. They have obtained a building permit based on the permit's being issued to them. After they had put most of the slab down they were notified by the Building Inspection Department that they were violating the restrictive covenant. They now have no recourse other than to ask permission to proceed. It was suggested to them that they ask the City Manager to enter into permitting this variance. The distance is 118 feet. The Building Department has no strenuous objection to this problem being resolved in this way. They had the "go-ahead". The apartments are to be two stories high.

Mayor Butler asked whose responsibility would it be to see that what they applied for is permitted on record. Assistant City Attorney Jerry Harris stated the Building Official is to get copies of all the restrictive covenants, and the applicant is on notice, and this covenant is on record in the Court House. The applicant should have checked this.

Mr. Akin did not believe his client had knowledge of the covenant until the Building Official called it to his attention. Also this covenant was not shown in the survey. They relied on the Building Official's office as a relied practice.

City Manager Davidson stated the Staff was not trying to avoid any responsibility, but the applicant and his representative had more responsibility to make certain they knew about the covenant. Mr. Akin asked the Council to consider the practical situation they find themselves in now. He stated they would be willing to design the apartment in a manner that would not be objectionable to these neighbors--not to put windows in the stories which would be the substance of opposition. They would lose \$20,000 as a total loss. With this restrictive covenant, the people across the property line purchased the property about 10 years ago. The houses pre-date the restrictive covenant.

Mr. Carl Taylor, 3003 Maple Lawn Circle, stated the neighborhood was invited to a hearing in 1967 and they objected to commercialization of that tract. The compromise was an 25 foot restrictive covenant. There are only two residents affected. They feel that 5 feet would not be reasonable and proper. The slab had not been completely poured before the Inspection Department was notified. He suggested the Building Department check to see if there were other violations.

Miss Therilla stated they had spent a lot of money in improvements. This slab is against her property line and that is where her swimming pool is.

The forms had been there for a month before the gentlemen went down and complained.

Assistant City Attorney Harris suggested that no action be taken one way or the other.

Councilman Binder moved the Council deny the request.

Councilman Dryden asked if there were some alternatives where there would be some means of communication and agreement where the neighbors would not suffer too much, but is understandable that one be given a building permit and put their slab in good faith. Councilman Friedman did not think the neighborhood should suffer at all.

Councilman Binder stated the Council should go ahead and deny and let the neighbors go to the builder and see what accommodations he would make, and the builder go to the neighbors and see what accommodations they could make.

Mr. Guy Morgan stated the buffer zone did not show up on their papers. They were told there were no covenants, and they reported they found them. There is plenty of room and the apartments could have been moved over. The apartments back up to these people's property. It would be better to leave the apartments facing as they are now.

Councilman Handcox stated he would like for them to have an opportunity to make some concession and come back some other time under Citizens Communication.

Councilman Binder's motion, seconded by Councilman Friedman, carried by the following vote:

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

Mayor Butler stated he would encourage a cooperative spirit for everyone concerned.

#### ADJOURNMENT

The Council then adjourned.

APPROVED: \_\_\_\_\_

*Ray Butler*  
Mayor

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

City Clerk